

MCPB
Consent
Date: 10-21-21

Cashell Estates: Preliminary Plan Amendment No. 12016021A ("Design for Life")



Jonathan Casey, Senior Planner, Upcounty Planning, Jonathan.Casey@montgomeryplanning.org, (301) 495-2162



Sandra Pereira, Supervisor, Upcounty Planning, Sandra.Pereira@montgomeryplanning.org, (301) 495-2186



Patrick Butler, Chief, Upcounty Planning, Patrick.Butler@montgomeryplanning.org, (301) 495-4561

Completed: 10/8/21

Description

Request to amend the timing of the offsite access improvements.

Location: In the southeast quadrant of the intersection of Redland Road and Garrett Road, approximately 2,300 feet south of the intersection of Redland Road and Muncaster Mill Road.

Master Plan: 2004 *Upper Rock Creek Area Master Plan*

Zone: RE-1

Property Size: 2 acres

Applicant: Garrett Gateway Partners LLC

Acceptance date: June 24, 2021

Review Basis: Chapters 50 and 59



Summary

- Staff recommends approval with conditions of the Preliminary Plan Amendment.
- This application was submitted as a minor amendment pursuant to Section 4.2.F.2 of the Subdivision Regulations.
- The Preliminary Plan Amendments conform to approved Conditional Use No. 16-11.
- This Preliminary Plan Amendment proposes to modify the triggers associated with the off-site access easement, and completion of the new road connection.
- Staff has not received community correspondence for the application.

SECTION 1 – RECOMMENDATION AND CONDITIONS

Preliminary Plan Amendment No. 12016012A: Staff recommends approval with conditions of the Preliminary Plan Amendment. All conditions of approval of Preliminary Plan No. 120160120 remain in full force and effect except conditions 6, 14 and 15 which are modified below. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:

- 6) The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its revised letter dated October 8, 2021 ~~March 8, 2018~~, ~~with the exception of Condition #3 Redland Road – Comment #2~~, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the incorporated recommendations as set forth in the letter, which may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 14) Prior to issuance ~~the release~~ of the ~~tenth (10th)~~ sixteenth (16th) building permit, the Applicant must:
 - a) Record the access easement on Parcel 313, as stated in the Maryland State Highway Administration (“SHA”) letter dated May 31, 2017.
 - b) Permit and bond the portion of the private street from Garrett Road to the Subject Property within the SHA access easement on Parcel 313.
- 15) Prior to release of the ~~seventeenth (17th) building permit~~ right-of-way permit #364051 bond and/or final inspection of the 19th unit, whichever comes first, the Applicant must construct the portion of the private street section on Parcel 313 including the proposed driveway access to Garrett Road.

SECTION 2 – SITE LOCATION AND DESCRIPTION

The subject property is identified as the Cashell Estates Subdivision on Record Plat 25603 (Attachment A), and is located at 7009 Garrett Road, at the intersection of Garrett Road and Redland Road, approximately 2,300 feet south of the intersection of Redland Road and Muncaster Mill Road (“Subject Property” or “Property”) in the 2004 *Upper Rock Creek Master Plan* area (“Master Plan”). The Subject Property is located north of the Intercounty Connector (ICC/MD 200), in the northeast quadrant of the intersection of Redland Road and Garrett Road and is zoned RE-1. The Property is 2 acres in size and has approximately 340 feet of frontage on Redland Road and 240 feet of frontage on Garrett Road.



Figure 1- Vicinity Map

The surrounding area is predominantly comprised of one-family detached residential dwellings located in subdivisions on either side of Redland Road. Immediately to the north and east of the Subject Property is approximately 7.4 acres of land owned by the SHA that is reserved for the potential future extension of Mid-County Highway east to intersect with the Inter-County Connector (see Figure 2). Immediately north of there are one-family detached dwelling units.



Figure 2 – Zoning

The neighboring properties to the north and west are zoned R-200 and the properties to the east and south are zoned RE-1. Confronting the Property on Redland Road is the Redland Local Park. There are three single-family detached homes south of the Property, on the opposite side of Garrett Road.

History

Conditional Use No. CU2016-11

On December 2, 2016 the Montgomery County Hearing Examiner granted approval of Conditional Use CU2016-11, with conditions, pursuant to Section 59-3.1.D.2.(B) of the Zoning Ordinance, to construct up to 19 Townhouse Living Units ("Conditional Use"). Landscape and Lighting plans were approved as part of the Conditional Use application.

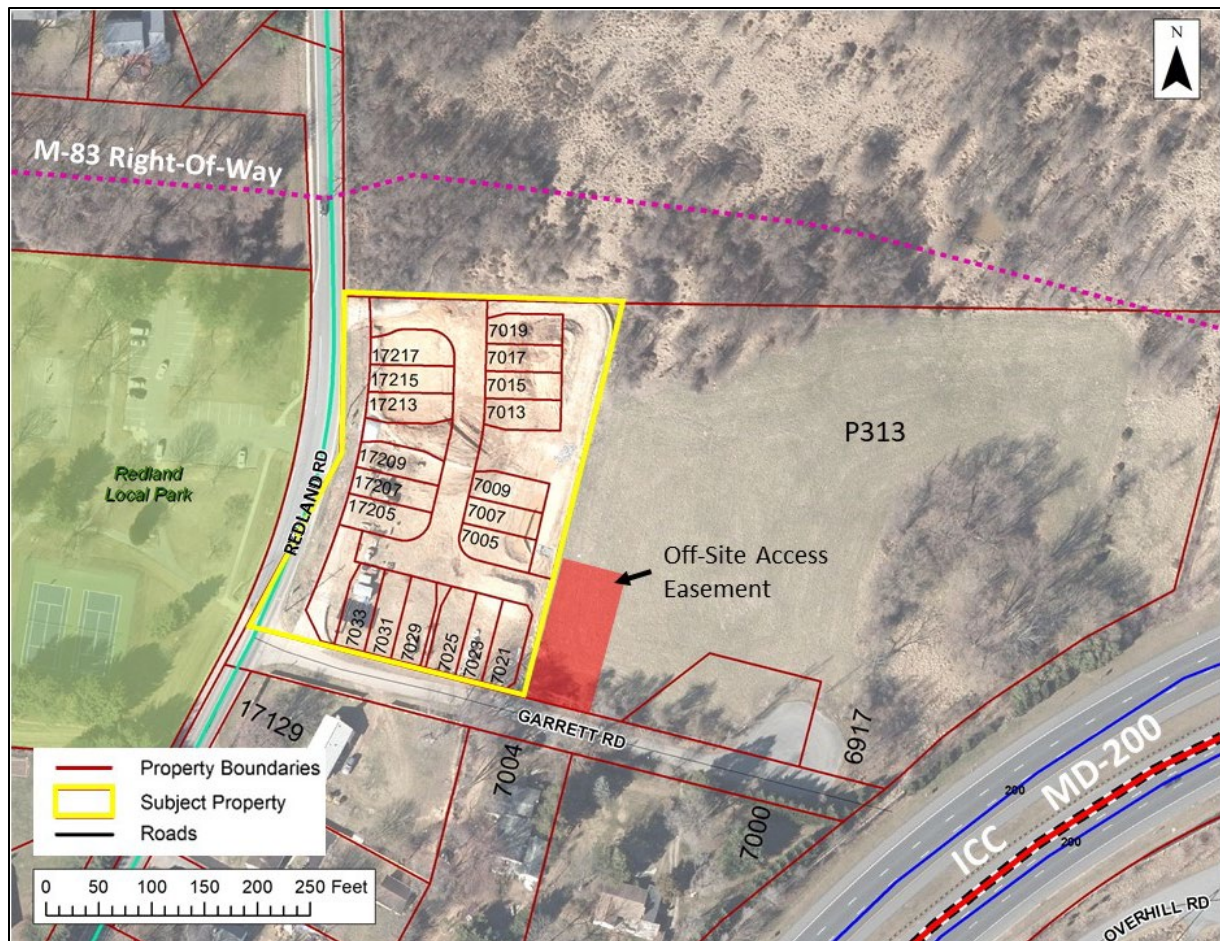


Figure 3 – Aerial View of the Subject Property

Preliminary Plan 120160210

Cashell Estates, Preliminary Plan No. 120160210 was approved on April 5, 2018 by Planning Board Resolution No. 18-024 (Attachment B) to create 19 (nineteen) lots on 2 acres of land for 19 Townhouse Living Units which incorporated the Design for Life standards (“Preliminary Plan”). As part of the Preliminary Plan, the Applicant was required to obtain an off-site access easement on Parcel P313 to add a second access point to the subdivision, from Garrett Road to the terminus of the new private street which connects to Redland Road. The off-site easement also provides room for two additional guest parking spaces and perimeter landscaping. As previously conditioned, following approval of the Preliminary Plan, the Conditional Use was updated with the Office of the Hearing Examiner to reflect the Preliminary Plan modifications.

SECTION 3 –PROPOSAL

Proposal

Preliminary Plan Amendment No. 12016021A was submitted on June 24, 2021, to modify the triggers associated with Condition 14 and 15 of Preliminary Plan Resolution MCPB No. 18-024 which deals with

the second access point to the Cashell Estates subdivision from Garrett Road ("Application" or "Amendment"). The Amendment was submitted as a minor amendment pursuant to Chapter 50, Section 4.2.F.2. The Amendment does not change the approved density, make changes to the approved lot configuration, right-of-way or alter any of the approved Preliminary Plan findings. This Application is limited to updating Condition 6 and changing Conditions 14 and 15 of the approved Preliminary Plan, to establish new triggers for the secondary access to the subdivision from Garrett Road. The Application does not modify any conditions of the approved Conditional Use.

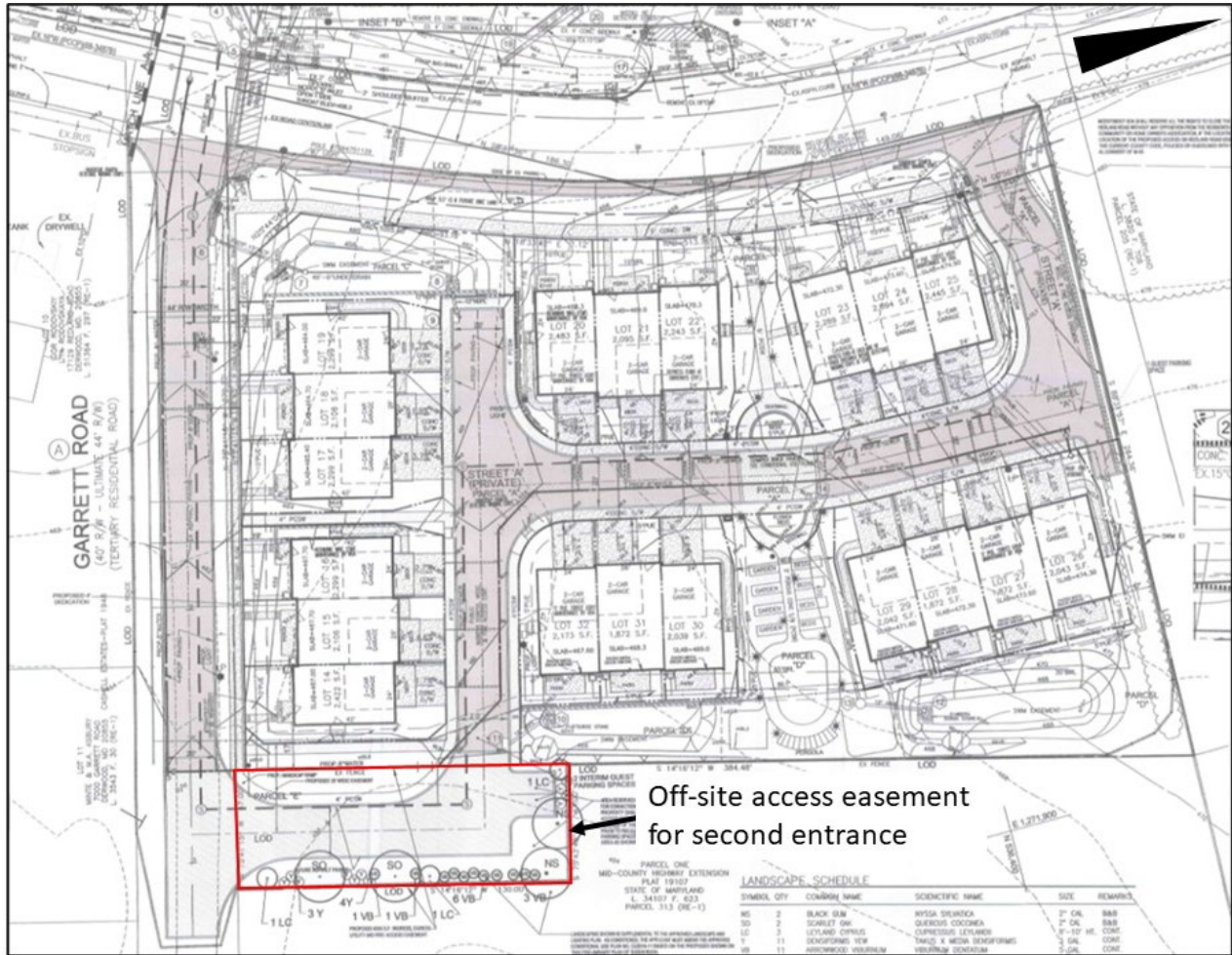


Figure 4 – Certified Preliminary Plan

SECTION 4 – ANALYSIS AND FINDINGS

Unless specifically set forth herein, the Application does not alter the original intent, objectives, or requirements in the approved Preliminary Plan, and all findings and conditions of Preliminary Plan No. 120160210 not specifically addressed remain in full force and effect. The layout of the subdivision, including size, width, shape, orientation and density of lot, and location and design of roads remain appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.

As evident from Figure 3, construction of the approved townhouse development is underway. However, as explained in Applicant's Statement of Justification (Attachment C), acquiring the requisite off-site easement took longer than expected, due to the complicated process, which was further delayed by the Covid-19 Pandemic. As a result, the Applicant submitted this Amendment to modify the triggers associated with acquiring the easement and completing the permit and bond process. After this Application was accepted, the Applicant acquired the necessary rights and ability to establish the easement per Condition 4a and is prepared to satisfy the condition by recording the easement prior to the Planning Board hearing. However, the Applicant is requesting additional time to complete the permitting and bonding process (See Condition 14b) which was delayed by the easement acquisition. Modifying the trigger for permitting and bonding the road connection will allow the Applicant to fulfil their obligation, while continuing construction of the second to last stick of townhouses. Similarly, the Applicant is requesting to amend Condition 16 to provide flexibility regarding final construction of the new road connection. Based on the Applicant's justification, the Applicant's Amendment to is reasonable and consistent with the intent and objectives of the approved Preliminary Plan.

The Application has been reviewed by the MCDOT who, in an amended letter dated October 8, 2021, supports the revised conditions of approval (Attachment D).

SECTION 6 – CITIZEN CORRESPONDENCE

The Applicant has met all proper signage and noticing requirements for the minor Preliminary Plan Amendment Application. Staff has not received any correspondence.

SECTION 7– CONCLUSION

The Preliminary Plan Amendment meets all of the requirements established in the *Subdivision Regulations* and the *Zoning Ordinance*, and conforms to the recommendations of the 2004 *Upper Rock Creek Area Master Plan*. Access to the lots is adequate and all public facilities and utilities have been deemed adequate to serve this Application. The Application was reviewed by other applicable County agencies, all of whom have recommended approval. Therefore, Staff recommends approval of the Application, with the conditions as specified.

Attachments

- A. Record Plat 25603
- B. Planning Board Resolution No. 18-024 for Preliminary Plan No. 120160210
- C. Statement of Justification
- D. MCDOT Approval Letter

NOTES:

1. THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON W.S.S.C. BASE SHEET 223-NW-07.
2. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL FOR PRELIMINARY PLAN #120160210 AND CONDITIONAL USE PLAN CU2016-11.
3. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
4. THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE OF THE PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.
5. ALL TERMS CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN, ALLOWING DEVELOPMENT OF THIS PROPERTY, APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY RECORDING THIS PLAT, UNLESS EXPRESSLY CONTEMPLATED BY THE PLAN AS APPROVED. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
6. MARYLAND STATE PLANE DATUM BASED ON W.S.S.C. MONUMENTS 20818 AND 20819.

7. PARCEL A, (UNIVERSAL COURT) AS SHOWN HEREON IS SUBJECT TO THE DECLARATION OF RESTRICTIVE COVENANT FOR PRIVATE ROADS, RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, IN BOOK 54062 AT PAGE 338 AND THE TERMS AND CONDITIONS AS REQUIRED BY THE MONTGOMERY COUNTY CODE WITH REGARD TO PRIVATE ROADS SET FORTH AT SECTION 50-4.3.E, ET SEQ.
8. PARCELS A, B, C, D & E ARE TO BE CONVEYED TO THE HOMEOWNERS ASSOCIATES AND STORMWATER MANAGEMENT SHALL BE PROVIDED WITHIN PARCELS C AND D, BLOCK B.
9. THIS PLAT IS SUBJECT TO A DECLARATION OF PUBLIC ACCESS COVENANT ACROSS PARCELS B, C, D AND E FOR THE BENEFIT OF THE PUBLIC OVER ALL TRAILS, SIDEWALKS AND PATHS NOT INCLUDED IN A PUBLIC RIGHT OF WAY OR PRIVATE STREET PARCEL AS RECORDED IN BOOK 57022 AT PAGE 395
10. REDLAND ROAD- NO DEED OR PLAT COULD BE FOUND ESTABLISHING THE CURRENT RIGHT OF WAY, THE ROAD IS MAINTAINED BY MONTGOMERY COUNTY. THE ULTIMATE MASTER PLAN RIGHT OF WAY IS 70 FEET (PRIMARY RESIDENTIAL ROAD).
11. GARRETT ROAD HAS AN ULTIMATE R/W OF 44 FEET (TERTIARY RESIDENTIAL ROAD).
12. PUBLIC ACCESS SHOWN ON PARCEL N313 TO BENEFIT THIS PLAT AND FUTURE DEVELOPMENT OF PARCEL N313 ONLY.
13. THIS PLAT IS SUBJECT TO THE COMMON OPEN SPACE COVENANT RECORDED AT BOOK 28045 AS PAGE 578.
14. THIS PLAT IS SUBJECT TO AN OPERATION AND MAINTENANCE COVENANT FOR THE PRIVATE STREETS, PRIVATE STORM DRAIN SYSTEMS, AND OR OPEN SPACES, TRAILS, SIDEWALKS AND PATHS NOT INCLUDED IN A PUBLIC RIGHT OF WAY AS RECORDED IN BOOK 57127 AT PAGE 302.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS TRUE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THAT IT IS A SUBDIVISION OF ALL THE LAND DESCRIBED IN A DEED FROM CYNTHIA A. ECKLEY TO GARRETT GATEWAY PARTNERS LLC, A MARYLAND LIMITED LIABILITY COMPANY, DATED DECEMBER 19TH, 2014 AND RECORDED IN LIBER 49677 FOLIO 284 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, AND IS A RESUBDIVISION OF PART OF LOT 5, BLOCK "B" CASHELL ESTATES, RECORDED IN THE AFORESAID LAND RECORDS AS PLAT NO. 2038.

I FURTHER CERTIFY THAT, IF ENGAGED AS DESCRIBED IN THE OWNER'S CERTIFICATE HEREON, ALL PROPERTY MARKERS AND OTHER BOUNDARY MARKERS SHOWN THUS --- WILL BE SET IN ACCORDANCE WITH SECTION 50.4.3.G OF THE MONTGOMERY COUNTY CODE.

THE TOTAL AREA INCLUDED ON THIS PLAT IS 87,203 SQUARE FEET OR 2.00191 ACRES, 11,112 SQUARE FEET OF WHICH IS DEDICATED TO PUBLIC USE.

9/27/19
DATE

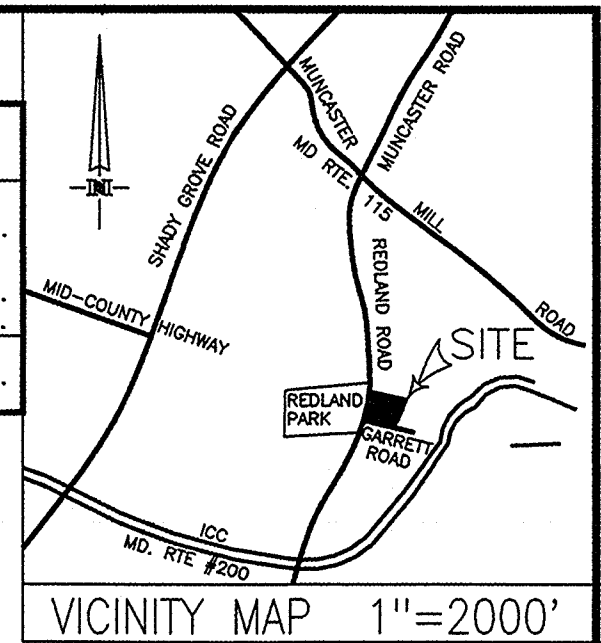
Dean Packard
DEAN PACKARD
PROFESSIONAL LAND SURVEYOR
MARYLAND REGISTRATION NO. 21815
EXP. DATE 12/14/2019



PLAT NO. 25603

PLAT TOTALS

NUMBER OF LOTS	19
AREA OF LOTS	0.94270 Ac.
NUMBER OF PARCELS	5
AREA OF PARCELS	0.80409 Ac.
AREA OF STREET DEDICATION	0.25512 Ac.
TOTAL AREA THIS PLAT	2.00191 Ac.



APPROVAL/INFORMATION CHART

TAX MAP	GT-341
ZONING CATEGORY	RE-1
APPROVED PRELIMINARY PLAN #	120160210
APPROVED FOREST CONSERVATION PLAN	120160210

OWNER'S CERTIFICATE

WE THE UNDERSIGNED, OWNERS OF THE PROPERTY DESCRIBED HEREON, HEREBY ADOPT THIS PLAT OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, DEDICATE THE STREETS TO PUBLIC USE, AND GRANT TO MONTGOMERY COUNTY, MARYLAND SLOPE EASEMENTS 10 FEET WIDE ACROSS ALL LOTS ADJACENT, CONTIGUOUS AND PARALLEL TO ALL PUBLIC STREET RIGHT OF WAY LINES. SAID SLOPE EASEMENTS SHALL BE EXTINGUISHED AT SUCH TIME AS THE PUBLIC IMPROVEMENTS ON THE ADJUTING RIGHTS OF WAY HAVE BEEN COMPLETED AND ACCEPTED FOR MAINTENANCE BY MONTGOMERY COUNTY.

FURTHER WE GRANT THE HOME OWNERS ASSOCIATION RETAINING WALL EASEMENTS, FOR MAINTENANCE AND CONSTRUCTION AS SHOWN ON AND DESCRIBED ON THIS PLAT.

FURTHER, WE GRANT TO POTOMAC ELECTRIC POWER COMPANY, BELL ATLANTIC TELEPHONE COMPANY OF MARYLAND, WASHINGTON GAS LIGHT COMPANY AND TO EACH OF THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, AN EASEMENT, IN, ON AND OVER THE LAND HEREON DESCRIBED AS A FIVE, SEVEN AND TEN FOOT WIDE PUBLIC UTILITY EASEMENTS, DESIGNATED HEREON AS "P.U.E.", WITH THE TERMS AND PROVISIONS OF SUCH A GRANT BEING THOSE SET FORTH IN A CERTAIN DOCUMENT ENTITLED "DECLARATION OF TERMS AND PROVISIONS FOR PUBLIC UTILITY EASEMENTS" AND RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 3834 AT FOLIO 457. SAID TERMS AND PROVISIONS BEING INCORPORATED HEREIN BY THIS REFERENCE.

FURTHER, WE AS THE OWNER OF THIS SUBDIVISION, OUR SUCCESSORS AND ASSIGNS, WILL CAUSE ALL PROPERTY CORNER MARKERS AND ANY OTHER REQUIRED MONUMENTATION TO BE SET BY ENGAGING A LICENSED MARYLAND LAND SURVEYOR IN ACCORDANCE WITH SECTION 50.4.3.G OF THE MONTGOMERY COUNTY CODE.

THERE ARE NO RECORDED SUITS, ACTIONS AT LAW, LIENS, LEASES, MORTGAGES OR TRUSTS AFFECTING THE PROPERTY INCLUDED IN THIS PLAT OF SUBDIVISION, UNLESS SHOWN BELOW.

GARRETT GATEWAY PARTNERS, LLC

Dean Packard, Member
Witness: [Signature] 9/27/19
DATE

A. Jeffrey Jacobson, Member
Witness: [Signature] 9/27/2019
DATE

REVERE BANK
Witness: [Signature] 09/27/19
DATE

Scott C. Nicholson, Trustee
Witness: [Signature] 9/27/2019
DATE

Van J. Anderson, Trustee
Witness: [Signature] 9/27/2019
DATE

DEED OF TRUST BOOK 57852 PAGE 238
DEED OF TRUST BOOK 57869 PAGE 390
SUBORDINATION AGREEMENT BOOK 57942 PAGE 116

SUBDIVISION RECORD PLAT
LOTS 14 - 32
PARCELS A, B, C, D & E

BLOCK B

A RESUBDIVISION OF PART OF LOT 5 BLOCK B

CASHELL ESTATES

ROCKVILLE ELECTION DISTRICT No. 4
MONTGOMERY COUNTY, MARYLAND

PACKARD & ASSOCIATES, LLC.
Civil Engineers • Land Surveyors • Planners

16220 FREDERICK ROAD, SUITE 300
GAITHERSBURG, MARYLAND 20877
Phone: (301) 208-0250

SEPTEMBER, 2019

The Maryland-National Capital Park & Planning Commission
Montgomery County Planning Board

Approved November 7, 2019
CHAIRMAN: [Signature]
ASST. SECRETARY-TREASURER: [Signature]
M-N.C.P. & P.C. Record File No.: 641-70

Montgomery County, Maryland
Department of Permitting Services

Approved 10-15-2019
DATE
[Signature]
ACTING DIRECTOR

220181100120160210 RE-2

RECORDED

PLAT NO.

40 0 40 80 120
GRAPHIC SCALE: 1"=40'

SCALE: 1"=40'

P234450

51249 - 25603

641-70



RECEIVED

NOV 14 2019

Clerk of the Circuit Court
Montgomery County, Md.

PLAT 1948

CASHELL ESTATES

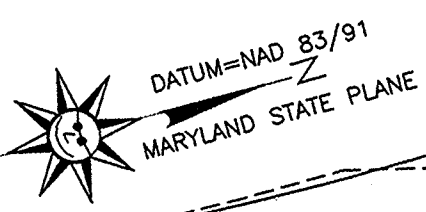
LOT 11
MINT & M.A. ASBURY
7000 GARRETT ROAD
DERWOOD, MD 20855
L. 3543 F. 30

AREA DEDICATED TO STREETS,
PUBLIC USE=11,112 S.F.
OR 0.25512 ACRES

REDLAND PARK
MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
L. 4584 F. 412

REDLAND ROAD

(VARIABLE WIDTH RIGHT OF WAY)
(LIBER 909 FOLIO 167, LIBER 909 FOLIO 164, LIBER EBP 6 FOLIO 84)



LINE	BEARING	DISTANCE
LA	N 56°05'27" E	9.82'
LB	N 14°14'24" E	66.08'
LC	N 26°02'20" W	9.97'
LD	S 75°07'59" E	7.09'
LE	N 15°45'14" E	4.37'
LF	N 75°00'00" W	2.42'
LG	N 14°31'56" E	65.10'
LH	S 28°20'55" W	20.62'
LI	N 00°16'34" E	20.62'
LJ	S 28°20'55" W	20.62'
LK	S 14°18'45" W	30.02'
LL	S 75°41'15" E	57.96'
LM	N 8°50'34" E	19.51'
LN	S 62°51'39" E	20.62'
LO	N 75°56'21" E	20.26'
LP	S 75°53'50" E	21.90'
LQ	N 75°42'19" E	18.68'
LR	N 75°07'17" W	21.19'
LS	N 8°49'50" E	20.25'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	93.78'	1055.60'	5°05'25.28"	N 21°06'25" E	93.75'
C2	210.87'	537.84'	22°27'49.45"	N 07°08'49" E	209.52'
C3	22.58'	55.00'	23°31'39.15"	S 77°13'49" W	22.43'
C4	11.38'	25.56'	25°30'38.14"	S 78°15'40" W	11.29'
C5	39.27'	25.00'	90°00'00.00"	N 43°46'14" W	35.36'
C6	30.05'	145.00'	11°52'24.34"	N 07°09'58" E	29.99'
C7	39.79'	24.96'	91°12'34.23"	S 58°44'08" W	35.71'
C8	31.84'	20.00'	91°12'34.23"	S 31°17'33" W	28.58'
C9	36.27'	175.00'	11°52'24.34"	S 07°09'58" W	36.20'

STATE OF MARYLAND
L. 3820 F. 708
PARCEL P205

N 536,478.78
E 1,271,890.16

OFF
HELD
ON LINE

LEGEND

IPF=IRON PIPE FOUND
OPF=OPEN PIPE FOUND
SWM=STORMWATER MANAGEMENT

TO THE USE OF STATE HIGHWAY ADMINISTRATION
OF THE DEPARTMENT OF TRANSPORTATION
LIBER 34107 FOLIO 623 PARCEL N313
ITEM NO. 95062, SRC PLAT 57014
(REMAINDER OF LOT 5, BLOCK B, CASHELL ESTATES, PLAT NO. 2038)

PROPOSED OFF-SITE
WSSC EASEMENT
PROPOSED OFF-SITE
PUBLIC ACCESS EASEMENT

LOT 14
2,422 S.F.

LOT 15
2,106 S.F.

LOT 16
2,299 S.F.

LOT 17
2,299 S.F.

LOT 18
2,106 S.F.

LOT 19
2,299 S.F.

LOT 20
2,422 S.F.

LOT 21
2,098 S.F.

LOT 22
2,422 S.F.

LOT 23
2,285 S.F.

LOT 24
2,085 S.F.

LOT 25
2,422 S.F.

LOT 26
2,085 S.F.

LOT 27
2,085 S.F.

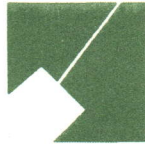
LOT 28
2,085 S.F.

LOT 29
2,085 S.F.

LOT 30
2,085 S.F.

LOT 31
2,085 S.F.

LOT 32
2,085 S.F.



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

MCPB No. 18-024
Preliminary Plan No. 120160210
Cashell Estates
Date of Hearing: April 5, 2018

APR 13 2018

RESOLUTION

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

WHEREAS, on February 10, 2017, Garrett Gateway Partners, LLC ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create nineteen (19) lots on 2.0 acres of land in the RE-1 zone, located at located at 7009 Garrett Road in Derwood, approximately 2,300 feet south of the intersection of Redland Road and Muncaster Mill Road ("Subject Property"), in 2004 Upper Rock Creek Area Master Plan ("Master Plan") area; and

WHEREAS, Subdivision Regulation Amendment 16-01, adopted by the Montgomery County Council on November 15, 2016 as Ordinance No. 18-19, replaced Chapter 50, Subdivision of Land in its entirety, effective February 13, 2017 ("Subdivision Regulations"); and

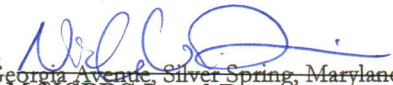
WHEREAS, Ordinance 18-19 provided that any preliminary plan application filed and certified as complete before the effective date of the Subdivision Regulations may, at the applicant's option, be reviewed under the Subdivision Regulations in effect when the application was submitted; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120160210, Cashell Estates ("Preliminary Plan" or "Application"); and

WHEREAS, Applicant opted to have this Preliminary Plan reviewed under the Subdivision Regulations in effect on February 10, 2017; 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 March 23, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency:


8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
M-NCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

WHEREAS, on April 5, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120160210 to create nineteen (19) lots on the Subject Property, subject to the following conditions:¹

1. This Preliminary Plan is limited to 19 lots for 19 Townhouse Living Units.
2. The Applicant must comply with conditions of approval of in the Hearing Examiner's Report and Decision dated December 2nd, 2016 for Conditional Use No. 2016-11.
3. Prior to record plat approval, amended plans for Conditional Use No. CU2016-11 that are consistent with the approved Preliminary Plan must be submitted to the Hearing Examiner.

Forest Conservation

4. The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. 120160210, approved as part of this Preliminary Plan, including:
 - a. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank to satisfy the afforestation requirement for a total of 0.42 acres (18,295 sq. ft.) of mitigation credit.
 - b. At the direction of the M-NCPPC Forest Conservation Inspector, mitigation must be provided for the removal of three variance trees. Mitigation must be provided in the form of planting eleven (11) native canopy trees with a minimum planting stock size of three caliper inches. The trees must be planted outside of any rights-of-way, or utility easements, including stormwater management easements. The trees must be planted within one year or two growing seasons after the development project is complete. The planting locations of these trees and any substitution of species from what is

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.

- shown on the approved FFCP are subject to the approval of the M-NCPPC Forest Conservation Inspector.
- c. The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspector.
 - d. The Applicant must have all required site inspections performed by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
 - e. The limits of disturbance (LOD) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.
5. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") - Water Resources Section in its Stormwater Management Plan letter dated March 2, 2018, and hereby 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, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
 6. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated March 8, 2018, with the exception of Condition #3 Redland Road – Comment #2, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the incorporated recommendations as set forth in the letter, which may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
 7. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
 8. The Planning Board has accepted the recommendations of the MCDPS - Fire Department Access and Water Supply Section in its letter dated March 1, 2018, 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 Preliminary Plan approval.
 9. The Applicant must obtain a Park Construction Permit from the Montgomery County Department of Parks prior to any construction on Parkland related to this Application.

Road Dedication & Improvements

10. The Applicant must dedicate and show on the record plat(s) the following dedications:

- a. Thirty-five feet from the existing road centerline along the Subject Property frontage for Redland Road as shown on the Preliminary Plan.
 - b. Forty-four feet from the opposite right-of-way line along the Subject Property frontage for Garrett Road as shown on the Preliminary Plan.
11. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes.
 12. Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of a five-foot wide sidewalk along the property frontage on Redland Road and Garrett Road.

Private Roads

13. The Applicant must provide Private Road, Street "A", including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Conditional Use Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:
 - a. The record plat must clearly delineate the Private Road Parcel and include a metes and bounds description of the boundaries of the Private Road.
 - b. The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq.
 - c. Prior to issuance of building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.
14. Prior to the release of the tenth (10th) building permit, the Applicant must:

- a. Record the access easement on Parcel 313, as stated in the Maryland State Highway Administration ("SHA") letter dated May 31, 2017.
 - b. Permit and bond the portion of the private street from Garrett Road to the Subject Property within the SHA access easement on Parcel 313.
15. Prior to release of the seventeenth (17th) building permit, the Applicant must construct the portion of the private street section on Parcel 313.

Surety

16. Prior to issuance of any building permit and sediment control permit, the Applicant must enter into a Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety, with the following provisions
- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
 - b. The cost estimate must include list any/all aspects required for construction of a site element by the Planning Board on the preliminary plan such as a private road, sidewalks or other circulation, and any off-site improvements not bonded by other county agencies
 - c. Completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
 - d. The bond or surety for each item shall be clearly described within the Surety & Maintenance Agreement including all relevant conditions.

Record Plats

17. The record plat must show necessary easements.
18. The record plat must reflect a common use and access covenant for the benefit of the public over all trails, sidewalks and paths not included in a public right-of-way or private street parcel. The covenant must be created in a form approved by the M-NCPPC Office of the General Counsel and recorded in the Montgomery County Land Records.
19. The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
20. The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant must provide verification to Staff prior to release of the final building permit that the Applicant's recorded HOA Documents incorporate the Covenant by reference.
21. 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. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”

APF

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

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 Preliminary Plan substantially conforms to the Master Plan.*

The Hearing Examiner found that Conditional Use CU2016-11 substantially conformed with the 2004 Upper Rock Creek Area Master Plan. The approved Preliminary Plan does not include any substantial changes to the lot configuration and statement of operations that were included in the record of the Conditional Use application. However, the layout has been modified slightly with the addition of a second access point, as discussed below. While not reviewed as part of CU2016-11, the secondary entrance does not conflict with the Hearing Examiner’s finding that CU2016-11 conforms to the Master Plan. This Application is also in substantial conformance with the Master Plan.

As discussed at the time of the Conditional Use review, the Master Plan does not make specific recommendations for the Subject Property, but as noted below, makes general land use and zoning recommendations for the area in which the Subject Property is located.

The Master Plan focused on preserving environmental resources in the sensitive Upper Rock Creek watershed, maintaining the fabric of existing communities and enabling environmentally sensitive new development. To achieve a balance among these objectives, the Master Plan recommended low-density cluster development in the area north of Muncaster Mill Road, allowing public sewer service to large developing properties and creating a Special Protection Area to

help preserve natural resources. An environmental overlay zone, with an eight percent limit on impervious surfaces, helped to implement these recommendations. The Upper Rock Creek Master Plan did not include in the Special Protection Area the portion of the watershed south of Muncaster Mill Road, which is largely developed and includes the Subject Property.

The Master Plan also endorsed the County's Housing Policy, which "stresses the provision of affordable housing, or assistance to those with diverse housing needs, such as the elderly, the physically disabled and those with mental illness, and of equal opportunity in seeking housing." The Master Plan recognized that preservation of natural resources and low density residential character limited the universe of housing options. It recommended several specific sites as suitable for additional affordable housing and endorsed expansion of the Moderately Priced Dwelling Unit program to large lot zones.

The Master Plan reconfirmed existing land uses and zones in the area south of Muncaster Mill Road. The Subject Property is in the RE-1 Zone. Land to the east and south is in the R-200 Zone. The Master Plan notes that development in this area occurred in the 1960s and "did not entirely conform to the General Plan's policy recommendations, which in this area translated into residential densities of about one unit for every two acres." The 1964 General Plan recommended a rural pattern for large parts of the county, including the Upper Rock Creek watershed, that would contribute to creation of a wedge that would mold "the urban corridors, providing open space for recreation, enabling the continuation of farming and natural resource activities and conserving natural resources."

The Master Plan notes that "land along Needwood and Redland Roads was reclassified to half-acre zones—in part because trunk sewer lines had already reached the area—and residential subdivisions were approved at this density." The R-200 communities in the vicinity of the Subject Property were initially laid out in the mid-sixties, and their creation, contrary to the General Plan's recommended policy, prompted preparation of the 1968 Master Plan for the Rock Creek Planning Area. The RE-1 Zone placed on the Subject Property and other land along Redland Road is consistent with a longstanding planning vision for this part of the Upper Rock Creek watershed. The Master Plan does not forbid conditional uses in this area, nor did it foresee the introduction of new uses that could further accomplish the housing goals recommended in the Master Plan.

The project falls under the category of Townhouse Living which is a limited or conditional use in the RE-1 Zone. In general, conditional uses are considered appropriate when subject to an additional layer of regulatory scrutiny. In this case, the focus is on accessibility for broad ranges of residents. With conformance to the conditional use standards and recommended conditions of approval, the

Hearing Examiner found that this use is consistent with the Master Plan's land use and housing goals. It will enable the integration of additional housing in Upper Rock Creek suitable for people with special needs, an important objective of the Master Plan.

Master Plan Transportation Facilities

The following summarizes recommendations included in the 2004 Approved and Adopted Upper Rock Creek Master Plan, 2005 Countywide Bikeways Functional Master Plan and the 2018 Bicycle Master Plan Update (in progress), and the 2009 Intercounty Connector Limited Functional Master Plan Amendment – Bikeways and Interchanges along the property frontage:

- Redland Road is a two-lane road, with a posted speed limit of 35 MPH and is designated in the 2004 Approved and Adopted Upper Rock Creek Master Plan as a Primary Residential Street (P-7) with an ultimate right-of-way of 70 feet between Needwood Road and Muncaster Mill Road.
- Bike lanes (BL-29) were designated on Redland Road between Needwood Road and Muncaster Mill Road as part of the 2005 Countywide Bicycle Functional Master Plan. The in-process 2018 Bicycle Master Plan Update recommends these same bike lanes as well as a side path on the north side of the road, opposite the Subject Property. Therefore, the Applicant will construction a five and one-half (5.5)-foot-wide bike lane along the frontage of the Subject Property on Redland Road abutting the current pavement edge.
- Garrett Road is not a currently classified road. With the removal of the one house on the subject property and the addition of the 19 townhomes for the Cashell Estates property, as well as future possible development on the state-owned parcel to the east of the Subject Property, the road will at no point in the future serve 75 or more dwelling units. Therefore, Staff recommend that Garrett Road be classified as a Tertiary Residential Street.
- Midcounty Highway Extended (M-83) is proposed to intersect Redland Road just north of the property and connect Shady Grove Road with the Intercounty Connector (ICC). This road is planned to be a four to six lane divided Major Highway (M-83) with an ultimate right-of-way of 150 feet.

The Application takes into consideration the necessary dedication and right-of-way improvements recommended in the aforementioned master plans. The Applicant is dedicating approximately 35 feet of right-of-way from the existing centerline along the Subject Property's frontage on Redland Road to the property

edge to achieve the full master planned right-of-way width on their side of the road.

Garrett Road is currently improved within a 40-foot wide right-of-way with a variable pavement width of 16 feet to 18 feet along the frontage of the Subject Property. Garrett Road was a through road at one point but was bisected when the ICC was constructed. Garrett Road is approximately 600 feet long and terminates in a non-standard cul-de-sac (constructed by SHA). The Applicant is dedicating an additional four feet along the Subject Property's frontage which will provide the 22' from the centerline required to fulfill their portion of the ultimate 44' right-of-way width and the ultimate 44' right-of-way width (modified Tertiary, MC-2001.01). The Applicant also proposes to widen the pavement on Garrett Road to meet the full 20' pavement width along the frontage of their property and the additional access easement to the east of the Subject Property.

During the review of the Preliminary Plan it became evident that the Conditional Use review did not adequately address the proximity of the project's access onto Redland Road with the future planned intersection of Redland Road and the Midcounty Highway Extension recommended in both the 2004 Approved and Adopted Upper Rock Creek Master Plan and the 2009 Intercounty Connector Limited Functional Master Plan – Bikeways and Interchanges. Without knowing the details of the future planned intersection or interchange because no study had been completed, SHA deferred all decisions regarding the future intersection/interchange to Montgomery County in a letter dated May 31, 2017. Therefore, MCDOT found it necessary to plan for an alternative access point to the Subject Property in the case that the spacing between the two intersections would not be safe. After coordination with MCDOT, the Applicant suggested in a letter dated May 1, 2017 that they be granted approval of the project provided they permit and bond an additional access onto Garrett Road prior to the issuance of the 10th building permit. Since permitting and bonding would require the Applicant to pay for the alternative road connection, Planning and MCDOT staff have coordinated to condition that the alternative access be permitted and bonded prior to the 10th building permit and built prior to issuance of the 17th building permit (not the 16th as indicated in MCDOT's approval letter). Requiring the alternative access be built at this time prevents the issue of when to release the bond, provides no adverse effect to nearby residences, and ensures safe access to the Subject Property should future road connections to Midcounty Highway and/or the ICC be implemented.

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

Local Area Transportation Review (LATR)

The Application was accepted after January 1, 2017 and therefore was reviewed under the new 2016-2020 Subdivision Staging Policy and Local Area Transportation Review (LATR) Guidelines in effect currently. The Applicant's consultant provided a traffic statement which states that the proposed development of 19 dwelling units will generate 13 morning peak hour person trips and 15 evening peak hour person trips. Based on the traffic statement, the development will generate fewer than 50 peak hour person trips during the morning or evening peak hours. Therefore, this project is exempt from the LATR.

The Preliminary Plan has been evaluated by M-NCPPC Staff ("Staff") and the Montgomery County Department of Transportation, which supports the transportation elements of the Preliminary Plan as indicated in a letter dated March 8, 2018. The proposed access to the Subject Property, as shown on the Preliminary Plan, is adequate to serve the development and the alternative Garrett Road access provides access should M-83 be constructed.

Other Public Facilities and Services

The Subject Property is in sewer category S-3 and water category W-3 which is consistent with the Applicant's proposal to connect to public water and sewer which are available and adequate to serve the development.

The Application has been reviewed by the MCDPS Fire Code Enforcement Section, which determined that the Property has adequate access for fire and rescue vehicles by transmittal dated March 1, 2018.

Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the 2016-2020 Subdivision Staging Policy.

School Adequacy Analysis

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 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.

As shown in the Staff Report, the Application includes 19 single family attached units replacing one single family detached unit and is estimated to generate 4 elementary school students, 1 middle school student and 2 high school students.

Cluster Adequacy Test

There is sufficient capacity within the school cluster to accommodate the estimated number of students generated by this project. The project is located in the Col. Zadok Magruder High School Cluster. Based on the FY18 Annual School Test results, the student enrollment and capacity projections for the Magruder Cluster are noted in the following table:

School Level	Projected Sept. 2022 Enrollment	100% Projected MCPS Program Capacity, 2022	Cluster % Utilization 2022-2023	Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
Elementary	2,612	2,868	91.1%	3,442	2,616
Middle	1,283	1,603	80.0%	1,924	1,284
High	1,872	1,941	96.4%	2,330	1,874

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 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 Candlewood ES and Shady Grove MS, respectively. Based on the FY18 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

School	Projected Sept. 2022 Enrollment	100% Projected MCPS Program Capacity, 2022	School % Utilization 2022-2023	Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
				120% Utilization	Seat Deficit	
Candlewood ES	360	516	69.8%	620	626	364
Shady Grove MS	632	846	74.7%	1,016	1,026	633

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 the elementary school or 180 seats for the middle school. If a school's projected enrollment exceeds both triggers, 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 projected enrollment plus the estimated impact of this Application fall below the applicable moratorium thresholds for both Candlewood ES and Shady Grove MS.

Based on the school cluster and individual school capacity analysis performed, there is adequate school capacity for the amount and type of development proposed by this Application.

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations that were in effect prior to February 13, 2017. The lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account that the Subject Property was approved for up to 19 townhouses as a Conditional Use². The Conditional Use Application took into consideration the applicable Master Plan recommendations, open space requirements and layout if the development in addition to the density and development standards outlined in Section 59-4.4.12.C.

The common open space does not entirely meet the 50-foot minimum width requirement of Section 6.3.5.B.2, however, an exception was granted by the Hearing Examiner as part of the Conditional Use application. The width ranges from 18 feet at the west to 50 feet at the west (widest point). Although the space does not meet the width requirement, an exception was warranted because the

² The Subject Property is zoned RE-1, however, the density and development standards of the RE-1 zone do not apply to Townhouse Living as a Conditional Use in the RE-1 zone. Section 59-3.3.1.D.2.b.vii states that "the density limitations and development standards of the TMD zone under optional method (Section 4.4.12.C) apply despite any other limitation in this Chapter." Therefore, the Application was reviewed for compliance with the development standards of the TMD zone under the optional method of development.

open space fully meets the intent of Division 6.3. As described on page 13 of the Conditional Use Staff Report, the common space meets the intent because it is centrally located within the development, provides a break between the individual rows of townhouses, provides passive and active recreation including seating, a pergola, accessible garden beds and specialty play equipment designed for those with disabilities. The space is well connected with sidewalks and will be a welcoming space for visitors and residents.

The lots were reviewed for compliance with the dimensional requirements for the TMD zone, under the Optional Method of Development as specified in the Zoning Ordinance. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Application.

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

A. Forest Conservation

As conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

This Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Subject Property on June 23, 2015. There are no forests or environmentally sensitive features on the Subject Property. A Preliminary Forest Conservation Plan was approved by the Planning Board on October 6, 2016 as part of a Conditional Use Application, Plan No. CU2016-11. Development of the Subject Property generates a 0.42-acre afforestation planting requirement which will be met by purchasing the necessary credits in an off-site forest mitigation bank.

B. Forest Conservation Variance

The Applicant submitted a variance request in a letter dated January 29, 2016 as part of the Preliminary Forest Conservation Plan application. Both the Preliminary Forest Conservation Plan and the variance request were approved by the Planning Board on October 6, 2016.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

This finding is based upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS – Water Resources Division on March 2, 2018. The Application will meet stormwater management goals by installing one micro-bioretenention facility and two landscaping infiltration facilities.

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

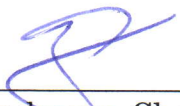
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 13 2018 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor absent at its regular meeting held on Thursday, April 5, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

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**Planning Area Three Division
Montgomery County Planning Department
The Maryland National Capital Park & Planning Commission**

Project Name: Cashell Estates (a/K/A Parc Redland)
Preliminary Plan No: 120160210/120160210A
Address: 7009 Garrett Road, Derwood, Montgomery County, MD
Location: NE quadrant, intersection of Garrett Road and Redland Road
Tax Map: GT 341
Tax Account Nos.: 3842207, 3842218, 3842220, 3842231, 3842242, 3842435, 3842424, 3843413, 3842402, 3842390
Zone: RE-1
Owner/Applicant: GARRETT GATEWAY PARTNERS LLC
Submission Date: _____

**STATEMENT OF JUSTIFICATION IN SUPPORT OF
AN AMENDMENT TO CONDITION 14 OF
APPROVED PRELIMINARY PLAN NO. 120160210**

Pursuant to the Manual of Development Review Procedures, Applicant, Garrett Gateway Partners LLC, hereby submits this Statement of Justification setting forth the facts and reasons in support of Planning Board approval on its consent calendar for a Preliminary Plan Amendment to Approval conditions 14 and 15 of Planning Board Resolution MCPB No. 18-024, approving Preliminary Plan of Subdivision Application No. 120160210 (the "Preliminary Plan"). Resolution MCPB No. 18-024 approved a 19-Lot "Design for Life" subdivision of the property identified as "Cashell Estates" (the "Subject Property"). The Subject Property fronts on Redland Road and Garrett Road.

Introduction

This application proposes to amend Conditions 14 and 15 as set forth in MCPB No. 18-024 as a minor amendment pursuant to Section 50-4.2.F.2 of the Subdivision Code, as codified in Chapter 50 of the 2014 Montgomery County Code, as amended (the "The Subdivision Code").

The proposed preliminary plan amendment is in accordance with all applicable provisions of the Subdivision Code regulating minor amendments. It does not change the approved density, does not result in greater adequate public facility impact, does not make any changes to lot configuration or location, or right-of-way width or alignment. Further, it does not alter the intent,

objectives, or requirements of the Board in approving the preliminary plan. The proposed amendment is consistent with the applicable requirements of the Zoning Ordinance and with the 2004 Approved and Adopted Rock Creek Area Master Plan (the “Master Plan”).

The Subject Property.

The Subject Property is classified in the RE-1 Zone pursuant to the Zoning Ordinance and has secured Conditional Use approval for the development of nineteen (19) townhouse dwelling units pursuant to the Montgomery County Zoning Ordinance (CU-16-11).

Condition 14.

Condition 14 requires that “prior to the release of the tenth (10) building permit the Applicant must: a. Record the access easement on Parcel 313, as stated in the Maryland State Highway Administration (“SHA”) letter dated May 31, 2017.” Subsection b of Condition 14 requires that the Applicant “Permit and bond the portion of the private street from Garrett Road to the subject property within the SHA access easement on Parcel 313.”

Condition 15

15. Prior to the release of the seventeenth (17) building permit the Applicant must construct the portion of the private street section on Parcel 313.

Conditions 14 and 15 were predicated on commitments made by the Maryland Department of Transportation (“M-DOT”) in its letter dated May 31, 2017 (Exhibit A). That letter signed by District 3 Engineer Brian W. Young acknowledges that “the MDOT SHA is committed to working with you to address your access concerns.” Regarding M-83, Mr. Young stated that “MDOT SHA commits that if the county grants access for your entrance along Redland Road and the M-83 project introduces an interchange along Redland Road, we would assist in maintaining access to your site.”

The May 31, 2017 SHA letter constitutes a commitment by MDOT SHA “to grant access via easement to the proposed 5,000 square foot area of state land.” Additionally, it opened the door to exploring “conveying” property to the Applicant to “create a secondary access for your site across state property to Garrett Road. I believe this solution allows you to move forward as we work on a long term solution.”

At the time of the Planning Board hearing on the Preliminary Plan it was deemed reasonable to assume that the process for securing access to Garrett Road via the SHA property would be completed prior to the release of the tenth building permit. Despite the good faith efforts of the Applicant, M-DOT, SHA and the Commission that did not occur.

Completing this process was complicated even further due to the global pandemic and COVID-19 required remote distanced coordination, as well as government closures and

limitations. As a result, it took far longer than any party should have envisioned in 2017 for M-DOT to analyze its options, legal constraints, and procedures in order to fully understand that the Parc Redland Community was in fact a fully accessible community that would provide housing for an underserved population, and the nature of the requested access easement before responding to an easement request, while also considering the M-DOT preferred alternative to sell and transfer the requested access area and therefore eliminate the need for an easement.

The Proposed Amendment.

The Applicant has acted diligently to secure the access easement pursuant to the commitment made by M-DOT in its May 31, 2017 letter. While we acknowledge that M-DOT SHA has acted and continues to act in good faith, and although the timing seemed reasonable in 2017, it is clearly not so today. Accordingly, the Applicant requests modification of the timing for securing this secondary access easement so that these good faith discussions with M-DOT may continue.

The Applicant's proposed amendment requests that Condition 14 be modified to read as follows:

- “Prior to the release of the seventeenth (17th) building permit the Applicant must:
- a. Record the access easement on Parcel 313, as stated in the Maryland State Highway Administration (“SHA”) letter dated May 31, 2017.”
 - b. Permit and bond the portion of the private street from Garrett Road to the subject property within the SHA access easement on Parcel 313.”

The Applicant's proposed amendment requests that Condition 15 be modified to read as follows:

“Prior to the release of the nineteenth certificate of final inspection (the Use and Occupancy Permit) the Applicant must construct the portion of the private street section on Parcel 313.”

This Preliminary Plan Amendment application only proposes to modify the timing of securing the secondary access easement from Garrett Road from the State of Maryland and the construction of the private road. Recent progress provides us with sufficient confidence that the proposed timing is workable and that we can obtain a permit and post a bond with the County in order to proceed beyond issuance of the 17th building permit and construct the private road prior to the occupancy of the nineteenth unit.

Sales have proceeded faster than expected and we are now taking lot holds on properties beyond the 10th permit so the timing is becoming critical to amend the resolution conditions.

Certification

On behalf of the Applicant, GARRETT GATEWAY PARTNERS LLC the undersigned certifies that the information set forth in this Statement of Justification is true, complete, and correct to the best of his knowledge, information, and belief.

Respectfully Submitted,
MCMILLAN METRO, P.C



By: _____
Stephen J. Orens

May 13, 2021
Date



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

October 08, 2021

Mr. Jonathan Casey, Senior Planner
Upcounty Planning Division
The Maryland-National Capital
Park & Planning Commission (M-NCPPC)
2425 Reddie Drive
Wheaton, Maryland 20902

RE: Preliminary Plan Letter
Preliminary Plan No. 12016021A
Cashell Estates
Revised Letter

Dear Mr. Casey:

This letter supersedes the previous letter dated September 20, 2021. We have completed our review of the submitted preliminary plan amendment for revisions to Conditions 14 and 15 as set forth in MCPB No. 18-024. A previous plan was reviewed by the Development Review Committee at its meeting on March 7, 2017. We recommend approval based 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 Montgomery County Department of Permitting Services (MCDPS) 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.

1. The Applicant's proposed amendment requests that Conditions 14 & 15 as set forth in MCPB No. 18-024 be modified:

Original language MCPB No. 18-024:

Condition 14: "prior to the release of the tenth (10th) building permit the Applicant must: a. Record the access easement on Parcel 313, as stated in the Maryland State Highway Administration ("SHA") letter dated May 31, 2017." Subsection b of Condition 14 requires that

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Located one block west of the Rockville Metro Station

the Applicant "Permit and bond the portion of the private street from Garrett Road to the subject property within the SHA access easement on Parcel 313."

Applicant's Request(s):

Condition 14: Prior to the release of the seventeenth (17th) building permit the Applicant must:

- a. Record the access easement on Parcel 313, as stated in the Maryland State Highway Administration ("SHA") letter dated May 31, 2017.
- b. Permit and bond the portion of the private street from Garrett Road to the subject property within the SHA access easement on Parcel 313.

MCDOT Response: We **do not agree** with applicant's request, and we recommend the following:

Condition 14: Prior to the issuance of the sixteenth (16th) building permit, the Applicant must:

- a. Record the access easement on Parcel 313, as stated in the Maryland State Highway Administration ("SHA") letter dated May 31, 2017.
- b. Permit and bond for the connection of the private street from Garrett Road to the subject property within the SHA access easement on Parcel 313.

Original language MCPB No. 18-024:

Condition 15: "Prior to the release of the seventeenth (17th) building permit the Applicant must construct the portion of the private street section on Parcel 313."

Applicant's Request(s):

Condition 15: Prior to the release of the nineteenth certificate of final inspection (the Use and Occupancy Permit) the Applicant must construct the portion of the private street section on Parcel 313.

MCDOT Response: We **do not agree** with applicant's request, and we recommend the following:

Condition 15: Prior to the release of the **right-of-way permit # 364051 bond and/or final inspection of the nineteenth (19th) unit, whichever comes first**, the Applicant must construct the portion of the private street access onto Garrett Road on Parcel 313 including the proposed driveway access to Garrett Road.

2. All previous comments in our March 6, 2018, and March 8, 2018, letters remain applicable unless modified below.
3. Based on the applicant's request, the following comments from the MCDOT amended letter dated March 8, 2021, shall be revised:

Design Exception Package Comments

a. Original Language:

We recommend that the proposed access easement along the state property on the east side of the subject property as stated in the MDOT SHA letter shall be recorded and the proposed private street from Garrett Road to the subject property shall be permitted and bonded by the applicant before the release of the tenth (10th) building permit (as recommended in the applicant's letter dated May 1, 2017) and built by the applicant prior to the release of the sixteenth (16th) building permit.”.

Revised Language:

Prior to the issuance of the sixteenth (16th) building permit, the Applicant must:

- a. Record the access easement on Parcel 313, as stated in the Maryland State Highway Administration (“SHA”) letter dated May 31, 2017.
- b. Permit and bond for the connection of the private street from Garrett Road to the subject property within the SHA access easement on Parcel 313.

Prior to the release of the **right-of-way permit # 364051 bond and/or final inspection of the nineteenth (19th) unit, whichever comes first**, the Applicant must construct the portion of the private street access onto Garrett Road on Parcel 313 including the proposed driveway access to Garrett Road.

b. Original Language:

“The access easement along the state property on the east side of the subject property as stated in the MDOT SHA letter shall be recorded by the applicant and the proposed private street from Garrett Road to the subject property shall be permitted and bonded by the applicant before the release of the tenth (10th) building permit (as recommended in the applicant's letter dated May 1, 2017) and built by the applicant prior to the release of the sixteenth (16th) building permit.”

Revised Language:

Prior to the issuance of the sixteenth (16th) building permit, the Applicant must:

- a. Record the access easement on Parcel 313, as stated in the Maryland State Highway Administration ("SHA") letter dated May 31, 2017.
- b. Permit and bond for the connection of the private street from Garrett Road to the subject property within the SHA access easement on Parcel 313.

Prior to the release of the **right-of-way permit # 364051 bond and/or final inspection of the nineteenth (19th) unit, whichever comes first**, the Applicant must construct the portion of the private street access onto Garrett Road on Parcel 313 including the proposed driveway access to Garrett Road.

Significant Preliminary Plan Comments

a. **Original Language:**

"The access easement along the state property on the east side of the subject property as stated in the MDOT SHA letter shall be recorded by the applicant and the proposed private street from Garrett Road to the subject property shall be permitted and bonded by the applicant before the release of the tenth (10th) building permit (as recommended in the applicant's letter dated May 1, 2017) and built by the applicant prior to the release of the sixteenth (16th) building permit."

Revised Language:

Prior to the issuance of the sixteenth (16th) building permit, the Applicant must:

- a. Record the access easement on Parcel 313, as stated in the Maryland State Highway Administration ("SHA") letter dated May 31, 2017.
- b. Permit and bond for the connection of the private street from Garrett Road to the subject property within the SHA access easement on Parcel 313.

Prior to the release of the **right-of-way permit # 364051 bond and/or final inspection of the nineteenth (19th) unit, whichever comes first**, the Applicant must construct the portion of the private street access onto Garrett Road on Parcel 313 including the proposed driveway access to Garrett Road.

b. Original Language:

*The note should state: "Area reserved for a proposed private street across state property for connection to Garrett Road. The access easement along the state property shall be recorded by the applicant and the proposed private street from Garrett Road shall be permitted and bonded by the applicant before the release of the tenth (10th) building permit (as recommended in the applicant's letter dated May 1, 2017) and built by the applicant prior to the release of the **sixteenth (16th) building permit**. The two guest parking spaces shall be moved onto the state easement area as shown when the secondary access is constructed."*

Revised Language:

Prior to the issuance of the sixteenth (16th) building permit, the Applicant must:

- a. Record the access easement on Parcel 313, as stated in the Maryland State Highway Administration ("SHA") letter dated May 31, 2017.
- b. Permit and bond for the connection of the private street from Garrett Road to the subject property within the SHA access easement on Parcel 313.

Prior to the release of the **right-of-way permit # 364051 bond and/or final inspection of the nineteenth (19th) unit, whichever comes first**, the Applicant must construct the portion of the private street access onto Garrett Road on Parcel 313 including the proposed driveway access to Garrett Road.

Thank you for the opportunity to review this Preliminary Plan. If you have any questions or comments regarding this letter, please contact Deepak Somarajan, our Development Review Team Engineer for this project at deepak.somarajan@montgomerycountymd.gov or (240) 777-7170.

Sincerely,

Deepak Somarajan

Deepak Somarajan, Engineer III
Development Review
Office of Transportation Policy

Mr. Jonathan Casey
Preliminary Plan No. 12016021A
October 08, 2021
Page 6

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\Cashell Estates\Letter\
12016021A Cashell Estates-Prelim Revised Letter

Attachments (2):

1. Previous Letters dated March 6, 2018, and March 8, 2018

cc-e:	Dean Packard	Garrett Gateway Partners, LLC
	Stephen Orens	McMillan Metro, P.C.
	Kwesi Woodroffe	MDOT SHA District 3
	Atiq Panjshiri	MCDPS RWPR
	Sam Farhadi	MCDPS RWPR
	Marie LaBaw	MCDPS Fire Dept. Access
	Christopher Conklin	MCDOT Director
	Mark Terry	MCDOT DTEO
	Dan Sanayi	MCDOT DTEO
	Patricia Shepherd	MCDOT DTE
	Wayne Miller	MCDOT DTS
	Deepak Somarajan	MCDOT OTP

ATTACHMENT



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdieh
Director

March 6, 2018

Mr. Jonathan Casey, Senior Planner
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan Letter
Design Exception Package
Preliminary Plan No. 120160210
Cashell Estates

Dear Mr. Casey:

We have completed our review of the Design Exception Package dated February 6, 2017 and Preliminary Plan dated January 29, 2018. A previous plan was reviewed by the Development Review Committee at its meeting on March 7, 2017. We recommend approval for the plan based 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 Montgomery County Department of Permitting Services (MCDPS) 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 Package Comments

1. **Garrett Road:**

- A. **Applicant's Request:** Request for Garrett Road to be built to the ultimate forty-four (44)-foot width modified Tertiary Residential Standard MC-2001.01: Garrett Road is currently a 40-foot right-of-way, built as a non-standard, paved open section public road. The existing paving varies from 16 to 18 ft. wide. Three existing houses have access to the roadway and it extends from Redland Road to terminate into a non-standard cul-de-sac. The cul-de-sac was constructed by Maryland Department of Transportation -State

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Located one block west of the Rockville Metro Station

Highway Administration (MDOT SHA) when ICC was constructed that divided this portion of Garrett Road from the rest of the neighborhood.

MCDOT Response: Based on Plat #1581, which was platted prior to 1970, Garrett Road is a forty-foot (40) ft. right-of-way and should be classified as a Secondary Residential Roadway (as the Tertiary Road section did not exist). We defer to Planning Board to make a finding to reclassify the road as Tertiary Residential Road. The proposed Garrett Road roadway cross section as shown on the plan deviates from the **Standard Tertiary Residential Standard MC-2001.01** for the following: a one (1)-ft. buffer between the property line and the sidewalk, a six (6)-ft. lawn panel and a twelve (12)-ft. wide lawn panel which will include a one (1)-ft. wide flat area behind the curb and will tie back into the existing grades with slope greater than 2%,

We **do not agree** with reducing the buffer from two (2)-ft. to one (1)-ft. between the property line and the proposed sidewalk and increasing the lawn panel from five (5)-ft. to six (6)-ft. as shown in the plan.

The only modification we **recommend** from the standard detail would be along the opposite side of the subject site, a twelve (12)-ft wide lawn panel which will include a one (1)-ft. wide flat area behind the curb and will tie back into the existing grades with slope greater than 2% (6%+/- per the cross section shown in the plan).

The typical roadway cross section for Garrett Road should be revised prior to the certified preliminary plan and shall include the following:

From North to South:

- Two (2)-foot wide buffer
- Five (5)-foot wide sidewalk
- Five (5)-foot lawn wide panel
- Two (2)-Ten (10)-foot wide travel lanes
- One (1)- foot wide flat buffer
- Eleven (11)-foot wide lawn area (6% +/- slope)

B. **Applicant's Request:** Request to shift the roadway centerline of Garrett Road one-foot towards the subject property: The applicant is "requesting to shift the centerline

one foot toward the property. This one foot will be absorbed by reducing the distance from the sidewalk to the property line from two feet to one foot. The justification for this request is so that the improvements to Garrett Road will better match up with the extension of the existing paving, to the east of the property. The applicant also states that the shifting of the roadway centerline will not have an effect on the maintenance, vehicular, bicycle or pedestrian traffic. The shift to the proposed paving one foot is to avoid the jog in the road when tying into the exiting paving, east of the property."

MCDOT Response: We do not see any benefit in shifting the existing roadway centerline; therefore, we **do not recommend approval** of the proposed shift. The current centerline is in the middle of the roadway and keeping it there would maintain a symmetrical roadway. If the centerline moves, it would create an uneven dimension to the property line on either side of the proposed roadway centerline (23-feet opposite to the subject property and 21-feet towards the subject property). The applicant withdrew the request to move the centerline per the plan dated January 29, 2018.

2. **Redland Road:**

- A. **Applicant's Request:** Request for modification of the typical roadway cross section for Redland Road: The applicant is requesting to keep the existing super elevated roadway section with no roadside swale along the Redland Road frontage. The applicant is providing a five (5)-foot sidewalk along the site frontage and five (5)-foot asphalt dedicated bike lane (5.5 foot bikeable shoulder per the plan), parallel and abutting the paved surface of Redland Road.

MCDOT Response: Since existing Redland Road is super elevated, we recommend the pavement section remain as in place and modify the standard design MC 212.01. We **recommend approval** of the Redland Road section to be modified as follows:

From West to East:

- Existing four (4)-ft. wide sidewalk (outside the right-of-way)
- Proposed six (6)-ft. wide bottom swale with 3:1 side slopes (outside the right-of-way)
- Existing Asphalt curb
- 34- ft. +/- existing super elevated pavement

- Proposed 5.5-ft. wide bikeable shoulder.
- Proposed curb & reverse gutter
- Proposed 11.5-ft. wide lawn panel with 6:1 max slope.
- Proposed Five (5)-foot wide sidewalk
- Proposed One (1)- foot wide buffer

B. **Applicant's Request:** **Request the location of proposed driveway entrance as shown on the plan along Redland Road:** The applicant requests that the proposed driveway entrance be approved as shown on the plans. They are unable to meet the opposite side of the street, separation requirements of aligning the driveways across from each other or be at least 100-ft. tangentially separated. The proposed driveway entrance has a seventy-five (75)-ft. separation from the exiting driveway entrance for the Park. Locating the proposed entrance across from the park will complicate the overall intent of the proposed Design for Life Community for several reasons.

- Eliminate centralized open space area.
- Lowering the grade at the driveway across from the park will also necessitate the relocation of the existing telephone pole.
- Bringing a driveway in across the park and up at a modest slope to a high point will add 1-1/2 to 2-ft. of additional cut to the site.

MCDOT Response: We **do not object** to the location of the proposed private street access to Redland Road due to the following reasons:

- i. The proposed location of the private street access is located immediately adjacent to the future intersection with Midcounty Highway (M-83) extension (Refer to Map 2 of the Intercounty Connector Limited Functional Master Plan Amendment).

Based on the MDOT SHA letter dated May 31, 2017, and the ambiguity in the future alignment of M-83 at this time, we **do not object** to the proposed private street access along Redland Road as shown in the plans. Once the alignment of M-83 is established, Montgomery County Department of Transportation (MCDOT) and /or MDOT SHA shall evaluate the location of the proposed private street access on Redland Road and if required MCDOT/MDOT SHA shall reserve all rights to close the proposed access along Redland without any

opposition from the residents of the Cashell Estates community or Home Owner's Association.

We recommend that the proposed access easement along the state property on the east side of the subject property as stated in the MDOT SHA letter shall be recorded and the proposed private street from Garrett Road to the subject property shall be permitted, bonded, and built by the applicant before the release of the tenth (10th) building permit (similar to the recommendation in the applicant's letter dated May 1, 2017).

The Planning Board Resolution for the project and a note on the record plat should include the following:

- MCDOT/MDOT SHA shall reserve all the rights to close the private street access from Redland Road without any opposition from the residents of the Cashell Estates community or Home Owner's Association, if MCDOT and/or MDOT SHA determines the location of the proposed access from Redland Road impacts the alignment of M-83. All contract purchasers, successors and assigns shall be notified in writing prior to settlement that this entrance may be closed.
- The access easement along the state property on the east side of the subject property as stated in the MDOT SHA letter shall be recorded by the applicant and the proposed private street from Garrett Road to the subject property shall be permitted, bonded, and built by the applicant before the release of the tenth (10th) building permit.
- If the section of M-83 from Shady Grove Road to Intercounty Connector (MD-200) is removed from the master plan before the applicant is obligated to build the private street access from Garrett Road, the applicant shall be released from building the connection.

The proposed location of the private street access to Redland Road currently meets the sight distance requirements after the applicant cleared the shrubs, trees and bushes along the adjacent property owned by MDOT SHA. Therefore, we **recommend a waiver** for the 100-ft. minimum driveway separation requirement for the proposed private street access on Redland Road from the existing park entrance across the subject site.

Significant Preliminary Plan Comments

1. The Planning Board Resolution for the project and a note on the record plat should include the following:
 - MCDOT/MDOT SHA shall reserve all the rights to close the private street access from Redland Road without any opposition from the residents of the Cashell Estates community or Home Owner's Association, if MCDOT and/or MDOT SHA determines the location of the proposed access from Redland Road impacts the alignment of M-83.
 - The access easement along the state property on the east side of the subject property as stated in the MDOT SHA letter shall be recorded by the applicant and the proposed private street from Garrett Road to the subject property shall be permitted, bonded, and built by the applicant before the release of the tenth (10th) building permit.
 - If the section of M-83 from Shady Grove Road to Intercounty Connector (MD-200) is removed from the master plan before the applicant is obligated to build the private street access from Garrett Road, the applicant shall be released from building the connection.
2. Prior to the certified Preliminary Plan approval, the following comments should be addressed:
 - A. Sheet 3 of 7:
 - Revise the note on the plan: *"Proposed 6110 s.f. ingress, egress utility and fire access easement. Secondary access if M-83 is constructed."*
The note should state: *"Proposed 6110 s.f. ingress, egress, utility and fire access easement."*
 - Revise the note on the plan: *"Area reserved for future driveway access across state property for connection to Garret Road. Easement shall be acquired from the State and a permit and bond shall be acquired from MCDPS prior to issuance of the 10th Building Permit. The two guest parking spaces shall be moved onto the state easement area as shown if this secondary access is constructed."*
The note should state: *"Area reserved for a proposed private street across state property for connection to Garrett Road. The access easement along the state property shall be recorded by the applicant and the proposed private street from Garrett Road shall be permitted, bonded, and built by the applicant before the release of the tenth (10th) building permit. The two guest parking spaces shall be moved onto the state easement area as shown when the secondary access is constructed."*

- Add the following note to the sheet for the access to Redland Road:
"MCDOT/MDOT SHA shall reserve all the rights to close the access from Redland Road without any opposition from the residents of the Cashell Estates community or Home Owner's Association, if MCDOT and/or MDOT SHA determines the location of the proposed access on Redland Road does not meet the current county code, policies or guidelines with regard to the alignment of M-83."

B. Sheet 4 of 7:

- Garrett Road cross section: The Garrett Road cross section should be revised to match the cross section as proposed in the Design Exception Package comment # 1(A).
3. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat for proposed private street access at Redland Road and the alternate private street access at Garrett Road within the limits of the county maintained right-of-way.
 4. Garrett Road Grade Sheet: The roadway cross section should be revised to match the cross section as proposed in the Design Exception Package comment # 1(A). Show the roadway centerline stations on the plan.

Additional Preliminary Plan Comments

5. Show necessary dedication along Redland Road in accordance with the Master Plan and along Garrett Road as a closed section tertiary road (sidewalk on one side).
6. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
7. The applicant should coordinate with MCDOT Division of Transportation Engineering regarding the Midcounty Corridor Study M-83. Prior to submission of the record plat, please contact our Transportation Planning and Design Section at 240-777-7200 for any changes in the status of this project.
8. We support the proposal for the applicant to stripe a crosswalk across Redland Road. The location crosswalk on Redland Road will be determined at the permit stage. Please coordinate with Mr. Devang Dave of our Division of Traffic Engineering and Operations at

devang.dave@montgomerycountymd.gov or at 240-777-2187 for the location and stripping details of the crosswalk.

9. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation Form is enclosed for your information and reference.
10. Storm Drain Analysis: The storm drain study has been accepted and the applicant is not responsible for any downstream improvements.
11. At or before the permit stage, please coordinate with Ms. Stacy Coletta of our Division of Transit Services to coordinate improvements/relocation to the RideOn bus facilities in the vicinity of this project. Ms. Coletta may be contacted at 240 777-5800.
12. At or before Preliminary Plan coordinate location of the bikeable shoulder with Ms. Patricia Shepherd of our Division of Transportation Engineering at patricia.shepherd@montgomerycountymd.gov or at 240-777-7231.
13. 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 MCDPS Right-of-Way Plan Review Section.
14. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
15. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, private storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
16. 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 Department of Permitting Services and a recorded Maintenance and Liability Agreement.
17. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

18. Provide a ten (10) foot wide Public Utility Easement (PUE) along all existing street frontages. Where Public Improvement Easements (PIE) are being proposed, the PUE will need to be increased by the width of the PIE.
19. In all underground utility installations, install identification tape or other "toning" device approximately 2' above the utility.
20. Developer shall provide street lights in the public right-of-way in accordance with the specifications, requirements and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.
21. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a Preliminary Plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the Preliminary Plan.
22. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
23. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - a. Street grading, paving, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Redland Road.

Since Redland Road is super elevated, Montgomery County Department of Transportation (MCDOT) recommends the following cross section for Redland Road as approved in this letter:

From West to East:

- Existing four (4)-ft. wide sidewalk (outside the right-of-way)
- Proposed six (6)-ft. wide bottom swale with 3:1 side slopes (outside the right-of-way)
- Existing Asphalt curb

- 34- ft. +/- existing super elevated pavement
 - Proposed 5.5-ft. wide bikeable shoulder.
 - Proposed curb & reverse gutter
 - Proposed 11.5-ft. wide lawn panel with 6:1 max slope.
 - Proposed Five (5)-foot wide sidewalk
 - Proposed One (1)- foot wide buffer
- b. Street grading, paving, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Garrett Road per modified MC-2001.01 as approved in this letter and should include the following.

From North to South:

- Two (2)-foot wide buffer
 - Five (5)-foot wide sidewalk
 - Five (5)-foot lawn wide panel
 - Two (2)-Ten (10)-foot wide travel lanes
 - One (1)- foot wide flat buffer
 - Eleven (11)-foot wide lawn area (6% +/- slope)
- c. Enclosed storm drainage and/or engineered channel across Redland Road and along the proposed storm drain easement along the Redland Local Park property (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
- d. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- e. Erosion and sediment control measures as required by Section 50-35(j) 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 MCDPS 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 MCDPS.

Mr. Jonathan Casey
Design Exception &
Preliminary Plan No. 120160210
March 6, 2018
Page 11

Thank you for the opportunity to review this Preliminary Plan. If you have any questions or comments regarding this letter, please contact Deepak Somarajan, our Development Review Team Engineer for this project at deepak.somarajan@montgomerycountymd.gov or (240) 777-7170.

Sincerely,



Rebecca Torma, Acting Manager
Development Review
Office of Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\Cashell Estates\Letter\120160210 Cashell Estates-FINAL

Attachments (3):

1. McMillan Metro P.C. letter dated May 1, 2017
2. MDOT SHA Letter dated May 31, 2017
3. Sight Distance Forms

cc: Dean Packard Garrett Gateway Partners, LLC
Stephen Orens McMillan Metro, P.C.
Kwesi Woodroffe MDOT SHA District 3
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Marie LaBaw MCDPS Fire Dept. Access
Christopher Conklin MCDOT OTP/DTEO
Devang Dave MCDOT DTEO
Dewa Salihi MCDOT DTEO
Dan Sanayi MCDOT DTEO
Patricia Shepherd MCDOT DTE
Stacy Coletta MCDOT DTS
Deepak Somarajan MCDOT OTP

McMillan Metro, P.C.

ATTORNEYS AT LAW

May 1, 2017

VIA REGULAR MAIL

VIA ELECTRONIC MAIL:

Mr. Christopher R. Conklin, P.E.
Deputy Director
Montgomery County Department of Transportation
101 Monroe Street, 10th Floor
Rockville, Maryland 20850

Stephen J. Orens
Of Counsel

Direct: 240-778-2324
sores@mcmillanmetro.com

Maryland Bar
District of Columbia Bar

Re: Cashell Estates – M-83/ICC

Dear Mr. Conklin:

On behalf of Dean Packard, Jeff Jacobson and myself, I thank you again for taking the time to meet with us and Greg Lack on April 26th to explore solutions to the concerns raised about the potential conflict between the access drive to the proposed Cashell Estates community identified on the approved Conditional Use Plan and the Mid County Interchange alignment recommended in the 2009 Intercounty Connector Limited Functional Master Plan Amendment to the Adopted Master Plan of Highways (the "Functional Master Plan Alignment").

I also want to express our appreciation for your personal involvement in looking for an appropriate solution that will enable this approved project to move forward without preventable delay. The following is a summary of the strategies discussed at our April 26th meeting.

- We will continue to work together with MC-DOT and MD-SHA to identify an appropriate process that will enable the developers to secure approval of the pending subdivision plan that includes an acceptable ingress/egress location for future use in the event that the Functional Master Plan Alignment is approved for construction and the Redland Road location that was considered as an element of the application for Conditional Use approval and was approved by the Hearing Examiner becomes problematic.
- Logistically, our next step is to schedule a further meeting with MD-SHA Administrator Gregory Slater to discuss the process by which the developers can secure either a perpetual easement or acquire title to approximately 5,000 square feet of the abutting State property for an additional or alternative access drive onto Garrett Road.

After our meeting, Dean Packard drafted a preliminary design for the M-83 extension and ICC interchange to facilitate our ongoing discussions with MC-DOT and MD-SHA. Dean assumed Montgomery County standard MC-2008.11A – Suburban

Controlled Major Highway- Open Section: 4 Lanes – 40 MPH as the design with the parameters set forth in the County's Design Manual. Zooming in on the attached concept will reveal the existing conditions background information.

It is our understanding of yesterday's discussion that if we acquire written assurances from MD-SHA, presumably by a letter of intent, that the Maryland Department of Transportation ("MD-DOT") will agree to promptly commence the required process to grant an easement or convey the abutting 5,000 square feet to the developers for an additional or alternative access to Garrett Road, and MC-DOT will recommend the conditional approval of the pending preliminary plan.

We understand that the MC-DOT recommendation of approval will require that a permit be secured and that a bond be posted or the alternative access onto Garrett Road. As discussed, we request that the permit and bond requirement become effective prior to the issuance of the 10th building permit and not be a condition of record plat approval. We understand that MC-DOT has, at this time neither approved nor rejected our request that the permit and bond requirement become effective prior to the issuance of the 10th building permit.

Requiring the permit and bond prior to the 10th building permit will enable the developer sufficient time to negotiate with MD-DOT, and the preliminary plan would not need to be amended, because with a condition we can process an access permit and plan separately under a Public Right of Way Permit. A Right of Way Permit can be required to bond the entire piece of road access since technically it is all on public lands now.

We believe the permit and bond solution will satisfy both of our concerns to secure compliance with all applicable County requirements.

As was noted at our meeting, it does not appear that there are any reasonably foreseeable plans to study the extension of M-83 across Redland Road eastward to a potential ICC interchange, notwithstanding the fact that it remains a Functional Master Plan recommendation. Accordingly, we intend to coordinate with the MNCPPC and MD-DOT to determine:

1. Whether or not the current land owned by the state for a potential ICC interchange or extension of M-83 is needed or whether it will be designated as surplus land;
2. Provide MD-DOT with a concept layout to see if they will agree that the intersection of Redland Road and M-83 would be a grade separated intersection; and
3. If the right of way is determined to not be needed for a future M-83 extension, to work with the MNCPPC and MC-DOT to amend the master plan.

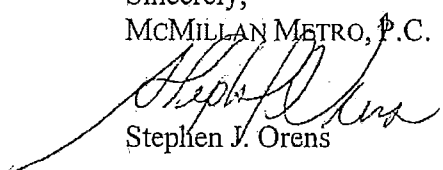
Christopher R. Conklin
May 1, 2017
Page 3 of 3

In the event that MD-DOT determines that there is no benefit to extending M-83 or if MD-DOT determines that it would need to be a grade separated intersection, we would request that we be released from the permit and bond obligation.

Regardless of which path this ultimately takes, we will need to include the MC-DOT in all communications with the MNCPPC and MD-DOT to assure that progress can be expeditiously coordinated.

If we have misunderstood or misinterpreted any of the matters discussed or if your recollections differ from what is stated above please let us know at your earliest convenience. Again your assistance is greatly appreciated.

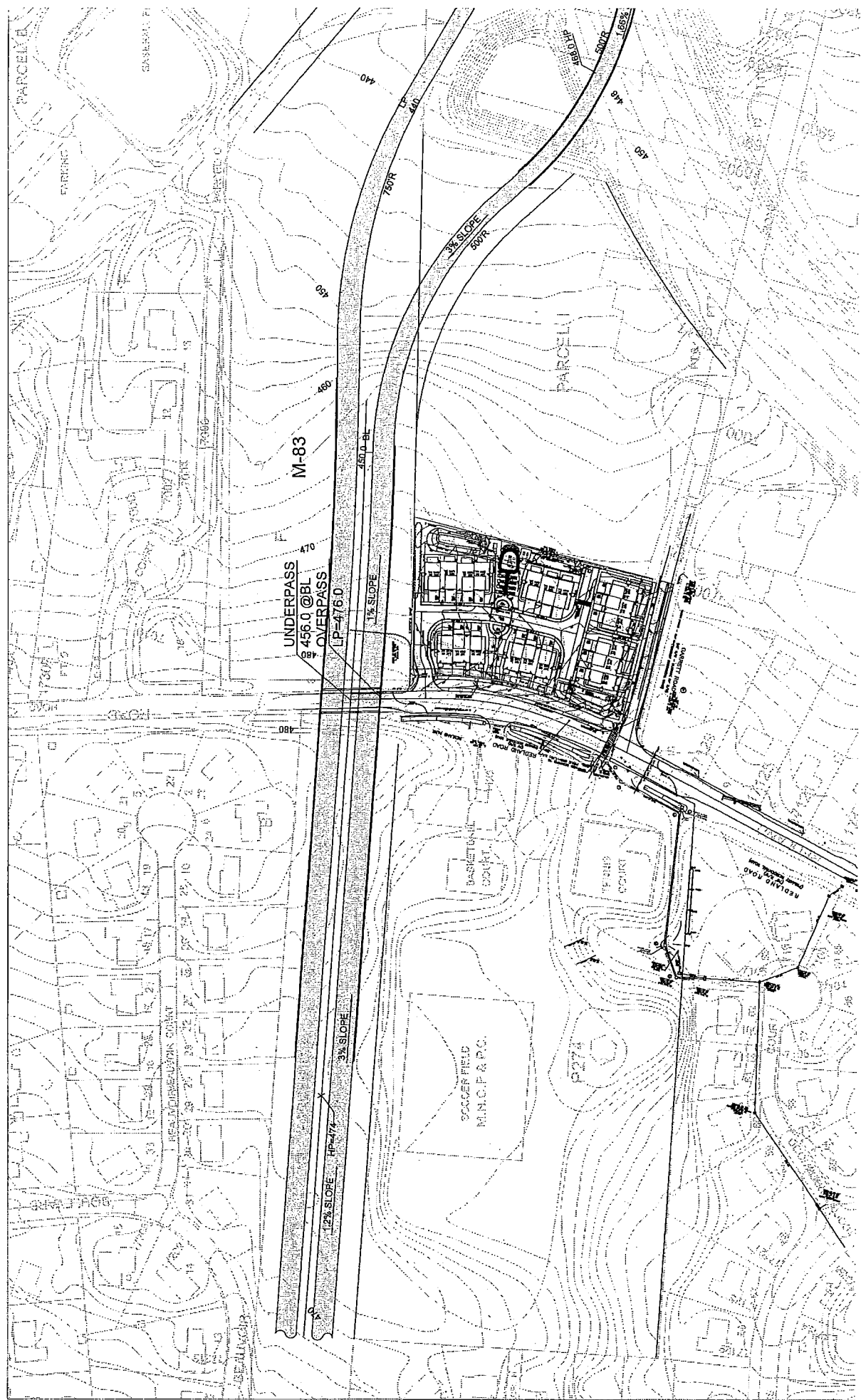
Sincerely,
MCMILLAN METRO, P.C.



Stephen J. Orens

Encl.

cc: Dean Packard, P. E.
A. Jeffrey Jacobson
Gregory Leck, Development Review Team, Division of Operations, MC-DOT



Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory Slater, Administrator

May 31, 2017

Mr. Dean Packard
Managing Member
Packard & Associates, LLC
16220 Frederick Road, Suite 300
Gaithersburg, MD 20877

Dear Mr. Packard:

Thank you for meeting with me and discussing the Cashell Estates project. The Maryland Department of Transportation's State Highway Administration (MDOT SHA) has reviewed the information and is pleased to respond.

As noted in our meeting, time is of the essence and the MDOT SHA is committed to working with you to address your access concerns. With regard to the M-83 alignment, the MDOT SHA acknowledges that this project is a complex project that at this point is not imminent. As mentioned in some of your correspondence, answering questions about M-83 alignment will require thorough and in depth study. However, this project is a county project and is still listed on the Montgomery County masterplan. In this case the MDOT SHA cannot make a determination on what the future alignment or interchanges should be on the county system and defers all decisions, including a grade separated interchange to Montgomery County, and therefore has no opinion on the M-83 design. The MDOT SHA commits that if the county grants access for your entrance along Redland Road and the M-83 project introduces an interchange along Redland Road, we would assist in maintaining access to your site.

The MDOT SHA is agreeable to grant access via easement to the proposed 5,000 square foot area of state land. We would also look to explore conveying that portion of the property. As you mentioned this solution would create a secondary access for your site across state property to Garrett Road. I believe this solution allows you to move forward as we work on a long term solution.

Maryland Department of Transportation
State Highway Administration

9300 Kenilworth Ave., Greenbelt, MD 20770

301-513-7300 | TTY 800.735.2258 | roads.maryland.gov

My telephone number/toll-free number is [301.513.7300](tel:301.513.7300)/[1.800.206.0770](tel:1.800.206.0770)



MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Cashell Estates Preliminary Plan Number: 1-20160210

Street Name: Redland Road Master Plan Road Classification: Primary

Posted Speed Limit: 40 mph

Street/Driveway #1 (Common D/W) Street/Driveway #2 ()

Sight Distance (feet) OK?
Right 494 ✓
Left 667 ✓

Sight Distance (feet) OK?
Right _____
Left _____

Comments: Right of way cleared
to the north w/
DNR permit.

Comments: _____

GUIDELINES

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

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)

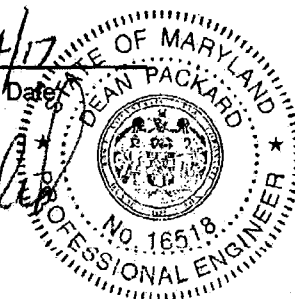
*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

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

Signature

16518
PLS/P.E. MD Reg. No.



Montgomery County Review:

☒ Approved

☐ Disapproved:

By: _____

Date: 2/27/18

Form Reformatted:
March, 2000



MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Cashell Estates Preliminary Plan Number: 1-20160210

Street Name: Garrett Road Master Plan Road Classification: Tertiary

Posted Speed Limit: 25 mph

Street/Driveway #1 (Alternate Access) Street/Driveway #2 ()

Sight Distance (feet) OK?
Right 290' ✓
Left 250' ✓

Sight Distance (feet) OK?
Right _____
Left _____

Comments: Right - to Redland
Road Intersection.
Left - to cul-de-sac
terminus

Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
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

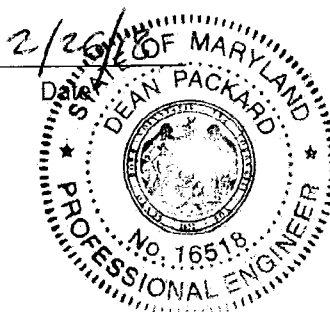
Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

ENGINEER/ SURVEYOR CERTIFICATE

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

[Signature]
Signature

16518
PLS/P.E. MD Reg. No.



Montgomery County Review:

☒ Approved

☐ Disapproved:

By: [Signature]

Date: 2/27/18

Form Reformatted:
March, 2000



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdieh
Director

March 8, 2018

Mr. Jonathan Casey, Senior Planner
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: **AMENDED** Preliminary Plan Letter
Design Exception Package
Preliminary Plan No. 120160210
Cashell Estates

Dear Mr. Casey:

This letter is to amend the comments contained in our March 6, 2018 preliminary plan and Design Exception package review letter.

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services (MCDPS) 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.

1. All previous comments in our March 6, 2018 letter remain applicable unless modified below.

Design Exception Package Comments

2. **Redland Road- Comment # 2 (A):**

MCDOT Response:

The Redland Road cross sections from the previous letter shall be revised to include the following:

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

From West to East:

SECTION A-A:

- Existing two (2)-ft. wide bottom swale (outside the right-of-way)
- Existing four (4)-ft. wide sidewalk
- Existing Asphalt curb
- 34- ft. +/- existing super elevated pavement
- Proposed 5.5-ft. wide bikeable shoulder.
- Proposed curb & reverse gutter
- Proposed 11.5-ft. wide lawn panel with 6:1 max slope.
- Proposed Five (5)-foot wide sidewalk
- Proposed One (1)- foot wide buffer

SECTION B-B:

- Existing four (4)-ft. wide sidewalk (outside the right-of-way)
- Proposed six (6)-ft. wide bottom swale with 3:1 side slopes (outside the right-of-way)
- Existing Asphalt curb
- 34- ft. +/- existing super elevated pavement
- Proposed 5.5-ft. wide bikeable shoulder.
- Proposed curb & reverse gutter
- Proposed 11.5-ft. wide lawn panel with 6:1 max slope.
- Proposed Five (5)-foot wide sidewalk
- Proposed One (1)- foot wide buffer

3. **Redland Road- Comment # 2 (B)**

MCDOT Response: (i) third paragraph:

Original language:

"We recommend that the proposed access easement along the state property on the east side of the subject property as stated in the MDOT SHA letter shall be recorded and the proposed private

street from Garrett Road to the subject property shall be permitted, bonded, and built by the applicant before the release of the tenth (10th) building permit (similar to the recommendation in the applicant's letter dated May 1, 2017)."

The comment shall be revised as follows:

"We recommend that the proposed access easement along the state property on the east side of the subject property as stated in the MDOT SHA letter shall be recorded and the proposed private street from Garrett Road to the subject property shall be permitted and bonded by the applicant before the release of the tenth (10th) building permit (as recommended in the applicant's letter dated May 1, 2017) and built by the applicant prior to the release of the **sixteenth (16th)** building permit."

MCDOT Response: (i) fourth paragraph second bullet point:

Original language:

- *"The access easement along the state property on the east side of the subject property as stated in the MDOT SHA letter shall be recorded by the applicant and the proposed private street from Garrett Road to the subject property shall be permitted, bonded, and built by the applicant before the release of the tenth (10th) building permit."*

The comment shall be revised as follows:

- The access easement along the state property on the east side of the subject property as stated in the MDOT SHA letter shall be recorded by the applicant and the proposed private street from Garrett Road to the subject property shall be permitted and bonded by the applicant before the release of the tenth (10th) building permit (as recommended in the applicant's letter dated May 1, 2017) and built by the applicant prior to the release of the **sixteenth (16th)** building permit.

Significant Preliminary Plan Comments

1. **Comment # 1: Second Bullet Point:**

Original language:

- *"The access easement along the state property on the east side of the subject property as stated in the MDOT SHA letter shall be recorded by the applicant and the proposed private street from Garrett Road to the subject property shall be permitted, bonded, and built by the applicant before the release of the tenth (10th) building permit."*

The comment shall be revised as follows:

- The access easement along the state property on the east side of the subject property as stated in the MDOT SHA letter shall be recorded by the applicant and the proposed private street from Garrett Road to the subject property shall be permitted and bonded by the applicant before the release of the tenth (10th) building permit (as recommended in the applicant's letter dated May 1, 2017) and built by the applicant prior to the release of the **sixteenth (16th)** building permit.

2. **Comment # 2 (A) Second Bullet Point, Second paragraph:**

Original language:

The note should state: "Area reserved for a proposed private street across state property for connection to Garrett Road. The access easement along the state property shall be recorded by the applicant and the proposed private street from Garrett Road shall be permitted, bonded, and built by the applicant before the release of the tenth (10th) building permit. The two guest parking spaces shall be moved onto the state easement area as shown when the secondary access is constructed."

The comment shall be revised as follows:

The note should state: "Area reserved for a proposed private street across state property for connection to Garrett Road. The access easement along the state property shall be recorded by the applicant and the proposed private street from Garrett Road shall be permitted and bonded by the applicant before the release

*of the tenth (10th) building permit (as recommended in the applicant's letter dated May 1, 2017) and built by the applicant prior to the release of the **sixteenth (16th)** building permit. The two guest parking spaces shall be moved onto the state easement area as shown when the secondary access is constructed."*

Additional Preliminary Plan Comments

3. **Comment # 23 (a):** The Redland Road cross sections from the previous letter shall be revised to include the following:

From West to East:

SECTION A-A:

- Existing two (2)-ft. wide bottom swale (outside the right-of-way)
- Existing four (4)-ft. wide sidewalk
- Existing Asphalt curb
- 34- ft. +/- existing super elevated pavement
- Proposed 5.5-ft. wide bikeable shoulder.
- Proposed curb & reverse gutter
- Proposed 11.5-ft. wide lawn panel with 6:1 max slope.
- Proposed Five (5)-foot wide sidewalk
- Proposed One (1)- foot wide buffer

SECTION B-B:

- Existing four (4)-ft. wide sidewalk (outside the right-of-way)
- Proposed six (6)-ft. wide bottom swale with 3:1 side slopes (outside the right-of-way)
- Existing Asphalt curb
- 34- ft. +/- existing super elevated pavement
- Proposed 5.5-ft. wide bikeable shoulder.
- Proposed curb & reverse gutter
- Proposed 11.5-ft. wide lawn panel with 6:1 max slope.

Mr. Jonathan Casey
Design Exception &
Preliminary Plan No. 120160210
AMENDED LETTER
March 8, 2018
Page 6

- Proposed Five (5)-foot wide sidewalk
- Proposed One (1)- foot wide buffer

Thank you for the opportunity to review this Preliminary Plan. If you have any questions or comments regarding this letter, please contact Deepak Somarajan, our Development Review Team Engineer for this project at deepak.somarajan@montgomerycountymd.gov or (240) 777-7170.

Sincerely,



Rebecca Torma, Acting Manager
Development Review
Office of Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\Cashell Estates\Letter\120160210 Cashell Estates--AMENDED LETTER

Attachments (0): Refer to the attachments in the previous letter dated March 6, 2018

cc: Dean Packard Garrett Gateway Partners, LLC
Stephen Orens McMillan Metro, P.C.
Kwesi Woodroffe MDOT SHA District 3
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Marie LaBaw MCDPS Fire Dept. Access
Christopher Conklin MCDOT OTP/DTEO
Devang Dave MCDOT DTEO
Dewa Salihi MCDOT DTEO
Dan Sanayi MCDOT DTEO
Patricia Shepherd MCDOT DTE
Stacy Coletta MCDOT DTS
Deepak Somarajan MCDOT OTP