



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

MCPB
Item #
7/28/07



MEMORANDUM

DATE: July 13, 2007

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision to create 36 lots for 36 one-family attached dwelling units, including 5 MPDU's.

PROJECT NAME: Kushner Property
CASE #: 120061090
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations
ZONE: RT-8
LOCATION: Located on the east side of Dogwood Drive opposite the intersection with Guilford Run Lane
MASTER PLAN: Fairland

APPLICANT: Kaz Brothers, L.C.
ENGINEER: Gutschick, Little and Weber, P.A.

FILING DATE: April 20, 2006
HEARING DATE: July 26, 2007

RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to a maximum of 36 lots for 36 one-family attached dwelling units including a minimum 12.5% MPDU's.
- 2) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and other improvements will be determined at site plan approval. Final number of MPDUs per Condition 1 will be determined at site plan approval.
- 3) The applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must meet all conditions prior to the recording of plat(s) or MCDPS issuance of sediment and erosion control permit(s) as applicable. Conditions include but are not limited to the following:
 - a. Final forest conservation plan that is submitted with the site plan must include:
 - i. A detailed tree survey with a critical root zone analysis for trees greater than or equal to 6 inches in diameter at breast height within 25 feet on either side of the limits of disturbance along the environmental buffer boundary and along the offsite limits of disturbance.
 - ii. Planting plan for the area along the boundary of the environmental buffer area to mitigate for the loss of trees along the limits of disturbance.
 - iii. Location of offsite planting area or forest bank to meet the forest-planting requirement.
- 4) The specific location of the offsite sewer line and grading limits must be established at the time of site plan in conjunction with a detailed tree save plan.
- 5) Record plat to reflect a Category I conservation easement over the environmental buffer.
- 6) No clearing, grading or recording of plats is permitted prior to certified site plan approval.
- 7) The applicant must comply with the conditions of the MCDPWT letter dated July 7, 2006, unless otherwise amended. All issues regarding improvements to Dogwood Drive must be resolved prior to Planning Board action on the site plan.
- 8) The applicant must comply with the conditions of the MCDPS stormwater management approval dated March 5, 2007.
- 9) The applicant must dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 10) The applicant must construct all required road improvements within the rights-of-way shown on the approved preliminary plan to the full width mandated by the master plan and to the design standards imposed by all applicable road codes, unless otherwise designated on the preliminary plan. The applicant must construct the extension of Guilford Run Lane on the Property as shown on the preliminary plan. Final details concerning the specific terminus of this road must be determined at site plan.
- 11) The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant must provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.

- 12) The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 13) The record plat must reflect a public use and access easement over all private alleyways.
- 14) Other necessary easements shall be shown on the record plat.
- 15) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.

I. SITE DESCRIPTION – Attachment A

The subject property “Subject Property” or “Property” consists of a single unplatted parcel identified as parcel 140 on Tax Map KR 51. The Property is zoned RT-8 and is 5.0 acres in size. It is located on the eastern side of Dogwood Drive opposite the unbuilt right-of-way for Guilford Run Lane in the Fairland Planning Area. There is a single-family residence on the property. Of the 5.0 acres 3.57 acres are forested. The forest is classified as high priority because it is in good condition, contains a large number of significant trees, and includes an environmental buffer associated with a small stream running along the northern portion of the site. The Property lies within the Little Paint Branch watershed (Use I waters).

To the north and west of the Property there are townhouse subdivisions. To the east and south there is vacant land that will be used for the Inter-County Connector although some of the land that is currently owned by the State Highway Administration may have development potential, as it is not all needed for the highway’s construction.

II. PROJECT DESCRIPTION - Attachment B

The application proposes to create 36 lots for 36 one-family attached dwelling units; 12.5%, or 5 of the units, will need to be MPDU’s. The plan shows recreational areas, stormwater management locations, public water and sewer connections and an internal street network of private streets that provide frontage to the townhome units. Access from the private street system is to both Dogwood Drive and a newly constructed portion of Guilford Run Lane on the south side of the project. The plan illustrates the necessary road frontage improvements on Dogwood Drive, as well as the construction of the full width of Guilford Run Lane. The preliminary plan identifies two options for the termination of extended Guilford Run Lane, one as a cul-de-sac and one as a hammerhead. At this time the applicant is negotiating with the Montgomery County Department of Public Works and Transportation on the ultimate termination of the roadway. Guilford Run Lane will eventually be extended to the SHA-owned property abutting the Subject Property to the east. A final decision on these options by MCDPWT will need to be secured prior to a Planning Board decision on the Site Plan. Should a cul-de-sac be required, the lot yield and layout of amenities may need to be adjusted to provide the necessary street dedication for the cul-de-sac bulb. This can be appropriately dealt with at the time of Site Plan review.

III. ANALYSIS AND FINDINGS

Master Plan Compliance

The Fairland Master Plan makes no specific recommendations for the subject property; however, the Property is included in an area that the Master Plan made area-wide recommendations for. Known as Area #3, the Master Plan supported the RT-8 zone for the smaller parcels that had direct frontage on Dogwood Drive. The Plan supported both single family detached and attached units, sidewalks on both sides of the streets and establishment of wooded buffers along streams. The Plan goes on to recommend the use of cluster to preserve buffers and high quality forest and the location of stormwater management ponds out of the buffers. The plan also supported the connection of Dogwood Drive to Sheffield Manor Drive and Guilford Run Lane to improve overall circulation. The plan contains the anticipated attached dwelling units and protects stream buffer areas. The applicant will provide upgrades to Dogwood Drive and make an extension of Guilford Run Lane within the Property.

Existing Guilford Run Lane

An offsite connection of existing Guilford Run Lane and Dogwood Lane is also anticipated in the Fairland Master Plan. There is currently an unbuilt, but dedicated section, of Guilford Run Lane located to the west of the Subject Property. The master plan expresses the need for this section to be constructed in the event that the ICC is built. Current SHA plans show that with the ICC, Dogwood Lane will be terminated in a cul-de-sac just south of Guilford Run Lane. Connecting Guilford Run Lane to Dogwood Lane will provide a substitute access to Briggs Chaney Road for properties along Dogwood Drive. Access to Briggs Chaney Road would otherwise be circuitous, but not impossible, for some of these properties. Community Based Planning staff discuss the rationale for providing this offsite extension in a memorandum included as Attachment __ to this report. However, after taking into consideration the subject application's responsibilities for other road improvements and the project's relationship to this offsite connection, staff does not find it reasonable to require the applicant to construct this road.

As noted in the Community Based Planning memorandum, the Subdivision Regulations include several provisions under which the responsibility to build the unbuilt portion of the road may be assigned to this applicant. The Board has broad authority to coordinate roads, avoid premature development, and to provide for adequate transportation. Sec. 50-25 requires the Board to find that the, "proposed plan shall provide for the continuation of any existing roads or streets (constructed or recorded) in accordance with adopted highway plans and the road construction code", however, this provision is typically applied to roads that are internal or along the frontage of properties. An argument may also be made that it is reasonable to require this applicant to build this offsite road because the record plat that dedicated the right of way identifies that it is to be "built by others". If this applicant does not make the connection, there is only one other possible development that may occur in this area that might be assigned the responsibility.

As their part of this project, the applicant is required to improve frontage on Dogwood Drive and build a new extension of Guilford Run Lane on which they will front. This 36-lot

subdivision meets LATR requirements and does not generate the need for this offsite connection. Staff, therefore, is of the opinion that it is unreasonable for this developer to be responsible for the offsite section of Guilford Run Lane. The requirement to build any dedicated portions of county streets should be under the authority of the Montgomery County Department of Public Works and Transportation unless they directly relate to satisfaction of a project's adequate public facilities requirements. For this application, safe access can be provided to Briggs Chaney by a northbound movement from the site onto Dogwood Drive. Site access is deemed adequate, but all staff agrees that it could be improved with the construction of Guilford Run Lane. As pointed out in the Community Based Planning memo, there have been other projects on Dogwood Lane in recent years that were not required to construct, or otherwise participate in, the construction of this road. Another issue is that the built section of Guilford Run Lane is currently within a reduced width tertiary right-of-way of 28 feet, and it has not been determined if this section of pavement meets county standards. It is also unknown if the section of existing road can support additional traffic without upgrades that would be out of the realm of reasonable for the applicant to construct. It is not completely understood why the unbuilt portion is classified as a secondary street with a 60-foot right-of-way. Without further review of the issues surrounding the eventual connection of this road, no improvements are required to the unbuilt section of Guilford Run Lane at this time. Future development in the area may be required to participate in further study.

Transportation

As part of the applicant's Adequate Public Facilities test, a traffic study was required for the project since the development was estimated to generate greater than 29 peak hour trips during the typical weekday morning and/or evening peak hour. The submitted traffic study examined the traffic related impacts of the development on nearby intersection. The staff review of the study indicated that it complied with the requirements of the Local Area Transportation Review (LATR) Guidelines and the traffic study scope that staff provided to the applicant. The traffic analysis estimated that the uses proposed for the site would generate 18 total trips during a weekday morning peak-hour and 30 total trips during the weekday evening peak-hour. The weekday morning and weekday evening peak-hour capacity analysis contained in the traffic study indicated that under total (built) traffic conditions, critical lane volumes at the study intersections would be below the applicable congestion standards. Therefore, the application satisfies the LATR requirements of the APF test.

Environment

Environmental Guidelines

The application includes protection of the site's environmental buffer. Retaining walls will be used to keep clearing and grading out of the buffer except for unavoidable encroachments to extend storm drain outfalls. These outfalls will be designed to minimize disturbance and the buffer will be protected over the long term with a Category I conservation easement. The plan complies with the Planning Board's adopted *Environmental Guidelines*.

Forest Conservation

The preliminary forest conservation plan proposes to preserve 0.99 acres of forest. Approximately 3.03 acres of forest will be cleared, of which 0.45 acres occur offsite. The forest retention area will be within the environmental buffers on the Property.

Section 22A-12(f)(2)(B) of the County Forest Conservation Law states:

“In a planned development or a site developed using a cluster or other optional method of development in a one-family residential zone, on-site forest retention must equal the applicable conservation threshold in subsection (a).”

Since the proposal uses an optional method of development, the subdivision must retain an amount of forest onsite that is at least as large as the site’s conservation threshold. For this site, the applicable conservation threshold is 0.99 acre, which is based on the 4.94-acre size of the site and does not include the area of offsite clearing. The preliminary forest conservation plan shows protection of 0.99 acre of forest within the site’s environmental buffer area. This meets Section 22A-12(f)(2)(B) of the Forest Conservation Law.

The preliminary forest conservation plan shows that 0.91 acre of reforestation is required. Because there is limited space available on the site to locate any reforestation areas, staff supports satisfying the reforestation requirement through forest planting at an offsite location, or that the developer purchase credits from a forest bank. Staff has required as a condition of the preliminary forest conservation plan that the developer propose an offsite planting location or forest bank as part of the final forest conservation plan at the site plan stage.

Staff has identified several large trees (24 inches and greater in diameter at breast height) within, but on the edge of, the buffer boundary that may be adversely affected by the clearing and grading. Staff is concerned that if they are removed the resulting gaps could become invaded with non-native species. To minimize edge tree loss staff has conditioned the preliminary plan approval on a detailed tree survey along the boundary of the environmental buffer boundary as part of the final forest conservation plan at the site plan stage. This will identify specific trees that can be protected and those that will have to be cut. For those that will be removed, staff will require planting to help close gaps in the canopy of the protected forest.

The application includes a sewer connection that involves forest clearing within wetlands, other parts of the environmental buffer, and on highly erodible soils. The applicant has shown the offsite sewer within a proposed right-of-way for a future road that provides access to the adjoining property. The applicant will construct the sewer connection, but not the offsite road. The future road and the proposed sewer must cross an environmental buffer that contains a stream and forested wetlands. Staff has conditioned approval of the sewer extension on a field determination of the exact location and extent of clearing prior to site plan approval. The proposed offsite location and grading should minimize clearing and grading within the environmental buffer, including the wetlands, and should minimize offsite forest clearing. A detailed tree save plan for this clearing will also be required.

Staff finds the preliminary forest conservation plan, with revisions as recommended in staff's conditions, complies with the requirements of the County Forest Conservation Law.

Noise

The proposed Intercounty Connector (ICC) is located immediately to the south of the Subject Property. The applicant has submitted a draft State Highway Administration (SHA) plan that shows a noise barrier that would attenuate highway noise on the proposed subdivision. The noise barrier is proposed as part of the ICC project. In addition, the Final Environmental Impact Study (FEIS) for the ICC project includes information that a proposed noise barrier would mitigate noise levels at the Kushner Property to about 54 dBA, peak hour L(eq). This is roughly equivalent to 54 dBA, Ldn, which is lower than the 60 dBA, Ldn criterion recommended in the Planning Board's Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development (June 1983) which established thresholds for acceptable noise exposures based on a 24 hour exposure level. For this particular part of the county, 60 dBA Ldn was established as the goal. Staff finds the noise barrier proposed as part of the ICC project to be acceptable and that the project will comply with the Noise Guidelines.

Stormwater

The MCDPS Stormwater Management Section approved a stormwater management concept for the project on March 5, 2007, which includes construction of a Montgomery County Sand Filter (MCSF) and onsite recharge via disconnect of rooftop flows and storage below the MCSF. On-site channel protection measures are waived because the one-year post development peak discharge is less than or equal to 2.0 cubic feet per second.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the RT-8 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone as well as green space requirements. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan.

Lot Frontage on a Private Street

Section 50-29(a)(2) of the Subdivision Regulations requires "...that individually recorded lots shall abut on a street or road which has been dedicated to public use or which has acquired the status of a public road." The 36 townhomes will all be on individually recorded lots, and 14

of them will have frontage on a private street. Therefore, if the Planning Board approves the preliminary plan, it must also find that the proposed private street has acquired the status of a public road. This finding must be based upon the proposed road being fully accessible to the public; accessible to fire and rescue vehicles, as needed; and designed to minimum public road standards, except for right-of-way and pavement widths.

In the case of this subdivision, it is staff's opinion that the proposed street which provides frontage to the 14 units can meet the minimum standards necessary to make the finding that it has the status of a public road. These standards, as previously applied by staff, include 20-foot pavement width, 25-foot turning radii, five-foot sidewalk width, an appropriate circulation pattern, and an appropriate paving cross-section. The road will also be placed within an easement that ensures it remains fully accessible to the public.

IV. CITIZEN CORRESPONDENCE AND OUTREACH

At the time of submission of the application, the applicant notified the adjacent and confronting property owners and local citizens associations that the Kushner Property Preliminary Plan had been filed with the MNCPPC and that it was under review. On July 13, 2007, staff sent notice of the public hearing to these parties. We have not received any letters of concern regarding the application as of the date of this staff report.

V. CONCLUSION

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

Attachments

Attachment A – Vicinity Development Map

Attachment B – Proposed Development Plan

Attachment C – Agency and Staff Correspondence Referenced in Conditions and Report

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Kushner Property				
Plan Number: 120061090				
Zoning: RT-8				
# Of Lots: 36 one-family attached units				
# Of Outlots: 0				
Dev. Type: Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval the Preliminary Plan	Verified	Date
Minimum Lot Area	Not Specified	1,650 sf is minimum proposed for one-family lot	RW	7/13.07
Lot Width	Not Specified	20 ft. is minimum proposed for one-family lot	RW	7/13.07
Lot Frontage	Not Specified	20 ft. is minimum proposed for one-family lot	RW	7/13.07
Setbacks				7/13.07
Front	25 ft.	Must meet minimum ¹	RW	7/13.07
Side	10 ft. for end unit 25 ft. if end unit abuts a public street	Must meet minimum ¹	RW	7/13.07
Rear	20 ft.	Must meet minimum ¹	RW	7/13.07
Height	35ft.	May not exceed maximum ¹	RW	7/13.07
Max Resid'l d.u. Per Zoning	8.0/acre (39)	7.28 units per acre (36 proposed)	RW	7/13.07
MPDUs	12.5%	12.5%	RW	7/13.07
TDR's	N/A			7/13.07
Site Plan Req'd?	Yes			7/13.07
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street		Yes	RW	7/13.07
Road dedication and frontage improvements		Yes	Agency letter	7/7/06
Environmental Guidelines		Yes	Staff memo	
Forest Conservation		Yes	Staff memo	
Master Plan Compliance		Yes	Staff memo	7/13.07
ADEQUATE PUBLIC FACILITIES				
Stormwater Management		Yes	Agency letter	3/5/07
Water and Sewer (WSSC)		Yes	Agency comments	2/12/07
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	2/12/07
Well and Septic		N/A		
Local Area Traffic Review		Yes	Staff memo	7/6/07
Fire and Rescue		Yes	Agency letter	6/1/07

¹ Setbacks and maximum height will be determined by the required 59-D-3 site plan review.

KUSHNER PROPERTY (120061090)

Attachment "A"



Map compiled on May 11, 2006 at 4:28 PM | Site located on base sheet no - 217NE04

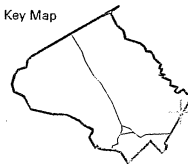
NOTICE

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

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

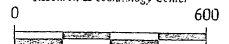
Key Map



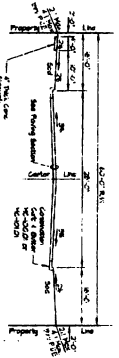
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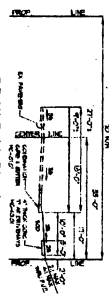
Research & Technology Center



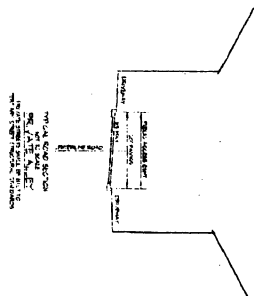
1 inch = 600 feet
1 : 7200



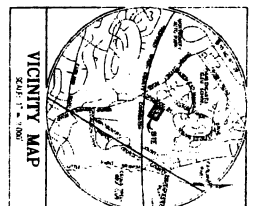
TYPICAL ROAD SECTION A
 SECONDARY ROADWAY
 UNLESS OTHERWISE SPECIFIED OR INDICATED
 OTHERWISE SHOWING AS IN THE VARIOUS SPECIFICATIONS



TYPICAL ROAD SECTION B
 PRIMARY ROADWAY
 UNLESS OTHERWISE SPECIFIED OR INDICATED
 OTHERWISE SHOWING AS IN THE VARIOUS SPECIFICATIONS



TYPICAL ROAD SECTION C
 UNLESS OTHERWISE SPECIFIED OR INDICATED
 OTHERWISE SHOWING AS IN THE VARIOUS SPECIFICATIONS



SPECIAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR HIGHWAYS, BRIDGES AND STRUCTURES, AND THE STANDARD SPECIFICATIONS FOR MATERIALS, BOTH PUBLISHED BY THE MISSOURI DEPARTMENT OF TRANSPORTATION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE THROUGHOUT THE PROJECT.
6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE EROSION CONTROL MEASURES THROUGHOUT THE PROJECT.
7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SAFETY MEASURES THROUGHOUT THE PROJECT.
8. THE CONTRACTOR SHALL MAINTAIN ADEQUATE COMMUNICATIONS THROUGHOUT THE PROJECT.
9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS THROUGHOUT THE PROJECT.
10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE QUALITY CONTROL THROUGHOUT THE PROJECT.

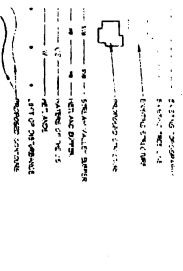
SITE DATA

Site Area	1.14 AC
Lot Area	1.14 AC
Lot Frontage	117.00 FT
Lot Depth	117.00 FT
Lot Area Ratio	1.14
Lot Coverage Ratio	1.14
Lot Frontage Ratio	1.14
Lot Depth Ratio	1.14
Lot Area Ratio	1.14
Lot Coverage Ratio	1.14
Lot Frontage Ratio	1.14
Lot Depth Ratio	1.14

ZONING STANDARDS - Single Family Attached - RESIDENTIAL

Minimum Lot Area	1.14 AC
Minimum Lot Frontage	117.00 FT
Minimum Lot Depth	117.00 FT
Minimum Lot Area Ratio	1.14
Minimum Lot Coverage Ratio	1.14
Minimum Lot Frontage Ratio	1.14
Minimum Lot Depth Ratio	1.14
Minimum Lot Area Ratio	1.14
Minimum Lot Coverage Ratio	1.14
Minimum Lot Frontage Ratio	1.14
Minimum Lot Depth Ratio	1.14

LEGEND



GIMCONSULTING LITTLE ROCK, AR
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 WWW.GIMCONSULTING.COM

PROJECT NO: 2024-001
DATE: 04/11/2024
SCALE: 1" = 40'

PROJECT NAME: BELLEFONTAINE PLAZA EXHIBIT
CLIENT: KUSNER PROPERTY
PROJECT NO: 2024-001

DATE: 04/11/2024
SCALE: 1" = 40'



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

Attachment "C"

June 25, 2007

MEMORANDUM

TO: Cathy Conlon
Richard Weaver
Development Review

FROM: Piera Weiss
Community-Based Planning

SUBJECT: Kushner Property, Preliminary Plan 12006109

At Issue: Is it reasonable to require the applicant to construct the portion of Guilford Run Lane that would complete the connection to Dogwood Drive. The full right-of-way dedication exists.

Staff Recommendation: Community-Based Planning Staff believes that it is reasonable to require the applicant to construct the road segment for two reasons: conformance with the 1997 *Approved and Adopted Fairland Master Plan* and conformance with the purpose clause and other sections of Chapter 50, Subdivision Regulations (Circle 1).

The Fairland Master Plan recommends the connection be made in both the Land Use and Transportation chapters. This connection is needed because the Dogwood Drive intersection with Briggs Chaney Road will be terminated when the SHA constructs the ICC. The connection provides needed redundancy for the interior neighborhood road network. (Circle 2)

Guilford Run Lane was dedicated in its entirety as part of the Knightsbridge Development that was built in the early 1980s. (Circle 3) Guilford Run Lane is a lesser tertiary street (27 feet r.o.w.) for much of its length between the intersection with Aston Manor Way (primary street) and Dogwood Drive (primary street). The unbuilt connection to Dogwood Drive was dedicated as a full width (60 feet) secondary street (Circle 4). That applicant was required to build the portion of the overall road network needed for access to Briggs Chaney Road and a portion of Guilford Run Lane. The plat clearly states that the remaining segment connecting to Dogwood Drive is to be built by others.

Both Aston Manor Way and Dogwood Drive intersect with Briggs Chaney Road. Dogwood Drive turns into Sheffield Manor Way and loops around to connect to Aston Manor Way about one half mile north of Guilford Run Lane. There are numerous

unconnected private streets that provide access to the public roads. More than 2,500 townhouse, condominium and apartment units use the interior road network.

The subject property is the last developable property with frontage on Dogwood Drive. It is the last opportunity for the public to obtain a needed public road connection. Staff believes that it would be a better use of resources to have the applicant build this connection in conformance with the master plan, thereby providing redundancy for the local street network, rather than have the applicant reconstruct Dogwood Drive along the property frontage. Dogwood Drive will be reconstructed by SHA as part of the ICC construction (Circle 5).

Background

One of the underlying principles of the Fairland Master Plan was focusing on the existing communities and ensuring that new development would respect the existing pattern of development. The master plan area was divided into communities using natural and physical boundaries for the purpose of analysis and to determine appropriate land uses within each community. The subject site lies within Area 3a, the Greencastle/Briggs Chaney Road Community. The ICC, the natural dividing line for land use analysis, separates Area 3a (Circle 6) from Area 3b (Circle 7), the Tanglewood Community. At the time of the master plan a substantial portion of both Areas 3a and 3b was an old gravel mining operation that straddled the proposed ICC right-of-way and the county line. The property at the time of the master plan had frontage along Briggs Chaney and Fairland Roads.

When staff analyzed the development potential in Area 3a, where the subject property is located, we were aware that ICC might affect future access and based land use recommendations on that possibility. The approved and adopted Master Plan recommended rezoning all properties in Area 3a to a lesser intense zone: properties with access directly to Dogwood Drive were to be rezoned from R-30 to RT-8 and the property that did not have direct access to Dogwood Drive rezoned from R-30 to R-90. The plan made specific references to completing the interior road network, including Guilford Run Lane and Sheffield Manor Way (Circles 8-10).

The *Approved and Adopted 1997 Fairland Master Plan* contains the following recommendations:

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Area 3a

Rezone R-30 to R-90 to reduce the total amount of development because of limited road access and to provide a better balance of housing types in the Greencastle/Briggs Chaney Road Community...Townhouse development under the RT-8 zone would be appropriate for the smaller parcels with access to Dogwood Lane....

Guilford Run Lane

The proposed ICC will intersect with Briggs Chaney Road at Dogwood Lane and may prevent access to Briggs Chaney Road for a number of undeveloped properties to Briggs Chaney Road. If the proposed ICC is constructed along the master-planned alignment, access to these properties should be provided from Guilford Run Lane to Briggs Chaney Road.

Since 1997, the Planning Board has approved developments in Area 3a and 3b and the SHA has completed its design for the ICC.

Area 3b:

Cross-Creek Golf Course Community Development

The owner/developer wished to build a golf course community on the entire property in both counties. The proposed ICC bisected the property. The developer had the option of dedicating or selling the r.o.w. To the SHA. The applicant wished to dedicate at the time of subdivision and develop the northern portion but require SHA approval cross the ICC in some manner. SHA did not grant access and acquired the 28 acres in 2002 for \$10,000,000 according to the tax records. (Circle 11)

Area 3a:

Preliminary Plan 1-04096, Towns of Dogwood – 29 Lots

Conditions of approval included dedication for Dogwood Lane and construction of frontage along Dogwood Lane to full width primary. This project is under construction.

Preliminary Plan 1-04097, Alpine Forest – 18 TH lots

Conditions of approval included dedication and construction of Sheffield Manor Drive along frontage.

Subdivision Regulations

Community-Based Planning Staff believes that the Planning Board has the authority under Chapter 50, Subdivision Regulations, Sections 50-2, 50-25, and 50-35 to require this connection. The relevant passages are listed below.

Section 50-2: Purpose Clause

- a) Harmonious development of the district.

- b) Coordination of roads within the subdivision with other existing planned or platted roads or with other features of the district or with the commission's general plan...
- e) The conservation or production of adequate transportation facilities
- h) The avoidance of such scattered or premature subdivision or development of land as would involve danger or injury to health safety or welfare by reason of the lack of... transportation...or necessitate an excessive expenditure of public funds for the supply of such services.

Section 50-25 Roads and Streets

- b) Continuation of roads, the proposed plan shall provide for the continuation of any existing roads or streets (constructed or recorded) in accordance with adopted highway plans and the road construction code...

Section 50-35 (k) (5) Adequate Public Facilities

- d) Existing and proposed street access within the tract or area is adequate...

(iv) Will not cause existing street patterns to be fragmented

Section 50-35 (l) Relation to Master Plan

...A preliminary plan must substantially conform to the applicable master plan, sector plan...

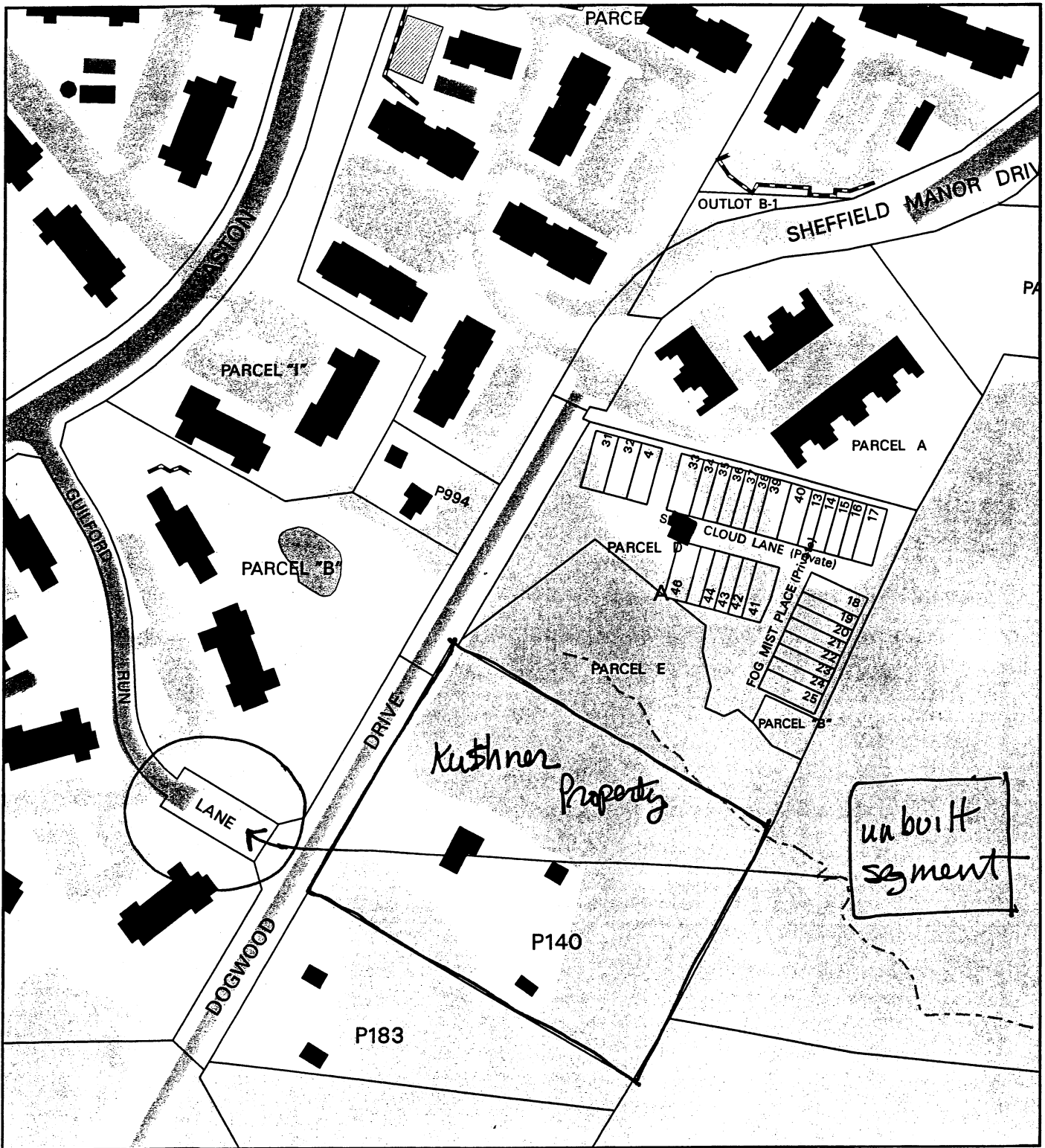
Conclusion

In conclusion, Community-Based Planning Staff believes that is reasonable to request that the applicant complete the local road network for two reasons. First, the master plan is quite clear that the road is to be built when development occurs in immediate area. Second, the Subdivision Regulations contain language regarding harmonious development, conformance with the master plan, continuation of roads and not creating fragmented street patterns. This language suggest that providing for a connecting street pattern is in the public interest.

Attachments:

- Circle 1: Map 1 - Dogwood Drive 200 Scale: Needed Connection
- Circle 2: Map 2 - Dogwood Drive 600 Scale: Road Network
- Circle 3: Knightsbridge Plat, Guilford Run Lane, and MNCPPC Plat 547-26
- Circle 4: Knightsbridge Plat, Guilford Run Lane, Secondary Road Segment, and MNCPPC Plat 586-46
- Circle 5: SHA ICC Design/Dogwood Drive Termination
- Circle 6: Fairland Master Plan Area 3a
- Circle 7: Fairland Master Plan Area 3b
- Circles 8-10: Master Plan Recommendations
- Circle 11: Real Property Report showing SHA ownership of 28-Acre parcel originally in Cross Creek Development

DOGWOOD DRIVE



Map compiled on June 25, 2007 at 12:07 PM | Site located on base sheet no - 217NE04

NOTICE

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

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



N



0 200

Research & Technology Center

1 inch = 200 feet

1 : 2400

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

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

Circle 11

DOGWOOD DRIVE



Map compiled on June 25, 2007 at 1:23 PM | Site located on base sheet no - 217NE04

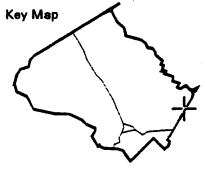
NOTICE

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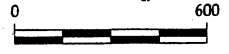
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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



Research & Technology Center



1 inch = 600 feet
1 : 7200

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

Circle (2)

OWNERS' DEDICATION

WE, THE UNDERSIGNED, OWNERS OF THE PROPERTY HEREIN DESCRIBED, DO HEREBY DEDICATE AND CONVEY TO THE BOARD OF EDUCATION OF THE CITY OF BALTIMORE, MARYLAND, THE TRACT OF LAND HEREIN DESCRIBED, TOGETHER WITH ALL RIGHTS AND INTERESTS THEREIN, TO BE USED AS A PUBLIC HIGHWAY AND DRIVEWAY, AND TO BE MAINTAINED AS SUCH BY SAID BOARD OF EDUCATION, AND TO BE OPEN TO ALL THE PUBLIC AT ALL TIMES.

WITNESSED BY OUR HANDS AND SEALS THIS 11th DAY OF SEPTEMBER, 1982.

[Signatures]

SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED, A LICENSED SURVEYOR OF THE STATE OF MARYLAND, HAVE BEEN EMPLOYED BY THE ABOVE NAMED OWNERS TO SURVEY THE TRACT OF LAND HEREIN DESCRIBED, AND TO PREPARE THIS PLAN THEREOF, AND TO CERTIFY THAT THE SAME IS A TRUE AND CORRECT REPRESENTATION OF THE SAID TRACT OF LAND AS THE SAME EXISTED ON THE DATE OF THE SURVEY.

DATE: 11/19/82

[Signature]

PARCELS A, B, C & I
KNIGHTSBRIDGE
 SOLESMITH LETHO DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1" = 200'
 OCTOBER, 1982

JOHNSON, MIMMINA
S. Thompson, A.

547.26

Maryland State Archives

1834

PARCEL NO.	AREA (SQ. FT.)	AREA (AC.)	PERCENT
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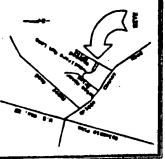
Circle 3

PI. AT NO 18666

OWNER'S DEDICATION

I, the undersigned, do hereby dedicate to the public the following described land, to-wit: ...

Walter H. Knight
OWNER
DATE: *March 20, 1952*

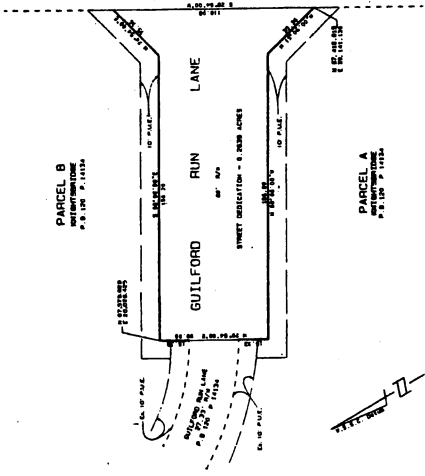


VICINITY MAP

SURVEYOR'S CERTIFICATE

I hereby certify that the information herein is true and correct to the best of my knowledge and belief, that I am a duly licensed surveyor in the State of Maryland, and that I have personally examined the original plat and the field notes and other data upon which this plat is based, and that I have found the same to be correct and in accordance with the laws of the State of Maryland, and that I have not observed any fraud or collusion in the execution of this plat.

Donald F. Romano
PROFESSIONAL LAND SURVEYOR No. 14, 1948
DATE: *March 20, 1952*

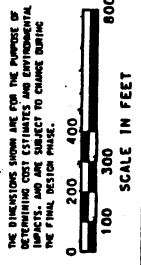
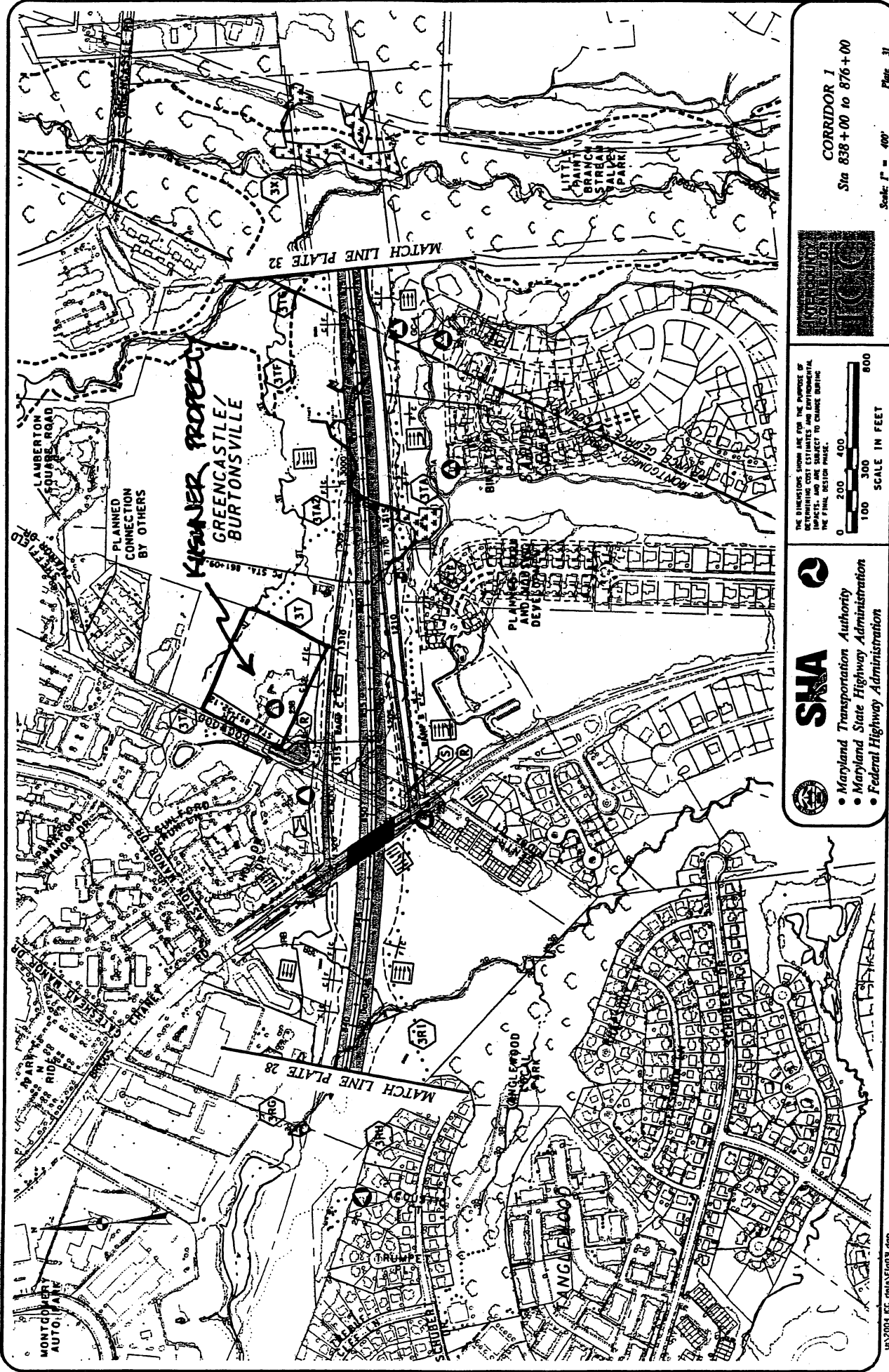


STREET DEDICATION
GUILDFORD RUN LANE
KNIGHTSBRIDGE

Approval stamps from the Maryland State Highway Department and the State Planning Commission, dated March 25, 1952.

586-47

Circle 4



THE DIMENSIONS SHOWN ARE FOR THE PURPOSE OF THE PRELIMINARY DESIGN AND ENVIRONMENTAL IMPACTS AND ARE SUBJECT TO CHANGE DURING THE FINAL DESIGN PHASE.

SNA

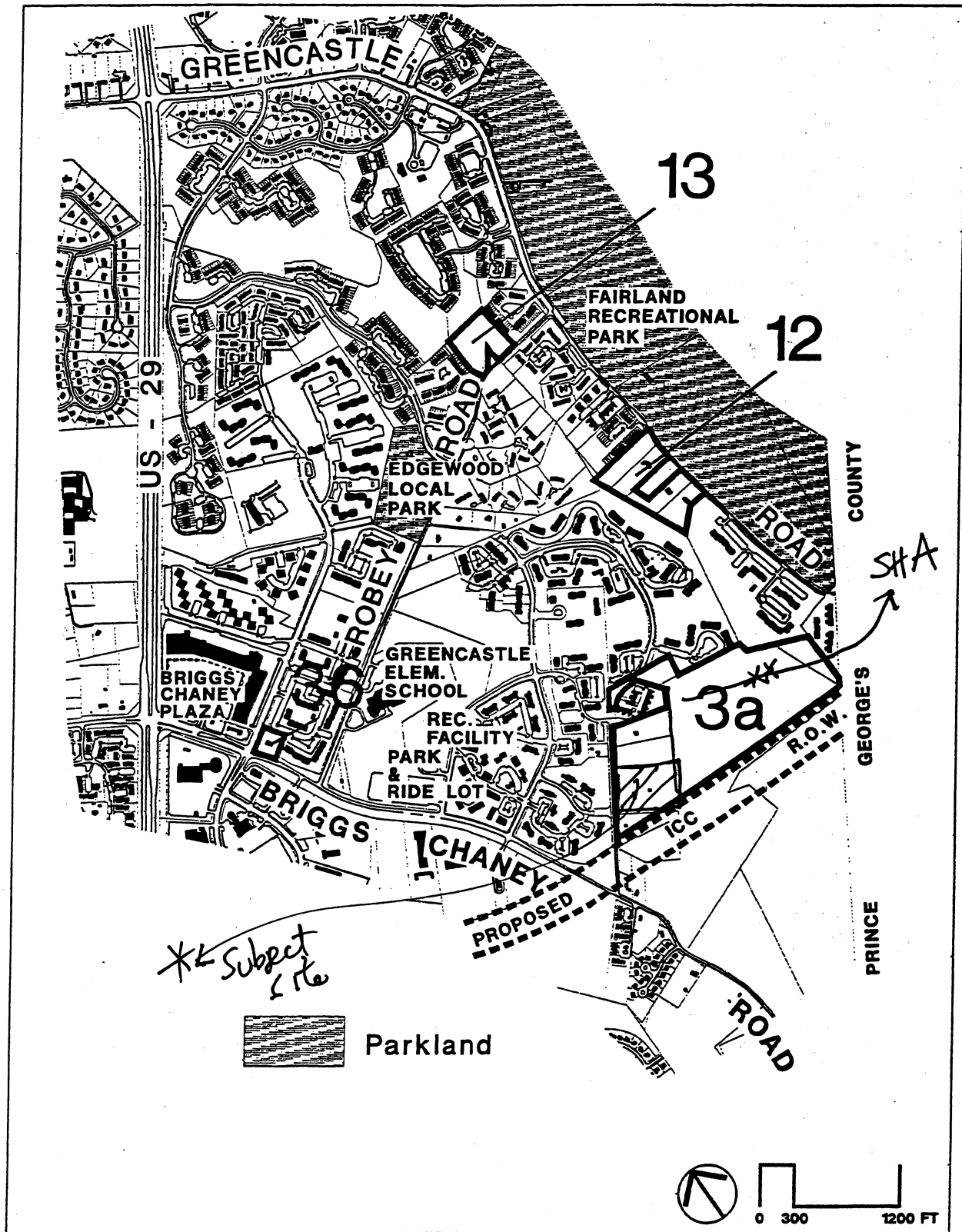
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- Maryland State Highway Administration
- Federal Highway Administration

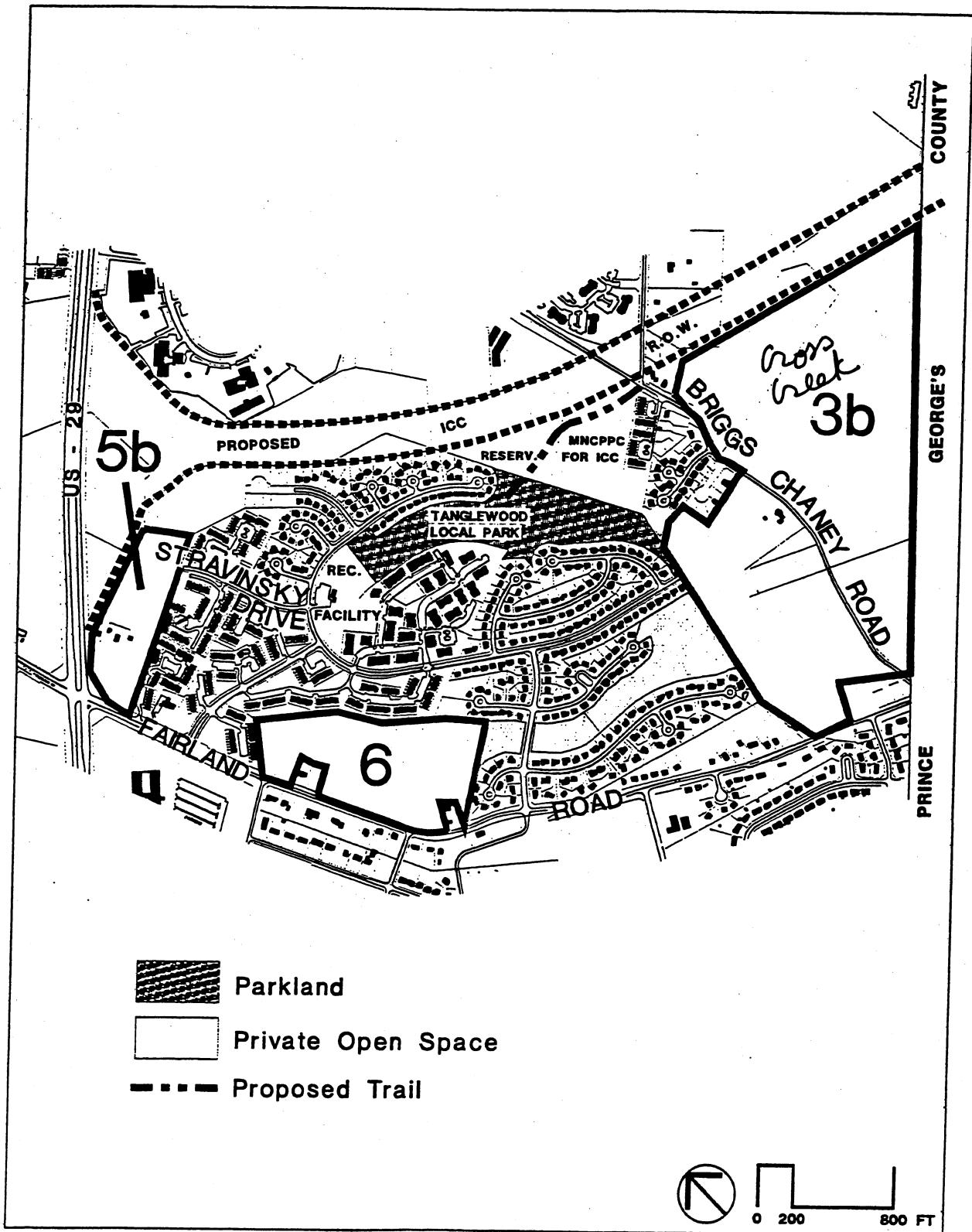
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Sta 838+00 to 876+00

Scale: 1" = 400' Plate 31

01/20/04, CC:0618 V1033.dgn

Circle
5





GREENCASTLE/BRIGGS CHANEY (Figure 19)

This is the most populous area in Fairland, containing diverse land uses and a variety of housing types. It is also one of the most recently developed. Much of the housing and the shopping center were built in the 1980s, although the high-rise apartment building and some of the garden apartment complexes were built in the 1970s. The housing stock includes 3,760 garden apartments and condominiums, 145 high-rise apartments, 1,899 townhouses, and 110 detached houses. The average density is ten units per acre.

Public facilities include the Fairland Recreational Park under construction and recently completed Edgewood Local Park, Greencastle Elementary School, and a County park-and-ride lot. The East County Recreation Center adjacent to the park-and-ride lot is under construction and when completed, it will provide indoor and outdoor recreation facilities within walking distance of the Greencastle/Briggs Chaney community. The Montgomery County Police Satellite Facility opened in Briggs Chaney Plaza in August 1994. Other non-residential uses include the 65-acre Auto Sales Park and a self-storage facility. Discontinuous sidewalks, lack of recreational facilities, traffic congestion, an unconnected road network, and concern about the appearance of the Auto Sales Park were listed as negative neighborhood attributes. Positive attributes were proximity to the Aquatic Center in Prince George's County and Fairland Recreational Park.

Area 3a, containing 51 acres, is located at the eastern edge of the community on an old sand and gravel excavation site now partially covered with second-growth forest. The site borders the proposed ICC right-of-way. This area has environmental constraints and limited access to public roads. Area 12, zoned for garden apartment development, contains seven acres composed of four parcels. Some of these parcels are improved with single-family detached homes. The vacant parcels would require assemblage to develop with garden apartments. A residential zone that allows a mix of detached and attached units may be preferable for these two areas, given the surrounding development, environmental conditions, and access constraints.

Area 13 is located between two townhouse developments and contains steep topography. Area 36 contains a single-family detached home on an one-acre parcel zoned for apartments. The house is opposite the Auto Park and Briggs Chaney Plaza. Multi-family development on the property is unlikely, given its size.

RECOMMENDATIONS:

Area 3a: 51 acres, R-30, 6 parcels

- Rezone R-30 to R-90 to reduce total amount of development because of limited road access and to provide better balance of housing types in the Greencastle/Briggs Chaney Road community. This site area may be appropriate for elderly housing at a scale consistent with surrounding development and with sufficient green space. Encourage assemblage of the entire area for elderly housing, although elderly housing development could be achieved on the larger parcel not having access to Dogwood Lane. Townhouse development under the RT-8 zone would be appropriate for the smaller parcels with access to Dogwood Lane as a transition between the existing R-30 development and the R-90 zoning recommended in this Plan. Discourage RT-8 for the larger parcel.
- Suitable for a mixture of single-family detached and townhouse development or elderly housing.
- Provide sidewalks on both sides of all local streets.
- Establish wooded stream buffers along all tributaries to Little Paint Branch.

- Cluster development to protect stream buffer areas and high-quality forest in the northern end of the site
- Locate stormwater management facilities and erosion and sediment control measures outside stream buffers where feasible.
- Connect Dogwood Drive to Sheffield Manor Drive and Guilford Run Lane to improve overall circulation.
- Develop open space connections between Tanglewood Local Park and Prince George's County.

Area 12: 7 acres, R-30, 4 parcels

- Suitable for a mix of detached and townhouse development; rezone from R-30 to R-60; suitable for townhouses, RT-8.
- Provide connections to open space in adjacent properties to expand open space along tributaries to the Little Paint Branch.
- Incorporate stream buffer areas in open space.
- Require appropriate setbacks and noise mitigation along Greencastle Road.

Area 13: 4 acres, R-90, 2 parcels

- Retain R-90 zoning.
- Encourage cluster and connect open space to adjacent common open space.

Area 36: 1 acre, R-20, 1 parcel

- Consider transitional, small-scale, non-residential uses such as offices since the site can not develop with apartments as currently zoned. Suitable for CT Zone.

PRIMARY ROADS: The purpose of a primary road is to provide access for 200 or more households, but a primary may carry some "through" traffic.

RECOMMENDATIONS:

Blackburn Road

- Reclassify Blackburn Road west of US 29 from a primary residential road to a secondary residential road. Retain primary residential road classification for Blackburn Road east of US 29.

Cedar Tree Drive/Saddle Creek Drive

Cedar Tree Drive is one of two primary roads serving the Oakfair/Saddle Creek community (see pages 47-48).

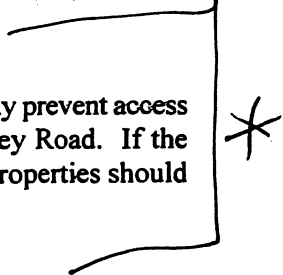
- Extend Cedar Tree Drive to Old Gunpowder Road in Prince George's County to access the golf course and proposed golf course community. This would provide an alternative access road for neighborhoods currently served by MD 198 only.
- Consider a cul-de-sac on Saddle Creek Drive or connect to Cedar Tree Drive to channel traffic to Cedar Tree Drive.
- Consider a ban on truck traffic once Cedar Tree Drive is extended to Old Gunpowder Road.

Fairdale Road

- Extend Fairdale Road as a primary residential road (70-foot right-of-way) north to Friendlywood Road. Road cross-section should include sidewalks and a bikeway.

Guilford Run Lane

- The proposed ICC will intersect with Briggs Chaney Road at Dogwood Lane and may prevent access to Briggs Chaney Road for a number of undeveloped properties to Briggs Chaney Road. If the proposed ICC is constructed along the master-planned alignment, access to these properties should be provided from Guilford Run Lane to Briggs Chaney Road.



Old Columbia Pike

Old Columbia Pike provides access to a number of public facilities, including the Paint Branch High School, Banneker Middle School, and the Fairland Library and constitutes the most important north-south pedestrian/bicyclist link in Fairland because it extends the entire length of the Fairland Planning Area from Burtonsville south connecting with the White Oak Shopping Center. The road is one of the older roads in the planning area and has a residential character for much of its length. The following recommendations are intended to improve pedestrian access to the various public facilities and two shopping areas and to reinforce the residential character of the road. Neighborhood traffic control/traffic-calming measures are appropriate to discourage excessive auto speeds. This Plan supports the use of such measures to ensure pedestrian/bicyclist safety and to support the use of Old Columbia Pike as a primary residential road.

- Reclassify Old Columbia Pike between the bridge over the Paint Branch and Industrial Parkway from a business district street to a primary residential road with an 80-foot right-of-way.

[click here for a plain text ADA compliant screen.](#)



Maryland Department of Assessments and Taxation
MONTGOMERY COUNTY
 Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

Account Identifier: District - 05 Account Number - 03398814

Owner Information

Owner Name: STATE OF MARYLAND Use: EXEMPT
 Principal Residence: NO
 Mailing Address: ST HWY ADMN - DEPT OF TRANS Deed Reference: 1) /21670/ 409
 707 N CALVERT ST # M-302 2)
 BALTIMORE MD 21202-3601

Location & Structure Information

Remises Address: RIGGS CHANEY RD Legal Description: COVENANT OF PEACE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
KR61		P111		1				3	Plat Ref:

Special Tax Areas	Town Ad Valorem Tax Class	Enclosed Area	Property Land Area	County Use
	42		28.48 AC	910

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		28.48 AC	910

Stories	Basement	Type	Exterior

Value Information

	Base Value	Phase-in Assessments		
		Value As Of	As Of	As Of
Land:	199,360	01/01/2006	07/01/2006	07/01/2007
Improvements:	0	569,600	0	
Total:	199,360	569,600	322,773	446,186
Preferential Land:	0	0	0	0

Transfer Information

seller: MONTGOMERY LTD LIABILITY CO	Date: 08/23/2002	Price: \$10,600,000
type: MULT ACCTS ARMS-LENGTH	Deed1: /21670/ 409	Deed2:
seller:	Date:	Price:
type:	Deed1:	Deed2:
seller:	Date:	Price:
type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Max Exempt: COUNTY AND STATE
 Exempt Class:

Special Tax Recapture:

* NONE *

Circle 11



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

Attachment "C" continued

July 6, 2007

MEMORANDUM

TO: Catherine Conlon, Supervisor
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Cherian Eapen, Planner/Coordinator
Transportation Planning
301-495-4525

SUBJECT: Preliminary Plan No. 120061090
Kushner Property (Parcel P140)
Dogwood Drive
Fairland/White Oak Policy Area

CE

This memorandum summarizes Transportation Planning staff's Adequate Public Facilities (APF) review of the subject preliminary plan for Parcel P140 located within the northeast quadrant of Briggs Chaney Road and Dogwood Drive to build 36 single-family attached (townhouse) dwelling units in RT-8 Zone within the Fairland/White Oak Policy Area.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions as part of the transportation-related requirements to approve the subject preliminary plan:

1. The applicant must limit future development on the property to a maximum of 36 townhouse dwelling units.
2. The applicant must dedicate and show on the final record plat the following right-of-way (consistent with the 1997 Approved and Adopted *Fairland Master Plan*):
 - Dogwood Drive: 35 feet from the roadway right-of-way centerline.
3. The final record plat must show required corner truncation at all public street intersections.
4. Prior to final record plat, the applicant must submit to Transportation Planning staff a revised

preliminary plan to show the approved Montgomery County Department of Public Works and Transportation (DPWT) cross-section for Dogwood Drive.

5. The applicant must resolve all issues pertaining to DPWT review of subject preliminary plan prior to issuance of any occupancy permit for the proposed use (see Attachment No. 1 – DPWT letter dated July 7, 2006).

DISCUSSION

Site Location, Access, Pedestrian Facilities, and Public Transit

The proposed Kushner Property development is located along the east side of Dogwood Drive on Parcel P140, between Briggs Chaney Road to the south and Shady Knoll Drive to the north. A new townhouse development (approved as 120040960 – Towns of Dogwood) is currently being built immediately to the north of the site. Access to the site is proposed from Dogwood Drive (a master-planned two-lane primary road along the property frontage) and from an extension of Guilford Run Lane into the property to the east of Dogwood Drive as a private road.

Dogwood Drive is a 16-foot wide roadway, which is currently not built to primary standard. The roadway provides access to a single-family residence, existing multifamily/apartment communities located to the north/northwest of the site, and new townhouses being built to the north of the site. Dogwood Drive will ultimately connect to Sheffield Manor Drive, the final section of which is currently being built.

The Briggs Chaney Park and Ride Lot is located to the west of the site (approximately half-a-mile away), at the northwest corner of Briggs Chaney Road and Gateshead Manor Way, which is serviced by Metrobus routes Z6, Z8, Z11, and RideOn Route 39. Route 39 currently services Aston Manor Drive, to the west/northwest of the site.

Master Plan Roadway and Pedestrian/Bikeway Facilities

The Approved and Adopted 1997 *Fairland Master Plan* includes the following nearby master-planned roadway, bikeway and pedestrian facilities:

1. Dogwood Drive/Sheffield Manor Drive, as a north-south two-lane primary (P-32) residential roadway between Aston Manor Way (P-30) to the north and Briggs Chaney Road (A-86) to the south, with a minimum 70-foot right-of-way. The master plan recommends sidewalks along both sides of the roadway. The northern section of Sheffield Manor Drive is currently built to master plan recommendations as a closed-section two-lane primary with sidewalks on both sides, and connects to Aston Manor Way. The southern section of Sheffield Manor Drive to Dogwood Drive at Shady Knoll Drive is currently being built as part of an approved preliminary plan (120040970; Alpine Forest), also as a closed-section two-lane primary with sidewalks on both sides. Towns of Dogwood, during its approval was required to construct Dogwood Drive as an open-section two-lane primary with a 12-foot lane, and a sidewalk along its frontage.

2. Briggs Chaney Road, as a four-lane divided, east-west arterial (A-86) between Columbia Pike (US 29) to the west and Dogwood Drive to the east, with a minimum 120-foot right-of-way, and sidewalks. A Class I bikeway (shared-use path; PB-43) is recommended in the master plan for Briggs Chaney Road from Old Columbia Pike to Prince Georges County Line along the south side of the roadway. Briggs Chaney Road was recently improved by the DPWT as part of CIP Project No. 509942 from Automobile Boulevard/Castle Boulevard to a point east of Aston Manor Way as a four-lane divided roadway, with transition to the existing two-lane roadway at Dogwood Drive. This project included an improved, continuous sidewalk along the north side, and a new Class I bikeway to the south side of Briggs Chaney Road.

Proposed Intercounty Connector

The Intercounty Connector (ICC) is being built as a limited-access east-west highway intended to link areas between I-270 to the west and I-95/US 1 to the east, through central/eastern Montgomery and western Prince George's Counties.

Currently, ICC is in construction after state's selection of Corridor 1 as its preferred alternative for construction and Federal Highway Administration Record of Decision (ROD) for the project. The mandatory referral plans for the ICC show the physical impact of the ICC and a westbound off-ramp to Briggs Chaney Road in the vicinity of the subject development (see Attachment No. 2). As shown on Attachment No. 2, once the ICC is constructed, Dogwood Drive will be terminated to the south of the site (south of Guilford Run Lane) as a cul-de-sac. No other modifications/improvements are proposed to Dogwood Drive. The construction proposed by the ICC project does not include connecting the existing terminus of Guilford Run Lane to Dogwood Drive. All site related development activity is located away from the area impacted by the proposed ICC alignment, the westbound off-ramp to Briggs Chaney Road, and the proposed termination of Dogwood Drive.

The above section of ICC is part of Contract C, which extends 3.7 miles from just west of US 29 (Columbia Pike) to just east of I-95 and includes 1.9 miles of collector-distributor lanes on I-95 to MD 212 (Power Mill Road) south of the ICC. Contract C includes new interchanges at US 29, Briggs Chaney Road and I-95. It is the second contract of the ICC that will start, following Contract A, which will build the first and westernmost portion of the ICC.

Local Area Transportation Review

As part of the APF test, a traffic study was required for the proposed use since the development was estimated to generate 30 or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and/or evening (4:00 p.m. – 7:00 p.m.) peak periods.

The applicant submitted a traffic study dated April 14, 2006, that examined traffic-related impacts of the development on nearby intersections. Staff review of the study indicated that the study complied with the requirements of the *Local Area Transportation Review (LATR) Guidelines* and the traffic study scope provided by staff.

The traffic analysis estimated that the use proposed on the site – 36 single-family attached (townhouse) dwelling units – would generate 18 total trips during weekday morning peak-hour and 30 total hour trips during the weekday evening peak-hour. A summary of the above is provided in Table 1.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
KUSHNER PROPERTY – 36 TOWNHOUSE DWELLING UNITS**

Time Period	Trip Generation		
	In	Out	Total
Weekday Morning Peak-Hour	3	15	18
Weekday Evening Peak-Hour	20	10	30

Based on M-NCPPC trip generation rates.

A summary of the capacity/Critical Lane Volume (CLV) analysis results for the Briggs Chaney Road/Castle Boulevard intersection required for study is presented in Table 2 for the weekday morning and evening peak hours.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
KUSHNER PROPERTY – 36 TOWNHOUSE DWELLING UNITS**

Intersection	Traffic Conditions					
	Existing ²		Background ³		Total ³	
	AM	PM	AM	PM	AM	PM
Briggs Chaney Road and Castle Boulevard ¹	855	1,244	750	987	750	990

Source: Kushner Property Traffic Study. Lenhart Traffic Consulting, Inc. April 14, 2006.

¹ FY 2005 Congestion Standard for Fairland/White Oak Policy Area: 1,500.

² CLV using lane configurations prior to DPWT roadway improvements.

³ CLV with DPWT roadway improvements.

As shown in Table 2, the weekday morning and evening peak-hour capacity analysis presented in the traffic study indicated that under Total (Build) traffic conditions, CLV at the study intersection would be below the applicable congestion standard. Therefore the application satisfies the LATR requirements of the APF test.

Requirement on the Applicant to connect Guilford Run Lane to Dogwood Drive

At the Development Review Committee (DRC) meeting in June 19, 2006, Transportation Planning staff commented that the applicant must construct the missing section of Guilford Run Lane. DPWT staff concurred with this requirement and issued their letter dated July 7, 2007, conditioning that the "Applicant should also comply with the Master Plan condition of constructing

the western segment of Guilford Run Lane from the existing pavement to Dogwood Drive in the same manor (sic) as the eastern part."

On further consideration (on a request from the applicant), Transportation Planning staff determined that there is no nexus to require this applicant, on its own, to construct the missing section, and withdraw the original DRC comment. Since right-of-way for the missing section of Guilford Run Lane connection already existed (60-feet of right-of-way), staff took the position that ultimately it is DPWT's decision to require the applicant to build the road connection, to recommend the cross-section under which the road connection should be built, and to recommend whether the existing section of Guilford Run Lane should be upgraded.

In order to explore other options to facilitate construction of the Guilford Run Lane connection to Dogwood Drive, staff discussed the feasibility of constructing this connection as part of the ICC in place of constructing the proposed cul-de-sac on Dogwood Drive with Maryland State Highway Administration (SHA) staff. SHA staff indicated that this change (constructing the Guilford Run Lane connection instead of the Dogwood Drive cul-de-sac) would impact wetlands on the Guilford Run Lane right-of-way that are not currently approved by the Record of Decision (ROD) for the ICC, and would require a Post-ROD review, additional mitigation, and potentially additional right-of-way.

Environmental Planning staff also weighed in on the wetland within the right-of-way for Guilford Run Lane and indicated that if there is a demonstrated need for the road connection (i.e., the road connection is unavoidable and necessary), they would not object to the road extension, as long as the wetland impacts are minimized. Environmental Planning staff indicated that Maryland Department of Environment (MDE) will also require a review of the impacts, and would require documentation to show that the road connection is needed as part of the MDE's wetland permitting process.

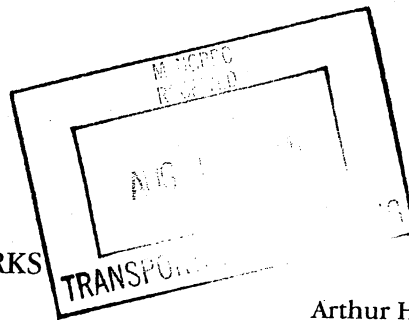
Community-Based Planning staff, in their letter dated June 25, 2007 (see Attachment No. 3; Pages 1-4, Memorandum from Piera Weiss), recommends that "...it is reasonable to require the applicant to construct the road segment for two reasons: conformance with the 1997 Approved and Adopted Fairland Master Plan and conformance with the purpose clause and other sections of Chapter 50, Subdivision Regulations." Transportation Planning staff therefore recommends that the Planning Board seek input from Legal staff on whether the Planning Board has authority to require this applicant, on its own, to construct the Guilford Run Lane connection to Dogwood Drive.

It should be noted that Transportation Planning staff is not disagreeing with the consensus that an alternative connection is needed once Dogwood Drive is terminated at Guilford Run Lane, especially given the possibility that 28 acres of SHA-owned property to the east of Dogwood Drive could be developed in the future. Public street access into the SHA-owned property could possibly be obtained only through the extension of Guilford Run Lane through Kushner Property, and adequate area traffic circulation and connectivity could be ensured only through connecting/upgrading Guilford Run Lane between Aston Manor Way and Dogwood Drive.

SE:CE:tc
Attachments

cc: Barbara Kearney
Dan Hardy
Larry Cole
Debra Daniel
Piera Weiss
Greg Leck
Ray Burns
Dave Little

~~mno to conlon re kushner property.doc~~



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

July 7, 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 #1-20061090
Kushner Property

Attachment No. 1

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 04/25/06. This plan was reviewed by the Development Review Committee at its meeting on 06/19/06. 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/label all existing planimetric and topographic details specifically paving, storm drainage, driveways adjacent and opposite the site on the preliminary plan. Also show the existing section of Guilford Run Lane across from Dogwood Drive.
2. Necessary dedication for Dogwood Drive in accordance with the Master Plan.
3. Full width dedication and construction of Guilford Run Lane as a secondary residential roadway terminating in a cul-de-sac inside the property in its entirety. Applicant should also comply with the Master Plan condition of constructing the western segment of Guilford Run Lane from the existing pavement to Dogwood Drive in the same manor as the eastern part.
4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.



Division of Operations

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

5. Proposed streets sections for Dogwood Drive and Guilford Run Lane shown on the plan are not in conformance with County design criteria and standards for publicly maintained streets. The preliminary plan will need to show roadways designed in accordance with M-NCPPC and MCDPW&T requirements.
Any proposed modifications to the applicable DPWT standards will need to be accompanied by appropriate supporting documents for our approval.
6. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to obtain the approval of grade establishments for new public streets from DPS.
7. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
8. The plan should provide a horizontal alignment for Guilford Run Lane which satisfies this design speed.
9. The sight distances study has **not** been accepted. Prior to approval of the record plat by DPS, the applicant's engineer will need to submit a revised sight distances certification. The revised form will need to indicate that tree trimming and/or removal has been completed to achieve a minimum of two hundred and fifty (250) feet of sight distance in each direction.

Tree removal/trimming along existing public rights of way is to be coordinated with the State Forester's Office of the Maryland Department of Natural Resources. They may be contacted at (301) 854-6060.
10. Waiver from the Montgomery County Planning Board for overlength cul-de-sac(s).
11. Waiver from the Montgomery County Planning Board for lot(s) on a private right of way.
12. On Dogwood Drive no parking spaces are to be shown along side the road. Availability for on-street parking shall be determined by DPWT.
13. Provide the necessary adjustments to Guilford Run Lane so its curb return at the intersection of Dogwood Drive does not cross the property line.
14. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are required on both sides of the Guilford Run Lane, along the site frontage on Dogwood Drive and recommended on both sides of private streets unless the applicant is able to obtain a waiver from the appropriate government agency.
15. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
16. This site is located in the vicinity of one of the alignments under consideration for the Inter County Connector project. The applicant is advised to contact the ICC Project Office in

Baltimore (1-800-548-5026) to assess the potential impact of that roadway on this site.

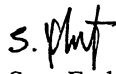
17. Geometrics for the intersection of Guilford Run Lane and Dogwood Drive will be reviewed by the Department of Permitting Services as part of their review of the building permit application. Included in that review will be the design of any necessary left turn storage lanes and/or acceleration/deceleration lanes. We advise the applicant to submit their traffic volume data to the DPS Right-of-Way Permitting and Plan Review Section (in advance of their building permit applications) to verify their intersection improvement requirements and the acceptability of their design.
18. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
19. 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.
20. 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.
21. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
22. Public Improvements Agreement (PIA) will be an acceptable method of ensuring construction of the required public improvements within the County right of way. The PIA details will be determined at the record plat stage. The PIA will include, but not necessarily be limited to, the following improvements:
 - A. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Guilford Run Lane as detailed in item#3 above.
 - B. Improve Dogwood Drive to primary residential roadway standards with sidewalk along the site frontage.
 - C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - D. 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.
 - E. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.

Ms. Catherine Conlon
Preliminary Plan No. 1-20061090
Date July 7, 2006
Page 4

- 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 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/farhas01/preliminary plans/ 1-20061090, Kushner Property.doc

Enclosures ()

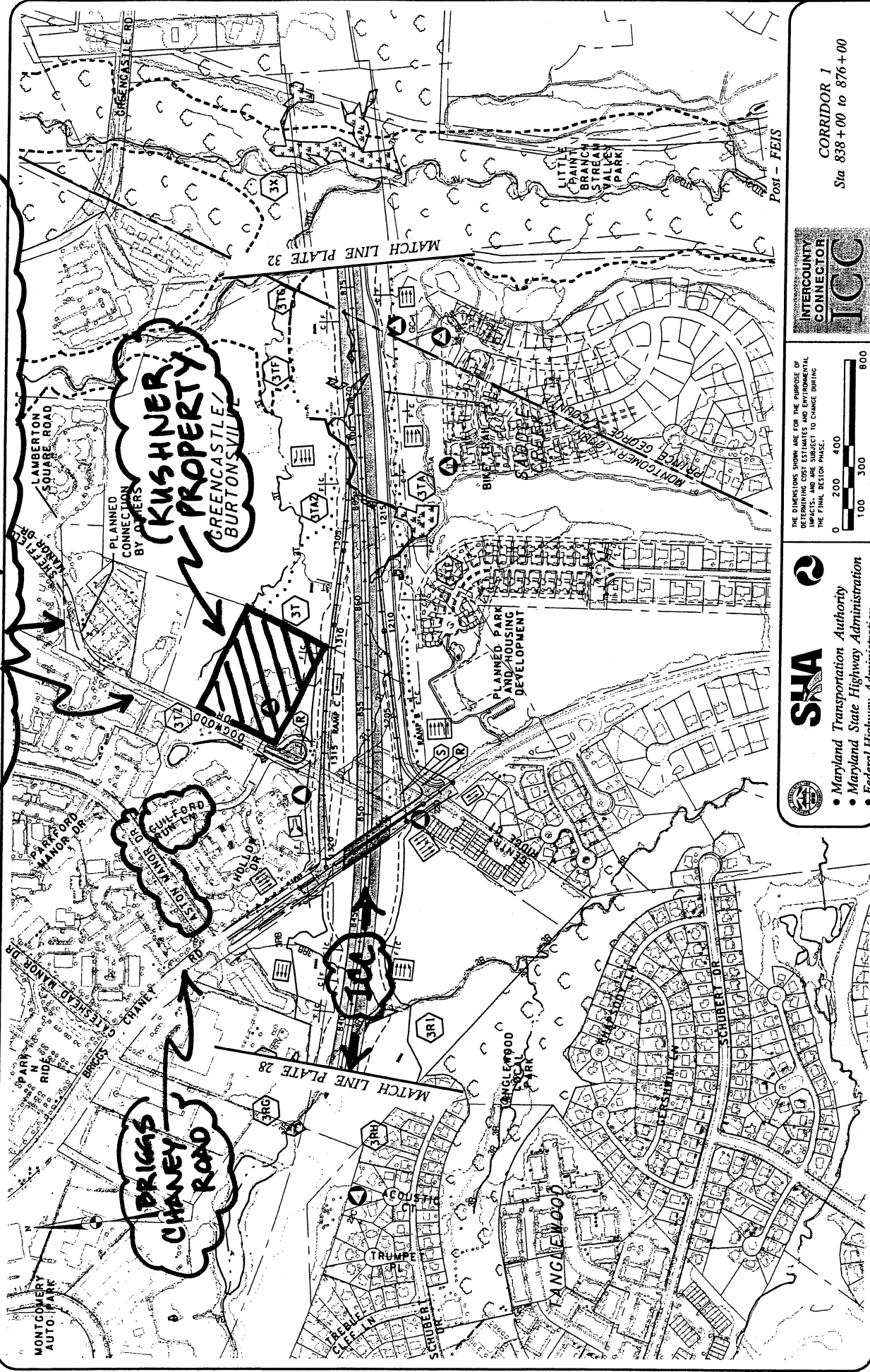
- cc: Craig Kazanjian, Kaz Brothers
- Kevin Foster, Gutschick, Little & Weber
- Joseph Y. Cheung; DPS RWPPR
- Christina Contreras; DPS RWPPR
- Sarah Navid; DPS RWPPR
- Shahriar Etemadi; M-NCPPC TP
- Gregory Leck, DPWT TEOS
- Raymond Burns, MSHA
- Preliminary Plan Folder
- Preliminary Plans Note Book

DOGWOOD DR / SHEFFIELD MANOR DR

KUSHNER PROPERTY
GREENCASTLE / BURTONSVILLE

GULFORD TOWNE

BRIGGS CHANEY ROAD



INTERCOUNTY CONNECTOR
ICC
 May 1, 2006

THE DIMENSIONS SHOWN ARE FOR THE PURPOSE OF DETERMINING COST ESTIMATES AND ENVIRONMENTAL IMPACT TO CHANGE DURING THE FINAL DESIGN PHASE.

SCALE IN FEET

SHA
 Maryland Transportation Authority
 Maryland State Highway Administration
 Federal Highway Administration

CORRIDOR 1
 Sta 838+00 to 876+00

Scale: 1" = 400'
 Plate 31

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