

Montgomery Planning

BROOKE MEADOW

PRELIMINARY PLAN AMENDMENT NO. 11994013A



Request for new 5-year Adequate Public Facility period for remaining five (5) unbuilt lots on Preliminary Plan No. 119940130, which was approved for 27 lots for 27 single-family dwelling units.

No. 11994013A

Completed: October 11, 2024

MCPB

Item No. 8

October 24, 2024

Montgomery County
Planning Board

2425 Reddie Drive, Floor 14
Wheaton, MD 20902

Planning Staff



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LOCATION/ADDRESS

Northeast quadrant of the intersection of Brooke Road and Chandlee Mill Road

MASTER PLAN

1998 *Sandy Spring / Ashton Master Plan*

ZONE

Rural

PROPERTY SIZE

25.32 acres

APPLICANT

Rachel Surkin

ACCEPTANCE DATE

June 20, 2024

REVIEW BASIS

Chapters 50 and 59

Summary:

- Staff recommends **approval with conditions** of Preliminary Plan Amendment No. 11994013A.
- On April 6, 1995, the Planning Board approved Preliminary Plan No. 119940130 (Brook Meadow) to create twenty-seven (27) lots for twenty-seven (27) single-family detached units. The APF approved with the original subdivision expired in 2007.
- To date, the 27 lots have been platted and 21 of the 22 lots have received building permits issued that resulted in the construction of single-family detached residences. The remaining lot, of the 22 lots, has yet to be developed and is not a part of this Application.
- The Applicant requests a new five (5) year APF validity period for the remaining five (5) unbuilt lots, per Section 4.3 of Chapter 50.
- The Amendment will not result in any changes to the original Preliminary Plan approval.
- No community correspondence has been received to date.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN AMENDMENT NO. 11994013A

Staff recommends approval with conditions of the Preliminary Plan Amendment for new 5-year APF for remaining five (5) unbuilt lots on Preliminary Plan No. 119940130, which was approved for 27 lots for 27 single-family dwelling units. All site development elements shown on the latest electronic version of the Preliminary Plan Amendment No. 11994013A as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following new condition. The following Condition 9 is in addition to all other conditions, which remain in full force and effect:

New Condition

ADEQUATE PUBLIC FACILITIES

9. 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).

SECTION 2: SITE DESCRIPTION

The Subject Property consists of five (5) unbuilt, recorded lots within the existing 27-lot Brooke Meadow subdivision (Preliminary Plan No. 119940130) with a combined area of 25.32 acres, located within the northeast quadrant of the intersection of Brooke Road and Chandlee Mill Road in Sandy Spring (“Subject Property” or “Property”) (Figure 1). The Subject Property is zoned Rural and is subject to the 1998 *Sandy Spring / Ashton Master Plan*. Currently, the Subject Property is unimproved with frontages along Brooke Road and Chandlee Mill Road for driveway access.

To the west of the Property is the Sandy Spring Slave Museum. To the south of the Property is the Ross Boddy Neighborhood Recreation Center and the Mutual Memorial Cemetery. The Subject Property is located within the Hawlings River watershed, a Water Use IV-P designation.

The surrounding properties are primarily developed with single-family detached residences within a mix of Rural, RC, R-200, RE-2, and RNC zones.

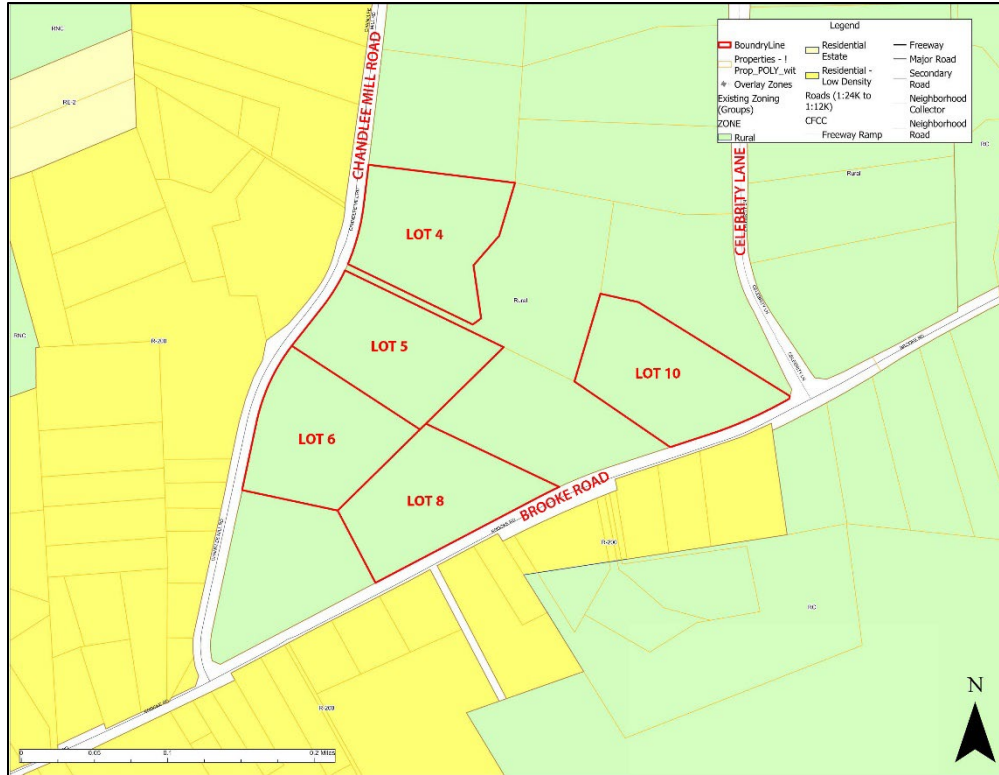


Figure 1 – Zoning Map of the Subject Property

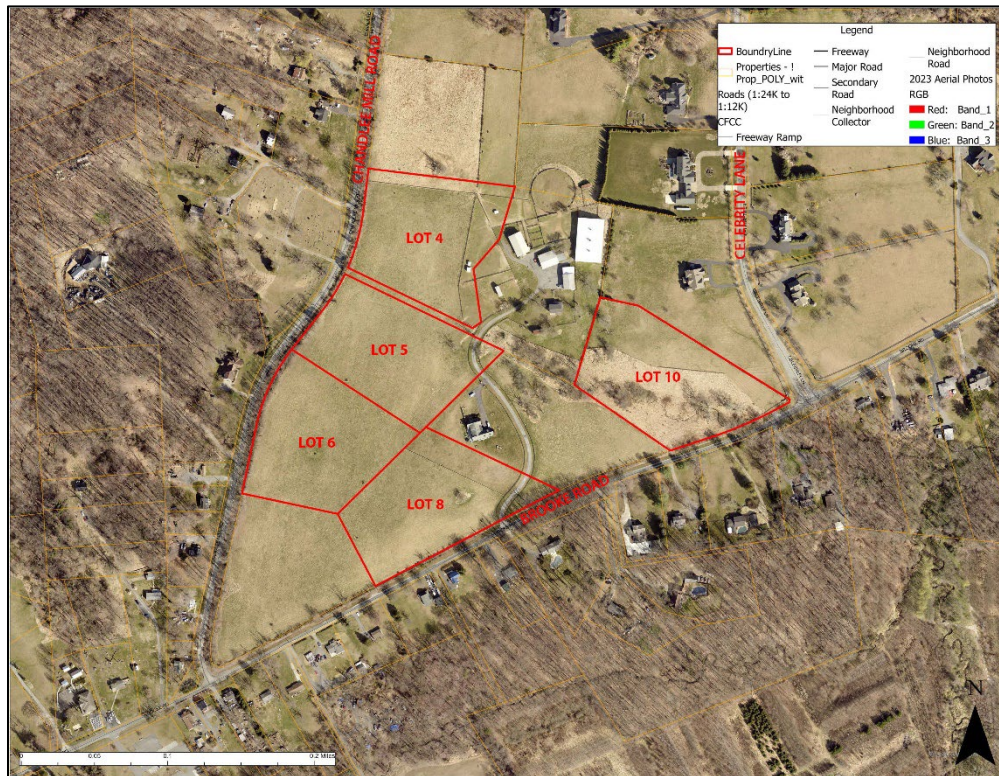


Figure 2 – Aerial View of the Subject Property

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

Preliminary Plan No. 119940130

The Planning Board, by an Opinion dated April 10, 1995 (Attachment X), approved Preliminary Plan No. 119940130 to create twenty-seven (27) lots on 141.30 acres of land.

PROPOSAL

PRELIMINARY PLAN AMENDMENT NO. 11994013A

Preliminary Plan Amendment No. 11994013A was accepted on June 20, 2024, and the Applicant requests a new Adequate Public Facilities (“APF”) validity period for the remaining five lots within the existing Brooke Meadow subdivision of 27 lots (“Amendment” and “Application”). To date, the 27 lots have been platted and 21 of the 22 lots have received building permits issued that resulted in the construction of single-family detached residences. The remaining lot, of the 22 lots, has yet to be developed and is not a part of this Application. Regarding improvements, Celebrity Lane was only partially constructed prior to the approval of Preliminary Plan No. 119940130. The remainder of Celebrity Lane, including the cul-de-sac, was constructed to serve the new lots, along with minor improvements along Brooke Road, which was primarily shoulder grading. There are not any remaining public infrastructure or improvements that need to be completed as part of this Application. On April 10, 2007, the APF granted with approval of Preliminary Plan No. 119940130 expired.

Currently, this Application does not qualify for the new APF policy that was approved in June 2024 as it is focused on a group of five lots – Lots 4-6, Lot 8, and Lot 10. The new APF policy provides an administrative review process and approval for APF on single lots that are in the process of obtaining a building permit from Montgomery County Department of Permitting Services (“MCDPS”). Of the five lots, only one of the lots has submitted for a building permit with MDCPS, leaving the remaining four lots ineligible for the new policy. The Amendment is necessary to provide a new APF validity period for the group of five lots, rather than a single lot at a time approach.

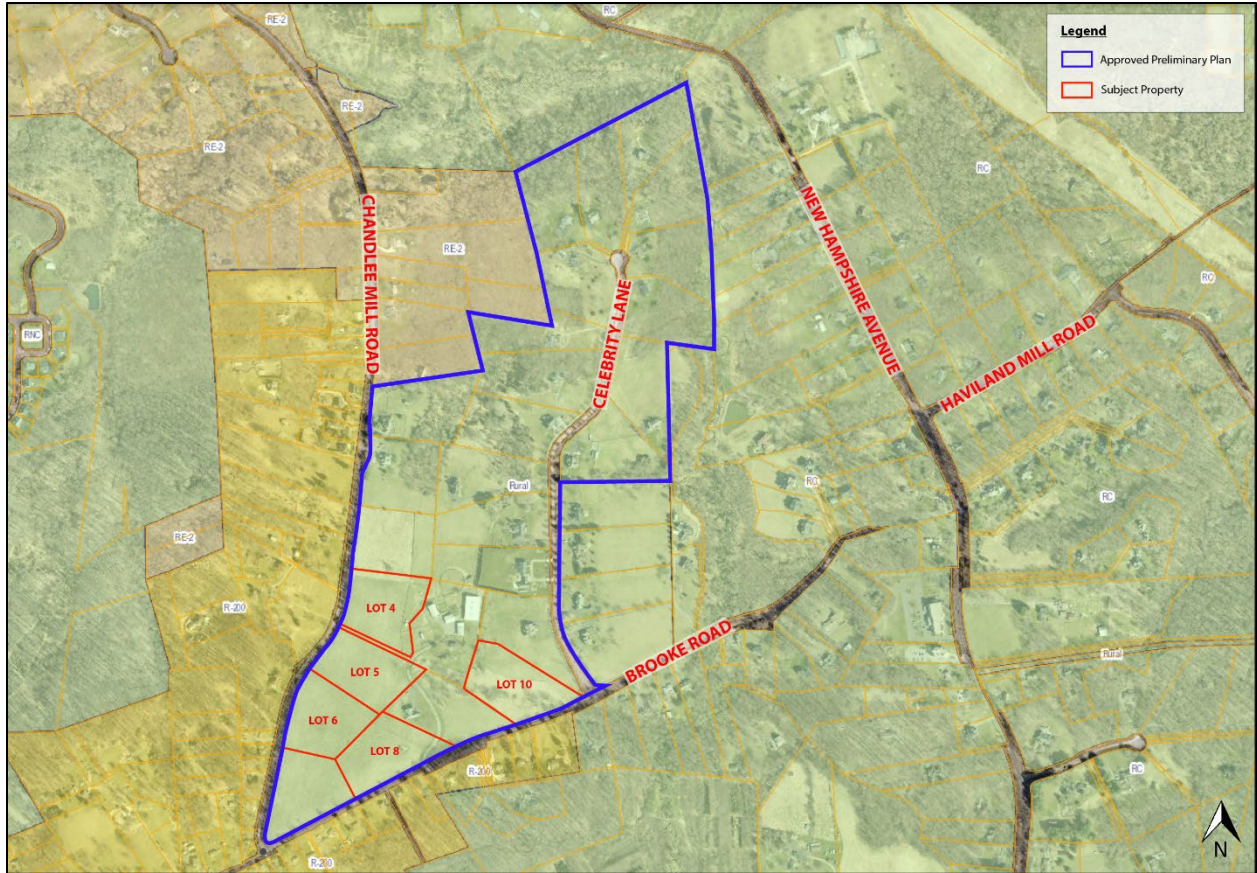


Figure 3 – Approved Preliminary Plan Area with Remaining Five Lots Outlined

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all application submittal, noticing, and sign posting requirements under COMCOR 50.10.01.04 of the Subdivision Regulations. The required hearing notice sign was adequately posted at the Subject Property. Written notice of the Application was mailed by the Applicant to all required parties.

A pre-submission meeting was not required as this Application is a minor amendment to Preliminary Plan No. 119940130. As of the published date of this Staff Report, no community correspondence has been received.

SECTION 5: PRELIMINARY PLAN 11994013A FINDINGS AND ANALYSIS

The Planning Board approved Preliminary Plan No. 19940130, by Opinion dated April 10, 1995, to create twenty-seven (27) lots on the Subject Property with conditions.

Preliminary Plan Amendment No. 11994013A requests a new 5-year APF validity period for the remaining five (5) unbuilt lots on Preliminary Plan No. 119940130, which was approved for 27 lots for 27 single-family dwelling units. The proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

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

a) Roads and other Transportation Facilities

i. Existing Facilities

The Proposed Development has frontage on two public roads: Brooke Road and Chandlee Mill Road. Under the *Master Plan of Highways and Transitways*, both roads are classified as Country Roads with a master planned right-of-way of 70 feet. There are no existing bicycle and pedestrian facilities. The *2018 Bicycle Master Plan* has no recommendation for Brooke Road and Chandlee Mill Road.

b) Local Area Transportation Review (LATR)

The Applicant is requesting a new APF validity period for five (5) years for five (5) lots. The Proposed Development is located in the Rural East Policy Area, which is categorized as a Green Policy Area under the *2020-2024 Growth and Infrastructure Policy (“GIP”)*. As demonstrated in the Transportation Exemption Statement submitted by the Applicant on May 24, 2024, the Proposed Development will generate less than 50 net new trips. As this amount falls under the 50 thresholds, this Application is exempt from further transportation analysis. No traffic study is required for this Preliminary Amendment to satisfy Local Area Transportation Requirements (“LATR”). The Proposed Development will generate a maximum of six (6) net new person trips during the morning AM peak-hour period and eight (8) net new trips during the afternoon PM peak-hour period (see Table 1 below).

Table 1 - Trip Generation Analysis

Land Use	ITE Rates		Adjusted Rates		Person Trips	
	AM	PM	AM	PM	AM	PM
Proposed: 5 Single Family Detached Units	4	5	4	5	6	8
Net New Trips					6	8

c) **Schools**

1. Overview and Applicable School Test

The FY25 Annual School Test, approved by the Planning Board on June 20, 2024, and effective July 1, 2024 is applicable to this application. This amendment proposes a total of 5 single family detached units.

School Adequacy Test

The Application will be served by Sherwood ES, William H. Farquhar MS, and Sherwood HS. Based on the FY25 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 2 – FY2025 Annual School Test Projections (2028-2029 School Year)

	Program Capacity	Enrollment	% Utilization	Surplus / Deficit
Sherwood ES	535	536	100.2%	-1
William H. Farquhar MS	800	641	80.1%	+159
Sherwood HS	2,152	1,780	82.7%	+372

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 FY25 Annual School Test, Sherwood ES, William H. Farquhar MS, and Sherwood HS do not require any UPP as identified in Table 2.** If the project is estimated to generate more students than the identified adequacy ceilings, then additional UPPs or partial payments at multiple tiers are required.

With a net of 5 single family detached units that are not age-restricted, the proposed project 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	5	0.185	0.925	0.102	0.510	0.154	0.770
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	5		0		0		0

As shown in Table 3, on average, this project is estimated to generate 0 elementary school students, 0 middle school students and 0 high school students. The estimated number of students generated do 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 proposed commercial and residential lots. The Application is within the W-6 and S-6 water and sewer service categories, respectively, and will utilize private wells and septic systems.

The Application does not alter or change anything related to emergency vehicle access or lot layout or configuration, which remain adequate.

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.

SECTION 6: CONCLUSION

The Applicant requests a new APF validity period for five (5) years for the remaining five (5) unbuilt lots within the existing Brooke Meadow subdivision. The Application meets all requirements and criteria as defined in Montgomery County Code Section 50.4.3.J for the Planning Board to approve the new Adequate Public Facilities validity period for five years. The Preliminary Plan Amendment does not alter the intent and objectives of the originally approved Preliminary Plan, and all findings remain in full force and effect, except as modified in this Staff Report. Therefore, Staff recommends approval for the new APF for five years with the new condition specified above.

ATTACHMENTS

Attachment A: Preliminary Plan Opinion dated April 10, 1995

Attachment B: Statement of Justification

Attachment C: Transportation Exemption Statement

Date of Mailing: April 10, 1995



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation
 (Motion of Comm. Richardson, seconded by Comm. Baptiste,
 with a vote of 5-0; Comms. Richardson, Baptiste, Aron,
 Holmes, and Hussmann voting in favor).

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-94013
 NAME OF PLAN: BROOKE MEADOW

On 08-13-93, GILBERT L. PORTER, submitted an application for the approval of a preliminary plan of subdivision of property in the RURAL zone. The application proposed to create 27 lots on 141.30 ACRES of land. The application was designated Preliminary Plan 1-94013. On 04-06-95, Preliminary Plan 1-94013 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-94013 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-94013, subject to the following conditions:

- 1) Compliance with Environmental Planning Division approval regarding the requirements of the forest conservation legislation as part of the preliminary plan. Applicant shall satisfy all conditions prior to recording of plat(s) or MCDEP issuance of sediment and erosion control permit, as appropriate
- 2) Record plat(s) to reflect delineation of conservation easements over the areas of 100-year floodplain, stream valley buffers and tree preservation
- 3) Dedication of Chandlee Mill Road and Brooke Road for 70' right-of-ways
- 4) Access and improvements as required and approved by MCDOT
- 5) Record plat(s) to reference common vehicular ingress/egress easements and provide pedestrian/equestrian access to Hawlings River Park
- 6) Conditions of Health Department approval dated 1-10-95
- 7) Other necessary easements
- 8) This preliminary plan will remain valid until May 10, 1998. Prior to the expiration of this validity period, a final record

plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.

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

Property:	Lots 4, 5, 6, 8 & 10, Block A, Broke Meadow
Name of Subdivision:	Brooke Meadow
Tax Map:	JT33
Zoning:	R (Rural)
Location:	Brooke Road & Chandlee Mill Road
Planning Area:	Sandy Spring-Ashton
Date:	April 20, 2024

**STATEMENT OF JUSTIFICATION IN SUPPORT OF
PRELIMINARY PLAN AMENDMENT #11994013A
APF APPROVAL ONLY – 5 LOTS**

We hereby submit, on behalf of the property owners, this Statement of Justification, setting forth the facts and reasons in support of approval of the proposed Preliminary Plan Amendment #11994013A. This plan is being submitted in accordance with Chapter 50 of the Montgomery County Code, entitled “Montgomery County Subdivision Regulations”, and Chapter 59, “Montgomery County Zoning Ordinance”.

Introduction

The purpose of this application is to seek approval of the Adequate Public Facilities (APF) for five (5) lots within the existing Brooke Meadow subdivision. This approval is limited only to the APF for 5 lots.

The Subject Property

The 27-lot Brooke Meadow subdivision (119940130) was originally approved by the Montgomery County Planning Board on April 6, 1995. All 27 lots were recorded in the Land Records of Montgomery County as shown on various Record Plats. Over the years 21 lots have had building permits issued for construction of single-family residences. The APF approved with the original subdivision expired in 2007.

The lots which this amendment applies to are:

Lot/Bl.	Address	Owner	Deed	Property ID
4/A	18801 Chandlee Mill Rd.	Gilbert L. Porter, Tr.	37243/204	08-03209478
5/A	18701 Chandlee Mill Rd.	Gilbert L. Porter, Tr.	37243/204	08-03209480
6/A	18601 Chandlee Mill Rd.	Jeff Blum/Rachel Surkin	66732/097	08-032109491
8/A	18566 Brooke Rd.	Jeffrey Blum/Rachel Surkin, et al	67616/399	08-03227251
10/A	18620 Brooke Rd.	Gilbert L. Porter, Tr.	37243/204	08-03227331

Standards for Approval

1. *Public facilities will be adequate to support and service the area of the proposed lots;*

Transportation Facilities:

Based on the Transportation Statement, the proposed project will generate 4 peak trips in the AM and 5 peak trips in the PM. Because the proposed development will generate fewer than 50 peak hour person trips it is exempt from the Local Area Transportation Review Guidelines (LATR). The project will be served by Booke Road and Chandlee Mill Road, both classified as Country Roads.

School Capacity:

The school cluster that serves the subject property includes Sherwood High School, Farquhar Middle School, and Sherwood Elementary School. The subject lots are located in the Turnover Impact Area and are estimated to generate the following number of students.

Type Units	# Units	ES Generation Rate	ES Students Generated	MS Generation Rate	MS Students Generated	HS Generation Rate	HS Students Generated
SF Detached	5	0.185	0.92	0.102	0.51	0.154	0.77
TOTAL	5		1		1		1

According to the Planning Board’s FY24 Annual School Test results, effective July 1, 2023, all schools are below the Utilization Premium Payment (UPP) level.

Sewerage and Water Systems: The subject lots will be served by private wells and septic systems.

Other Public Services:

- **Fire & Rescue Services:** The property’s closest serving fire & rescue facility is Fire Station Number 4, Sandy Spring, located at 17921 Brooke Road, approximately 1.5 miles from the subject property.
- **Montgomery County Police:** Served by the District 4D, 2300 Randolph Road approximately 8 miles from the subject property.
- **Health Services:** The closest major health facility is MedStar Montgomery Medical Center, approximately 3.5 miles from the subject property.

Based on the information presented above, and supported by all the other plans and documents submitted as part of Preliminary Plan Amendment application #11994013A, we believe that justification for approval of this Plan is strongly in evidence and requests that Preliminary Plan Amendment #11994013A be approved by the M-NCPPC.

Statement of Justification
Brooke Meadow APF
#11994013A

On behalf of the Applicants, 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,
SITE SOLUTIONS, INC.

Jeffrey S. Lewis, P.E.,
Principal

TRANSPORTATION STATEMENT

11994013A

The purpose of this report is to provide a Transportation Statement as required in the Montgomery County Subdivision Staging Policy and the Local Area Transportation Review Guidelines (LATR). These guidelines are utilized by the Montgomery County Planning Board for the administration of the Adequate Public Facilities Ordinance.

The property is located in the Rural East Policy Area. The APF approval area covers five (5) single family detached residential homes within the existing subdivision.

Analysis of the trips generated is prepared using the Trip Generation from the ITE 11th Edition Trip Generation Manual and the Local Area Transportation Review Guidelines. The ITE Trip Generation Rates for Single Family Homes Use Code 210 are:

Table 1.						
ITE Vehicle Trip Generation Rates						
Total Generated Trips		Total Distribution of Generated Trips				Units
AM	PM	AM In	AM Out	PM In	PM Out	Independent Variable
0.67	0.94	26%	74%	63%	37%	DU

The Total Trips Generated and the Distribution of Trips Generated for 5 single family dwelling units are:

AM Peak Trips Generated = $5 \times 0.67 = 4$ trips

PM Peak Trips Generated = $5 \times 0.94 = 5$ trips

Table 2.						
ITE Total Generated Trips and Total Distribution of Generated Trips						
Proposed Units	Total Generated Trips		Distribution of Generated Trips			
	AM Hour	PM Hour	AM In	AM Out	PM In	PM Out
5.0	4	5	1	3	3	2

Using the Local Area Transportation Review Guidelines Appendix **Table 1a** for Policy Area #29, Rural East, the ITE Vehicle Trip Generation Rate Adjustment Factor is 99%. The proposed subdivision is estimated to generate:

$4 \times 0.99 = 4$ AM peak-hour vehicle trips and

$5 \times 0.99 = 5$ PM peak-hour vehicle trips.

This project will generate less than the threshold of 50 new peak-hour person trips for LATR, therefore the **project is exempt from preparing a transportation study.**

Sincerely,
Site Solutions, Inc.

Jeffrey S. Lewis, P.E.