

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

March 12, 2024

MCPB No. 24-017

Preliminary Plan No. 120220120

12700 Travilah Road

Date of Hearing: February 15, 2024

RESOLUTION

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

WHEREAS, on May 30, 2023, Classic Homes of Maryland, Inc. (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create seven (7) lots for seven (7) single-family detached dwelling units on 16.03 acres of land in the RE-2 zone, located at 12700 Travilah Road (“Subject Property”), in the Rural West Policy Area and 2002 *Potomac Subregion Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120220120, 12700 Travilah Road (“Preliminary 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 1, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on February 15, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120220120 to create seven (7) lots for seven (7) single-family detached dwelling units on the Subject Property, subject to the following conditions:¹

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.

General Approval

1. This Preliminary Plan is limited to seven (7) lots for seven (7) single family detached houses.

Adequate Public Facilities and Outside Agencies

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

Plan Validity Period

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date 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 filed.

Outside Agencies

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated November 30, 2023, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated December 19, 2023, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of MCDPS, Fire Department Access and Water Supply Section in its letter dated October 27, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

Other Approvals

8. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Preliminary Plan.

Transportation

Existing Frontage Improvements

9. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a) All land necessary to accommodate forty (40) feet from the existing pavement centerline along the Subject Property frontage for Travilah Road.
10. Before the recordation of plats, the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a 6-foot sidewalk on a portion of Public Street A and an 11-foot wide sidepath along the Property's frontage on Travilah Road.

New Streets

11. The Applicant must dedicate the rights-of-way and ensure construction of all necessary road improvements for the following public streets, as shown on the Preliminary Plan, to the design standards imposed by all applicable road codes.
 - a) Public Street A, consistent with MC-222.02 and Complete Streets Design Guidelines, to be constructed as a Neighborhood Connector with approximately 68-feet of right-of way and terminated with a fire-department compliant cul-de-sac.

Record Plats

12. There shall be no clearing or grading of the site before recordation of plats.
13. Before record plat approval, the Applicant must abandon the existing well and septic system in accordance with MCDPS standards.
14. The record plat must show necessary easements.

Certified Preliminary Plan

15. The certified Preliminary Plan must contain the following notes:
 - a) *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.*
- b) *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times.*

16. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
- a) Show resolutions and approval letters on the certified set.
 - b) Include the approved Fire Department Access plan in the certified set.
 - c) Label road cross sections as Public Street A and Travilah Road on the certified set.
 - d) Include a road-cross section for Travilah Road on the certified set.
 - e) Show water and sewer house connections on the certified set.

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 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 Preliminary Plan meets all applicable sections of the Subdivision Regulations. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, considering the recommendations of the 2002 *Potomac Subregion Master Plan*, and for the residential use contemplated for the Property. The existing development patterns and street layouts within the surrounding area also dictated the approved layout for the Preliminary Plan as the layout is for a short cul-de-sac with lots radiating out from the center. The Application includes a Landscape Plan that includes an open space/gathering area at the center of the cul-de-sac and large canopy trees on both sides of the new road, which establishes a rural character for the development and frames the entry road for this small residential community.

The lots were reviewed for compliance with the dimensional and density requirements for the RE-2 zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements and can accommodate houses with width and setback requirements. A summary of this review is included in Table 1. The Application is approved under the standard method in accordance with Section 4.5.3.C. of the Zoning Ordinance. The Preliminary Plan has been reviewed by other applicable County agencies, all of whom have recommended approval.

Table 1 – 12700 Travilah Road Preliminary Plan Data Table for RE-2 Zone, Standard Method, Section 59.4.5.3

Development Standard	Permitted / Required	Approved
Tract Area	N/A	16.03 acres
Proposed Dedication	N/A	1.97 acres
Lot Area	Each lot 2 acres min.	All Lots: 2 acres min.
Lot width at front building line	150 ft min.	All Lots: 150 ft min.
Lot width at front lot line	25 ft min.	All Lots: 25 ft min.
Density	One unit per 2 acres	One unit per 2 acres
Principal Building Height	50 ft max.	50 ft or less
Principal Building Setbacks		
Front	50 ft min.	All Lots: 50 ft min.
Side street	50 ft min.	All Lots: 50 ft min.
Side	17 ft min.	All Lots: 17 ft min.
Sum of sides	35 ft min	All Lots: 35 ft min.
Rear	35 ft min.	All Lots: 35 ft min.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

a) *Land Use*

The 2002 *Potomac Subregion Master Plan* does not mention the Property specifically, yet the Plan does support, “the retention and reconfiguration of existing zoning for all developed, underdeveloped, and undeveloped land in the subregion” (p. 40). The “Travilah” community, in which the Property is located, is planned for low-density residential housing and serves as a transitional area of the Master Plan between the more developed Potomac and North Potomac communities of the Subregion and more rural Darnestown community to the west. The approved residential infill project supports the provision of needed housing development within the county while preserving a rural development pattern, environmental resources, and open space elsewhere in the Master Plan.

b) *Environment*

Maintenance of low-density residential development in the 2002 *Potomac Subregion Master Plan* was the plan’s primary means of protecting water quality and the environment within this designated “green wedge” among the county’s growth areas. With the adoption of Thrive Montgomery 2050, the Property’s location within the “Limited Growth” area continues to support low-density residential development and its lighter impact on water and sewer utility resources.

Properties in the vicinity developed as low-density residential homes and the approved project would not significantly diminish any open space or natural resources as a result of its development.

c) Transportation

Provision of an eleven (11) foot wide bike path along the Travilah Road frontage of the Subject Property, in parallel to a six (6) foot wide sidewalk, is consistent with the 2002 *Potomac Subregion Master Plan* policy to, “provide pedestrian and bike links to surrounding streets and neighborhoods” (p. 34), as well as the 2018 *Bicycle Master Plan*, which recommends establishment of a Separated Bikeway on this section of Travilah Road. In the Master Plan of Highways and Transitways, Travilah Road is classified as a Country Connector with an approximate right-of-way width of 80 feet. The Complete Streets Design Guide echoes recommendations from the Bicycle Master Plan for a sidepath as the default bicycle facility for Travilah Road. Therefore, the conditioned frontage improvement is consistent with Complete Streets guidelines.

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

a) Roads and other Transportation Facilities

- i.* As stated above, Travilah Road is designated as a Country Connector in the Complete Streets Design Guide; the road has a default right-of-way width of 80 feet. As shown on the preliminary plan, no additional right-of-way dedication is needed.
- ii.* At present, there are no existing pedestrian or bicycle facilities along the frontage of the Property. A Ride On bus stop currently exists at the Property’s southwest corner at the intersection of Travilah Road and Bissel Lane, currently served by Ride On Route 301. Accessibility to the transit stop is hindered by a lack of pedestrian crossings, non-existent pedestrian connections, and thick foliage.
- iii.* Per the 2018 Bicycle Master Plan and 2021 Complete Streets Design Guide, the preferred bikeway type for Travilah Road is a sidepath. Consistent with the Bicycle Master Plan, the applicant is providing pedestrian connections both externally and internally to the site. As conditioned, the Property's Travilah Road frontage will be improved with an approximately 11-foot-wide sidepath with a 6-foot-wide buffer. The sidepath will tie into an existing Ride On bus stop at the subject property's southern periphery, providing a more robust and safe pedestrian connection. Additionally, the inclusion of a 6-foot sidewalk with a 6-foot-wide street buffer on internal Public Road A will provide supplemental pedestrian access to the future sidepath on Travilah Road.

- iv. Additionally, the proposed cul-de-sac will contain community open space replete with seating, street trees, and a path connection emanating from the future sidewalk along Public Street A.

b) *Local Area Transportation Review (LATR)*

This Application proposes seven new single-family residential properties. The overall impact on existing roadway network will be negligible.

The Application was reviewed under the 2020-2024 *Growth and Infrastructure Policy* (GIP) and associated 2022 *Local Area Transportation Review (LATR) Guidelines*. Per the GIP, projects that generate less than 50 weekday person trips during the morning and evening peak-hour period are only required to complete a Transportation Exemption Statement (“TES”).

As demonstrated on the Applicant’s exemption statement, dated March 23, 2023, the proposed Preliminary Plan will generate 6 morning net-new person trips during the AM weekday peak hour, and 7 net new person trips during the evening weekday peak hour. These calculations are based on the ITE Trip Generation Manual with an adjustment for the Rural West Policy Area policy, a green policy area. As the proposed use will generate trips well below 50 new person trips during the peak travel period, no additional LATR analysis is required. Accordingly, the existing transportation network is adequate to serve the Application.

c) *Schools*

Overview and Applicable School Test

The FY24 Annual School Test, approved by the Planning Board on June 22, 2023, and effective July 1, 2023 is applicable to this Application. This plan proposes 7 new single-family detached units.

School Adequacy Test

This project is served by Travilah Elementary School (ES), Robert Frost Middle School (MS), and Thomas S. Wootton High School (HS). Based on the FY24 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 2 - Applicable FY2024 School Adequacy

School	Projected School Totals, 2027				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus / Deficit		Tier 1	Tier 2	Tier 3
Travilah ES	526	378	71.9%	+148	No UPP	233	254	333
Robert Frost MS	1,051	965	91.8%	+86	No UPP	212	297	454
Thomas S. Wootton HS ²	2,120	2,026	95.6%	+94	No UPP	274	518	836

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 FY24 Annual School Test, Travilah ES, Robert Frost MS, and Thomas S. Wootton HS do not require any UPP. 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.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the Project, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net of 7 units that are not age-restricted, the proposed plan is estimated to generate the following number of students based on the Subject Property’s location within a Turnover Impact Area:

Table 3 - Estimated Student Enrollment Impacts

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	7	0.185	1.295	0.102	0.714	0.154	1.078
SF Attached	0	0.218	0.000	0.119	0.000	0.167	0.000
MF Low-rise	0	0.116	0.000	0.061	0.000	0.081	0.000
MF High-rise	0	0.073	0.000	0.042	0.000	0.053	0.000
TOTALS	7		1		0		1

² Projected enrollment reflects the estimated impact of CIP P651909, which will reassign students between Gaithersburg HS, Richard Montgomery HS, Northwest HS, Quince Orchard HS, Wootton HS and Crown HS in 2027.

As shown in Table 3, on average, this project is estimated to generate one elementary school student, zero middle school students and one high school student. The number of students generated does not exceed the adequacy ceilings identified for each school in Table 2, therefore no additional UPPs are required, and neither are partial payments across multiple UPP tiers.

d) Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the approved lots. The Subject Property's service categories were upgraded in 2022 to W-3 and S-3 water and sewer service categories per WSCCR 21-TRV-04A, respectively, and will utilize existing public water and sewer lines.

The Preliminary Plan was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Department Access Plan was approved on October 27, 2023. Other utilities, public facilities, and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the 2020-2024 Growth and Instructure Policy (GIP) in effect at the time that the Preliminary Plan was accepted.

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

The approved Preliminary/Final Forest Conservation Plan, filed and approved concurrently with this Application, satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. Refer to the Preliminary/Final Forest Conservation Plan No. F20230450 (MCPB Resolution No.24-018 for the analysis and findings.

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

The Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on December 19, 2023. The Application will meet stormwater management goals using 35 drywells, 5 grass swales, and one bioswale.

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

There is no evidence, actual notice, or constructive notice of a burial site on the Subject Property. The Subject Property is not included in the Montgomery County Inventory.

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

There are no other applicable provisions specific to the Preliminary Plan that are necessary for approval of this Application.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

March 12, 2024

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of the resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0, Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden voting in favor at its regular meeting held on Thursday, March 7, 2024, in Wheaton, Maryland.



Artie L. Harris, Chair
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