

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed

July 26, 2024

MCPB No. 24-060
Administrative Subdivision No. 620230100
Li Meadow
Date of Hearing: 6/27/2024

RESOLUTION

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

WHEREAS, on February 21, 2023, Tsanchi and Maywha Li (“Applicant”) filed an application for approval of an administrative subdivision plan of property that would create two (2) lots on one (1) acre of land in the R-200 zone, located on Travilah Road 100 feet south of Stonebridge View Drive with an address of 14194 Travilah Road (“Subject Property”), in the North Potomac Policy Area and *Potomac Subregion 2002 Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s administrative subdivision plan application was designated Administrative Subdivision Plan No. 620230100, Li Meadow (“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 June 14, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on June 27, 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 Administrative Subdivision Plan No. 620230100 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 the construction of 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 May 21, 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 May 23, 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.
7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated February 6, 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 the Administrative Subdivision Plan approval.

Other Approvals

8. Before recordation of plat(s) or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Administrative Subdivision Plan.
9. Before any demolition, clearing or grading for the Subject Property, the Applicant must receive a new Forest Conservation Plan Exemption (FCE) that shows the revised Limits of Disturbance (“LOD”).

Transportation

Existing Frontage Improvements

10. 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 35-feet of right-of-way dedication from the existing pavement centerline along the Subject Property frontage for Travilah Road.

Record Plats

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

Easements

12. The record plat must show necessary easements.
13. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
14. The record plat must reflect the following building restriction lines (BRLs) as shown on the Administrative Subdivision Plan:
 - a) A 40 ft. front BRL for Lot 1
 - b) A 68 ft. rear BRL for Lot 1
 - c) A 12 ft. front BRL for Lot 2
 - d) A 68 ft. rear BRL for Lot 2

Certified Administrative Subdivision Plan

15. The Applicant must include the Administrative Subdivision Plan Resolution, and agency approval letters on the approval or cover sheet(s).
16. 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). 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.*
17. Before 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 Department Access plan in the certified set.
- c) Update the data table to match the Staff Report.
- d) Revise the LOD to reflect additional frontage improvements.

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.*

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

The lots are approved for standard method development in the R-200 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 lots will not be served by wells or septic areas. The Property is designated in the W-1 and S-1 categories and is served by public water and sewer service.

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

As conditioned and discussed below, the Applicant shall provide 35 feet of right-of-way dedication from the existing pavement centerline along the Subject Property frontage for Travilah Road. 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*

As conditioned and discussed below, the requirements for adequate public facilities have been met.

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

The Property is subject to Chapter 22A of the County Code. The Property received a confirmed Forest Conservation Exemption Plan No. 42023002E on July 28, 2022.

The Application received approval of a Stormwater Management Concept Plan from the MCDPS, Water Resources Section on May 23, 2024, per Chapter 19 of the County Code. The SWM Concept Plan demonstrates that stormwater will be managed through five (5) micro bioretention measures. 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 Administrative Subdivision Plan meets all applicable sections of the Subdivision Ordinance including the requirements under Section 50.4.3.C. for flag lots.*

Approved Lot 1 is regularly shaped and fronts directly onto Travilah Road, while approved Lot 2 is a flag lot. The size, shape, width, and orientation of the lots are appropriate considering the recommendations of the 2002 *Potomac Subregion Master Plan*, the existing lot pattern of surrounding properties, and the residential use contemplated for the Property. Existing lots in the vicinity are typical of those situated along Travilah Road following a mix of regular- and irregular-shaped lots, and flag lots. The approved lots are similar in shape and size to nearby lots located to the north and southeast of the Property.

Per Section 50.4.3.C.b, the Board must not approve flag lots, except where unusual topography, environmental conditions, or the position of the tract in relation to surrounding properties and rights-of-way permit no other feasible way to subdivide and that appropriate separation between building envelopes can be achieved. In approving a flag lot in a residential zone, the following provisions apply:

In residential zones, the Board must require building restriction lines as needed to provide separation of at least 80 feet between the building envelope of the proposed flag lot and (a) the building envelopes of all lots that are adjacent to the rear lot line of the proposed flag lot; and (b) the building envelopes of all lots that are between the proposed flag lot and the road on which it fronts.

This Application meets the applicable criteria to approve a flag lot. The position of the tract in relation to surrounding properties and Travilah Road permits no other feasible way to subdivide the Property. The Subject Property is rectangular in shape with 111 feet in frontage along Travilah Road and 395 feet in depth. The size of the Property can accommodate the density approved (2 lots), but the narrow width of Subject Property limits the lot layout to a flag lot configuration to achieve a two-lot subdivision because there must be 100 feet of lot width at the front building line for each lot. Approximately 4,224 feet west of the Subject Property are properties 14010 and 14016 Travilah Road (Lot 66 and Lot 68) which also incorporate flag lot configurations.

As conditioned, the Application meets all required building restriction lines and separation distances between building envelopes. The BRLs on Lot 1 will include a 40 ft. front BRL, and 68 ft. rear BRL. The BRLs on Lot 2, the flag lot, will include a 12 ft. front BRL and a 68 ft. rear BRL. These BRLs will assure that there is 80 feet of separation between homes. Consistent with the flag lot requirements, the Applicant has demonstrated that the lots can accommodate the minimum of 80 feet of separation between the building envelope of the approved flags lots and the building envelopes of the lots that are adjacent to the rear lot line of the approved flag lot. In addition, the building envelopes of all lots that are between the approved flag lot and the road on which it fronts will also accommodate the 80-foot separation.

Lot 1 is subject to the requirements of Section 59.4.4.1.A, Established Building Line since the building east of the Subject Property is setback more than the minimum required by the R-200 zone. While the established building line applies, in accordance with Section 59.4.4.1.A.4.c, the Applicant chose to use as the front setback for Lot 1, the front setback of the existing detached house. The existing detached house meets the minimum front setback of the zone. Further, the lots meet the requirements of Chapter 59 as set forth in Table 1 below.

Table 1 - Development Standards in the R-200 Zone

Standard	Required/Permitted	Approved Lot 1 ²	Approved Lot 2 ³
Lot size, min.	20,000 sq. ft.	20,045 sq. ft.	23,555 sq. ft.
Lot width at front building restriction line (BRL), min.	100 ft.	100 ft. or greater	100 ft. or greater
Lot width at front lot line, min.	25 ft.	25 ft. or greater	25 ft. or greater
Lot coverage, maximum	25%	25% or less	25% or less
Front setback, min.	40 ft.	40 ft. or greater	40 ft. or greater
Side setback, min./Sum of sides	12 ft. /25 ft.	12 ft. /25	12 ft. /25
Rear setback, min.	30 ft.	68 ft. or greater	68 ft. or greater
Building height, max.	40 ft.	40 ft. or less	40 ft. or less

² Lot 1 is subject to the requirements of Section 59.4.4.1.A (Established Building Line).

³ Lot 2 is subject to the requirements of Section 50.4.3.C.1.b.i (Flag Lots).

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

a) Land Use

The Property is subject to the 2002 *Potomac Subregion Master Plan* and is zoned for Single-Family Residential use. The 2002 *Potomac Subregion Master Plan* does not make specific recommendations for the Subject Property but reconfirmed the existing single family detached residential zoning throughout the Property's vicinity. Therefore, the Application substantially conforms to the Master Plan land use recommendations.

b) Environment

The 2002 *Potomac Subregion Master Plan* environmental recommendation is "maintain and reaffirm a low-density residential "green wedge" for most of the Subregion". The Application is a subdivision for two (2) low-density single-family detached houses on lots of at least 20,000 square feet with a maximum lot coverage of no more than 25 percent. Therefore, the Application substantially conforms with the Master Plan environmental recommendations.

c) Transportation

The 2002 *Potomac Subregion Master Plan* recommends the preservation of the Subregion's existing rural character by establishing a two-lane road policy and a rustic road program, while calling for efforts to create a comprehensive transportation system that can serve residential centers and preserve the Subregion's physical character. As part of the recommended bicycle facilities, the 2002 *Potomac Subregion Master Plan* recommends the construction of a bikeway on Travilah Road from Darnestown Road to River Road, which is already built along the Property's frontage. Therefore, the Application substantially conforms to Master Plan transportation recommendations.

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

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations. As noted above, the Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the approved subdivision. 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 Infrastructure Policy (the "GIP").

a) Roads and other Transportation Facilities

i. Existing Facilities

The Subject Property contains frontage on one public road, Travilah Road. The Master Plan of Highways and Transitways classifies Travilah Road as an Area Connector. The 2002 Potomac Subregion Master Plan calls for a 70-foot-wide right-of-way for Travilah Road. As conditioned, the Applicant shall dedicate 35 feet of right-of-way from the existing pavement centerline along the Subject Property frontage for Travilah Road.

Travilah Road does contain pedestrian and bicyclist facilities. The approved development fronts an eight-foot-wide asphalt sidepath. Per the 2018 Bicycle Master Plan, the existing sidepath along the Subject Property frontage on Travilah Road will be connecting to master planned bikeway facilities to Piney Meetinghouse Road to the southeast and Darnestown Road to the north.

ii. Proposed public transportation infrastructure

The 2018 Bicycle Master Plan has no additional recommendations for the Subject Property frontage on Travilah Road, as the sidepath requirement is satisfied with the existing eight-foot-wide asphalt sidepath. The standard 11-foot-wide sidepath would preclude a green buffer for street trees along the Property's frontage. Therefore, the existing eight-foot-wide sidepath is acceptable and satisfies the requirements for Area Connectors under the Complete Streets Design Guide. The Applicant shall dedicate 35 feet of right-of-way from the existing pavement centerline along the Subject Property for Travilah Road to satisfy the right-of-way requirements under the 2002 Potomac Subregion Master Plan. The Application has been reviewed by the MCDOT, who determined in its letter dated May 21, 2024, that the approved driveway will have adequate sight distance on Travilah Road to serve the Subject Property. The approved development will have access to Travilah Road through a 20-foot-wide shared driveway that will serve the approved two single-family detached dwelling units.

MCDOT reviewed the Applicant's storm drain study and determined that the Applicant shall extend the curb and gutter in both directions to connect to the existing curb and gutter to the west of the Subject Property and to the east towards the intersection of Travilah Road and Stonebridge View Drive. The storm drain analysis was reviewed and is acceptable to MCDOT. The approved removal of storm drain, and addition of curb and gutter will not adversely affect the downstream system. Therefore, no improvements are needed to the downstream public storm drain system for this plan. Tree planting within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.

b) Local Area Transportation Review (LATR)

The Subject Property is located in the North Potomac Policy Area, which is categorized as a Yellow Policy Area under the 2020-2024 Growth and Infrastructure Policy (GIP). The estimated number of peak hour person trips generated by a total of two (2) single-family dwelling units is three (3) in the morning and five (5) in the evening. With consideration of the one existing house, this results in 1 net new person trip in the morning, and 3 net new person trips in the evening. Thus, as demonstrated in the Applicant's traffic exemption

statement dated September 1, 2023, and because this is below the 50-person threshold to require a transportation impact study, the Application is exempt from completing further transportation adequacy analysis and a traffic study is not required for the Administrative Subdivision to satisfy the LATR requirement.

c) Schools

The Application was heard by the Planning Board before July 1, 2024. Therefore, the FY24 Annual School Test, approved by the Planning Board on June 15, 2023, and effective July 1, 2023, is applicable to this application. The Application has an existing home that will be razed to build two (2) new single family detached homes.

School Adequacy Test

The Application is served by Stone Mill Elementary School, Cabin John Middle School, and Thomas S. Wootton High School. Based on the FY24 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 3. FY2024 Annual School Test Projections (2027-2028 School Year)

School	Program Capacity	Enrollment	%Utilization	Surplus/ Deficit
Stone Mill ES	713	490	68.7%	+223
Cabin John MS	1,125	1,067	94.8%	+58
Thomas S. Wootton HS ⁴	2,120	2,026	95.6%	+94

Table 4. FY2024 School Test Results

School	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Stone Mill ES	No UPP	308	366	473
Cabin John MS	No UPP	184	283	452
Thomas S. Wootton HS	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, Stone Mill ES, Cabin John MS and Thomas S. Wootton HS do not require any UPP as identified in Table 4. Based on the school capacity analysis performed, using the FY2024 Annual School Test, this Application is not subject to a Utilization Premium Payment. Therefore, no UPP condition is required.

⁴ 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.

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

This Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. The Property is subject to Chapter 22A, - Forest Conservation Law but is exempt from the requirements of submitting a Forest Conservation Plan. The Property received a confirmed Forest Conservation Exemption ("FCE"), Plan No. 42023002E on July 28, 2022. The Subject Property contains no forest, streams, wetlands or other environmentally sensitive features.

As conditioned, a new FCE showing the revised Limits of Disturbance must be certified before any demolition, clearing or grading for the Subject Property.

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

The Administrative Subdivision application received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on May 23, 2024. The requirements of Chapter 19 are satisfied.

- 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*

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

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

There are no other applicable provisions specific to the Property 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

July 26, 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 a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Linden, seconded by Commissioner Bartley, with a vote of **3-0**; Chair Harris, and Commissioners Bartley, and Linden, voting in favor of the motion, Vice Chair Pedoeem and Commissioner Hedrick 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