



FEB 19 2009

MCPB No. 08-161
Preliminary Plan No. 120090030
Wildwood Hills
Date of Hearing: December 18, 2008

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on September 8, 2008, Paul Tran, ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one (1) lot on 26,204 square feet of land located on the south side of Bells Mill Road, approximately 500 feet east of Coventry Way, ("Property" or "Subject Property"), in the Potomac master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120090030, Wildwood Hills, ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated July 7, 2008, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on December 18, 2008, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
Legal Sufficiency:

Christina Sorrento 2/6/09

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WHEREAS, on December 18, 2008, the Planning Board approved the Application subject to certain conditions on motion of Commissioner Alfandre; seconded by Commissioner Presley; with a vote of 5-0, Commissioners Alfandre, Cryor, Hanson, Presley, and Robinson, voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code, Chapter 50, the Planning Board approved Preliminary Plan No. 120090030 to create one lot on 26,204 square feet of land located on the south side of Bells Mill Road, approximately 500 feet east of Coventry Way, in the Potomac master plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to one lot for a one-family residential dwelling unit.
- 2) Compliance with the approved Tree Save Plan dated October 23, 2008.
- 3) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services ("MCDPS") stormwater management concept approval dated July 28, 2008.
- 4) The Applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation approval dated December 11, 2008, prior to recordation of plat.
- 5) 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 resolution.
- 6) Other necessary easements must be shown on the record plat.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The Potomac Subregion Master Plan supports the retention and reconfirmation of existing zoning for all developed, underdeveloped, and undeveloped land in the Subregion, except for those sites recommended for change in the Plan. The Master Plan does not specifically identify the Subject Property, and therefore suggests that R-200 zoning be maintained and is appropriate for the site. The Planning Board finds that the proposed Application substantially conforms with the Master Plan because it is consistent with residential development in the R-200 zone.

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

Roads and Transportation Facilities

The Preliminary Plan does not generate any additional vehicle trips during the morning or evening peak-hours. Therefore, the Application is not subject to Local Area Transportation or Policy Area Mobility Reviews. Bells Mill Road is a secondary street, requiring 60 feet of right-of-way. Sixty feet of right-of-way currently exists, therefore, additional dedication is not required. The Preliminary Plan currently proposes a five foot sidewalk along the frontage although the Applicant has the option to pursue a waiver of sidewalks from MCDPS. The Planning Board does not oppose a waiver of the requirement to provide a sidewalk along the Property frontage since there are no existing sidewalks in the local area and the Board found that vehicle and pedestrian access was safe and adequate with or without a sidewalk. The Planning Board understands that the final decision on a waiver of sidewalks is under the authority of the MCDPS. Bells Mill Road at this location is not a through street; therefore, traffic volume is much less than on other sections of Bells Mill Road where it serves as a primary street and commuter route. Therefore, the Planning Board finds that vehicle and pedestrian access for the subdivision will be safe and adequate using the existing street network.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the redeveloped dwelling unit. The Application meets the Montgomery County Fire and Rescue Service requirements for fire and rescue vehicle access. Since a dwelling already exists on the Property, the proposed redevelopment will not affect other public facilities and services, such as schools, police stations, firehouses and health services which are currently operating within the standards set by the Growth Policy Resolution currently in effect. Electrical and telecommunications services are also available to serve the Property. The Planning Board finds that these public facilities will be adequate to serve the proposed lot.

- 3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections, including the requirements for resubdivision as discussed below. The Planning Board finds that the proposed lot size,

width, shape and orientation are appropriate for the location of the subdivision.

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

The Property has received an exemption (No. 42008205E) from the requirement to submit a preliminary forest conservation plan, however; a condition of the exemption requires that a Tree Save Plan be submitted for review and approval. A Tree Save Plan was approved by Staff on October 23, 2008. It proposes the removal of four large and/or specimen trees on-site, and the protection of two off-site trees in close proximity to the Property boundary. The Planning Board finds that the Application is in conformance with Chapter 22A.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site.*

The MCDPS, Stormwater Management Section approved a stormwater management concept for the project on July 28, 2008. The stormwater management concept includes on-site water quality control and recharge via drywells and infiltration trenches for the rooftop and paved area. Channel protection is not required because the one-year post-development peak discharge is less than two cubic feet per second. The Planning Board finds that the plan adequately addresses the requirement to provide stormwater management controls.

6. *The proposed lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood (as delineated by Staff in the Staff Report) ("Neighborhood"), as analyzed below.*

Size:

Lot sizes in the Neighborhood range from 0.48 acres to 0.71 acres representing a fairly tight range of lot sizes. The proposed lot will be 0.60 acres and falls within the range of lot sizes. The Planning Board finds that the proposed lot size is in character with the size of existing lots in the neighborhood.

Width:

Lot widths in the Neighborhood range from 115 feet to 198 feet. The proposed lot has a lot width of 130 feet. While it will be the second narrowest lot at the building line within the Neighborhood, there are two other lots; one at 132 feet and the other at 135 feet in width which are essentially the same. Also, this resubdivision would not alter the width of the lot from its original platted dimension. The Planning Board finds that the proposed lot will be in character with existing lots in the neighborhood with respect to width.

Frontage:

In the designated Neighborhood, lot frontage ranges from 115 feet to 401 feet. The proposed lot has 130 feet of frontage on Bells Mill Road. The lot frontage will remain the same as that which was originally platted for Lot 2, Block B, Wildwood Hills. Therefore, the Planning Board finds that the lot will be of the same character as existing lots in the Neighborhood with respect to lot frontage.

Area:

When evaluating buildable area, lots in the Neighborhood range from 0.24 acres to 0.41 acres. The proposed lot will have 0.33 acres of buildable area placing it in the middle of the range. The Planning Board finds that the proposed lot will be of the same character as other lots in the neighborhood with respect to buildable area.

Alignment:

In terms of alignment, the road network is curvilinear and the lots in the Neighborhood are perpendicular to the street on which they front. The proposed lot is also perpendicular in alignment and again does not change from the alignment in which it was originally recorded by plat. The Planning Board finds that the proposed lot is of the same character as existing lots with respect to the alignment criterion.

Shape:

With respect to shape, the Applicant has identified the lot shapes as rectangular (with fillets, or corner curves) or as irregular rectangles. The proposed lot will be best described as an irregular rectangle which is essentially the same as what it was originally platted as. The Planning Board finds that the shape of the proposed lot will be in character with shapes of the existing lots.

Suitability for Residential Use:

The existing and the proposed lots are zoned residential and all have existing a one family structure on them therefore, the Planning Board finds that the proposed lot is suitable for residential use.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be; and

BE IT FURTHER RESOLVED, that the date of this Resolution is FEB 19 2009 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Cryor, seconded by Commissioner Alfandre, with Commissioners Hanson, Robinson, Alfandre, and Cryor voting in favor of the motion, and Commissioner Presley absent, at its regular meeting held on Thursday, February 12, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board