Montgomery County Planning Board
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
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www.montgomeryplanningboard.org | mcp-chair@mncppc.org

DATE MAILED:

October 20, 2026

MCPB No.26-90
Preliminary Plan No. 120250200
Wheaton Lane Subdivision
Date of Hearing: September 24, 2026

RESOLUTION

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

WHEREAS, on November 12, 2025, B&S Estate LLC ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create four (4) lots for four (4) units on 1.00 acre of land in the R-60 zone, located at 1307 Wheaton Lane, Silver Spring, MD ("Subject Property"), in the Kensington/Wheaton Policy Area and the 1989 *Master Plan for the Communities of Kensington-Wheaton* ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120250200, Wheaton Lane Subdivision ("Preliminary Plan" or "Application"); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20250860*;* 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 September 14, 2026, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 24, 2026, 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 Commissioner Linden, with a vote of 5-0; Chair Harris, Vice Chair Bartley and Commissioners Hedrick, Linden and Pedoeem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120250200 to create 4 lots and 4 units on the Subject Property, subject to the following conditions:[1]

GENERAL APPROVAL

1. This Preliminary Plan is limited to four (4) lots for four (4) detached single-family dwelling units.

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 June 27, 2026, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.

6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Water Resources Section, in its stormwater management concept letter dated September 4, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

[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.

7. The Planning Board has reviewed and accepts the recommendations of MCDPS Fire Department Access and Water Supply Section in its letter dated February 10, 2026, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

OTHER APPROVALS

8. Except clearing and grading associated with the demolition of existing buildings and paving, there shall be no clearing or grading of the site before recordation of plat.

TRANSPORTATION

Frontage Improvements on Existing Roads

9. The Applicant must provide the following dedications and show them on the record plat for the following existing roads:

a) All land necessary to accommodate thirty (30) feet from the existing pavement centerline along the Subject Property frontage for Wheaton Lane.

10. Before the recordation of the plat, the Applicant must satisfy all necessary requirements of MCDOT to ensure future construction of a six-foot-wide (6 ft.) sidewalk with a six-foot-wide (6 ft.) street buffer along the Subject Property frontage on Wheaton Lane.

RECORD PLATS

11. The record plat must show necessary easements.

CERTIFIED PRELIMINARY PLAN

12. The Certified Preliminary Plan must contain the following notes:

a) Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures, and hardscape will be determined at the time of issuance of building permits. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

b) The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-

site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times during construction.

13. 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 per the staff report to include the EBL calculations and footnote.

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.*

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

The approved Application maintains the existing block pattern along Wheaton Lane. No new blocks, public roads, or private road parcels are created. The Property relies on the existing public street network along Wheaton Lane, which is consistent with the established residential block configuration in the surrounding neighborhood.

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

The Application creates four residential lots in the R-60 Zone[2] ranging in size from 9,075 to 10,194 square feet. The size, width, shape, and orientation of the approved lots are appropriate for detached single-family residential development and are consistent with the surrounding neighborhood pattern.

[2] The existing houses must be removed before recording the plat.

Each approved lot meets the applicable dimensional and density requirements of Chapter 59 under the standard method of development and can accommodate a detached single-family dwelling unit in compliance with required setbacks and lot standards. A summary of this review is included in Table 1.

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

i. Master Planned Sites

There are no master-planned public sites located on the Subject Property, and no dedication of land for master-planned public facilities is required as part of this Preliminary Plan.

ii. Local Recreation

The approved development consists of four single-family detached dwelling units and does not trigger recreation dedication or fee-in-lieu requirements.

iii. Transportation and Utilities

The Application is served by existing public infrastructure. Each approved lot will have direct vehicular access from Wheaton Lane by way of a private driveway. The Preliminary Plan includes dedication of right-of-way along Wheaton Lane to achieve the 60-foot master-planned width and provides for the installation of a six-foot sidewalk and associated frontage improvements.

Public water, sewer, and other utilities are available and adequate to serve the approved development. The Application satisfies the applicable Adequate Public Facilities requirements as discussed below.

d) The Lots and Use comply with the basic requirements of Chapter 59

The approved lots and intended single-family detached residential use comply with the basic requirements of Chapter 59 of the Zoning Ordinance, including permitted uses, density, lot standards, and development regulations applicable to the R-60 Zone under the standard method of development. Future development on the approved lots will be required to comply with all applicable setback, lot coverage, and height requirements at the time of building permit review.

Table 1: Wheaton Lane Preliminary Plan Overall Site Data

Development Standard	**Approved**
Tract Area	43,560 SF / 1.00 acre
Prior Dedication	n/a
Approved Dedication	5,111 SF / 0.12 acres
Site Area	38,449 SF / 0.88 acres

Table 2: Wheaton Lane Preliminary Plan Data Table for R-60 Zone, Standard Method, Section 59-4.4.9

Development Standard	**Permitted/ Required**	**Approved Lot 1**	**Approved Lot 2**	**Approved Lot 3**	**Approved Lot 4**
Maximum Density	7.26 units /acre	1.67 units	1.54 units	1.70 units	1.51 units
Minimum Lot Area	6,000 SF	10,043 SF 0.23 acres	9,259 SF 0.21 acres	10,194 SF 0.23 acres	9,075 SF 0.21 acres
Minimum Lot Frontage	25 ft.	≥25 ft.	≥25ft.	≥25 ft.	≥25 ft.
Minimum Lot width at B.R.L.	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.
Maximum Lot Coverage	35%	≤35%	≤35%	≤35%	≤35%

Development Standard	Permitted/ Required	Approved Lot 1	Approved Lot 2	Approved Lot 3	Approved Lot 4
Minimum Principal Building setbacks					
Front	25 ft.[3]	52.05 ft. EBL[3]	52.05 ft. EBL[3]	52.05 ft. EBL[3]	52.05 ft. EBL[3]
Side	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.
Sum of Sides	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.
Rear	20 ft.	≥20 ft.	≥20 ft.	≥20 ft.	≥20 ft.

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

a) Land Use

The Subject Property is located within the 1989 *Master Plan for the Communities of Kensington-Wheaton*. The Master Plan supports the continuation of low-density residential development consistent with the established neighborhood character. The approved Preliminary Plan is consistent with these recommendations by facilitating compatible infill residential development within the existing R-60 zoning without increasing density beyond what is permitted.

b) Environment

The Master Plan does not include site-specific environmental recommendations applicable to the Subject Property. The Property contains no streams, wetlands, forests, or 100-year floodplain areas. An approved Natural Resources Inventory identifies no regulated environmental features that would preclude development.

[3] The minimum front setback is subject to the Established Building Line (EBL) requirements of Section 59-4.4.9. The applicable EBL for Lots 1 through 4 is 52.05 feet currently; however, the final EBL will be determined by DPS at time of building permit for conformance to Section 59-4.4.1.A, Established Building Line.

Environmental impacts associated with future construction will be addressed through the submitted and concurrent Forest Conservation Plan and at the time of sediment control and building permit review, as applicable.

c) Transportation

The 1989 *Master Plan for the Communities of Kensington-Wheaton* and the 2018 *Bicycle Master Plan* do not provide any recommendations for Wheaton Lane. Thus, master plan conformance for the transportation element of the Subject Application is satisfied.

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 Site has frontage along Wheaton Lane, a county-owned and maintained street classified as a Neighborhood Street with a minimum right-of-way of 60 feet under Section 49-32(c) of the Montgomery County Code. Wheaton Lane is a two-lane street with concrete sidewalks on the south side of the street, opposite the Subject Property. There are no existing pedestrian facilities along the frontage of the Site.

ii. ***Approved public transportation infrastructure***

As part of this Project, the Applicant will construct a six-foot-wide concrete sidewalk separated from traffic by a six-foot-wide landscaped street buffer along the Property frontage. This will enable safe pedestrian access into and out of the Site.

iii. ***Approved private transportation infrastructure***

There is no approved private transportation infrastructure as part of this Project.

b) *Local Area Transportation Review (LATR)*

The Project is located within the Kensington/Wheaton Policy Area, classified as an Orange Policy Area under the 2024-2028 *Growth and Infrastructure Policy* (GIP), which requires a transportation impact study for any project that is estimated to generate a net increase of 30 or more vehicle trips in either the morning or evening peak hours. The approved Development is estimated to generate six (6) net new trips. As the Project is not estimated to generate more than 30 net new vehicle trips, the LATR review is satisfied with a transportation exemption statement. A summary of the trip generation analysis is provided in Table 3 below.

Table 3: Trip Generation Analysis

Uses	**AM Vehicle Trips**	**PM Vehicle Trips**	**AM Adjusted Trips**	**PM Adjusted Trips**
Approved 4 Single-family detached units [ITE LUC – 210]	8	5	6	4
Net New Vehicle Trips			**6**	**4**

Source: Planning Staff, retrieved from ITE TripGen Web-based App 12th Edition.

c) Schools

The Property is currently developed with four single-family dwelling units, which are approved to be removed and replaced with four new single-family dwelling units. Due to the Application resulting in zero net increase in the number of residential dwelling units, a school adequacy test is not required.

d) Other Public Facilities and Services

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.

Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

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

   The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan F20250860, which are included in a separately approved resolution and are incorporated herein.

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

   MCDPS approved the Stormwater Management Concept Plan on September 4, 2025. The concept demonstrates that the required stormwater management and water quality requirements can be satisfied for the approved subdivision. Final stormwater management design will be reviewed by MCDPS at the time of detailed plan review.

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 4.3.M*

   This finding is not applicable to this Application, as the Applicant has no actual or constructive knowledge of any burial site on the Property nor is it included in the Cemetery Inventory.

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

   No other provisions apply to the Subdivision.

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

October 20, 2026

(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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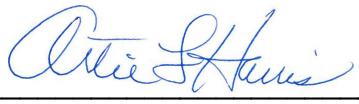
CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Hedrick, seconded by Commissioner Pedoeem, with a vote of 4-0; Chair Harris and Commissioners Hedrick, Linden, and Pedoeem, voting in favor of the motion, Vice Chair Bartley was necessarily absent, at its regular meeting held on Thursday, October 15, 2026, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board

Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department