






## Andrus Property, Preliminary Plan No. 120180130

-  Troy Leftwich, Planner Coordinator, Area 2 Division, Troy.Leftwich@montgomeryplanning.org, (301) 495-4553
-  Patrick Butler, Supervisor, Area 2 Division, Patrick.Butler@montgomeryplanning.org, (301) 495-4561
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Staff Report Date: 6/17/19

### Description

Request to subdivide seven (7) existing lots, into a total of fifteen (15) lots, for a total of eight (8) new single-family detached lots/houses.

Location: West side of Greentree Road between Grubby Thicket Way and Barnett Road.

Master Plan: 1992 *North Bethesda/Garrett Park Master Plan*.

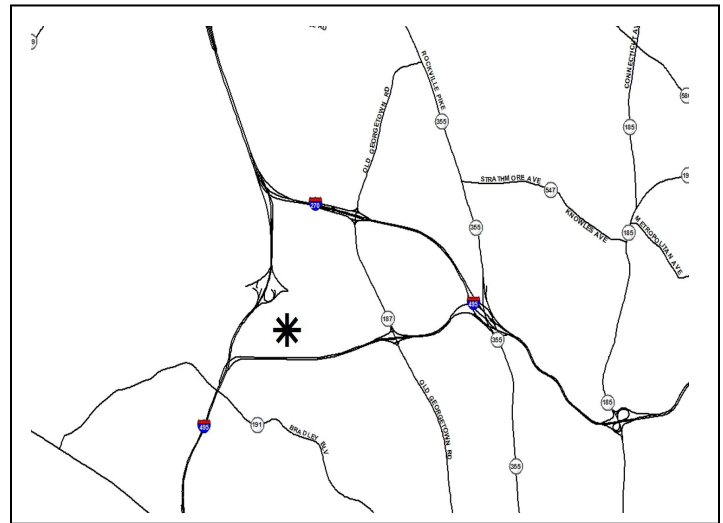
Zone: R-90.

Property Size: 5.38 acres.

Application Accepted: May 15, 2018.

Applicant: Andrus Group, LLC.

Review Basis: Chapter 50, Subdivision Regulations.



### Summary

- Staff recommends approval with conditions.
- The Application is being reviewed per the Development Standards of Section 59.4.4.8, as an R-90 Zone Standard Method Development project.
- The Applicant will meet all requirements in Chapter 22A, Forest Conservation.

## **SECTION 1: RECOMMENDATION AND CONDITIONS**

### **Preliminary Plan No. 120180130**

Staff recommends approval of Preliminary Plan No. 120180130. All site development elements shown on the latest electronic version of Preliminary Plan No. 120180130 submitted via ePlans as of the date of this Staff Report are binding:

#### **Density**

1. This Preliminary Plan is limited to a total of 15 lots, for a total of eight (8) new single-family detached houses, six (6) existing single-family detached units to remain and one (1) existing single-family detached house to be demolished and replaced.

#### **Adequate Public Facilities and Outside Agencies**

2. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of this Planning Board Resolution.

#### **Outside Agencies**

3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated May 24, 2019, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated April 18, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated March 26, 2019 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

## **Environment**

### **Forest Conservation**

7. Limits of disturbance on the Sediment Control Plan must match the limits of disturbance shown on the Final Forest Conservation Plan (FFCP).
8. The Applicant must comply with all tree protection and tree save measures shown on the FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector.
9. Prior to scheduling a pre-construction meeting for any clearing or grading, the Applicant must submit an executed Certificate of Compliance to the Planning Department that provides 2.68 acres of mitigation credit from an off-site forest mitigation bank to meet forest conservation planting requirements. The Certificate of Compliance must be recorded in the Montgomery County Office of Land Records prior to any clearing or grading.

## **Transportation**

### **Existing Frontage Improvements**

10. The Applicant must provide the following dedication and show them on the record plat(s) for the following existing roads:
  - a) All land necessary to accommodate the 5,527 square feet of area for the cul-de-sac along the Subject Property frontage for Andrus Road.
11. Prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to construct a five (5)-foot-wide sidewalk along the Property frontage on Andrus Road, Greentree Road, and Barnett Road.

### **New Streets**

12. The Applicant must build the rights-of-way and ensure construction of all necessary road improvements for the following public street, as shown on the Preliminary Plan, to the design standards imposed by the applicable road codes:
  - a) Andrus Road, consistent with MC 2001.01, as modified; and
  - b) Andrus Road, consistent with MC 222.01, as modified.

## **Record Plats**

13. There shall be no clearing or grading of the site prior to recordation of plat(s).

### **Easements**

14. The record plat must show necessary easements.

15. The record plat must reflect a common use and access covenant for the benefit of the public over sidewalks and paths not included in public right-of-way. The covenant must be in a form approved by the M-NCPPC Office of the General Counsel and recorded among the Montgomery County Land Records.
16. The record plat must reflect all areas under common ownership.

#### **Certified Preliminary Plan**

17. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
18. The certified Preliminary Plan must contain the following note:

*Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

19. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
  - a. Rename the Forest Conservation Plan as Final Forest Conservation Plan.
  - b. Provide detailed and specific tree protection measures for on and off-site trees affected by the Limits of Disturbance (LOD) on the Final Forest Conservation Plan.

## SECTION 2: SITE DESCRIPTION

The Property (Outlined in red in Figure 1 below – Property or Subject Property) is located on the north side of Barnett Road and to the west of Greentree Road. The WMAL development is located on the east side of Greentree Road. I-270 is west of the Property and I-495-Capital Beltway is to the south. The general area is currently comprised of residential single-family detached homes and townhouses. Andrus Road is an unimproved paper street that is currently a wooded area with mature trees.



Figure 1- Site Vicinity



### SECTION 3: PROJECT DESCRIPTION

Preliminary Plan No. 120180130 (Attachment 1) proposes eight (8) new lots by subdividing the rear of seven (7) existing lots, for a total of 15 lots, on a total of 5.38 acres of land zoned R-90. Eight (8) houses will be new, six (6) will remain, and one (1) will be demolished and replaced. The proposal includes improvement to the already platted Andrus Road to the MC-2001.01 Road Code Standard, as modified. The proposal will require 5,527 square feet of dedication to create the cul-de-sac, per the MC-212.01 Road Code Standard, as modified. The Applicant must construct a five (5)-foot-wide sidewalk along Barnett Road, Andrus Road, and Greentree Road, as shown on the Preliminary Plan. The Project will incorporate retaining walls to address grade changes along the rear of lots 6a through 9a.



Figure 2- Site Details

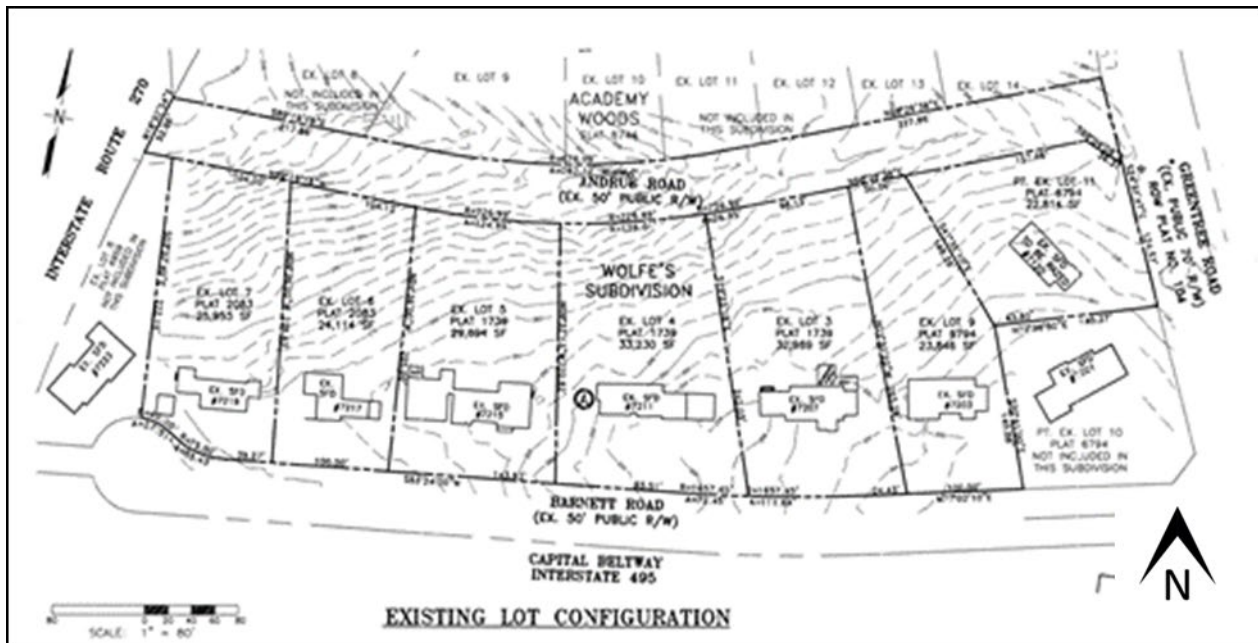


Figure 3- Existing Lots

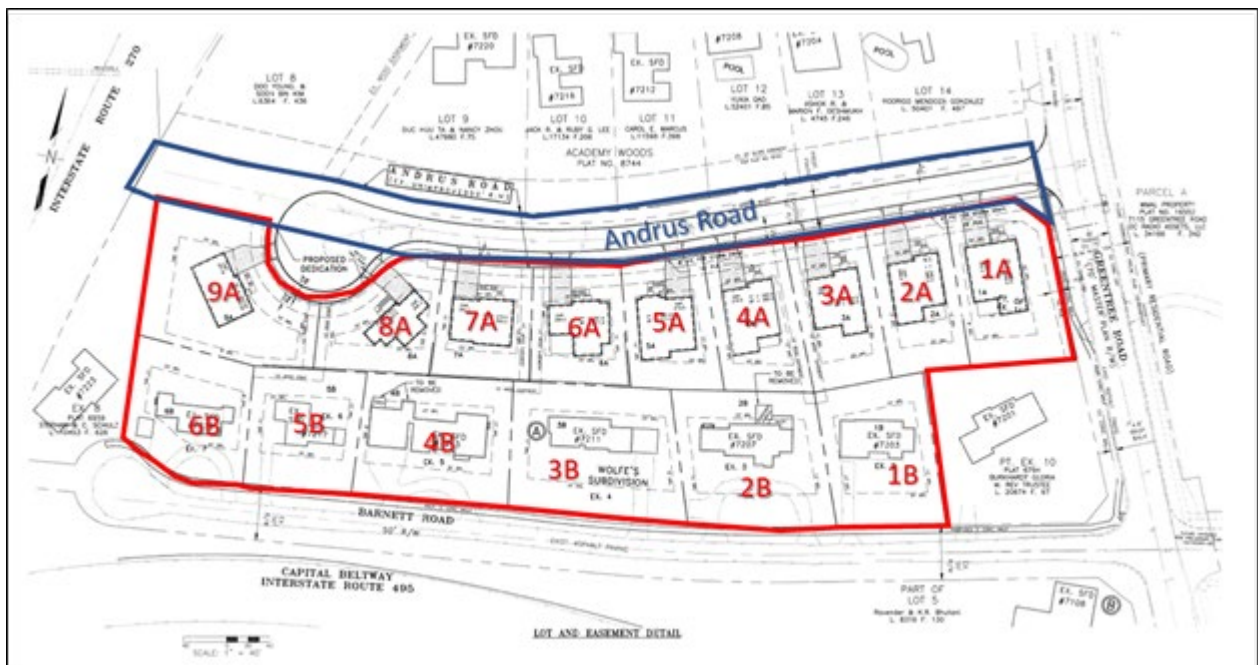


Figure 4- Proposed Lots

#### Abandonment of a Portion of Andrus Road

The Applicant has filed an abandonment petition with the County Council, designated, "AB764- Andrus Road," to abandon 6,706 square feet of right-of-way on Andrus Road. The abandonment petition, if granted by the Council, will help create a proper public street terminus/cul-de-sac where Andrus Road meets I-270. Planning Staff supports the abandonment petition and has provided comments to the Montgomery County Department of Transportation (MCDOT) on the abandonment. While the Planning Board can comment if it chooses, Planning Board action on the abandonment is not required as a part of this review (see Attachment 3).

## Community Outreach

The Applicant has met all noticing requirements. As of the posting of this Staff Report, Staff has not received any correspondence about the Preliminary Plan.

### SECTION 4: ANALYSIS AND FINDINGS, 50.4.2.D

*1) The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The proposed lots were reviewed for compliance with the dimensional requirements for the R-90 Zone, as specified in the Zoning Ordinance. The proposed lot dimensions, size, width, shape and orientation are appropriate for the location of the subdivision and this type of development and will meet all dimensional requirements for the area, frontage, width, and setbacks in the R-90 Zone. The application represents infill development in an appropriate location near a future public school. The proposal is consistent with the intent of the R-90 Zone that reads as follows:

*“to provide designated areas of the County for moderate density residential uses. The predominant use is residential in a detached house.”*

Pursuant to Section 59.4.4.8 of the current Zoning Ordinance, applicable development standards for a Standard Method development of the Property in the R-90 Zone are as follows:

**Table 1: R-90 Zone, Standard Method Development Standards**

PLAN DATA	Required/Permitted	Proposed
<b>1. Lot and Density (59.4.4.8.B.1.)</b>		
<b>Lot (min)</b>	9,000 sq. ft.	≥9,037 sq. ft.
<b>Density (max)</b> Density (units/acre)	4.48	3
<b>Coverage (max)</b> Lot	30%	≤ 30%
<b>Specification for Lot &amp; Density</b>		
<b>2. Placement (59.4.4.8.B.2.)</b>		
<b>Principal Building Setbacks (min)</b>		
Front setback	30 ft.	30 ft.
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	30 ft.	≥ 30 ft.
Side setback	8 ft.	≥ 8 ft.
Sum of side setbacks	25 ft.	≥ 25 ft.
Rear setback	25 ft.	≥ 25 ft.
<b>Height (max) (59.4.4.8.B.3.)</b>	35 ft.	30 ft.



*2) The preliminary plan substantially conforms to the master plan.*

The proposed Preliminary Plan is in the 1992 *North Bethesda/Garrett Park Master Plan* area. The Master Plan recommends the retention of the existing residential neighborhoods with future development focused at Metrorail stops, new transit stations, and areas best served by transportation infrastructure. The Master Plan primarily focuses on the areas around Rock Spring and the Twinbrook, White Flint and Grosvenor Metrorail Stations and seeks to reduce dependency on the automobile by expanding transit service and focusing development in areas served by transit.

While the Property is not specifically identified or discussed in the Master Plan, the Master Plan recommends the confirmation of existing zoning for all parcels within North Bethesda, unless specifically referenced. Therefore, the Property remains within the R-90 zone.

The proposed Preliminary Plan conforms to the land use objectives of the Master Plan, as it “reinforces the integrity of the existing residential neighborhoods” and “encourages a land use pattern that provides opportunities for housing and employment.” (Page 33).

*3) Public facilities will be adequate to support and service the area of the subdivision.*

**Schools**

Based on the following school cluster and individual school capacity analysis performed using the FY2019 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this application.

Overview and Applicable School Test

The Preliminary Plan was accepted on May 15, 2018. The Applicant proposes a net addition of eight (8) single-family dwelling units. The application is scheduled for Planning Board review on June 27, 2019. Therefore, the applicable annual school test is the FY2019 Annual School Test, approved by the Planning Board on June 21, 2018 and effective July 1, 2018.

Calculation of Student Generation

To calculate the number of students generated by the proposed development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The Property is located in the southwest region of the County. The applicable regional student generation rates are shown in the following table:

*Per Unit Student Generation Rates – Southwest Region*

	<b>Elementary School</b>	<b>Middle School</b>	<b>High School</b>
<b>SF Detached</b>	0.193	0.111	0.147
<b>SF Attached</b>	0.191	0.094	0.124
<b>MF Low- to Mid-Rise</b>	0.146	0.063	0.083
<b>MF High-Rise</b>	0.055	0.022	0.031

With a net addition of eight (8) new single-family dwelling units, the proposed project is estimated to generate the following number of students:

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	8	0.193	1.544	0.111	0.888	0.147	1.176
<b>TOTAL</b>	<b>8</b>		<b>1</b>		<b>0</b>		<b>1</b>

#### Cluster Status and Adequacy

The Property is located in the Walt Whitman High School Cluster. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for the Whitman Cluster are noted in the following table:

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Project Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	2,410	2,539	94.9%	3,047	2,411
Middle	1,336	1,502	88.9%	1,803	1,336
High	2,129	2,397	88.8%	2,877	2,130

The Moratorium Enrollment Threshold identified in the table is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. As indicated in the last column, the projected enrollment plus the estimated impact of this project fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this project.

#### Individual School Status and Adequacy

The Property is located in the Burning Tree ES service area and in the Thomas W. Pyle MS service area. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

School	Projected School Totals, September 2023				Moratorium Thresholds		Projected Enrollment + Project Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit	120% Utilization	Seat Deficit	
Burning Tree ES	429	379	113.2%	-50	455	489	430
Pyle MS	1,336	1,502	88.9%	+166	1,803	1,682	1,336

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for an elementary school or 180 seats for a middle school. If a school's projected enrollment exceeds both thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. Current projections for both Burning Tree ES and Pyle MS fall below the thresholds. Therefore, both service areas remain open to new residential development. As indicated in the last column, the projected enrollment plus the estimated impact of this project falls below both applicable moratorium thresholds for both schools.

Therefore, there is sufficient capacity at Burning Tree ES and Pyle MS to accommodate the estimated number of students generated by this project.

## Transportation

### Local Area Transportation Review

The Application satisfied the Local Area Transportation Review through a transportation exemption statement, dated April 5, 2019, because the proposed development will generate fewer than 50 peak hour person trips. That statement indicated that the proposed development would generate 10.48 net new morning peak-hour person trips (8.70 vehicle trips) and 8.99 net new evening peak-hour person trips (7.46 vehicle trips).

### Master Plan of Highways

Proposed Andrus Road exists as a 50-foot-wide dedicated but unimproved secondary residential street. In order to reduce pavement width and tree impacts to existing mature trees within the right-of-way, Andrus Road will be constructed in accordance with Tertiary Residential standards (MC 2001.01), as shown in Figure 5, terminating in a modified cul-de-sac with a 110-foot diameter (Figure 6).

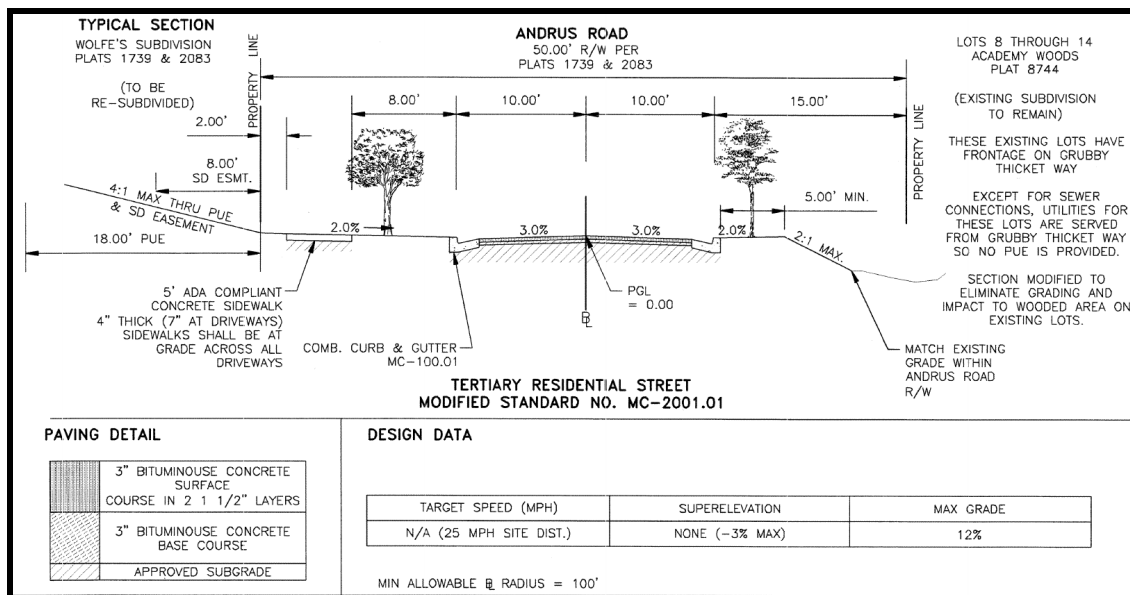


Figure 5- Andrus Road

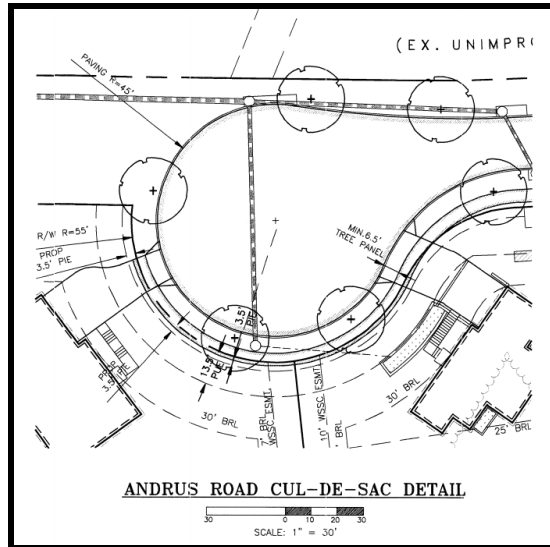


Figure 6- Andrus Cul-de-sac

Andrus Road is not a master-planned road, however, it connects to Greentree Road, which has been constructed to its master-planned width of 70 feet. Greentree Road is classified as a primary residential street. The Applicant is required to provide sidewalks along the entire Property frontage, which includes Andrus Road, the west side of Greentree Road and the north side of Barnett Place. There is one property not included in this application at the corner of Greentree Road and Barnett Place, but the Applicant is required to provide a five (5) foot sidewalk along this stretch in order to provide one continuous facility, as shown in Figure 7 below. Along this property, the sidewalk will narrow below the standard to accommodate retaining walls located on private property, which fall outside the scope of the project.

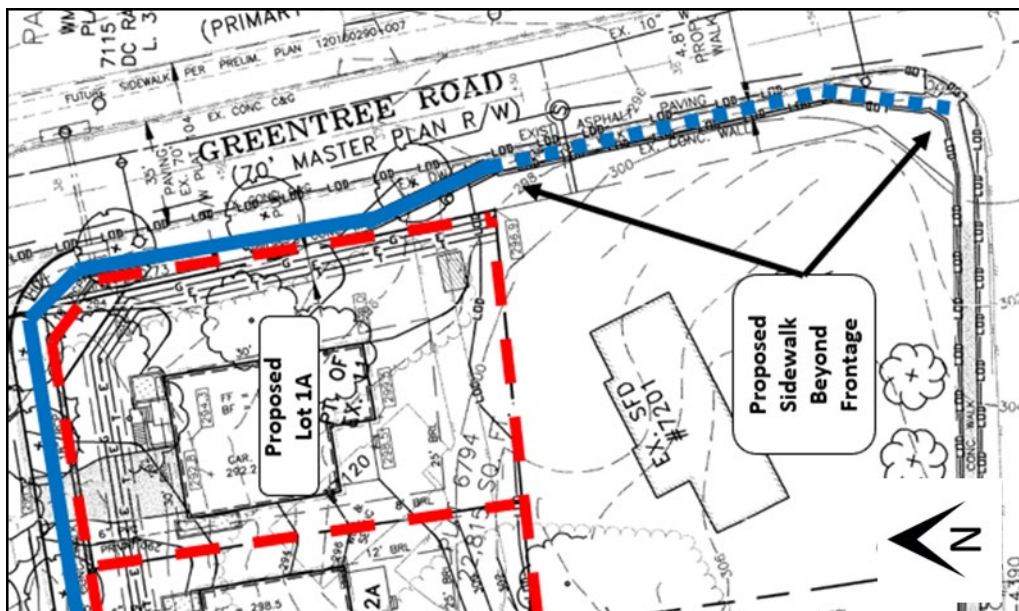


Figure 7- Greentree sidewalk

#### Vehicular Access Points

Vehicular access to each of the proposed lots will be provided directly from Andrus Road/Greentree Road. Each proposed lot will have its own driveway, ranging between 16 to 20-feet-wide. Sidewalks will be carried over the proposed driveway aprons in a flush condition, ensuring pedestrians will not have to ramp up and down at each driveway location.

#### Bicycle and Pedestrian Facilities

The 2018 *Bicycle Master Plan* does not call for dedicated bicycle facilities along either Andrus Road, or Greentree Road. An off-street trail, to be implemented per the pending WMAL project (Site Plan No. 820170170), is anticipated to facilitate bicycle travel between Grubby Thicket Way, just north of proposed Andrus Road, and Derbyshire Court.

#### Public Transit Service

The closest public transit services are located just under a mile walk from the proposed site at Bradley Boulevard and Burdette Road, which services the Ride On 36 line, and Fernwood Road and Marywood Road, which services the 47 line. The 36 line provides service to the Connelly School of the Holy Child (points west) and the Bethesda WMATA Metrorail Station (points east). Weekday headways are 30 minutes. The 47 line also has 30-minute weekday headways and services Rockville's WMATA Metrorail and MARC rail stations to the north, and the Bethesda WMATA Metrorail Station points south.

#### **Other Public Facilities**

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

*4) All Forest Conservation Law, Chapter 22A requirements are satisfied.*

#### Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #420180070) on November 20, 2017. The Property lies in the Cabin John Creek watershed and contains 2.87 acres of upland forest. There are no streams, wetlands or environmental buffers on-site. The site includes approximately one-half acre of steep slope on highly erodible soils.

#### Forest Conservation

The Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) and the Applicant has submitted a Preliminary Forest Conservation Plan (Attachment 2) in conjunction with the Preliminary Plan. There is 2.87 acres of existing upland forest, connected to a larger area of forest adjacent to I-270. The 2.87 acres of forest will be cleared due to the infill nature of the project and the existing topography. All forest conservation requirements will be met by purchasing 2.68 acres of forest conservation mitigation credits in a forest conservation bank.

#### Forest Conservation Variance

Section 22A-12(b) (3) of Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or disturbance within the tree's critical root zone (CRZ) requires a variance. An application for a variance must provide



certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires a variance to impact trees that: measure 30 inches or greater diameter at breast height (DBH); are part of a historic site or designated with a historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The Applicant submitted a variance request to remove 19 trees and to impact, but not remove, eight (8) trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

#### Unwarranted Hardship for Variance Tree Impacts

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state will result in unwarranted hardship. The requested variance is necessary due to the infill nature of this development and the need to construct a public road with cul-de-sac terminus to serve the new development. The Property is constrained by existing residential development to the north and south, I-270 to the west, and Greentree Road to the east which limits flexibility in grading. The topography of the site adds an additional challenge, with adjacent development built using substantial grading. The public road is being constructed in existing right-of-way, and even with a reduced pavement width, still constrains the proposed layout.



#### Variance Tree Tables

##### Removals

ID	Species	Size	Condition
T9	Tulip poplar	33"	Good
T27	Tulip poplar	35"	Fair
T30	Tulip poplar	32"	Fair
T35	Tulip poplar	30"	Fair
T53	Tulip poplar	30"	Good
T55	Tulip poplar	32"	Good
T62	Tulip poplar	40"	Good
T63	Tulip poplar	33"	Fair
T65	Tulip poplar	39"	Poor
T66	Tulip poplar	32"	Good
T68	Elm	30"	Fair
T69	Tulip poplar	30"	Fair
T81	Tulip poplar	31"	Good

ID	Species	Size	Condition
T89	Red oak	34.8"	Good
T92	Red oak	32.8"	Good
T95	Tulip poplar	32"	Good
T99	Tulip poplar	30"	Fair
T-100	Tulip poplar	34"	Poor
T-107	Tulip poplar	35"	Good

#### Impacts

ID	Species	Size	Condition	% CRZ Impacts
T6	Tulip poplar	31.9	Good	30%
T75	Tulip poplar	33.3"	Good	33%
T76	Tulip poplar	30.7"	Good	28%
T80	Tulip poplar	31.6"	Good	33%
T87	Tulip poplar	31.4"	Good	30%
T91	Tulip poplar	36.9"	Good	29%
T97	Sycamore	30"	Poor	25%
T-111	Tulip poplar	36"	Good	17%

#### Variance Findings

Based on the review of the variance request and the proposed Preliminary Forest Conservation Plan, Staff makes the following findings:

1. *Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting this variance will not confer a special privilege on the Applicant as disturbance of the specified trees is a result of the need to build the infill development with all associated infrastructure. The size and configuration of the Property preclude alternative site designs that would allow the variance trees to remain undisturbed.

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

The requested variance is not based on conditions or circumstances that are the result of actions by the Applicant. The variance is necessary due to the size and shape of Property, the requirements to develop infrastructure, and the location of the existing trees on and around the Property. The Applicant is using existing right-of-way, with reduced pavement width, to provide access to the infill development.

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

The requested variance is a result of the location of trees and the proposed development and not a result of land or building use on a neighboring property. With the reduced

pavement width, the impact to the trees is the minimum disturbance necessary to build eight (8) additional homes, with associated infrastructure.

4. *Granting the variance will not violate State water quality standards or cause measurable degradation in water quality.*

The Applicant will plant 36, three-inch caliper native shade trees to replace the form and function of the variance trees proposed for removal. In addition, the Property will be developed in accordance with the Maryland Department of the Environment criteria for stormwater management. As a result, State water quality standards will not be violated and there will be no measurable degradation in water quality.

#### Mitigation for Trees Subject to the Variance Provisions

The Applicant is requesting a variance to remove 19 trees. Of the 19 trees proposed for removal, 13 of the trees are located outside of areas of forest removal. The 13 trees (listed in the removal table above) will be mitigated at a rate of 1" caliper per 4" DBH removed, using a minimum 3" caliper native shade tree. The Applicant will plant 36, 3-inch caliper trees which are shown on the Preliminary Forest Conservation Plan.

#### County Arborist's Recommendation of the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The County Arborist has reviewed the variance request and recommended approval with mitigation measures.

#### Variance Recommendation

Staff recommends that the variance request be granted.

- 5) *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The Applicant received approval of their stormwater management concept from the Montgomery County Department of Permitting Services, Water Resources Section on July 2, 2018. The concept proposes to meet required stormwater management goals using a combination of ESD approaches including dry wells and micro-infiltration trenches. The Property is not subject to a water quality plan, and there are no floodplain requirements. The requirements of Chapter 19 for stormwater management are satisfied.

#### Noise

The Subject Property is located directly adjacent to I-270 and I-495. Both interstates have noise walls currently in place, providing mitigation for the traffic noise.

### **SECTION 5: CONCLUSION**

The Preliminary Plan application meets all required findings under the Subdivision Regulations, substantially conforms with the recommendations of the Master Plan and complies with all applicable environmental requirements. Therefore, Staff recommends approval of the Preliminary Plan with the conditions specified at the beginning of this report.

Attachments:

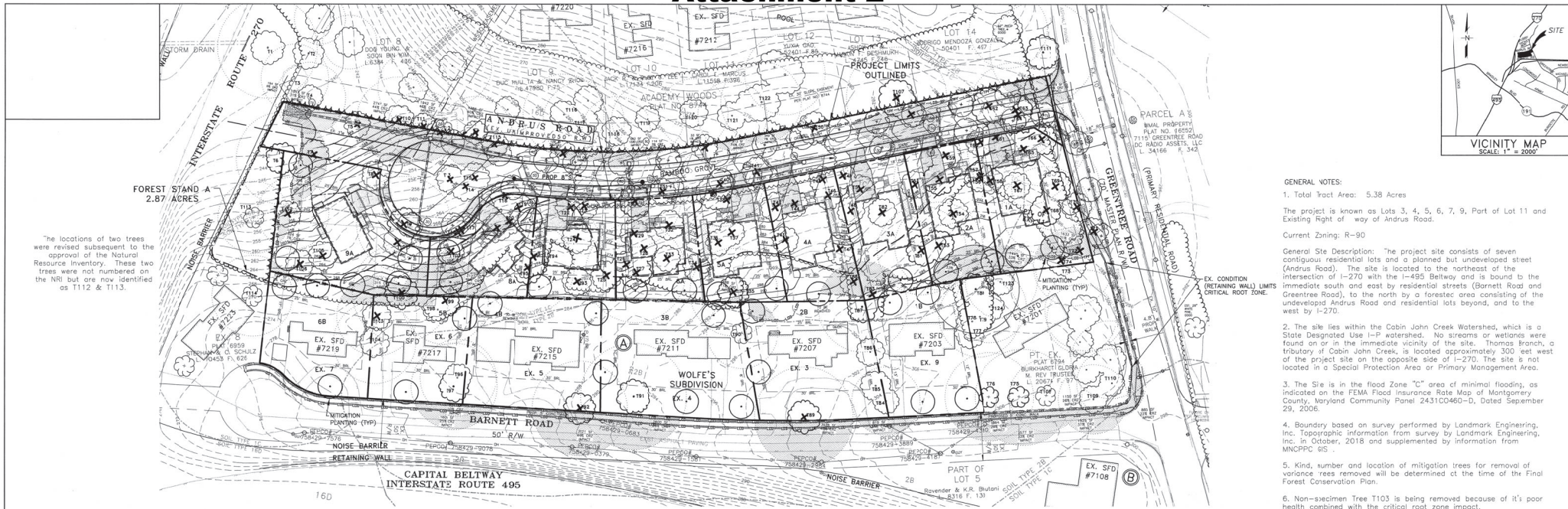
1. Preliminary Plan
2. Forest Conservation Plan
3. Abandonment Case AB-764
4. Agency Approval Letters



[illegible]



# Attachment 2



Tree #	DBH	Species	Condition	Comments	Reason for Removal	Proposed
T1	12	Platanus occidentalis	Good	Some site growth	None	None
T2	12	Platanus occidentalis	Good	Some site growth	None	None
T3	12	Platanus occidentalis	Good	Some site growth	None	None
T4	12	Platanus occidentalis	Good	Some site growth	None	None
T5	12	Platanus occidentalis	Good	Some site growth	None	None
T6	12	Platanus occidentalis	Good	Some site growth	None	None
T7	12	Platanus occidentalis	Good	Some site growth	None	None
T8	12	Platanus occidentalis	Good	Some site growth	None	None
T9	12	Platanus occidentalis	Good	Some site growth	None	None
T10	12	Platanus occidentalis	Good	Some site growth	None	None
T11	12	Platanus occidentalis	Good	Some site growth	None	None
T12	12	Platanus occidentalis	Good	Some site growth	None	None
T13	12	Platanus occidentalis	Good	Some site growth	None	None
T14	12	Platanus occidentalis	Good	Some site growth	None	None
T15	12	Platanus occidentalis	Good	Some site growth	None	None
T16	12	Platanus occidentalis	Good	Some site growth	None	None
T17	12	Platanus occidentalis	Good	Some site growth	None	None
T18	12	Platanus occidentalis	Good	Some site growth	None	None
T19	12	Platanus occidentalis	Good	Some site growth	None	None
T20	12	Platanus occidentalis	Good	Some site growth	None	None
T21	12	Platanus occidentalis	Good	Some site growth	None	None
T22	12	Platanus occidentalis	Good	Some site growth	None	None
T23	12	Platanus occidentalis	Good	Some site growth	None	None
T24	12	Platanus occidentalis	Good	Some site growth	None	None
T25	12	Platanus occidentalis	Good	Some site growth	None	None
T26	12	Platanus occidentalis	Good	Some site growth	None	None
T27	12	Platanus occidentalis	Good	Some site growth	None	None
T28	12	Platanus occidentalis	Good	Some site growth	None	None
T29	12	Platanus occidentalis	Good	Some site growth	None	None
T30	12	Platanus occidentalis	Good	Some site growth	None	None
T31	12	Platanus occidentalis	Good	Some site growth	None	None
T32	12	Platanus occidentalis	Good	Some site growth	None	None
T33	12	Platanus occidentalis	Good	Some site growth	None	None
T34	12	Platanus occidentalis	Good	Some site growth	None	None
T35	12	Platanus occidentalis	Good	Some site growth	None	None
T36	12	Platanus occidentalis	Good	Some site growth	None	None
T37	12	Platanus occidentalis	Good	Some site growth	None	None
T38	12	Platanus occidentalis	Good	Some site growth	None	None
T39	12	Platanus occidentalis	Good	Some site growth	None	None
T40	12	Platanus occidentalis	Good	Some site growth	None	None
T41	12	Platanus occidentalis	Good	Some site growth	None	None
T42	12	Platanus occidentalis	Good	Some site growth	None	None
T43	12	Platanus occidentalis	Good	Some site growth	None	None
T44	12	Platanus occidentalis	Good	Some site growth	None	None
T45	12	Platanus occidentalis	Good	Some site growth	None	None
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T47	12	Platanus occidentalis	Good	Some site growth	None	None
T48	12	Platanus occidentalis	Good	Some site growth	None	None
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T50	12	Platanus occidentalis	Good	Some site growth	None	None
T51	12	Platanus occidentalis	Good	Some site growth	None	None
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T53	12	Platanus occidentalis	Good	Some site growth	None	None
T54	12	Platanus occidentalis	Good	Some site growth	None	None
T55	12	Platanus occidentalis	Good	Some site growth	None	None
T56	12	Platanus occidentalis	Good	Some site growth	None	None
T57	12	Platanus occidentalis	Good	Some site growth	None	None
T58	12	Platanus occidentalis	Good	Some site growth	None	None
T59	12	Platanus occidentalis	Good	Some site growth	None	None
T60	12	Platanus occidentalis	Good	Some site growth	None	None
T61	12	Platanus occidentalis	Good	Some site growth	None	None
T62	12	Platanus occidentalis	Good	Some site growth	None	None
T63	12	Platanus occidentalis	Good	Some site growth	None	None
T64	12	Platanus occidentalis	Good	Some site growth	None	None
T65	12	Platanus occidentalis	Good	Some site growth	None	None
T66	12	Platanus occidentalis	Good	Some site growth	None	None
T67	12	Platanus occidentalis	Good	Some site growth	None	None
T68	12	Platanus occidentalis	Good	Some site growth	None	None
T69	12	Platanus occidentalis	Good	Some site growth	None	None
T70	12	Platanus occidentalis	Good	Some site growth	None	None
T71	12	Platanus occidentalis	Good	Some site growth	None	None
T72	12	Platanus occidentalis	Good	Some site growth	None	None
T73	12	Platanus occidentalis	Good	Some site growth	None	None
T74	12	Platanus occidentalis	Good	Some site growth	None	None
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T76	12	Platanus occidentalis	Good	Some site growth	None	None
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T78	12	Platanus occidentalis	Good	Some site growth	None	None
T79	12	Platanus occidentalis	Good	Some site growth	None	None
T80	12	Platanus occidentalis	Good	Some site growth	None	None
T81	12	Platanus occidentalis	Good	Some site growth	None	None
T82	12	Platanus occidentalis	Good	Some site growth	None	None
T83	12	Platanus occidentalis	Good	Some site growth	None	None
T84	12	Platanus occidentalis	Good	Some site growth	None	None
T85	12	Platanus occidentalis	Good	Some site growth	None	None
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T95	12	Platanus occidentalis	Good	Some site growth	None	None
T96	12	Platanus occidentalis	Good	Some site growth	None	None
T97	12	Platanus occidentalis	Good	Some site growth	None	None
T98	12	Platanus occidentalis	Good	Some site growth	None	None
T99	12	Platanus occidentalis	Good	Some site growth	None	None
T100	12	Platanus occidentalis	Good	Some site growth	None	None

**LEGEND**

- SEWER MANHOLE
- POWER POLE
- STORM DRAIN MANHOLE
- WATER MANHOLE
- FIRE HYDRANT
- WATER VALVE

PROPERTY BOUNDARY  
EXISTING INDEX CONTOUR  
EXISTING INTERMEDIATE CONTOUR  
EXISTING SOIL BOUNDARY  
EXISTING FOREST LIMITS LINE  
CRITICAL ROOT ZONE  
SURVEY LOCATED TREES  
VARIANCE TREES  
FIELD ESTIMATED TREES  
TREES TO BE REMOVED  
PROPOSED MITIGATION TREES TO BE PLANTED  
PROPOSED STREET TREES

## FOREST CONSERVATION WORKSHEET

NET TRACT AREA:

A. Total tract area ..... 5.65  
B. Land dedication areas (parks, county facility, etc.) ..... 0.00  
C. Land dedication for roads or utilities not being constructed by this plan ..... 0.03  
D. Area to remain in commercial agricultural production ..... 0.00  
E. Other deductions (specify) ..... 0.00  
F. Net Tract Area ..... 5.62

LAND USE CATEGORY: (from Trees Technical Manual)  
Input the number "1" under the appropriate land use, based to only one entry.

ARA MDR IDA HDR MPD CIA  
0 0 0 1 0 0

G. Afforestation Threshold ..... 15% x F = 0.84  
H. Conservation Threshold ..... 22% x F = 1.12

EXISTING FOREST COVER:

I. Existing forest cover ..... 2.87  
J. Area of forest above afforestation threshold ..... 2.03  
K. Area of forest above conservation threshold ..... 1.75

BREAK EVEN POINT:

L. Forest retention above threshold with no mitigation ..... 1.47  
M. Prescribed permitted without mitigation ..... 1.40

PROPOSED FOREST CLEARING:

N. Total area of forest to be cleared ..... 2.87  
O. Total area of forest to be retained ..... 0.00

PLANTING REQUIREMENTS:

P. Reafforestation for clearing above conservation threshold ..... 0.44  
Q. Reafforestation for clearing below conservation threshold ..... 2.25  
R. Credits for retention above conservation threshold ..... 0.00  
S. Total reafforestation required ..... 2.69  
T. Total afforestation required ..... 0.00  
U. Credits for landscaping (may not exceed 20% of "S") ..... 0.00  
V. Total reafforestation and afforestation required to be met by purchase of off-site credits in approved forest conservation banks ..... 2.69

* DETAIL REGARDING ROW A OF THE FOREST CONSERVATION WORKSHEET	
A.	TOTAL TRACT AREA 5.65 AC.
Composed of	
SUBDIVISION AREA 5.38 AC.	
PORTION OF PREVIOUSLY DEDICATED RIGHTS OF WAY FOR GREENTREE RD & ANDRUS RD TO CONSTRUCT INTERSECTION TIE-IN 0.08 AC.	
PORTION OF PREVIOUSLY DEDICATED R/2 OF BAFFETT ROAD FOR CONSTRUCTION OF NEW SIDEWALK 0.19 AC.	

### Attachment 3



# MONTGOMERY COUNTY EXECUTIVE ORDER

COPY

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: AB764 – Andrus Road	Executive Order No. PA 077-19	Subject Suffix
Originating Department: Transportation	Department Number PA 10-19	Effective Date 4/11/19

AB764

1. Pursuant to Section 49-62 of the Montgomery County Code (2004) as amended, the County Executive or his Designee shall conduct a Public Hearing

at 7:00 p.m. on Wednesday, June 26, 2019  
Executive Office Building Lobby Auditorium  
101 Monroe Street  
Rockville, Maryland 20850

to consider an application received from Landmark Engineering, Inc., on behalf of its client, Andrus Road, LLC, the Applicant seeking abandonment of a portion of Andrus Road right-of-way off Greentree Road in Bethesda.

2. After the aforesaid Hearing, the Hearing Officer shall report his findings and recommendations to the County Executive for further consideration as prescribed by County Code.

Approved as to Form and Legality:  
Office of the County Attorney

By: RRB

Robert Birenbaum  
Associate County Attorney

Date: 3/26/2019

APPROVED:

Fariba Kassiri

Fariba Kassiri  
Deputy Chief Administrative Officer

Date: 4/11/19

Distribution:

Department of Transportation  
Department of Finance  
Office of County Attorney



**Attachment 3**  
**LANDMARK ENGINEERING, INC.**

6110 Executive Boulevard, Suite 110  
Rockville, Maryland 20852

consulting engineers • planners • surveyors

January 8, 2019

(301) 230-5881

Fax: (301) 230-5884

E-mail: landmarkengr@aol.com

Mr. Al R. Roshdieh, Director  
Montgomery County Department of Transportation  
101 Monroe Street, 10th floor  
Rockville, MD 20850

Re: Subdivision Plan Application 120180130  
Andrus Property  
Right of Way Abandonment Request  
Andrus Road  
Landmark Project No. 1637

RECEIVED BY DOT

JAN 16 2019

DIVISION OF TRANSPORTATION ENGINEERING

Dear Mr. Roshdieh:

We are sending this letter on behalf of the Applicant for this subdivision, Andrus Road, LLC. This Subdivision Application has been filed and given a preliminary review by the M-NCPPC and the associated development review agencies. There is a small portion of the existing right of way of Andrus Road which the Applicant's are requesting to be abandoned. This is necessary to allow for the right of way and lot configurations to be properly coordinated for the eventual street construction improvements to be completed.

The existing and proposed utilities will be provided their necessary easements in the area of the abandoned right of way.

Please let us know if there is anything further you may need to begin processing this abandonment request.

Sincerely,

Landmark Engineering, Inc.

Charles T. Grimsley, P.E., Prof. L.S.

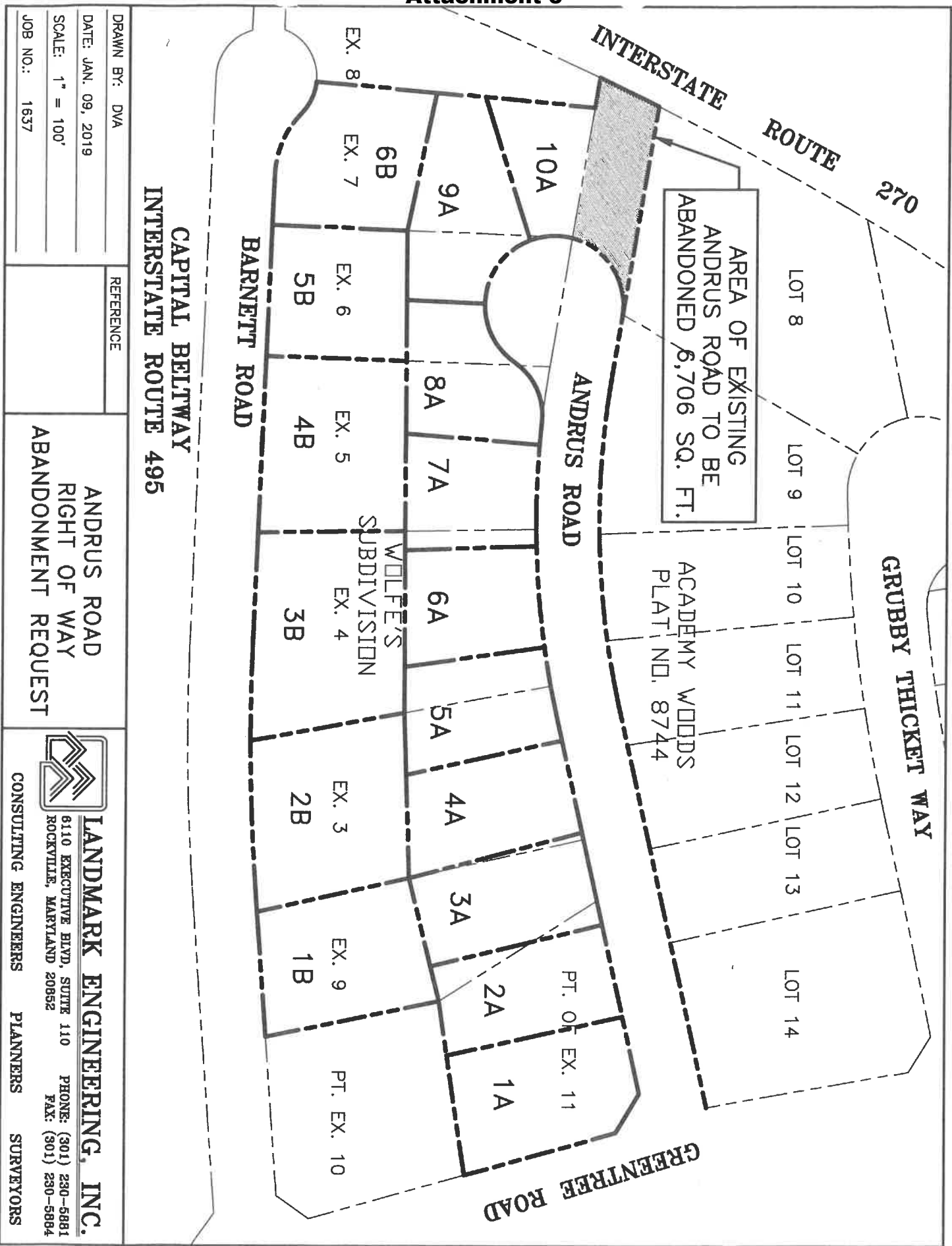
cc: Andrus Property, LLC – Mr. Marc Smith  
Mr. Michael Cassedy, MCDOT

Attachments: Abandonment Location Sketch  
Preliminary Subdivision Plan 120180130  
Original Dedication Record Plats  
Application Fee Check: \$2500



A

# Attachment 3



CAPITAL BELTWAY  
INTERSTATE ROUTE 495

DRAWN BY: DVA

DATE: JAN. 09, 2019

SCALE: 1" = 100'

JOB NO.: 1637

REFERENCE

ANDRUS ROAD  
RIGHT OF WAY  
ABANDONMENT REQUEST



LANDMARK ENGINEERING, INC.

6110 EXECUTIVE BLVD, SUITE 110  
ROCKVILLE, MARYLAND 20852

PHONE: (301) 230-5881  
FAX: (301) 230-5884

CONSULTING ENGINEERS PLANNERS SURVEYORS

## Attachment 4



---

### Department of Permitting Services Fire Department Access and Water Supply Comments

---

**DATE:** 26-Mar-19  
**TO:** Charles Grimsley - landmarkctg@aol.com  
Landmark Engineering  
**FROM:** Marie LaBaw  
**RE:** Andrus Property  
120180130

---

#### PLAN APPROVED

1. Review based only upon information contained on the plan submitted **26-Mar-19**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



## **Attachment 4**

### **ANDRUS PROPERTY, TRAFFIC ORDER 03-26-2019**

Limits of “No Parking Any Time” Regulations on Andrus Road in Andrus Road Subdivision are:

No parking on the north and south sides or along the curb of the cul-de-sac.

## Attachment 4



### DEPARTMENT OF TRANSPORTATION

Marc Elrich  
*County Executive*

Al R. Roshdieh  
*Director*

May 24, 2019

Troy Leftwich, Senior Planner  
Area 2 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120180130  
Andrus Property

Dear Mr. Leftwich:

We have completed our review of the preliminary plan dated April 3, 2019. A previous plan was reviewed by the Development Review Committee at its meeting on June 5, 2018. 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 the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.

#### Design Exception Requests

#### 1. **Modify MC2001.01 standard**

Applicant's Request: The applicant is requesting to modify the Teritary Road standard for Andrus Road. They propose to reduce the travel lanes to 10 feet wide, eliminate the sidewalk on the north side of the road and reduce the buffer from 8 feet to 5 feet, also on the north side.

MCDOT Response: Andrus Road was dedicated in 1946 per the plat #1739. Prior to 1970, teritary streets were not in the County Code; therefore, the road would be considered a Secondary Residential road. The applicant may need the Planning Board to reclassify the street as Teritary. If the Planning Board does not reclassify the street from Secondary, then the applicant would be modifying MC2002.01 standard. MCDOT does recommend **approval** of the Design Exception Request to modify the standard for Andrus Road as shown regardless of street classification.

#### Office of the Director

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178

FAX

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*

## Attachment 4

Mr. Troy Leftwich  
Preliminary Plan No. 120180130  
May 24, 2019  
Page 2

### 2. Modify MC222.01 standard

Applicant's Request: The applicant is requesting to modify the cul-de-sac standard that would construct an off-set cul-de-sac, eliminate the center island, provide a 45 foot radius, reduce the tree buffer from 8 feet to 5 feet, use a public improvement easement for sidewalk and maintenance and end the sidewalk near the edge of the proposed driveway on Lot 9A.

MCDOT Response: The applicant is requesting to modify these standards to fit within the existing right-of-way. The proposal for the 45 foot pavement radius does meet the standard; therefore, a design exception is not needed. The off-set cul-de-sac is due to the current dedication of Andrus Property. The applicant will dedicate additional right-of-way for the cul-de-sac. The applicant needs a waiver from the Planning Board for the reduced right-of-way. MCDOT recommends **approval** of the design exception request. MCDOT also recommends **approval** of the the Planning Board waiver for the reduced cul-de-sac as the reduction does not impact the movement of vehicles.

### Significant Review Comments

3. The applicant proposes to abandon a portion of Andrus Road at the end of the proposed cul-de-sac to I-270. This abandonment is acceptable to this Department. The existing dedication is not needed for site access nor any known or future circulation requirements. Approval is subject to the granting of a easements for the existing and proposed utilities as show on the preliminary plan.
4. The applicant needs a waiver from Planning Board for a reduced right-of-way around the cul-de-sac from 120 foot diameter to 110 foot diameter.

### Standard Review Comments

5. Full width dedication and construction of the interior public street.
6. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
7. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
8. The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.
9. Provide a ten (10) foot wide Public Utility Easement (PUE) along all existing and proposed street frontages. Where a Public Improvement Easements (PIE) are being proposed, the PUE will need to be increased by the width of the PIE.
10. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

## Attachment 4

Mr. Troy Leftwich  
Preliminary Plan No. 120180130  
May 24, 2019  
Page 3

11. In any private development project, prohibit the use of CMP or CMP Arches for any road that will be transferred to Montgomery County for maintenance.
12. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
13. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - a. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, stormwater management facilities, and street trees along Andrus Road.

**NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**

- b. On Greentree Road construct five (5) foot wide (or maximum width between the existing retaining wall and curb) concrete sidewalk between Andrus Road and Barnett Road.
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- d. Construct a cul-de-sac at the end of Andrus Road.
- e. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
- f. Permanent monuments and property line markers, as required by the Subdivision Regulations.
- g. Erosion and sediment control measures as required 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.
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## Attachment 4

Mr. Troy Leftwich  
Preliminary Plan No. 120180130  
May 24, 2019  
Page 4

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, me for this project at Rebecca.torma@montgomerycountymd.gov or (240) 777-2118.

Sincerely,



Rebecca Torma, Manager  
Development Review Team  
Office of Transportation Policy

Sharepoint/transportation/director's office/development review/Rebecca/developments/120180130 Andrus property.docx

cc: letters notebook

cc-e: Charles Grimsley, Landmark Engineering, Inc.  
David Albamonte, Landmark Engineering, Inc.  
Sam Farhadi, MCDPS RWPR



## Attachment 4



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*County Executive*

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May 24, 2019

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Sincerely,



Rebecca Torma, Manager  
Development Review Team  
Office of Transportation Policy

Sharepoint/transportation/director's office/development review/Rebecca/developments/120180130 Andrus property.docx

cc: letters notebook

cc-e: Charles Grimsley, Landmark Engineering, Inc.  
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