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NATIONAL PARK SEMINARY-PARCEL K-PHASE 2 PRELIMINARY PLAN JUSTIFICATION STATEMENT - 12005054A

I. INTRODUCTION

On behalf of our client, the applicant, Manova Corporation, we hereby submit this justification statement for the property located at The National Park Seminary –Parcel K, located at the intersection of Linden Lane and Smith Drive in Silver Spring. The subject project site is 4.23 acres, and is situated 740 feet north of the intersection of Linden lane and Smith Drive. The property is zoned PD-15, as described in Section 59.4.4.6 of the Montgomery Code.

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II. EXISTING CONDITIONS

The property currently holds two existing unoccupied dilapidated structures, known as the Castle and the Villa. The castle is structure similar to a single family vacant and unimproved. The villa is a larger building. Approximately 1.25 acres of the site is covered by forest area. There is an existing stream that is located to the west of the proposed development.

Neighboring properties located to the west of the subject property that are part of Phase 1 of this development are also zoned PD-15. These properties are currently improved with residential units.

III. PROPOSED PRELIMINARY PLAN

The applicant proposes to subdivide the property to obtain ten buildable lots. Lot 1 will consist of an existing building which will be added onto, and contain fourteen (14) condominium/apartment units. Lot 2 will be developed as a single family lot containing one existing building (castle) and renovated and rehabilitated. Lot 3 through 10 will be townhouse lots. The access to this development is through Smith Drive which is private access road, and is currently paved for access, though the paving needs to be improved for fire access, etc. To serve the residents of this future community, we propose to place the private road in a separate parcel as a private access, and maintained by a home owners association.

The project proposes to meet the required stormwater management regulations of Montgomery County, and the State of Maryland, by fully providing ESDv to MEP measures, through the use of micro-practices, and by developing the site with special attention to the existing environmental features of the site. This is accomplished by maintaining as much of the existing forest stands as possible, and by maintaining stream buffers to the extent possible. A Stormwater Management Concept has been prepared and submitted to Montgomery County DPS for review and approval.

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IV. DURATION OF VALIDITY PERIOD

50-20 (c0(3)(A)(iii)

A determination of adequate public facilities made under this Chapter is timely and remains valid:

for no less than 7 and no more than 12 years after the preliminary plan is approved, as determined by the Planning Board at the time of approval, for any plan approved on or after April 1, 2009, but before April 1, 2017; and

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V. COMPLIANCE WITH SUBDIVISION REGULATIONS

50-35 (d) Road grade and road profile.

Before the Board finally approves a preliminary plan, the subdivider must furnish road, and pedestrian path grades and a street profile approved in preliminary form by the County Department of Transportation.

The project does not propose to construct any new roads, but to rehabilitate the existing access to provide adequate access for fire and rescue, and residents access etc. Sidewalks and pathways, are proposed for residents of the community. The project proposes to provide access to existing Smith Drive which has an intersection at Linden lane, through a single shared twenty feet driveway. There are no existing sidewalks, or paths along Smith Drive.

50-35 (e) Wells and septic systems.

Before the Board approves a plan for lots with individual wells or septic systems, the plan must be approved by the Department of Permitting Services. The Board must review any plan that includes residential lots under the Maryland Sustainable Growth and Agricultural Preservation Act of 2012 (Sections 9-206 and 9- 1110 of the Environment Article, and Section 1-401 and Subtitle 5 of the Land Use Article).

This section is not applicable to this application.

50-35(h)(2)(A) Duration of Validity

An approved preliminary plan for a single phase project remains valid for 60 months after its Initiation Date for any preliminary plan approved on or after April 1, 2009, but before April 1, 2017, and for 36 months after its Initiation Date for any preliminary plan approved on or after April 1, 2017. Before the validity period expires, the applicant must

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have secured all government approvals necessary to record a plat, and a final record plat for all property delineated on the approved preliminary plan must have been recorded in the County Land Records.

The project will developed under a single phase. The record plat will be recorded within three years, after the Preliminary Plan approval by the Montgomery County Planning Board.

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50-35 (j) *Sediment control.*

All preliminary plans and extensions of previously approved plans must provide for erosion and sediment control, in accordance with all applicable laws and regulations governing sediment control.

A relevant erosion and sediment control plan with appropriate measures will be provided at the time of permitting. The site is generally environmentally intensive, and care has been taken to design the project with minimal disturbance. Generally silt fence and super silt fence will be used to provide sediment control. A full sediment control plan will be submitted to Montgomery County DPS for review and approval at the time of permitting.

50-35 (k) *Adequate public facilities.*

The Planning Board must not approve a preliminary plan of subdivision unless the Board finds that public facilities will be adequate to support and service the area of the proposed subdivision. Public facilities and services to be examined for adequacy include roads and public transportation facilities, sewerage and water service, schools, police stations, firehouses, and health clinics.

(1) Roads and Public Transportation.

The project proposes to develop the site for ten buildable lots. The traffic statement provided for this application. According to site generated vehicle trips and applying the LATR Guidelines trip adjustment factors, the site will generate fewer than 50 weekday peak hour person trips and, therefore, this application is exempt from submitting a traffic study. This application passes the APF test for transportation.

(2) Sewerage and Water Service

The water and sewer categories are W-1 and S-1 which all allow for water and sewer hookup. Connection of water and sewer service will be provided to existing main lines near the site. The existing eight inch (8") sewer main is located near the stream bed, and

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the existing 10" water main is located on Smith Drive, but it will have to be extended to provide service to the proposed project.

(3) Public Schools

This project is subject to the school test. There are a total of 23 residential buildable/dwelling units proposed. Currently the Silver Spring area is experiencing high enrollment within the school system. This project will have little impact on the capacity of the schools system.

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(4) Police Stations, Fireshouses, and Health Clinics

All services are in relative close proximity to this proposed project.

50-35 (1) Relation to Master Plan.

In determining the acceptability of a preliminary plan submitted under this Chapter, the Planning Board must consider the applicable master plan, sector plan, or urban renewal plan. A preliminary plan must substantially conform to the applicable master plan, sector plan, or urban renewal plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant master plan, sector plan, or urban renewal plan recommendation no longer appropriate.

The property is subject of the 2000 North and West Silver Spring Master plan. The National Park Seminary (NPS) area is a special focus of the master plan. The master plan states that the NPS site is identified as a historic district, and is designated on the Master Plan for Historic Preservation. The history of this site dates back to 1887.

Recommendations of the master plan are as follows;

“Prepare a minor master plan amendment if the proposed reuse cannot be accommodated by the existing R-90 zone.”

The subject site was re-zoned as PD-15, to provide a planned development for the National parks Seminary site.

“Maintain and restore the district’s historic integrity including the buildings, relationships between the buildings and the character of the open space.”

The proposed site design and proposed building architecture of the project have been created to maintain and follow the historic integrity of the National Park Seminary. The site planning and design have been accomplished with the input, and review of the

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Maryland Historic Trust. The architecture of the proposed building addition known as the villa will be accomplished to assure compliance with the historic integrity of the existing building.

“Limit impacts on the environmentally sensitive areas and provide for private conservation easements of public ownership.”

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The site design has been prepared to observe the existing forest areas, and to uphold the approved forest conservation plan created and approved as part of the phase 1 for the national park Seminary project. A 150 foot stream buffer has been maintained, which includes the avoidance of disturbance of steep slope areas.

“Consider, where compatible with the proposed use(s), the ability to allow access (either public or for-fee) to buildings with public or quasi-public uses such as the Ballroom, the chapel, or the Pagoda.”

N/A

“Minimize traffic impact on surrounding neighborhoods and roadways primarily through low traffic generating land uses.”

The scope of the phase 2 of the National Seminary Park project is quite limited in the number of units proposed, totaling 23 units. Therefore, there will be a limited amount of traffic generated by this project.

“Minimize noise, light, and other environmental impacts on the surrounding residential neighborhoods.”

Given the limited scope of this project, the environmental impacts such as noise, lights will be insignificant. Furthermore, the location of the project is somewhat secluded and separated from other residential developments, due to the physical nature of the site which includes existing forest areas, natural stream bed.

“Provide trail connections as recommended in this plan.”

Trails and pathways are designed within the scope of the project, mainly for recreation and access within the proposed development.

Relevant portions of -Parks, Community Facilities, and Environmental Resources:
Water Quality Stormwater Management;

“Continue to provide on-site stormwater treatment with effective technologies where feasible.”

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Stormwater management is proposed to meet today's ESDv standards for site design. These include non structural practices, such as bio-retention, landscape infiltration, permeable paving design in the parking areas, drywells.

“Explore opportunities to create linear stormwater management ponds/wetlands within urban open spaces or along greenways.”

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A portion of the proposed stormwater management features, such as bio-retention, and landscape infiltration practices are adjacent to open space areas, while remaining outside of forest conservation areas.

“Promote the use of areas designed to increase infiltration within required open space or green areas.”

The bio-retention and landscape infiltration features proposed promote infiltration within open space and green areas.

“Improve permeability of surface parking areas with green space that increase infiltration.”

Permeable paving is one of the site design techniques utilized to provide stormwater management design in the parking areas of the site. This technique does increase infiltration of runoff from surface areas in the parking lot.

50-35(o) Forest Conservation.

If a forest conservation plan is required under [Chapter 22A](#), the Board must not approve a preliminary plan or any extension until all requirements of that law for plan approval are satisfied. Compliance with a required forest conservation plan, including any plan reviewed on a preliminary or final basis, must be made a condition of any approved preliminary plan.

A forest conservation plan amendment in compliance to chapter 22 has been prepared and submitted as part of this application. The initial forest conservation plan was prepared and approved for the National Park Seminary –Phase 1 project. In meeting with staff, the applicant was required to amend the original forest conservation plan as part of the phase 2 project.

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50-35(r) Water quality.

If a water quality plan is required under [Chapter 19](#), the Planning Board must not approve a preliminary plan or any extension until all requirements of [Chapter 19](#) for plan approval are satisfied. Compliance with a required water quality plan, including any plan reviewed on a preliminary or final basis, must be made a condition of any approved preliminary plan.

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This property is situated within the Lower Rock Creek watershed. The proposed project proposes to improve the water quality of the stream and overall watershed by providing stormwater management features that meet the requirements of the Environmental Site Design (ESDv). A variety of stormwater management practices are proposed to meet the ESDv standards, including landscape infiltration, micro-bioretenion, permeable paving, micro-infiltration, and drywells.

VI. CONCLUSION

Based on the justification provided herein, the applicant requests that the Planning Board grant approval of this Preliminary Plan. The plan prepared and presented with this justification, as part of the Preliminary Plan Application, satisfies the requirements that the Planning Board will consider and act upon as part of the approval of this application.