



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

MCPB No. 21-001
Administrative Subdivision No. 620200070
Viger's Addition
Date of Hearing: January 7, 2021

JAN 21 2021

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review administrative subdivision applications; and

WHEREAS, on June 29, 2020, Pierre Viger ("Applicant") filed an application for approval of an administrative subdivision plan of property that would create two lots on 1.48 acres of land in the R-60 zone, located on Ethan Allen Avenue approximately 600 feet west of Prince George's Avenue ("Subject Property"), in the Takoma Park Policy Area and 2000 *Takoma Park Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's administrative subdivision plan application was designated Administrative Subdivision Plan No. 620200070, Viger's Addition ("Administrative Subdivision Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 28, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 7, 2021, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Cichy, seconded by Commissioner Verma, with a vote of 5-0; Chair Anderson, Vice Chair Fani-Gonzalez, and Commissioners Cichy, Patterson, and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Administrative Subdivision Plan No. 620200070 to create two lots on the Subject

Property, subject to the following conditions:¹

1. This Administrative Subdivision is limited to two (2) lots for one (1) single-family dwelling unit on each lot.
2. The Adequate Public Facility (APF) review for the Administrative Subdivision will remain valid for sixty (60) months from the date of mailing of the 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 November 23, 2020, and hereby incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Administrative Subdivision Plan approval.
4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Fire Code Enforcement Section in its letter dated December 5, 2020, and hereby 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 amendments do not conflict with other conditions of Administrative Subdivision Plan approval.
5. The record plat must show necessary easements.
6. The record plat must show Building Restriction Lines as reflected on the Certified Administrative Subdivision Plan.
7. Prior to recordation of the plat(s) the Applicant must satisfy the City of Takoma Park requirements for stormwater management.
8. Prior to issuance of any access permits, the Applicant must address the following:
 - a. satisfy requirements set forth by Maryland Department of Transportation State Highway Administration (MDOT SHA); and
 - b. construct a 6-foot tree panel and a 5-foot wide sidewalk along the Property on frontage on Ethan Allen Avenue, as illustrated on the Certified Administrative Plan with the design subject to approval by MDOT SHA, unless construction is waived by the City of Takoma Park.
9. The Applicant must dedicate all road rights-of-way to the full width mandated by the Takoma Park Master Plan or as otherwise designated on the Certified Administrative Subdivision Plan, and show on the record plat(s) a dedication of the Ethan Allen Avenue frontage necessary to provide the Master Plan-recommended 50-foot-wide right-of-way between the Subject Property line and right-of-way centerline.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

10. The development must comply with the Final Forest Conservation Plan (FFCP) approved as part of this Administrative Subdivision Plan.
 - a. Prior to certification of the Administrative Subdivision Plan, the Applicant must update the FFCP sheets to resolve minor edits, typos, and related items to the satisfaction of Staff; and
 - b. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations;
 - c. The Applicant must comply with all tree protection and tree save measures shown on the Final Tree Save Plan; Tree-save measures not specified on the Plan may be required by the M-NCPPC Forest Conservation Inspection Staff as necessary;
 - d. Prior to the start of any demolition, clearing, grading, or construction for this development Application, the Applicant must record Category I and Category II Conservation Easements over all areas of forest retention, forest planting and environmental buffers as specified on the approved FFCP. The Conservation Easements must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat;
 - e. The Applicant must install permanent forest conservation easement signage along the perimeter of the conservation easements as shown on the FFCP or as determined by the Forest Conservation Inspection Staff; and
 - f. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.
11. Prior to certification of the Administrative Subdivision Plan, the Applicant must make the following changes:
 - a. Show resolutions and approval letters on the certified plan;
 - b. Modify the data table to reflect development standards approved by the Planning Board;
 - c. Revise drawings to show the Building Restriction Lines outside of the Category I and II Forest Conservation easements as specified in the development standards approved by the Planning Board;
 - d. Include 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 Administrative Subdivision Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s) approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of approval.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Administrative Subdivision Plan meets the requirements of Chapter 50, Section 6.1.C.*

C.1 The lots are approved for the standard method of development;

The lots were submitted and are approved for standard method development in the R-60 zone.

- C.2 Written approval for any proposed well and septic area is received from the Department of Permitting Services, Well and Septic Section before approval of the plat;*

The lots will not be served by wells or septic areas, as the Property is served by public water and sewer service and is designated in the W-1 and S-1 categories.

- C.3 Any required road dedications and associated public utility easements are shown on the plat and the applicant provides any required improvements;*

Ethan Allen Avenue (MD 410) is classified as an Arterial roadway. Per the *Takoma Park Master Plan*, the minimum right-of-way is 50 feet. Per Plat 25471, the existing right-of-way is 40 feet. Therefore, the Applicant will dedicate the additional right-of-way along the Site frontage to comply with the Master Plan.

As conditioned, the Applicant will construct a 5-foot sidewalk with a 6-foot tree panel along the Ethan Allen Avenue frontage, unless construction is waived by the City of Takoma Park.

As conditioned, the Applicant will ensure that any necessary public utility easements are shown on the plat.

- C.4 The requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat; and*

Transportation access is adequate to serve the proposed development by this Administrative Subdivision Plan.

Local Area Transportation Review (LATR)

The Project generates fewer than three (3) peak hour trips and is considered to have a *de minimis* impact on the transportation network. As a result, the Application is not subject to the Local Area Transportation Review (LATR). Based on the Project's *de minimis* impact and provision of new sidewalks on the Ethan Allen Avenue frontage vehicle and pedestrian access for the Project will be adequate.

School Adequacy

The Property is served by Takoma Park Elementary and Middle School, and Blair High School. With a net increase of one new single-family-detached dwelling unit, the application falls within the *de minimis* (three units or less) exemption. Therefore, the Project is not subject to testing for its estimated impact on school enrollment.

Other Public Facilities and Services

The Property is currently served by public water and sewer, classified in the S-1 and W-1 categories, and will be adequate to serve the proposed subdivision. Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy Resolution currently in effect.

C.5 Forest conservation, stormwater management, and environmental protection requirements are satisfied before approval of the plat.

The Application is subject to the County Forest Conservation Law and is meeting its requirements via onsite forest retention through the establishment of Category I and Category II Conservation Easements. No specimen trees are proposed to be removed or impacted with this Application. As conditioned, the Application complies with the requirements of the Forest Conservation Law.

The Project is located within the City of Takoma Park, which handles stormwater review for the municipality. As conditioned, the Applicant will be required to demonstrate that the Project has satisfied all stormwater management requirements with the City of Takoma Park prior to recordation of plat.

There are no additional environmental protection requirements to be met.

2. *The Administrative Subdivision Plan meets the technical review requirements of Chapter 50, Section 4.3.*

A. *The layout of the subdivision, including size, width, shape, orientation and density 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 length, width, and shape of the block are consistent with Section 50.4.3.B of the Subdivision Code. The proposed subdivision is within an existing residential neighborhood with an established street grid. The Application is not proposing to create any new residential blocks.

The proposed lots were reviewed for compliance with the dimensional requirements for the R-60 zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area, frontage, and width, and can reasonably accommodate two single-family detached dwellings on each lot. A summary of this review is included in Table 1.

Table 1 – Development Standards in the R-60 Zone

Standard	Required/Permitted	Proposed Lot 101	Proposed Lot 102
Minimum lot size	6,000 sq ft	34,582 sq ft ¹	29,482 sq ft ¹
Front setbacks	25 ft. min. ²	Must meet minimum or EBL ²	
Side setbacks	8 ft. min., 18 ft. total	Must meet minimum	
Rear setbacks	20 ft. min.	195' ³	238' ³
Lot Width at Front lot line	25'	Must meet minimum	
Lot Width at Front BRL	60'	Must meet minimum	
Lot Coverage	35%	Must meet minimum	
Building Height	35 ft max	Must meet minimum	
Site Plan Required	No	No	

¹ The proposed lots will exceed the minimum requirement for the R-60 zone; lot size may be adjusted during final record plat review

² Project may be required to conform to the Established Building Line standards of Section 59.4.4.1.A, as determined by Department of Permitting Services (DPS) at the time of building permit

³ Rear BRL will follow FCP easement boundary to be finalized at Certified Administrative Plan.

B. *The Administrative Subdivision Plan substantially conforms to the Master Plan.*

The Administrative Subdivision Plan meets all applicable sections of the Subdivision Code. Proposed Lots 101 and 102 are appropriate in size, shape, width, and orientation, taking into account the recommendations

of the Master Plan, the existing lot pattern of surrounding properties, and the building type (single-family detached dwelling units) contemplated for the Property.

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

The Property was reviewed for compliance with Section 50.4.3.D, "Public Sites and Adequate Public Facilities," of the Subdivision Code as specified in finding C.4 above. There are no Master Plan recommendations for public facilities or local recreation requirements for the Subject Property.

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

a. Environmental Guidelines

The Property contains overlapping areas of environmental concern including steep slopes, a stream valley buffer, and forest containing mature significant and specimen trees. There are no rare, threatened, or endangered species within the boundaries of the proposed Project.

b. Forest Conservation

The Application is subject to the Forest Conservation Law and is meeting requirements via onsite forest retention through the establishment of Category I and Category II Conservation Easements. No specimen trees are proposed to be removed or impacted with this Application. As conditioned, the Application complies with the requirements of the Forest Conservation Law

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

As discussed in finding 6.1.c.4 above, the Project is located within the City of Takoma Park, which handles stormwater review for the municipality. As conditioned, the Applicant will be required to demonstrate that the Project has satisfied all stormwater management requirements with the City of Takoma Park prior to recordation of plat.

BE IT FURTHER RESOLVED that this Administrative Subdivision Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Administrative Subdivision Plan

must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

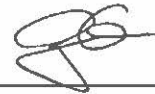
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~JAN 21 2021~~ (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Fani-González, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor, at its regular meeting held on Thursday, January 14, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board