

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

July 30, 2024

MCPB No. 24-074
Administrative Subdivision No. 620240160
11117 Waycroft Way – Addition to Wickford
Date of Hearing: July 25, 2024

RESOLUTION

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

WHEREAS, on March 13, 2024, Navaneeth Muthuveerasamy (“Applicant”) filed an application for approval of an administrative subdivision plan of property that would create two (2) lots on 0.57 acres of land in the R-90 zone, located at 11117 and 11121 Waycroft Way, Rockville, (“Subject Property”), in the North Bethesda Transportation Policy Area and 1992 North Bethesda/Garrett Park Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s administrative subdivision plan application, filed concurrently with Forest Conservation Plan No. F20240690, was designated Administrative Subdivision Plan No. 620240160, 11117 Waycroft Way – Addition to Wickford (“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 July 12, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 25, 2024, 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Administrative Subdivision Plan No. 620240160 to create two (2) lots 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 Administrative Subdivision Plan is limited to two (2) lots for two (2) single-family detached dwelling units.

Adequate Public Facilities and Outside Agencies

2. 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 Montgomery County Code Section 50.4.3.J.5).

Plan Validity Period

3. The Administrative Subdivision Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Administrative Subdivision Plan must be recorded in the Montgomery County Land Records or a request for an extension 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 June 24, 2024, and incorporates them as conditions of the Administrative Subdivision 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 Administrative Subdivision 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 March 13, 2024, and incorporates them as conditions of the Administrative Subdivision 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 Administrative Subdivision Plan approval.
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7. 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 February 1, 2024, 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 Administrative Subdivision 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 Administrative Subdivision Plan.

Transportation

Existing Frontage Improvements

9. Before the issuance of the first above-grade building permit or right-of-way/driveway permit (whichever comes first), the Applicant must make a payment of \$22,355.75 to MCDOT towards the construction of a pedestrian improvement within the North Bethesda Transportation Policy area. The payment will be inflated based on the Federal Highway Administration’s National Highway Construction Cost Index from the mailing date of the Planning Board Resolution to the date of the issuance of the building permit or right-of-way/driveway permit (whichever comes first). Proof of payment is required.

Record Plats

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

Easements

11. The record plat must show necessary easements.
12. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
13. The record plat must reflect the following building restriction lines (BRL) as shown on the Administrative Subdivision Plan:
 - a. A 15-foot BRL from the side setback on both lots.
 - b. A 25-foot BRL from the rear setback on both lots.

Notes and Labels

14. The record plat must reflect all areas under common ownership, if applicable.

Certified Administrative Subdivision Plan

15. The certified Administrative Subdivision 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 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) or site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
 - 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 Administrative Subdivision Plan is required to be on-site at all times.*
16. Prior to submittal of the Certified Administrative Subdivision Plan, the Applicant must make the following changes:
 - a. Show resolutions and approval letters on the certified set.
 - b. Include the approved Fire and Rescue Access plan in the certified set.
 - c. Modify the data table to reflect development standards approved by the Planning Board.

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.*
 - A. *The lots are approved for the standard method of development;*

The lots were submitted and are approved for the standard method of development in the R-90 zone.

- B. *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 Property is served by public water and sewer service and is designated in the W-1 and S-1 categories.

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

The Planning Board determined that no additional right-of-way is necessary as the master planned right-of-way has been achieved. As conditioned, the Applicant will coordinate with County agencies to ensure that any necessary public utility easements are shown on the plat.

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

The Property is located in the North Bethesda Policy Area, which is categorized as a Red Policy Area under the 2020 – 2024 Growth and Infrastructure Policy (GIP). The subdivision will generate fewer than 50 peak-hour person trips and is therefore exempt from Local Area Transportation Review under the GIP. Therefore, the Planning Board determined that the roads and transportation facilities are adequate to support the Application.

The Application is subject to the FY2025 Annual School Test that is effective July 1, 2024. The Project is served by Garrett Park Elementary School, Tilden Middle School and Walter Johnson High School. Based on the school adequacy test results, the student enrollment and capacity projections for these schools are adequate and no Utilization Premium Payment is required.

As previously noted, the Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities, and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the GIP currently in effect.

- E. *Forest conservation, stormwater management, and environmental protection requirements are satisfied before approval of the plat.*

The Application is subject to Chapter 22A of the County Code. Forest Conservation Plan No. F20240690 was submitted for concurrent review and approval with the Application. The approved Forest Conservation Plan for the Property, as conditioned, meets the requirements of Chapter 22A, as further discussed in the resolution approving Forest Conservation Plan No. F20240690.

The Application received approval of a Stormwater Management Concept Plan from the MCDPS, dated March 13, 2024, per Chapter 19 of the County Code. The Concept Plan demonstrates that stormwater will be managed through dry wells, non-rooftop disconnection and Micro Infiltration Trench. There are no additional environmental protection requirements to be met.

2. *The Administrative Subdivision Plan meets the technical review requirements of Chapter 50, Section 4.3.*
 - A. *The layout of the subdivision, including size, width, shape, orientation, and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The Property is located within an existing residential subdivision and there are no anticipated changes to the existing block design. In terms of lot design, the Project creates one additional lot in an existing neighborhood in harmony with the current character of the neighborhood. The neighborhood is comprised of lots that are an average of 10,000 square feet. The subdivision is appropriate for the location due to the lot size, arrangement, and setbacks that are comparable to the neighboring lots. There is no distinction between the new lots and existing lots from a size and orientation perspective.

The Application will result in two buildable lots for residential use while utilizing the existing street frontage for ingress and egress. The Application meets the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance and as shown in Table 1 below, in relation to maximum density, building height, and minimum setbacks. Additionally, the Application will provide the minimum required amount of off-street parking spaces associated with the proposed use based on the number of residential dwelling units.

Table 1 – Approved Development Standards for the R-90 Zone

Development Standard	Permitted/ Required	Approved Lot 101	Approved Lot 102
Tract Area – 24,900 sq. ft.	n/a		
Density (units/acre)	4.84	3.51	3.51
Minimum Lot Area	9,000 sq. ft.	14,183 sq. ft.	10,717 sq. ft.
Width at Front lot line	25 feet	≥25 feet	≥25 feet
Width at Front Building line	75 feet	≥75 feet	≥75 feet
Maximum Lot Coverage (for lots 6,000 - 16,000 sq. ft.)	30% less .001% per sf. of lot area exceeding 6,000 sq. ft.	≤21.8%	≤25.3%

Development Standard	Permitted/ Required	Approved Lot 101	Approved Lot 102
Principal Building setbacks			
<i>Front</i> ²	45 feet	45 feet	45 feet
<i>Side</i>	8 feet	≥8 feet	≥8 feet
<i>Sum of Side</i>	25 feet	≥25 feet	≥25 feet
<i>Rear</i>	25 feet	≥25 feet	≥25 feet
Principal Building height	35 feet	≤35 feet	≤35 feet

No new residential blocks are being established through this Application. The subdivision will use the existing residential block that provides sufficient length and width. Overall, both the existing block design and new lot designs are appropriate for the development and uses therein.

Per Section 59.4.4.1.B.1 for residential infill compatibility, the standards in Section 59.4.4.1.B.2 apply to the R-90 zone where the lot was created by a plat recorded before January 1, 1978. The Application satisfies the maximum lot coverage requirement for residential compatibility as noted in Table 1 and the established building line of 45 feet.

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

The Planning Board found that the Administrative Subdivision Plan substantially conforms to the recommendations within the 1992 *North Bethesda/Garrett Park Master Plan* (“Master Plan”), as discussed below.

Land Use

Land Use & Zoning

Overall, the Application meets the objectives of the 1992 *North Bethesda/Garrett Park Master Plan*. Page 33 lists one of the primary objectives of the Master Plan as, “[p]rotect and reinforce the integrity of existing residential neighborhoods.” The Application adds one additional home to a single-family neighborhood while still meeting the R-90 zoning requirements.

Page 35 of the Master Plan states, “[t]his Plan recommends that the zoning for all parcels in North Bethesda, outside of the above areas, remain unchanged with the exception of the White Flint Neighborhood Park.” The Application maintains the current R-90 zone, per the Plan recommendation, and does not fall within the “above areas,” nor is it within the White Flint Neighborhood Park.

² The subdivision applies an established building line of 45 feet for front setback as permitted under Section 59.4.4.1.A of the Zoning Ordinance.

Density & Building Height

The Property within the R-90 zoning district is limited to a density of 4.84 residential units per acre, whereas the Application proposes 3.51 residential units per acre. The proposed height of the detached single-family residential units will be a maximum of 35feet.

Environment

The North Bethesda/Garrett Park Master Plan makes environmental recommendations to restore environmental functions in the Plan area as it undergoes redevelopment (Pages 4 and 247) which encompass protecting woodlands, improving air quality, and addressing existing stormwater management problems, particularly at the time of new development. The Application meets the broad recommendations of the Master Plan, as well as the requirements of the Forest Conservation Law and the Environmental Guidelines. To preserve and enhance natural resources within the broader plan area, the Project will create new housing without the need for new roadways or impacts to natural resource areas. The proposed development does not encroach onto any environmentally sensitive areas, therefore aligning with the intent of the Environmental Guidelines. As shown on the concurrently approved Forest Conservation Plan, minimal specimen trees are proposed for removal and impacts. The Project will provide appropriate tree mitigation. As a result, areas that are currently lawn will have some new tree cover.

Transportation

There are no specific transportation recommendations in the 1992 *North Bethesda/Garrett Park Master Plan* for Waycroft Way.

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

Roads and other Transportation Facilities

The two (2) lots will front onto Waycroft Way, which is a two-lane road. The existing 50-foot-wide public right-of-way is privately maintained. The pavement along the Subject Property frontage will be widened to address Fire Access requirements. No other public transportation infrastructure is necessary or proposed.

There are no existing sidewalks within the Wickford subdivision. For compliance with current Complete Streets policy, the Planning Department, MCDOT, and the DPS Right-of-Way Division evaluated whether a sidewalk could be constructed

along the Property's frontage. Due to the unique circumstance of the right-of-way being publicly owned but privately maintained, it was determined that sidewalk construction on the Property would not be required by MCDOT. Instead, the Applicant is conditioned to make a payment of \$22,355.75 to MCDOT for sidewalk construction that may occur within the North Bethesda Transportation Policy area.

It was also assessed if a pedestrian connection could be made to connect Waycroft Way with the Bethesda Trolley Trail, located immediately to the west of the Subject Property. This connection was determined to be an unreasonable requirement for the Application given the significant costs to provide an American with Disabilities Act (ADA) compliant connection where there is a significant grade change, the limited scope of a two-lot subdivision, and the proximity of existing public connections to the trail from Golf Lane. The Project does not propose any private transportation infrastructure such as private roads/private streetscape elements. Off-street residential parking will be provided, in compliance with the standard of the R-90 zone.

Local Area Transportation Review (LATR)

The Project generates fewer than 50 new person trips in the morning and evening peak hours; therefore, the Application is not subject to the Local Area Transportation Review (LATR).

Schools

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 FY2025 Annual School Test, Garrett Park Elementary School, Tilden and Walter Johnson do not require any Utilization Premium Payment.

Other Public Facilities and Services

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 Growth and Infrastructure Policy currently in effect.

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

Forest Conservation Plan (“FCP”) No. F20240690 was approved by the Planning Board concurrently with Administrative Subdivision Plan No. 620240160. The Board finds that the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

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

The Board finds that the applicable requirements of Chapter 19 are satisfied. Further, MCDPS has determined that the Stormwater Management Concept Plan meets applicable standards.

The Stormwater Management Section of the Montgomery County Department of Permitting Services (MCDPS) issued a letter accepting the Applicant’s stormwater management concept dated March 13, 2024. The Application includes environmental site design (“ESD”) techniques that will filter and retain stormwater on-site through dry wells, non-rooftop disconnection and Micro Infiltration. Plantings approved by MCDPS may also be used in ESD’s to the greatest extent practicable.

F. 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 4.3.M

This provision is not applicable to this Property, as there are no known burial sites nor is there a burial site identified in the County Cemetery Inventory.

G. Any other applicable provision specific to the property and necessary for approval of the Administrative Subdivision is satisfied.

No other provisions apply to the 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

July 30, 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.

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution approved and adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of **4-0**; Chair Harris, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, Vice Chair Pedoeem necessarily absent, at its regular meeting held on Thursday, July 25, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board