Key Bridge Estates, Preliminary Plan No. 120190170

Description

Request to subdivide one parcel, with one existing home to be demolished, to create five lots and one outlot for five new single-family detached dwelling units.

Location: 1415 Smith Village Road.
Zone: R-90.
Property Size: 2.17 acres.
Applicant: Key Bridge International Real Estate LLC.
Acceptance Date: September 11, 2019.
Review Basis: Chapter 50, Subdivision Regulations.

Summary

- Staff recommends approval of Preliminary Plan No. 120190170 and the Final Forest Conservation Plan (FFCP), with conditions.
- The proposed lots are 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 Law with a FFCP.
- No community correspondence has been received as of the date of this Staff Report.
PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan No. 120190170 subject to the following conditions:

1. This Preliminary Plan is limited to five lots for five detached, single-family dwelling units and one outlot for stormwater management facilities and play equipment.

2. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.

3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated April 21, 2020 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 has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated March 30, 2020 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 has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated March 12, 2020 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.

Forest Conservation/Environment

7. The Limits of Disturbance (LOD) on the Final Forest Conservation Plan must be consistent with the LOD on the Sediment and Erosion Control Plan.

8. No clearing, grading, or any demolition may occur prior to receiving approval of the Sediment and Erosion Control Plan.

9. Prior to the start of any clearing, grading, or demolition occurring on the Property, the Applicant must receive approval from the M-NCPPC Office of the General Counsel of a Certificate of Compliance to use an off-site forest mitigation bank for mitigation credit as shown on the Final Forest Conservation Plan submitted with the Certified Site Plan.

10. The Certificate of Compliance must be recorded in the Montgomery County Land Records prior to any clearing, grading, or demolition occurring on the Property.
11. Mitigation for the removal of three (3) trees subject to the variance provision must be provided in the form of planting native canopy trees totaling 22 caliper inches, with a minimum planting stock size of three (3) caliper inches. The trees must be planted on the Subject Property, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector. The trees must be planted within six months of forest conservation inspector approval of tree protection fencing.

12. The Applicant must revise the Variance request to include the impacts to tree no. 1.

Transportation

13. The Applicant must dedicate and show on the record plat:
   a. Twenty-five (25) feet of Right-of-Way (ROW) on Key Bridge Road (extended).
   b. 18,640 square feet of ROW to construct a 45’ radius cul-de-sac to properly terminate Key Bridge Road.

Record Plats

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

15. The record plat must show necessary easements.

16. The record plat must reflect all areas under common ownership.

Certified Preliminary Plan

17. The certified Preliminary Plan must show the following changes:
   a. Show the parking area calculations for each lot. Parking for any vehicle or trailer in the area between the lot line and the front or side street building line must be on a surface parking area. The parking area shall not exceed 30% or 320 square feet, whichever is greater, consistent with the development standards in the R-90 Zone.
   b. Revise the driveways on Lot 3 to minimize paving.
   c. Straighten the alignment of the sidewalk connection to a 90-degree angle where it meets the street.
   d. Provide an ADA accessible curb ramp.
   e. Provide consistent limits of disturbance across all sheets of the Preliminary Plan and FFCP.
   f. Revise the FFCP to show the use of a forest conservation bank instead of payment of fee-in-lieu.
   g. Revise the FFCP to show only 22 caliper inches of variance mitigation trees and all necessary planting details.

18. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).

19. 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.

Figure 1: Vicinity Map (Subject Property outlined in red)

AREA AND SITE DESCRIPTION

The Subject Property (or the Property) is located 1415 Smith Village Road in the Jackson’s Acres neighborhood off E. Randolph Street in Silver Spring, within the limits of the 1997 White Oak Master Plan. Jackson’s Acres is an established residential neighborhood with detached dwellings as the dominant land use that has developed incrementally, not as a single large development. The prevailing development pattern is a combination of winding streets and cul-de-sacs, with an incomplete street grid. Page Elementary School is to the northwest of the Property and there is a series of active and stream valley M-NCPPC parks to east of the Property, protecting the Paint Branch stream.
The Property is currently identified as Parcel P338 and has one single-family home and shed on it, which will be demolished during the development process. The Property currently has access from a shared driveway that serves the properties beyond the terminus of the publicly dedicated portion of Smith Village Road. The shared driveway extends to the northwest from the terminus of Smith Village Road.

The Property slopes gently from both the northern and northwestern corners, with a dip in the center of the Property. There are no forest, streams, or environmental buffers on the Property, with the trees being focused along the south and west property lines.

**PROJECT DESCRIPTION**

The Applicant proposes to subdivide the Property into five lots for construction of five new, single-family detached dwelling units and one outlot, which will be owned and maintained by a homeowners’ association (Figure 3). The outlot contains stormwater management facilities and is further constrained by a stormdrain. A cul-de-sac will be constructed to terminate the public portion of Smith Village Road and provide access for the five units. Three of the units will have frontage on the new cul-de-sac and the other two units will share a driveway with one of the units with frontage. Thus, per Section 50.4.3.C.b.i and 50.4.3.C.b.ii., the Planning Board may approve up to two lots without frontage, to be served by a private driveway that serves no other lots without frontage. Additionally, access to the lots without frontage must be adequate to serve the lots for emergency vehicles and for installation of utilities. Lastly, the lots must not be detrimental to the future development of adjacent lands. The proposal for two lots without frontage on a shared private driveway meets the required criteria, and Staff supports the applicant’s request (Attachment 1).

The proposed development maintains the existing ingress/egress easements for the shared private driveway, as well as providing dedication of ROW so that a public road could replace the driveway if further development was proposed from adjoining lots.
The biggest issue that the Applicant faced with the proposed development was providing safe and efficient access to the Property that meets all County regulations, while maintaining access to the properties to the northwest of the Property and ensuring that future development could occur.

The Property is located at the terminus of the publicly owned and maintained segment of Smith Village Road. Smith Village Road is a narrow, open section road, with 16 feet of paving and a varying width of dedicated ROW. In 1958, 30 feet of ROW was dedicated through the Jackson Acres subdivision to the north (Figure 5). In addition, 30’ of ROW was also dedicated adjacent to the shared driveway but the shared driveway is not located within that ROW.

Additional ROW for Smith Village Road has been dedicated along the south side of the road incrementally as land has been subdivided, but the ROW is not complete along the entire section of the road, and the paved area has not been upgraded. An additional area of ROW was dedicated for part of a cul-de-sac to provide a proper terminus for Smith Village Road, though that was never constructed.
The shared driveway portion of Smith Village Road (beyond the Property) is comprised of a series of ingress/egress easements overlapping with utility easements. Currently, five (5) single family houses use this driveway for access and there is the potential for further subdivision of these properties.

Figure 5: Access Issues

The Preliminary Plan (Figure 1) allows for the development of the Property and proper termination of Smith Village Road, while preserving the option for further development of the properties that access the shared driveway by dedicating additional ROW for any potential road connection.
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 area, frontage, width, and setbacks in the zone. The application represents infill development in a well-established, medium density, residential neighborhood. 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. A limited number of other building types may be allowed under the optional method of development.”

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

<table>
<thead>
<tr>
<th>R-90</th>
<th>Provided</th>
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</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>9,000sf</td>
</tr>
<tr>
<td></td>
<td>Lot 1</td>
</tr>
<tr>
<td></td>
<td>Lot 2</td>
</tr>
<tr>
<td></td>
<td>Lot 3</td>
</tr>
<tr>
<td></td>
<td>Lot 4</td>
</tr>
<tr>
<td></td>
<td>Lot 5</td>
</tr>
<tr>
<td>9,514sf</td>
<td>9,410sf</td>
</tr>
<tr>
<td>24,101sf</td>
<td>11,271sf</td>
</tr>
<tr>
<td>11,656sf</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Principal Building Placement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width at Front Lot Line / Front Building Line</td>
</tr>
<tr>
<td>Front Setback (Minimum)</td>
</tr>
<tr>
<td>Side Setback</td>
</tr>
<tr>
<td>Rear Setback</td>
</tr>
<tr>
<td>Building Height</td>
</tr>
<tr>
<td>Lot Coverage</td>
</tr>
</tbody>
</table>

Lots 4 and 5 do not have frontage on a public or private road but share a driveway with Lot 3. Per Section 50.4.C.2.b.i:

“The Board may approve a maximum of 2 lots that do not abut a public or private road if the lots will be served by a private driveway that serves no other lots without frontage.”

The driveway that serves Lots 3, 4, and 5 meets this criterion.

Section 50.4.C.2.b.ii further stipulates:
“The access to lots with no road frontage must be adequate to serve the lots for emergency vehicles and for installation of public utilities. In addition, the lots must be accessible for other public services and not detrimental to future development of adjacent lands.”

The proposed development meets these criteria by proposing a 20’ wide shared driveway, with an ingress/egress easement and utility easement to provide accessibility for emergency vehicles and public utilities. Furthermore, the proposed subdivision allows for future development of adjacent lands.

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

The Property is located in the 1997 White Oak Master Plan area. The Master Plan does not have specific recommendations for the Subject Property. However, the plan does support the kind of development proposed in this Application. Land use goals of the Master Plan include:

“Encourage the development of vacant parcels to be compatible with the surrounding neighborhoods and to achieve the goals and objectives of this Plan.”

This goal is accomplished with the development of five single-family residences in this well-established residential neighborhood.

Thus, this application substantially conforms with the vision set forth in the 1997 White Oak Master Plan.

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

Transportation

On-Site Vehicular Circulation
The Applicant proposes a publicly dedicated cul-de-sac extending from Smith Village Road, with a shared driveway providing access from the cul-de-sac to three single-family residential homes. In addition, the Applicant will pave Smith Village Road west of the Property, which provides access to four properties unrelated to this development.

Master-Planned Roadways and Bikeway
Smith Village Road is not classified by the Master Plan of Highways and Transitways. Connecting from E. Randolph Road, Smith Village Road functions as a two-lane residential street; the right-of-way is 60 feet, with 16 feet currently paved, and no sidewalks. Northwest of the site, the shared driveway narrows and is partially paved.

The Bicycle Master Plan recommends a sidepath on the south side of E. Randolph Road, but no bicycle recommendations are made for Smith Village Road.

Roadway Improvements
The Applicant will pave a new cul-de-sac to support safe, efficient, and adequate access for the planned residential lots.

Public Transit Service
Ride On Route 10 operates along Randolph Road, one-quarter mile south of the site. Route 10 operates service between the Twinbrook Metro Station, Glenmont Metro Station, and Hillandale Shopping Center.
every 30 minutes on weekdays and weekends. The nearest bus stop is located at the intersection of Smith Village Road and E. Randolph Road. The Glenmont Metro Station is approximately four miles west of the site.

**Pedestrian and Bicycle Facilities**
Currently, Smith Village Road is an open section with no sidewalks. Along the cul-de-sac, the Applicant will construct a five-foot sidewalk and a five-foot tree panel. No bicycle facilities are recommended for Smith Village Road in the Bicycle Master Plan.

**Local Area Transportation Review (LATR)**
The Institute of Transportation Engineers’ Trip Generation rates are used to calculate the peak-hour trips generated by the proposed five single-family homes. Based on this projection, three trips are expected to be generated in the peak morning hour and five trips are expected to be generated in the evening peak hour. The site will generate fewer than 50 total person trips, and per the 2017 Local Area Transportation Review Guidelines, no traffic study is required.

**Schools**

**Overview and Applicable School Test**
Preliminary Plan #120190170 is located at 1415 Smith Village Road in the 1997 White Oak Master Plan area and is scheduled to come before the Planning Board for review on July 2, 2020. Therefore, the applicable annual school test is the FY21 Annual School Test, approved by the Planning Board on June 25, 2020 and effective July 1, 2020. This project proposes 5 single family detached dwelling units.

**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 east region of the County.

**Per Unit Student Generation Rates – East Region**

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Elementary School</th>
<th>Middle School</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td>SF Detached</td>
<td>0.203</td>
<td>0.103</td>
<td>0.144</td>
</tr>
<tr>
<td>SF Attached</td>
<td>0.219</td>
<td>0.115</td>
<td>0.160</td>
</tr>
<tr>
<td>MF Low- to Mid-Rise</td>
<td>0.253</td>
<td>0.112</td>
<td>0.148</td>
</tr>
<tr>
<td>MF High-Rise</td>
<td>0.088</td>
<td>0.036</td>
<td>0.047</td>
</tr>
</tbody>
</table>

With a net of 4 single family detached units that are not age-restricted, the proposed project is estimated to generate the following number of students:

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Net Number of Units</th>
<th>ES Generation Rates</th>
<th>ES Students Generated</th>
<th>MS Generation Rates</th>
<th>MS Students Generated</th>
<th>HS Generation Rates</th>
<th>HS Students Generated</th>
</tr>
</thead>
<tbody>
<tr>
<td>SF Detached</td>
<td>4</td>
<td>0.203</td>
<td>0.812</td>
<td>0.103</td>
<td>0.412</td>
<td>0.144</td>
<td>0.576</td>
</tr>
<tr>
<td>TOTAL</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This project is estimated to generate no new elementary school students, no new middle school students, and no new high school students.
Cluster Adequacy Test

The project is located in the Blake High School Cluster. The student enrollment and capacity projections from the FY21 Annual School Test for the cluster are noted in the following table:

<table>
<thead>
<tr>
<th>School Level</th>
<th>Projected Cluster Totals, September 2025</th>
<th>Moratorium Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Enrollment</td>
<td>Program Capacity</td>
</tr>
<tr>
<td>Elementary</td>
<td>3,215</td>
<td>3,614</td>
</tr>
<tr>
<td>Middle</td>
<td>1,525</td>
<td>1,475</td>
</tr>
<tr>
<td>High</td>
<td>1,954</td>
<td>1,743</td>
</tr>
</tbody>
</table>

The Moratorium Threshold identified in the table is the number of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and therefore trigger a cluster-wide residential development moratorium. As indicated in the last column, the estimated enrollment impacts of this application 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 Adequacy Test

The applicable elementary and middle schools for this project are William T. Page ES and Briggs Chaney MS, respectively. Based on the FY21 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

<table>
<thead>
<tr>
<th>School</th>
<th>Projected School Totals, September 2025</th>
<th>Moratorium Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Enrollment</td>
<td>Program Capacity</td>
</tr>
<tr>
<td>William T. Page ES</td>
<td>737</td>
<td>737</td>
</tr>
<tr>
<td>Briggs Chaney MS</td>
<td>1,076</td>
<td>926</td>
</tr>
</tbody>
</table>

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and 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. As indicated in the last column, the estimated enrollment impacts of this application fall below the moratorium thresholds for both William T. Page ES and Briggs Chaney MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this project.

Analysis Conclusion

Based on the school cluster and individual school capacity analyses performed, using the FY2021 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this application.

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 Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420190950 on March 25, 2019. The approximately 2.14-acre Property is predominantly an open field with no forest, stream, or environmental buffers. There are hedgerows along the perimeter of the Property, with large and specimen trees mixed in. The proposed plan is in conformance with the Environmental Guidelines.

Final Forest Conservation Plan
The Applicant has submitted a Preliminary/Final Forest Conservation Plan with the Preliminary Plan and will meet the forest conservation requirements of 0.33 acres in an off-site mitigation bank. As submitted, and including approval of the accompanying variance request, staff finds that the plan complies with Chapter 22A, Forest Conservation.

Variance
Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (CRZ) requires a variance. An applicant 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 no impact to trees that: measure 30 inches or greater, DBH; are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion tree; 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 on April 5, 2020 to remove three (3) trees that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law. The submitted variance request missed one additional tree (no. 1) which is a specimen tree proposed to be impacted, but not removed. A corrected variance request adding the impacts to tree no. 1 must be submitted prior to approval of the Certified Preliminary Plan.

Unwarranted Hardship
The proposed development is in accordance with both the intent and recommendations of the White Oak Park Master Plan and R-90 zoning. While the Property is not constrained by environmental features, two of the trees are in the ROW that will be improved to provide access to the Property. The third tree is in the middle of the Property and will be impacted by the demolition of the existing development. Denying the variance request would impinge on the Applicant’s ability to develop the site at all. Thus, the Applicant has a sufficient unwarranted hardship to consider a variance request.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan:
Variance Findings

Staff has made the following determination based on the required findings that granting the requested variance:

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

   As noted above, the Applicant cannot construct the improvements in the ROW or demolition of the existing development without the approval of this variance. Thus, granting the variance will not confer a special privilege on the Applicant.

2. **Is not based on conditions or circumstances which are the result of the actions by the applicant.**

   The requested variance is based on the locations of the trees, rather than on conditions or circumstances which are the result of actions by the Applicant.

3. **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 need to provide access and demolish the existing development and not a result of land or building use on a neighboring property.

4. **Will not violate State water quality standards or cause measurable degradation in water quality.**

   The Applicant will mitigate for the three (3) trees proposed for removal as part of this development. Mitigation must be provided for removal of this tree by planting 3 native shade trees of at least three inches caliper, each, within the new development. This is based on Planning Department policy that requires replacement of variance trees at a rate of 1” replaced for every 4” removed, using replacement trees of no less than 3” caliper, to replace lost environmental functions performed by the trees removed. These mitigation plantings will provide sufficient tree canopy in a few years to replace the lost water quality benefits of the variance tree being removed. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

Variance Recommendation

Staff recommends that the variance 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 March 30, 2020 (Attachment 4). The concept meets required stormwater management goals using a combination of ESD approaches including rain gardens, permeable paving, and microbioretention areas. 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.

6) Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.

Not applicable; the Applicant is not aware of any burial sites and the Property is not included in the Montgomery County Inventory.

7) Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.

Not applicable.

COMMUNITY OUTREACH

The Applicant has complied with all the submittal and noticing requirements. A community meeting was held on May 15, 2019, at Praisner Community Center. Staff has not received any correspondence concerning this plan.

CONCLUSION

Based on the review by Staff and other relevant agencies and the analysis contained in this report, the proposed Preliminary Plan meets the requirements and standards of all applicable sections of Chapter 50 the Subdivision Regulations, Chapter 59 the Zoning Ordinance, and of Chapter 22A the Forest Conservation Law. Access and public facilities will be adequate to support the proposed subdivision. The proposed development is in substantial conformance with the 1997 White Oak Master Plan by adding infill development that increases the housing stock in this predominantly residential area. Therefore, Staff recommends approval of Preliminary Plan No. 120190170, subject to the conditions stated at the beginning of this report.

Attachments:
1. Preliminary Plan
2. Preliminary Forest Conservation Plan
3. Applicant’s Variance Request Letter
4. MCDPS Concept Plan Acceptance Letter
5. MCDOT Design Exception Letter
6. MCDPS Fire Department Access Approval Letter
I HEREBY CERTIFY THAT THE PLANS SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY FOREST CONSERVATION PLAN.

SPECIMEN TREE LIST

<table>
<thead>
<tr>
<th>SPECIES</th>
<th>COMMON NAME</th>
<th>DBH</th>
<th>CONDITION</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. BLACK OAK</td>
<td>QUERCUS VELUTINA</td>
<td>36</td>
<td>EXCELLENT</td>
<td>TO REMAIN</td>
</tr>
<tr>
<td>2. WHITE POPlar</td>
<td>POPULUS ALBA</td>
<td>32</td>
<td>EXCELLENT</td>
<td>TO REMAIN</td>
</tr>
<tr>
<td>3. WHITE POPlar</td>
<td>POPULUS ALBA</td>
<td>36</td>
<td>EXCELLENT</td>
<td>TO REMAIN</td>
</tr>
<tr>
<td>4. WHITE POPlar</td>
<td>POPULUS ALBA</td>
<td>30</td>
<td>EXCELLENT</td>
<td>TO REMAIN</td>
</tr>
<tr>
<td>5. WHITE POPlar</td>
<td>POPULUS ALBA</td>
<td>36</td>
<td>EXCELLENT</td>
<td>TO REMAIN</td>
</tr>
<tr>
<td>6. WHITE POPlar</td>
<td>POPULUS ALBA</td>
<td>36</td>
<td>EXCELLENT</td>
<td>TO REMAIN</td>
</tr>
<tr>
<td>7. WHITE POPlar</td>
<td>POPULUS ALBA</td>
<td>30</td>
<td>EXCELLENT</td>
<td>TO REMAIN</td>
</tr>
<tr>
<td>8. WHITE POPlar</td>
<td>POPULUS ALBA</td>
<td>24</td>
<td>EXCELLENT</td>
<td>TO REMAIN</td>
</tr>
<tr>
<td>9. GREEN Ash</td>
<td>FRAXINUS PENN SAVANNA</td>
<td>24</td>
<td>EXCELLENT</td>
<td>TO REMAIN</td>
</tr>
<tr>
<td>10. WHITE POPlar</td>
<td>POPULUS ALBA</td>
<td>32</td>
<td>EXCELLENT</td>
<td>TO REMAIN</td>
</tr>
<tr>
<td>11. WHITE POPlar</td>
<td>POPULUS ALBA</td>
<td>30</td>
<td>EXCELLENT</td>
<td>TO REMAIN</td>
</tr>
</tbody>
</table>

GENERAL NOTES:
1. THE PROPERTY IS ZONED R-90
2. THE TOTAL TRACT AREA IS 2.17 ACRES
3. THERE ARE NO WETLANDS OR WETLAND BUFFERS WITHIN 100 FEET OF THE LOT.
4. THERE IS NO FLOODPLAIN ASSOCIATED WITH THE PROPERTY WITHIN 100 FEET OF THE LOT.
5. THERE ARE NO STREAM OR STREAM BUFFERS WITHIN 100 FEET OF THE LOT.
6. THE SITE IS NOT WITHIN A SPECIAL PROTECTION AREA (SPA) OR A PRIMARY MANAGEMENT AREA (PMA).
7. THE SITE IS NOT WITHIN A SPECIAL MANAGEMENT AREA (SMA).
8. THE TOTAL TRACT AREA IS 2.17 ACRES
9. THE PROPERTY IS ZONED R-90
10. THERE ARE NO WETLANDS OR WETLAND BUFFERS WITHIN 100 FEET OF THE LOT.
11. THERE IS NO FLOODPLAIN ASSOCIATED WITH THE PROPERTY WITHIN 100 FEET OF THE LOT.
12. THE SITE IS NOT WITHIN A SPECIAL PROTECTION AREA (SPA) OR A PRIMARY MANAGEMENT AREA (PMA).
13. THE SITE IS NOT WITHIN A SPECIAL MANAGEMENT AREA (SMA).
14. THE TOTAL TRACT AREA IS 2.17 ACRES
15. THE PROPERTY IS ZONED R-90
16. THERE ARE NO WETLANDS OR WETLAND BUFFERS WITHIN 100 FEET OF THE LOT.
17. THERE IS NO FLOODPLAIN ASSOCIATED WITH THE PROPERTY WITHIN 100 FEET OF THE LOT.
18. THE SITE IS NOT WITHIN A SPECIAL PROTECTION AREA (SPA) OR A PRIMARY MANAGEMENT AREA (PMA).
19. THE TOTAL TRACT AREA IS 2.17 ACRES
20. THE PROPERTY IS ZONED R-90
21. THERE ARE NO WETLANDS OR WETLAND BUFFERS WITHIN 100 FEET OF THE LOT.
22. THERE IS NO FLOODPLAIN ASSOCIATED WITH THE PROPERTY WITHIN 100 FEET OF THE LOT.
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24. THE TOTAL TRACT AREA IS 2.17 ACRES
25. THE PROPERTY IS ZONED R-90
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29. THE TOTAL TRACT AREA IS 2.17 ACRES
30. THE PROPERTY IS ZONED R-90
31. THERE ARE NO WETLANDS OR WETLAND BUFFERS WITHIN 100 FEET OF THE LOT.
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33. THE SITE IS NOT WITHIN A SPECIAL PROTECTION AREA (SPA) OR A PRIMARY MANAGEMENT AREA (PMA).
34. THE TOTAL TRACT AREA IS 2.17 ACRES
April 5, 2020

Maryland National Capital Park and Planning Commission
Montgomery County Planning Department
Environmental Planning Division
8787 Georgia Avenue
Silver Spring, Maryland, 20910

Re: Key Bridge Subdivision
Preliminary Plan Number 120190170
Tree Removal Variance Request

Dear Sir/Madam:

The project involves the construction of 5 single family dwelling units at 1415 Smith Village Drive in Silver Spring, Maryland on a 2.2 Acres site. The site currently is meadow with terrain consisting of mild to steep terrain. The proposed development is called “Key Bridge Subdivision”. Within the development sites are 3 trees with over 30 inches diameter at breast height (dbh), one of which is in poor condition. In order to proceed with the development these trees have to be removed. We understand that Maryland State law requires that when a project proposes to remove any tree over 30” diameter at dbh, a variance request must be submitted. Below are the discussion items for the variance request:

a) The terrain of the site is such that in order to create buildable lots significant grading will be required, the operation of this grading requires significant cat and fill operation to establish finished grade. The three trees requested to be removed cannot be saved during this operation and in addition the proposed layout of subdivision will not be possible by saving any of these trees.

b) As indicated above the proposed development will not be possible and viable if all of the 5 trees are removed, thus depriving the property owner of the full potential to develop this site by right, which has been granted to all adjoining property owners and developers.

c) The development will be in compliance with the State of Maryland Department of the Environment, Environmentally Sensitive Design (ESD) method of stormwater management design, and therefore will not cause degradation of water quality of receiving streams. In fact by implementing numerous on site stormwater management facilities ranging from raingardens, permeable pavements and micro-bioretention the project will improve the overall water quality.

d) The project intends to mitigate for the removal of these trees as required by regulation and in addition will satisfy the reforestation and afforestation requirements.
requirement. The 3 trees removed will have a total 87” circumference at dbh, and therefore the project will plan 1 tree of 3’ caliper or more for every 4”dbh that was removed and therefore the project will plant a total of 22 trees at the site.

Based on the above discussion items and the fact that without removing these 5 trees, which are scattered at the site which is mostly meadow the project cannot move forward and the site can not realize its full development potential and therefore we are hereby requesting the project be granted variance to remove these 5 trees.

Very truly yours,

M.A Design Group

Mamo Assefa, P.E.
March 30, 2020

Mr. Mamo Assefa, P.E.
M.A. Design Group LLC
1705 Chester Mill Road
Silver Spring, MD 20906

Re: COMBINED STORMWATER MANAGEMENT CONCEPT/SITE DEVELOPMENT STORMWATER MANAGEMENT PLAN for 1415 Smith Village Road Subdivision
Preliminary Plan #: 120190170
SM File #: 284372
Tract Size/Zone: 2.17 Acres R90
Total Concept Area: 2.17 Acres
Lots/Block: N/A
Parcel(s): 338
Watershed: Paint Branch

Dear Mr. Assefa:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is acceptable. The stormwater management concept proposes to meet required stormwater management ESD goals via the use of Permeable Pavement, Landscape Infiltration, Raingarden, Bioswale, and Microbioretention.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.

2. An engineered sediment control plan must be submitted for this development.

3. Please note that the Montgomery County Right of Way improvements will be treated in the Outlot, and each proposed lot with a proposed house (Five) will be treated on their own lot.

4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.
Ms. Amy Lindsey, Planner Coordinator
Area 2 Planning Division
The Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Preliminary Plan & Design Exception Letter
Preliminary Plan No. 120190170
Key Bridge Subdivision

Dear Ms. Lindsey:

We have completed our review of the Design Exception Package dated April 5, 2020 and preliminary plan uploaded on eplans dated April 5, 2020. A previous plan was reviewed by the Development Review Committee at its October 1, 2019 meeting. 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 (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.

Design Exception:

The applicants have requested a Design Exception dated April 5, 2020 to Montgomery County Department of Transportation (MCDOT) standards, policies, and/or procedures:

**Applicant’s Request:** Since Smith Village Drive is classified as a secondary residential roadway the standard cul-de-sac section would have been a 90 feet radius with 17 feet between the face of curb and the right of way line, consulting of 10 feet tree space, 5 feet sidewalk and 2 feet from the...
outside edge of the sidewalk to the right of way line. We are proposing to modify this standard by reducing the distance from the face of curb to the property line to 12 feet consisting of 5 feet tree space, 5 feet sidewalk and 2 feet from the outside edge of the sidewalk to the right of way line. All the other dimensions will stay the same. The proposed dimension between the face of curb to the property line is consistent with a Tertiary Residential street except for the diameter of the cul-de-sac, which we are maintaining to be 90 feet instead of 60 feet for the standard Tertiary street cul-de-sac.

**MCDOT Response:** We recommend approval of the reduced width from the face of the curb to the edge of the property along the cul-de-sac due to the following reasons:

- The cul-de-sac pavement radius of 45-ft for Tertiary Street per the standard MC-222.01 is achieved for vehicles including emergency vehicles to turnaround.
- The minimum sidewalk width of 5-ft per the American with Disabilities Act (ADA) is provided with a 2-foot maintenance strip between the edge of the sidewalk and property line.
- The reduced lawn panel of 5-feet may allow for minor species trees to be planted. We defer to DPS to make the final determination at the permit stage.
- The maximum number of five proposed lots with minimum lot size requirements per the zoning ordinance can be achieved.

**Preliminary Plan**

1. At or before the permit stage the plans should show the proposed storm drain structures and pipes in the private property carrying the public right-of-way runoff should be in a storm drain easement. 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 DPS and a recorded Maintenance and Liability Agreement.

2. **Storm Drain Analysis:**
   a) The storm drain analysis is accepted. The applicant is not responsible for any existing storm drain downstream improvements.
   b) We recommend reconstructing the existing 21-inch storm drain system within an existing 20-ft storm drain easement instead of running a proposed parallel storm drain system
and creating an additional storm drain easement next to the existing 20-ft storm drain easement. The applicant can work with DPS at the permit stage for the final design of the proposed storm drain system as mentioned above.

3. Sight Distance: The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.

4. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.

5. 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.

6. Underground the utilities along your street frontages.

7. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.

8. Posting of a right-of-way permit bond is a prerequisite to DPS approval of the record plat. The right-of-way permit will include, but not necessarily be limited to, the following improvements:
   a. Resurface existing pavement along Smith Village Road.
   b. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along proposed roadway
   c. Construct a cul-de-sac at the end of proposed roadway.
   d. 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.
   e. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.
   f. Erosion and sediment control measures as required by Montgomery County Code 19-10(02) 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 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.
Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Engineer for this project at deepak.somarajan@montgomerycountymd.gov or at (240) 777-2194.

Sincerely,

Deepak Somarajan
Deepak Somarajan, Engineer III
Development Review Team
Office to Transportation Policy

Enclosures: Sight Distance Study

cc: Share point / Correspondence

cc-e: Mamo Assefa M.A Design Group LLC
      Atiq Panjshiri MCDPS RWPR
      Sam Farhadi MCDPS RWPR
      Rebecca Torma MCDOT OTP
MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Key Bridge Sub-division

Preliminary Plan Number: 1-20190170

Street Name: Smith Village Road

Master Plan Road Classification:

Posted Speed Limit: 25 mph

Street/Driveway #1 (Smith Village road intersection)

Sight Distance (feet) OK?
Right 235' x
Left 162' x

Comments:

Street/Driveway #2 (1333 Smith Village Road-)

Sight Distance (feet) OK?
Right 174' x
Left 222' x

Comments:

GUIDELINES

<table>
<thead>
<tr>
<th>Classification or Posted Speed (use higher value)</th>
<th>Required Sight Distance in Each Direction*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tertiary - 25 mph</td>
<td>150'</td>
</tr>
<tr>
<td>Secondary - 30</td>
<td>200'</td>
</tr>
<tr>
<td>Business - 30</td>
<td>200'</td>
</tr>
<tr>
<td>Primary - 35</td>
<td>250'</td>
</tr>
<tr>
<td>Arterial - 40 (45)</td>
<td>325'</td>
</tr>
<tr>
<td>Major - 50 (55)</td>
<td>400'</td>
</tr>
<tr>
<td></td>
<td>475'</td>
</tr>
<tr>
<td></td>
<td>550'</td>
</tr>
</tbody>
</table>

*Source: AASHTO

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

ENGINEER/ SURVEYOR CERTIFICATE

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

Signature

PLS/P.E. MD Reg. No.

Montgomery County Review:

Approved

Disapproved:

By: Deepak Somarajan

Date: 4/20/2020

Form Reformatted: March, 2000
MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Key Bridge Sub-division
Preliminary Plan Number: 1-20190170

Street Name: Smith Village Road
Master Plan Road Classification:

Posted Speed Limit: 25 mph

Street/Driveway #1 (LOT-1)
Sight Distance (feet) Right 152 ft OK? X
Left Dead End
Comments: These driveways are at a dead end cul-de-sac and only turning right

Street/Driveway #2 (LOT-2)
Sight Distance (feet) Right 214 ft OK? X
Left Dead End
Comments: These driveways are at a dead end cul-de-sac and only turning right

GUIDELINES

Classification or Posted Speed (use higher value) Required Sight Distance in Each Direction* Sight distance is measured from an eye height of 3.5’ at a point on the centerline of the driveway (or side street) 6’ back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75’ above the road surface is visible. (See attached drawing)

Tertiary - 25 mph 150’
Secondary - 30 200’
Business - 30 200’
Primary - 35 250’
Arterial - 40 325’
(45) 400’
Major - 50 475’
(55) 550’

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

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

Signature

PLS/P.E. MD Reg. No.

Montgomery County Review:
X Approved
☐ Disapproved:
By: Despau Somarajan
Date: 4/20/20

Form Reformatted: March, 2000
MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Key Bridge Subdivision
Preliminary Plan Number: 1-20190170

Street Name: Smith Village Road
Master Plan Road Classification: 

Posted Speed Limit: 25 mph

Street/Driveway #1 (Lot-3 and 5 Driveway)

<table>
<thead>
<tr>
<th>Sight Distance (feet)</th>
<th>OK?</th>
<th>Right</th>
<th>Dead End</th>
<th>Left</th>
<th>Dead End</th>
</tr>
</thead>
</table>

Comments: This driveway is not an intersection it exits the driveway in line with the cul-de-sac. A vertical sight distance analysis was made and is attached

Street/Driveway #2

<table>
<thead>
<tr>
<th>Sight Distance (feet)</th>
<th>OK?</th>
<th>Right</th>
<th>Left</th>
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</table>

Comments:

GUIDELINES

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</tr>
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<td>(45)</td>
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</tr>
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<td>Major - 50</td>
<td>475'</td>
</tr>
<tr>
<td>(55)</td>
<td>550'</td>
</tr>
</tbody>
</table>

*Sourc: AASHTO

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

ENGINEER/ SURVEYOR CERTIFICATE

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

Signature:

PLS/P.E. MD Reg. No.

Montgomery County Review:

X Approved

Disapproved:

By: Dipak Somarajan

Date: 4/20/2020

NOTE: The attached vertical sight distance for proposed Lots 2, 3 & 5 meets the requirement for Tertiary Residential Roadway.
Vertical Sight Distance

From an Eye Height of 8.5' at a point in the driveway where a point 2.75 ft above the road is visible.

Eye Height: Lot 2
Eye Height: Lot 573

Vertical Sight Distance

For Lots 8, 36, and 2.
Mr. Mamo Assefa, P.E.
March 30, 2020
Page 2 of 2

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

If you have any questions regarding these actions, please feel free to contact Andrew Kohler at 240-777-6275 or by Email, Andrew.Kohler@montgomerycountymd.gov.

Sincerely,

Mark Etheridge
Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: CN 284372
cc: N. Braunstein
   SM File # 284372

ESD: Required/Provided 4832 cf / 5771 cf
PE: Target/Achieved: 1.8”/2.15”
STRUCTURAL: N/A cf
WAIVED: N/A ac.
DATE: 12-Mar-20
TO: Mamo Assefa - ma_design_group@yahoo.com
    MA Design Group, I.I.C.
FROM: Marie Labaw
RE: Key Bridge Subdivision
     120190170

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 12-Mar-20. 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.

*** See Statement of Performance Based Design regarding existing Smith Village Road pavement width ***