



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

**MAR 2 2022**

MCPB No. 22-020  
Administrative Subdivision No. 620190070  
**Hillandale Section 2**  
Date of Hearing: February 24, 2022

**RESOLUTION**

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

WHEREAS, on October 19, 2021, Tim and Lisa Durham ("Applicant") filed an application for approval of an administrative subdivision plan of property that would create two lots on 19,911 square feet of land in the R-90 zone, located on Naglee Road, 400 feet west of the intersection of Oaklawn Drive and New Hampshire Avenue ("Subject Property"), in the Fairland/White Oak Policy Area and 2014 White Oak Science Gateway Master Plan ("*Master Plan*") area; and

WHEREAS, Applicant's administrative subdivision plan application was designated Administrative Subdivision Plan No. 620190070, Hillandale Section 2 ("Administrative Subdivision Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 11, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 24, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application, subject to certain conditions, by the vote certified below.

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Approved as to  
Legal Sufficiency: Matthew T. Mills  
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Administrative Subdivision Plan No. 620190070 to create two lots on the Subject Property, subject to the following conditions:<sup>1</sup>

1. This Administrative Subdivision Plan is limited to two (2) lots for two (2) single-family detached dwelling units.
2. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its letter dated January 2, 2019 and hereby incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS provided that the amendments do not conflict with other conditions of the Administrative Subdivision Plan approval.
3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated February 1, 2022 and hereby incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Administrative Subdivision Plan approval.
4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") Fire Department Access and Water Supply Section in its letter dated December 16, 2021 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Administrative Subdivision Plan approval.
5. Prior to recordation of the plat(s), the Applicant must satisfy MCDPS requirements to ensure the construction of a 6-foot wide sidewalk along the Property frontage on Naglee Road, unless construction is waived by DPS.
6. The record plat must show necessary easements.

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<sup>1</sup> 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.

7. The Adequate Public Facilities ("APF") review for the Administrative Subdivision Plan will remain valid for five (5) years from the initiation date as defined in Section 50.4.3.J.5.
8. Include the stormwater management concept approval letter and Administrative Subdivision Plan Resolution on the approval or cover sheet(s).
9. This Administrative Subdivision Plan will remain valid for three (3) years from its initiation date (as defined under Section 50.4.2.G of the Subdivision Regulations), by which time a plat must be recorded in the Montgomery County Land Records, or a request for extension must be filed under Section 50.4.2.H.
10. The certified Administrative Subdivision Plan must contain the following note:  
*Unless specifically noted on this plan drawing or in the conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Administrative Subdivision Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). 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.*

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

1. *The Administrative Subdivision Plan meets the requirements of Chapter 50, Section 6.1.C for up to 3 lots for detached houses permitted in any residential zone.*
1. ***The lots are approved for standard method development***

The proposed two lots conform to the development standards for standard method development in the R-90 Zone.

*Table 1: R-90 Development Standards*

R-90 Development Standards	Required	Proposed Lot 37	Proposed Lot 38
Lot Area (min)	9,000 sf	9,005 sf	10,904 sf
Lot Width at Front Building Line (min)	75 feet	79 feet	99 feet
Lot Width at Front Lot Line (min)	25 feet	79 feet	65 feet
Frontage on Street	Required	YES	YES
Density (max)	4.84 units/acre		
Lot Coverage (%) (max)	30%	16.4%	16.3%
Front Setback (min)	30 feet	49 feet	52 feet
East Side Setback (min)	8 feet	17 feet	11 feet
West Side Setback (min)	8 feet	8 feet	26 feet
Sum of Side Setbacks (min)	25 feet	26 feet	37 feet
Rear Setback (min)	25 feet	25 feet	24 feet*
Building Height Measured to Highest Point (max)	35 feet	35 feet	35 feet
Building Height Measured to Mean Height (max)	30 feet	30 feet	30 feet

\*This is a pre-existing non-conformity

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

The proposed lots/units will be served by public water and sewer. There is no well and septic proposed as part of this Application. Any required road dedications and associated public utility easements are shown on the plat and the applicant provides any required improvements.

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

According to Plat No. 22964, Naglee Road is within a 60-foot-wide right-of-way and functions as a tertiary residential street. As a result of its function as a tertiary roadway, MCDOT has evaluated sight distance based on this designation. As such, no additional right-of-way dedication is required as part of

this Application. The Applicant will construct a six-foot wide sidewalk with a six-foot wide tree panel along the Property's Naglee Road frontage to meet the road construction standard set forth in the MCDOT Secondary Residential Standard No. MC-2002.01.

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

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations. Roads and transportation facilities are adequate to support the Application. As conditioned, the Applicant will construct a minimum 6-foot wide sidewalk with a 6-foot wide tree panel along the Property's Naglee Road frontage.

**White Oak Local Area Transportation Improvement Program (LATIP)**

The Project is located within the White Oak Local Area Transportation Improvement Program (LATIP) area. As such, the project is not subject to the County's Local Area Transportation Review (LATR). In the White Oak LATIP District, Applicants must pay a fee to the County based on the number of trips a proposed project will generate. This requirement will be satisfied via payment prior to issuance of building permit.

**Schools**

The proposed Administrative Subdivision Plan is located at 10306 Naglee Road in Silver Spring. The FY2022 Annual School Test, approved by the Planning Board on June 17, 2021 and effective July 1, 2021 is applicable to this Application. This plan proposes one new single-family detached unit.

**School Adequacy Test**

The Project is served by Roscoe R. Nix/Cresthaven ES, Francis Scott Key MS and Springbrook HS. Based on the FY2022 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

*Table 2: Applicable FY2022 School Adequacy*

School	Projected School Totals, 2025				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Roscoe R. Nix/Cresthaven ES	987	997	101.0%	-10	No UPP	75	188	336
Francis Scott Key MS	961	1,004	104.5%	-43	No UPP	83	150	294
Springbrook HS	2,121	1,994	94.0%	+127	No UPP	307	552	870

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school's adequacy



status and ceilings, as determined in the Annual School Test. Under the FY2022 Annual School Test, Roscoe R. Nix/Cresthaven ES, Francis Scott Key MS and Springbrook HS do not require any UPP as identified in Table 2. If the project is estimated to generate more students than the identified ceilings, then UPPs or partial payments at multiple tiers may still be required.

**Analysis Conclusion and Condition of Approval**

Based on the school capacity analysis performed, using the FY2022 Annual School Test, this Application is not subject to a Utilization Premium Payment.

***5. Forest conservation plan approval, stormwater management, and environmental protection requirements, if applicable, are satisfied before approval of the plat.***

The Subject Property received approval for Forest Conservation Plan Exemption No. 42019050E on October 10, 2018. This exemption was granted based on Chapter 22A-5.s.2, as the project activity is occurring on a tract less than one acre, and the activity will not result in the clearing of more than a total of 20,000 square feet of existing forest. The Site contains no streams or their buffers, wetlands or wetland buffers, steep slopes, 100-year floodplains, inherent or known occurrences of rare, threatened or endangered species. The Property does not contain any forest but does contain one significant tree and one specimen tree. The Subject Application satisfies all requirements of Chapter 22A.

The Administrative Subdivision Plan received stormwater concept plan approval from the Montgomery County Department of Permitting Services, Water Resources Section on January 2, 2019.

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

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

The Administrative Subdivision Plan meets all applicable sections of the Subdivision Regulations. The proposed size, width, shape and orientation of the lots is appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, the existing lot pattern of surrounding properties, and for the building types (single family dwellings) contemplated for the Property. The surrounding properties are

of a similar size and orientation to the proposed lots and are also developed with single family houses.

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

The Administrative Subdivision Plan substantially conforms to the 2014 *White Oak Science Gateway Master Plan*. Although the Master Plan does not specifically discuss this Property, the Subject Application conforms to the general recommendations of the Master Plan, as it is in keeping with the residential character of the existing Hillandale neighborhood. The 2018 *Bicycle Master Plan* recommends that Naglee Road be designated as a Neighborhood Greenway (shared roadway), which will be accommodated within the existing right-of-way and roadway.

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

As stated above in Finding 50.6.1.C.4, the Subject Application meets all applicable adequate public facility requirements.

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

***Technical Review 50.4.3.K***

**1. Forest Conservation**

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

As stated above in Finding 50.6.1.C.5, the Subject Application meets all requirements of Chapter 22A.

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

As stated above in Finding 50.6.1.C.5, the Subject Application meets all requirements of Chapter 19.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 2 2022 (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 (Maryland Rule 7-203).

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Verma, seconded by Commissioner Rubin, with Chair Anderson, Vice Chair Verma, and Commissioners Cichy and Rubin voting in favor of the motion, and Commissioner Patterson absent at its regular meeting held on Thursday, February 24, 2022, in Wheaton, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board



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