

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

December 27, 2023

MCPB No. 23-118

Preliminary Plan No. 120230120

Tregoning Property

Date of Hearing: November 16, 2023

RESOLUTION

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

WHEREAS, on June 23, 2023, Elm Street Development (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create forty-four (44) lots for single-family dwelling units, composed of thirty-eight (38) lots for single-family detached dwelling units and six (6) lots for townhouse dwelling units, including 12.5% MPDUs, with associated public streets, open spaces, and recreational amenities on 37.85 acres of land in the RE-1 zone, located on Kings Valley Road, west of Preakness Drive (“Subject Property”), in the Rural East Policy Area and 1994 *Clarksburg Master Plan & Hyattstown Special Study Area* (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120230120, Tregoning Property (“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 November 3, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on November 16, 2023, 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. 120230120 to create forty-four (44) lots for single-family dwelling units, composed of thirty-eight (38) lots for single-family detached dwelling units and six (6) lots for townhouse dwelling units, including 12.5% MPDUs, with associated public streets, open spaces,

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Approved as to

Legal Sufficiency: /s/ Matthew T. Mills

M-NCPPC Legal Department

and recreational amenities on the Subject Property, subject to the following conditions:¹

General Approval

1. This Preliminary Plan is limited to 38 lots for 38 single-family detached dwelling units and 6 lots for 6 townhouse dwelling units, including a minimum of 12.5% MPDUs on 37.85 acres.

Adequate Public Facilities

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 October 24, 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 Maryland State Highway Administration (“SHA”) in its letter dated September 26, 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 MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements.
8. 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 October 30, 2023, and incorporates them as

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.

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.

9. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated November 25, 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.
10. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated October 2, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

Future Site Plan Approval Required

11. Before clearing or grading or recording a plat for the Subject Property, the Applicant must receive Staff certification of a Planning Board-approved site plan. The number and location of site elements, including but not limited to dwelling units, on-site parking, site circulation, sidewalks, and bikeways will be determined through site plan review and approval.
12. If an approved site plan or site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan or site plan amendment.

Transportation

Frontage Improvements on Existing Roads

13. 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 thirty-five feet from the existing pavement centerline along the Subject Property frontage for Kings Valley Road.
14. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of an 8-foot wide sidepath along the property frontage on Kings Valley Road.

New Roads

15. 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) Street(s) A, B, C, consistent with MC-210.01 as modified.

Private Roads

16. The Applicant must provide Private Alleys A and B, including any sidewalks, bikeways, storm drainage facilities, street trees, streetlights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the “Private Road”), subject to the following conditions:
 - a) Record plat must show the Private Road in a separate parcel.
 - b) The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions in the Montgomery County Code § 50-4.3.E et seq regarding private roads. The Covenant includes, but is not limited to the following requirements/conditions:
 - i. The Applicant, at its expense, shall design, construct and maintain the Private Road.
 - ii. The Applicant, at its sole cost and expense, shall properly and continually maintain (including ordinary and capital maintenance and removal of snow, ice, litter, and other obstructions and hazards as soon as conditions reasonably allow), repair, and replace any portion of the Private Road and all improvements located within the Private Road, in good condition and repair for safe use and operation of the Private Road. The Applicant must maintain a commercially reasonable budget (operating and capital, as applicable) to address both short-term and long-term maintenance and reserves for capital repairs. The Applicant must provide certification of the reserves to the Planning Board or its Staff every two (2) years (or every five (5) years in the event there are no below-ground parking structures in the Private Road). The reserves must be adequate to cover the costs of needed repairs.
 - iii. The Applicant must post and retain signage to notify the public that the Private Road is not publicly maintained and to provide contact information to handle complaints, concerns, or questions regarding the Private Road.
 - c) Before issuance of the first building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all

necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.

Pedestrian Infrastructure

17. The Applicant must provide a shared use path that is a minimum of 5 feet in width connecting from the sidewalk adjacent to unit 35 as identified on the Preliminary Plan to the approved pedestrian infrastructure on Kings Valley Road. The path must not exceed an average 10% grade along its length. The final alignment and surfacing of the path is to be determined at Site Plan approval.

Off-Site Improvements/LATR

18. Before the release of any above ground building permit, the following off-site improvements must be permitted and bonded (to ensure construction) pursuant to MCDOT and/or MDOT/SHA requirements:
 - a) A six-foot-wide sidewalk with a minimum 6-foot-wide street buffer along Ridge Road to connect from the existing northern lead-in walkway for Cedar Grove Elementary School to and crossing Hoffman Drive, as shown on the Certified Preliminary Plan.
19. Before the release of the 25th building permit, the Applicant must construct the sidewalk connection between Cedar Grove Elementary School and Hoffman Drive.

Record Plats

20. There shall be no clearing or grading of the site before recordation of plat(s).
21. The record plat must show necessary easements.
22. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

Notes and Labels

23. The record plat must reflect all areas under common ownership.
24. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 ("Covenant").

Developments with MPDUs

25. The final number of MPDUs as required by condition 1 above will be determined at the time of site plan approval.

Certified Preliminary Plan

26. 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 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.

27. 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.
 - c) Update the data table to match the Staff Report.
 - d) Remove all notations regarding buildable outlots for Parcel 617.
 - e) Before the approval of the Certified Preliminary Plan, the Applicant must label the two proposed new roads Public Road A and Public Road B as well as the two alleys as Private Alley A and Private Alley B on all the sheet drawings.

28. The Applicant shall make all commercially reasonable efforts in collaboration with Staff to review and effectuate the extension of Alley A from Public Street C to Public Street A in Block A, unless said extension were to result in a reduction in the number of dwelling units. All dwelling units, with the exception of Units 1 and 2, in Block A must be rear-loaded or side loaded and served by the potential through alley with frontage along Kings Valley Road and Public Street C. The revised layout must be reviewed and approved by Planning Staff, MCDOT, and DPS Water Resources Section.

29. Before the approval of the Certified Preliminary Plan, the Applicant must provide final storm drainage analysis of the Hoffman Drive extension to ensure the transition from the proposed closed section drainage system into the existing open section drainage will not result in deficient runoff characteristics and/or impacts to offsite properties. This analysis must be reviewed and approved by Planning Staff and MCDOT.

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, taking into account the recommendations of the Master Plan, and for the building type (single-family attached and townhouse structures) use contemplated for the Subject Property.

The Application is approved under the optional method in accordance with Section 59.4.4.6.D of the Zoning Ordinance. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

a) The block design is appropriate for the development or use contemplated

The Application is creating two new residential blocks, Block A and Block B, which are generally divided by Public Street A and the Hoffman Drive extension. Block B is appropriately designed and connected with Public Streets A and B, as well as an alley. As conditioned, the Applicant shall make all commercially reasonable efforts in collaboration with Staff to effectuate the extension of Alley A from Public Street C to Public Street A in Block A, unless said extension were to result in a reduction in the number of dwelling units. The potential extension of Alley A in Block A as a thru alley and the reoriented dwelling units results in an improved block design and layout for the approved residential use. Additionally, the potential extension of Alley A creates improved lotting, building orientation, and access for residents and emergency vehicles. As conditioned, these two new blocks are an appropriate size based on the approved residential use, as well as properly separated by the bounding public streets.

b) The lot design is appropriate for the development or use contemplated

As conditioned, the lot size width, shape, and orientation are appropriate to the approved residential development. Each lot can reasonably accommodate the approved structure, parking, and utilities.

c) The Preliminary Plan provides for required public site and adequate open areas

The approved development also provides adequate space to accommodate the required storm water management facilities, open space parcels, and streets. The Master Plan does not recommend any public sites for the Subject Property.

d) The Preliminary Plan provides for required public site and adequate open areas

The lots were reviewed for compliance with the dimensional requirements for the RE-1 zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area, frontage, and can accommodate the single-family attached and townhouse dwelling units which can reasonably meet the width and setbacks requirements in that zone. A summary of this review is included in Table 1.

Table 1 - Development Standards Table - RE-1 (MPDU Optional Method)

RE-1 Zone (MPDU)	Allowed / Required (SFD)	Allowed / Required (Townhouse)	Approved by this Application (SFD)	Approved by this Application (Townhouse)
Site				
Usable area (min.)	17 acres	17 acres	37.85 acres	37.85 acres
Density (max.) (units/acre of area)	1.22 (20 units max.)	1.22 (20 units max.)	1.22 (46 units max.)	1.22 (46 units max.)
Common Open Space (min.)	10% min.	10% min.	10% min.	10% min.
Site Coverage (max.)	N/A	40% max.	N/A	40% max.
Lot				
Lot Area (min.)	9,000 sq.ft.	1,200 sq.ft.	9,000 sq.ft.	1,200 sq.ft.
Lot Width at Front Building Line (min.)	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan
Lot Width at Front Lot Line (min.)	25 feet	14 feet	25 feet (min.)	14 feet (min.)
Frontage on Street or Open Space	Required	Required	Required	Required
Lot Coverage (max.)	35%	N/A	35%	N/A
Placement				
Front Setback from Public Street (min.)	35 feet	35 feet	35 feet	35 feet
Front Setback from Open Space	10 feet	10 feet	10 feet	10 feet
Side Street Setback, Abutting Lot Fronts on the Side Street and is in a Residential Detached zone	35 feet	35 feet	35 feet	35 feet
Side Street Setback, Abutting Lot does not Front on the Side Street or is not in a Residential Detached zone	20 feet	20 feet	20 feet	20 feet
Side or Rear Setback	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan
Side Setback, Abutting Property not Included in Application	20 feet	20 feet	20 feet	N/A
Rear Setback, Alley	4 feet	4 feet	4 feet	4 feet
Height				
Principal Building Height (max.)	40 feet	40 feet	40 feet	40 feet

RE-1 Zone (MPDU)	Allowed / Required (SFD)	Allowed / Required (Townhouse)	Approved by this Application (SFD)	Approved by this Application (Townhouse)
MPDUs	12.5% (6 DUs)	12.5% (6 DUs)	12.5% (6 DUs)	12.5% (6 DUs)
Site Plan Required	Yes	Yes	Yes	Yes

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

The Subject Property is designated as Rural Residential in the Generalized Land Use Plan of the 1994 Clarksburg Master Plan and recommended for the RE-1 (Single-Family Detached) zone. With a density of one dwelling unit per acre, the approved Preliminary Plan is consistent with this planned land use density and the Subject Property’s existing RE-1 zone.

Situated at the headwaters of the Little Seneca Creek watershed, environmental protection of forested landscapes and stream water quality is an important consideration for the approved subdivision. The approved subdivision is in an upland area, north of the headwaters to Little Seneca Creek, therefore avoiding most impacts to the stream valley. Stormwater management should be incorporated into the site design for the approved subdivision to ensure that water flowing into Little Seneca Creek is effectively managed for quantity and quality (Clarksburg Master Plan, p. 145-147).

A planned public park and greenway/bikeway is recommended in the 1994 Clarksburg Master Plan to provide a publicly accessible trail connection between Ovid Hazen Wells Park and Damascus Recreational Park (p. 72). The planned corridor runs through a portion of the Subject Property that is not proposed for development, along the small stream valley of Little Seneca Creek, east of Ridge Road. While the greenway connection is not recommended for dedication or construction as a part of this application, its viability should be preserved as a future connection along the stream valley to the south of the approved subdivision and an easterly park and greenway trail connection to Kings Valley Road and Damascus Recreational Park as part of any future proposed subdivision or development application south of the approved current development.

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

a) *Roads and Transportation Facilities*

- i. Existing Facilities: Kings Valley Road is an unclassified residential street with 30 feet of existing right-of-way (“ROW”). There are no bike or pedestrian facilities on the road. Hoffman Drive is a neighborhood street with a 60-foot ROW. There are no bike or pedestrian facilities on the road.

ii. Proposed public transportation infrastructure: An 8-foot-wide asphalt sidepath will be constructed along the frontage with Kings Valley Road. An additional 25 feet of ROW will be dedicated from the centerline, along with an additional 10 foot wide Public Utility Easement, to provide 55 feet of ROW and 65 feet of publicly usable space, in compliance with Section 49-32. This will accommodate all planned public facilities. Hoffman Drive will be extended into the Property from the west as a neighborhood street with a 60-foot ROW. All roads will be constructed with closed section curb and gutter drainage. All roads will have six-foot-wide, buffered sidewalks on both sides of the street. In addition to the Hoffman Drive extension, the Application approves two new public streets. The first will extend to the south through the Property from the intersection of Glade Valley Terrace and Kings Valley Road to the southern property line. The second road will run from the intersection of Preakness Drive and run southwest through the Property to the southern property line. Both roads will be constructed as neighborhood streets with a modified 50-foot ROW. The Planning Board approved a waiver from the standard 60 ft ROW required under Ch. 49-32.c.5. as allowed under Ch. 50.4.3.E.2.a.i and ii. The reduction of right of way is environmentally preferable and results in better use of the tract under consideration. The reduced width of the ROW will allow dwellings to be placed closer together, which will accommodate a more clustered footprint for the overall development. This will result in turn with a lower environmental footprint, allowing the development to remain well outside existing forest and stream valleys, and accommodates a more efficient overall site layout. In determining the width of a less than standard ROW, the Board must consider:

(a) *the recommendations of the Department of Transportation or other applicable state or municipality transportation permitting agency;*

MCDOT in their letter dated October 24, 2023, approves the waiver request.

(b) *the amount of traffic expected to use the proposed roads;*

The approved roads are not expected to serve through traffic; they will predominantly serve the 44 dwellings, which will be served adequately by the proposed roads.

(c) *the maximum road right-of-way or improvement required for the proposed land use; and*

Ch. 49 recommends a 60-foot ROW for neighborhood streets; the reduction of 10 feet will accommodate an overall tighter, more concentrated development envelope, limiting overall environmental impacts.

(d) the increased traffic, travel lane, and right-of-way requirements that would be created by maximum use and development of land using the road.

As mentioned, these roads will be able to accommodate all approved development. For the most part, as conditioned to include an extension of the northern alleyway, approved public roads will predominantly provide vehicular access via driveways on only one side, significantly reducing potential conflict points. Limited additional future development is anticipated in the Master Plan for this area; limited future growth of vehicular traffic is expected.

- iii. Approved private transportation infrastructure:* Two private alleys are approved to provide rear access for garage parking. Pedestrian access to these units will be provided along the front facing street or along the fronts of units facing public open space. As conditioned, the Applicant shall make reasonable efforts in collaboration with Staff to extend Alley A from Public Street C to Public Street A in Block A, unless the extension were to result in a reduction in the number of dwelling units. If constructed, this will allow through movement across the alley from north to south without the need for vehicles to turn around, improving circulation and access. Additionally, the relocation of driveways for these units to the alley simplifies access along the approved public streets and removes potential conflict points, particularly for Unit 5 which as approved places the driveway in the active area for the approved intersection with Hoffman Drive. Planning Board support of the Applicant's waiver request for the reduction in minimum ROW as explained above, assumes the extension of the alleyway which results in an overall simplification of access.

Additionally, as conditioned, the Applicant must provide a shared use path connection in the southern portion of the Application to connect from the sidewalk fronting approved Lot 35 to the approved sidewalk along Kings Valley Road. The final design, surfacing and alignment will be determined as part of the Site Plan review and approval.

This shared use path will accommodate a direct connection to Kings Valley Road and Damascus Recreational Park to the south. This approved connection will save residents up to 1,000 feet of walking distance, or roughly 3-4 minutes of walking time versus walking up to the approved Preakness Drive intersection and back south. However, the significant regrading of the site as approved will result in a more challenging topography to accommodate this connection. The filling of the portion of the Site to the east Lot 35 steepens the existing hillside grade significantly, dropping 40 feet in height in a 200-foot run, a 20% average slope. To accommodate this grade change, the Board is willing to accept a non-ADA connection with up to an average 10% grade, with a width of between 5 to 8 feet. After consideration, an ADA connection is determined to be unnecessary; such a connection would require at least 800 feet of run to accommodate an ADA

acceptable 5% grade, requiring multiple switchbacks. Such a design would negate most time and distance savings. ADA connectivity to Kings Valley Road will be accommodated along the approved public street network. Details of the path will be reviewed as part of the subsequent Site Plan application.

b) Local Area Transportation Review (LATR)

The Application is approved to construct 38 single family detached residential lot and 6 townhouses. This is estimated to generate 53 total peak hour person trips in the morning and 67 total peak hour person trips in the evening. As a result of the estimated transportation impact, the Project submitted a Transportation Impact Study with the Preliminary Plan to satisfy the Local Area Transportation Review (LATR).

Table 2 - Trip Generation Analysis

		ITE Trip Generation Vehicle Rates		Adjusted Vehicle Rates Rural East Policy Area		Total Person Trips	
		AM	PM	AM	PM	AM	PM
Approved	38 Single Family Detached Residential Units	31	40	31	40	49	62
	6 Townhouses	3	3	3	3	4	5
Net Change						53	67

Source: Transportation Exemption Statement from The Traffic Group, Inc., May 5, 2023, modified by staff

Travel Mode Adequacy Test

The 2020-2024 *Growth and Infrastructure Policy* requires evaluation of all transportation modes, including: auto-drive, transit, walking and biking. Mode-specific adequacy tests are required for any project estimated to generate 50 or more net new peak hour person trips.

- The Application is exempt from transit system adequacy evaluation as the Property lies within a green policy area.
- Vehicular adequacy was studied in within a 1 signal tier, with four intersections studied (Table 3). All intersections were found to be within the Rural East policy area CLV threshold of 1350. No mitigation for vehicular congestion is required of this Application.
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Table 3 - CLV Methodology

Intersection	Traffic Conditions					
	Existing		Background		Total Future	
	AM	PM	AM	PM	AM	PM
<i>Rural East Policy Area (CLV Standard 1350)</i>						
MD 27 & Kings Valley Road	1157	1217	1167	1228	1187	1271
MD 27 & Hoffman Drive	1113	1055	1123	1066	1143	1088
Kings Valley Road & Glade Valley Terrace / Site Access	112	157	112	157	137	192
Kings Valley Road & Preakness Drive / Site Access	134	176	134	176	146	197

- A speed study was conducted along the property frontage on Kings Valley Road. 85th percentile speeds were found to be 38 mph in both directions, significantly exceeding the posted 25 mph speed. These speeds are hazardous to bike and pedestrian road users; this suggests additional enforcement and traffic calming measures should be conducted in the vicinity.
- Pedestrian system adequacy was evaluated within 250 feet of the Property. Mitigation will be required to achieve a Pedestrian Level of Comfort (PLOC) greater than 2 (Somewhat Comfortable), and/or deficiencies identified for streetlamps within the scoped boundary. The LATR requires evaluation on Primary Residential Roads and higher but excludes residential roadways. The Pedestrian system adequacy also requires mitigation for ADA deficiencies identified within 125 feet of the Property. Significant deficiencies were found on all public roads as there is no pedestrian infrastructure within the study area; as these roads are classified as residential streets, with expected slower speeds and lower vehicular traffic, by default they are listed as “uncomfortable”. Given the high (38 mph) vehicular speeds found on Kings Valley Road, which significantly exceed posted speeds, and in combination with limited sight distance in areas, actual experienced PLOC is more properly found to be undesirable and potentially hazardous. A sidepath constructed along the property frontage will help address this condition.
- Bicycle system adequacy was evaluated by analyzing bikeways within 250 feet of the Property. Mitigation will be required to achieve a Level of Traffic Stress 2 (LTS-2) or lower, consistent with the Bicycle Master Plan. As with the pedestrian adequacy study, no bicycle infrastructure exists in the study area, but due to the low speed and low vehicular volumes of study are residential streets, LTS adequacy was found to be either low or very low stress. However, given the high (38 mph) vehicular speeds found on Kings Valley Road, which significantly exceed posted speeds, and in combination with limited sight distance in areas, actual experienced LTS is more properly found to be high. A sidepath constructed along the property frontage will help address this condition.

Proportionality Guide

Under Section 8 of 2022 Local Area Transportation Review Guidelines (LATR Proportionality Guide), the maximum cost of mitigation improvements, the Applicant is required to construct or fund for a project consisting of 44 residential units is not to exceed \$190,434 (see calculation below).

LATR Proportionality Guide = (Extent of Development) (LATR Proportionality Guide Rate) (LATR Proportionality Guide Adjustment Factor)

$\$190,434 = (38 \text{ Single Family Detached homes}) (\$20,173) (22\%) + (6 \text{ Single Attached homes}) (\$16,506) (22\%)$

The Applicant did not study or provide options for required off-site mitigation. In lieu of other alternatives, the Planning Board has conditioned the construction of approximately 360 feet of sidewalk along Ridge Road to connect Cedar Grove Elementary School to Hoffman Drive to the north.

This improvement, while outside the 250' Pedestrian Adequacy study area, would provide clear and immediate benefit to pedestrian access to the school. The school fronts Ridge Road, a high-speed, heavily trafficked Country Connector with no bike or pedestrian improvements. It is therefore identified as having the lowest possible pedestrian level of comfort rating of "undesirable".

The sidewalk connection as conditioned would provide a section of very comfortable pedestrian connection to link the school to Hoffman Drive, a residential street.

While Hoffman Drive would remain rated an "uncomfortable" pedestrian level of comfort due to the lack of sidewalk, the low volume and speed of vehicles in the future would accommodate some pedestrian connectivity. In conjunction with the approved new network of streets as part of the Application, which among other things would connect Hoffman Drive to Kings Valley Road, this sidewalk connection would accommodate a burgeoning pedestrian link between the school, the Hoffman Drive community, the Application community, and the greater Sweepstakes community benefiting hundreds of residents.

The area of the approved sidewalk is generally flat with few notable obstructions. A stormwater swale occupies much of the space, requiring some limited regrading. An existing storm drain and supporting grading is one notable obstacle immediately adjacent to the existing school entrance.

Facility design is beyond the scope of the Planning Department. As noted, no design for any offsite mitigation improvement was provided by the Applicant. The Applicant similarly has not provided any cost estimate for any offsite mitigation improvement.

Without this basic information, it is impossible to provide an itemized cost estimate for this improvement. However, the improvement is proportional to the impact of the approved application, which yields 53 AM and 67 PM peak hour person trips. Additionally, average countywide costs for such improvements have been estimated as roughly \$300 per linear foot. Based on this figure, the estimated cost for the improvement is roughly \$108,000, comfortably below the \$190,434 proportionality cap for the Application.

As conditioned, all off-site mitigation projects must be permitted, bonded for construction, and all mitigation payments must be paid before the issuance of the first building permit. Montgomery County Planning, MCDOT, and MDOT SHA staff reviewed the TIS and approved the offsite mitigation project. Therefore, the Applicant has satisfied the requirements of the LATR, and the public transportation facilities are adequate for the Site.

c. Schools

Overview and Applicable School Test

The FY24 Annual School Test, approved by the Planning Board on June 15, 2023, and effective July 1, 2023, is applicable to this Preliminary Plan. This Preliminary Plan approves a net total of forty-four dwelling units, comprised of thirty-eight single-family detached dwelling units and six townhouse dwelling units.

School Adequacy Test

The Preliminary Plan is served by Lois P. Rockwell ES, John T. Baker MS, and Damascus 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 4 - 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
Lois P. Rockwell ES	548	528	96.4%	+20	No UPP	105	130	212
John T. Baker MS	762	832	109.2%	-70	No UPP	56	83	197
Damascus HS	2,250	1,533	68.1%	+717	No UPP	897	1,167	1,505

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, Lois P. Rockwell ES, John T. Baker MS, and Damascus HS do not require any

UPP. If the Preliminary Plan 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 Preliminary Plan, 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 44 units that are not age-restricted, the Preliminary Plan is estimated to generate the following number of students based on the Preliminary Plan’s location within a Turnover Impact Area:

Table 5 - 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	38	0.185	7.030	0.102	3.876	0.154	5.852
SF Attached	6	0.218	1.308	0.119	0.714	0.167	1.002
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	44		8		4		6

As shown in Table 5, on average, this Preliminary Plan is estimated to generate 8 elementary school students, 4 middle school students, and 6 high school students. The number of students generated does not exceed the adequacy ceilings identified for each school in Table 4, therefore no additional UPPs are required, nor 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 residential lots. The Subject Property will maintain W-5 and S-5 water and sewer service categories until final Planning Board approval of a Preliminary Plan that uses either a cluster or MPDU development option under the RE-1 Zone, after which it will be changed to W-3 and S-3 water and sewer service categories. The Application is approved as MPDU Optional Method within the RE-1 Zone and meets the conditions from Montgomery County Resolution 18-1272.

The Application was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Department Access Plan was approved on November 25,

2023. The Fire Department Access Plan indicates that fire access will be provided by a combination of new public streets.

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 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. F20230420 (MCPB Resolution No. X) 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 October 30, 2023. The Application will meet stormwater management goals through the use of micro-bioretenion and a 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 within the Preliminary Plan. The 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:

December 27, 2023

(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 the motion of Commissioner Hedrick, seconded by Vice Chair Pedeem, with a vote of 5-0, Chair Harris, Vice Chair Pedeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, its regular meeting held on Thursday, December 21, 2023, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board