

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

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**MCPB  
ITEM #12  
3/31/05**



**MEMORANDUM**

**DATE:** March 24, 2005

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Development Review Division

Cathy Conlon, Acting Supervisor *CC*  
Development Review Division

**FROM:** Richard A. Weaver, Planner Coordinator *RAW*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan of Subdivision  
**APPLYING FOR:** Preliminary Plan Approval for 4 dwelling units

**PROJECT NAME:** Village of Potomac  
**CASE NO.** 1-03062  
**REVIEW BASIS:** Pursuant to Chapter 50, the Subdivision Regulations

**ZONE:** R-200  
**LOCATION:** In the southwest quadrant of the intersection of River Road (MD 190) and Hall Road

**MASTER PLAN:** Potomac

**APPLICANT:** Moussa Moaadel  
**ENGINEER:** APEX Engineers.

**HEARING DATE:** March 31, 2005

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**Staff Recommendation:** Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 4 dwelling units.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 3) The applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Potomac Master Plan unless otherwise designated on the preliminary plan.
- 4) The applicant shall construct a 5' sidewalk from the Hall Road cul-de-sac to connect to the existing sidewalk on River Road.
- 5) At such a time as the existing house on Lot 4, as shown on the approved preliminary plan, is removed and a new home is built, access to River Road will be closed and the new house shall access only Hall Road.
- 6) Record plat to note, "vehicular access denied" along River Road except at approved locations.
- 7) Compliance with the conditions of approval of the MCDPS stormwater management approval dated January 31, 2005.
- 8) Compliance with conditions of MCDPWT letter unless otherwise amended.
- 9) Other necessary easements.

#### **SITE DESCRIPTION and SURROUNDING AREA:**

The subject property consists of two deed parcels that total 2.30-acres and is located in the southwest quadrant of the intersection of River Road (MD 190) and Hall Road. (See attachment A and B). The property is zoned R-200 and is served by public water and sewer. The site abuts existing, developed R-200 zoned residential lots on all four sides, including the properties across River and Hall Road. There is an existing house on the property that is currently operated under a special exception (S-550) as an antique shop.

The property has frontage on Hall Road and on River Road. Pavement for Hall Road currently ends at the site and does not connect to River Road; however, the right-of-way to accommodate a future connection out to River Road does exist.

#### **PROJECT DESCRIPTION**

This application proposes to create four residential lots on the two parcels. Note that the two parcels in their current configuration are each eligible to receive a building permit for one single-family structure under the provision of Chapter 50, the Subdivision Regulations (Sec. 50-9f). In essence the plan is requesting approval of two additional building lots. The lots will front on Hall Road, which will be terminated with a cul-de-sac. The applicant will need to dedicate additional right-of-way to accommodate the bulb of the cul-de-sac. Lot 4, as shown on the plan, contains an existing single-family structure that is operating under a special exception approval for an antique shop that can continue to operate if the plan is approved. The house currently has

approved access to River Road. If/when the house is removed and replaced by a new house, access to River Road shall cease and the new home will access Hall Road.

## **HALL ROAD CONNECTION**

At the initial Development Review Committee meeting on this application, staff of the various review agencies debated the merits of connecting Hall Road to River Road within the dedicated right-of-way that existed on the south side of the property. Staff reviewed the connection with respect to public need, potential for non-local use and nexus. The applicant participated in the discussion and worked with the State Highway Administration (SHA). Early in the process, the SHA expressed concerns about the possibility of unacceptable site distance at what would be the intersection of Hall Road and River Road on the south side of River Road. To accommodate the new intersection it was believed that significant reconstruction of River Road would need to be done to “shave off” a hill immediately east of the subject property to provide adequate site distance. The applicant proceeded to evaluate the necessary construction and improvements needed to perform the work and provided a cost analysis that was reviewed by SHA, MCDPWT and Transportation Planning staff.

It has been staff and Planning Board practice to support connections of internal road networks where feasible to provide better traffic circulation and dispersal and to provide better access for emergency and County service vehicles. Hall Road appears to have been planned to have an eventual connection to River Road by virtue of the fact that the right-of-way to provide such a connection has been either dedicated or otherwise acquired by the county. This application presented an opportunity to study the need or feasibility of that connection, hence the cost analysis provided by the applicant and a study of the need, traffic pattern and nexus.

The letters received in the file evidenced strong community opposition to the Hall Road connection. Staff closely looked at the potential for non-local use sometimes referred to as cut-through traffic. Staff is of the belief that the circuitous nature of the route established by the connection would not promote unacceptable non-local use, which would most likely occur from traffic traveling north on Falls Road attempting to reach east bound River Road. The public need for such a connection could be demonstrated in that it would provide an additional vehicular and pedestrian access point to River Road for the local neighborhood.

The issue of a rational nexus for what could be the ability to construct two additional houses was the subject of the applicant’s study. That report (see attachment C) itemized the potential cost to perform the necessary re-grading of River Road and extension of Hall Road. The total cost and bond estimate as shown in that report is \$610,000. This figure was generally accepted as accurate by review staff.

Staff does not believe that there is a reasonable nexus to require the applicant to perform the road improvements to River Road and Hall Road for the four-lot proposal. Therefore, the application shows only the proper termination of Hall Road as a cul-de-sac with a sidewalk connection out to River Road for improved pedestrian circulation. The right-of-way for Hall Road out to River Road is to remain as the need for a connection of these two roadways may be justified as our transportation needs and policies in the County evolve.

## **TRANSPORTATION**

Staff concludes that the subject preliminary plan will provide safe and adequate access for vehicles and pedestrians. A traffic study was not required for the property because of the small number of trips that will be generated by the proposed houses. The approval conditions include construction of the cul-de-sac for Hall Road and sidewalks along the property frontage with Hall Road out to the existing sidewalk on River Road.

## **ENVIRONMENTAL**

Development of the property will result in the loss of 1.37 acres of forest while 0.59 acres will be retained on site. To meet their forest conservation requirements the applicant will need to provide 0.19 acres of forest. These requirements will be met off-site.

## **CITIZEN CORRESPONDENCE**

Staff received numerous letters during the course of the review of this application and all are included as Attachment D to this staff report. The vast majority of letters received during the initial review stage strongly opposed the connection of Hall Road to River Road. An adjacent property owner, Mr. Klausner, was concerned about the home on proposed Lot 1 being somewhat setback from Hall Road so that it appeared to be associated with his rear yard. The plan was revised slightly to widen Lot 1 and allow the home to be moved up towards Hall Road and more in line with other homes on Hall Road. Mr. Klausner's concerns about runoff are addressed as part of the Department of Permitting Services review as outlined in their January 31, 2005 approval letter.

More recent letters support the four-lot application with the recognition that Hall Road will no longer be connected to River Road at this time.

## **CONCLUSION:**

Staff finds that the proposed plan conforms to the Potomac Master Plan and meets all necessary requirements of Chapter 50, the Subdivision Regulations. Public facilities will be adequate to support and service the proposed subdivision. As such, staff recommends approval of the preliminary plan with the specified conditions.

### **Attachments:**

- Attachment A – Preliminary Plan
- Attachment B – Vicinity Map
- Attachment C – Cost Estimate
- Attachment D – Citizen Correspondence