



MONTGOMERY COUNTY PLANNING DEPARTMENT  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB  
Item #  
5/24/07



**MEMORANDUM**

**DATE:** May 7, 2007

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Catherine Conlon, Supervisor *CC*  
Development Review Division

**FROM:** Erin Grayson (301-495-4598) *EG*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan Review, Resubdivision of existing Lot 2, Block J, Allanwood

**APPLYING FOR:** 3 lots to accommodate 3 one-family detached dwelling units and 1 recorded parcel to accommodate a stormwater management facility

**PROJECT NAME:** Allanwood

**CASE #:** 120070400

**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations including Sec. 50-29(b)(2), Montgomery County Subdivision Regulations

**ZONE:** R-200

**LOCATION:** On the southeast side of Norbeck Road, approximately 350 feet east of Drury Road

**MASTER PLAN:** Aspen Hill

**APPLICANT:** Alliance Norbeck II, LLC

**ENGINEER:** Dewberry & Davis, LLC

**ATTORNEY:** Stephen J. Orens

**FILING DATE:** November 27, 2006

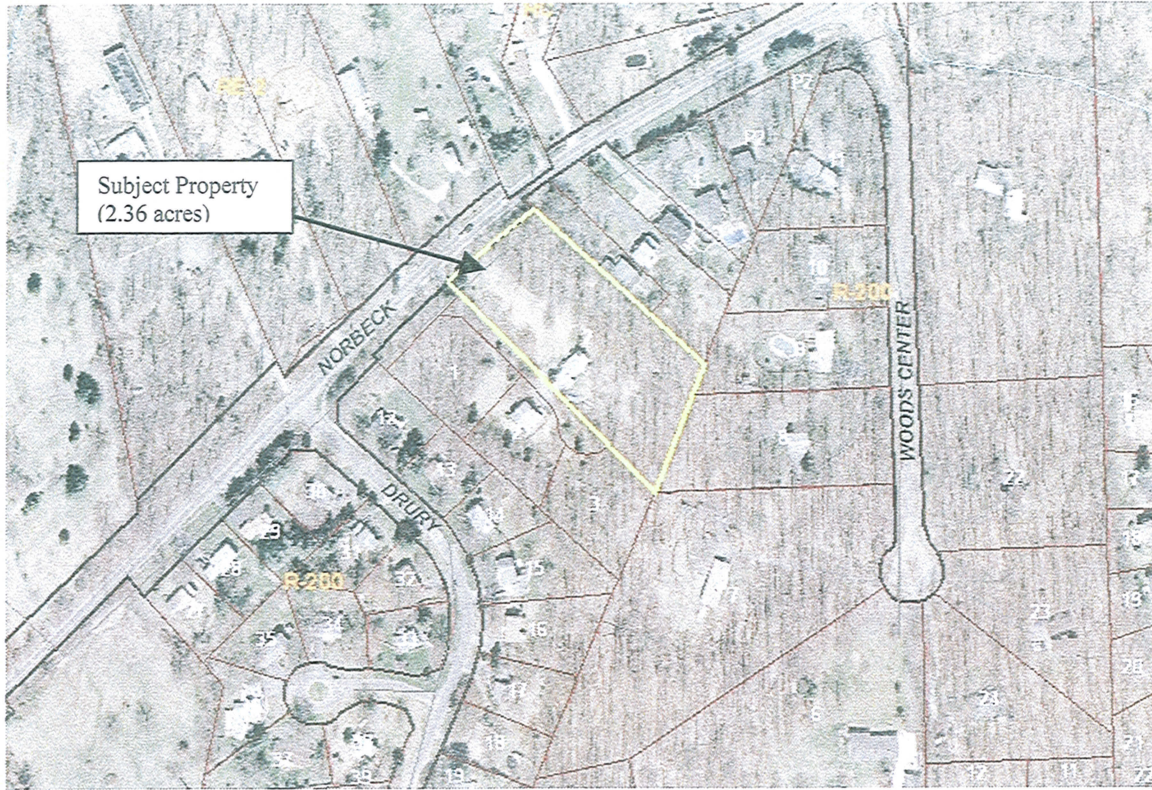
**HEARING DATE:** May 24, 2007

**RECOMMENDATION:** Approval, with the following conditions:

- 1) Approval is limited to 3 lots and one parcel for the development of 3 one-family detached dwelling units.
- 2) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
- 3) The applicant shall dedicate, and the record plat shall reflect, additional right-of-way along the Norbeck Road frontage of the property to provide a total of 75 feet from the centerline as required by the Aspen Hill Master Plan, unless otherwise designated on the preliminary plan.
- 4) The Applicant must dedicate half of a standard fifty-foot, tertiary roadway with a standard cul-de-sac termination to provide public road frontage for the proposed lots. The record plat must reflect this dedication.
- 5) The Applicant must construct a standard tertiary roadway terminating in a cul-de-sac within the right-of-way dedicated per condition #4 above, and the existing outlot recorded as part of the subdivision to the south.
- 6) Record Plat shall reflect all areas under Homeowners Association control and specifically identify stormwater management parcels.
- 7) Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 8) The applicant must comply with the conditions of the MCDPS stormwater management approval dated December 13, 2006.
- 9) The applicant must comply with conditions of MCDPWT letter dated January 5, 2007, unless otherwise amended by MCDPWT.
- 10) The applicant must comply with conditions of SHA letter dated March 20, 2007.
- 11) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s), and MDSHA prior to issuance of access permits.
- 12) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 13) Other necessary easements must be shown on the record plat.

**SITE DESCRIPTION**

The subject property, pictured below and in Attachment A (Vicinity Map), is located in the Aspen Hill Master Plan area on the southeast side of Norbeck Road, 350 feet east of Drury Road. The site is a recorded lot containing 2.36 acres and is zoned R-200. Surrounding zoning includes RC and RE-2 on the opposite side of Norbeck Road to the west, and R-200 to the east, south and north, on the same side of Norbeck Road as the subject property. The site lies within the Northwest Branch watershed (Use Classification IV-P). There are 1.20 acres of forest existing on-site. There are no streams, wetlands, floodplains, or environmental buffers on the property.



## PROJECT DESCRIPTION

The applicant proposes to resubdivide the subject property to create Lots 4, 5, 6 and Parcel A. The proposed lots are to accommodate one-family detached residential dwelling units. Lot 4 is 27,823 square feet, Lot 5 is 23,185 square feet and Lot 6 is 22,823 square feet in size. Proposed Parcel A contains 11,654 square feet in order to provide stormwater management for proposed Lots 4, 5 and 6 and previously approved Lots 1, 2 and 3 directly south of the subject property.

The applicant currently owns, and is in the process of developing, previously approved lots 1, 2 and 3. When the resubdivision was approved to create these lots in 2003, it was anticipated that a public cul-de-sac street would be constructed to serve the lots when the adjacent lot, now the subject of this application, was developed. To facilitate this road, half the right-of-way was recorded as an outlot for future dedication, and a covenant was required to be recorded requiring the owner(s) of the lots to pay a pro rata share of the expenses for construction of the road when it occurred. The subject application proposes to construct a cul-de-sac, 336 feet in length, and shown as Keltrip Court on Attachment B (Proposed Development Plan), to provide access and frontage for the 3 existing and 3 proposed lots.

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**

The Aspen Hill Master Plan does not specifically identify the subject property for discussion but does give general guidance and recommendations regarding zoning and land use. The plan recommends that this area maintain the existing zoning as adopted and maintain the residential land use consisting of one-family detached homes. The proposed resubdivision complies with the recommendations adopted in the Master Plan in that it is a request for residential development and is consistent with the Zoning Ordinance development standards for the R-200 zone.

### **Transportation**

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review.

The applicant is required to construct a cul-de-sac as part of this preliminary plan. This cul-de-sac provides access and frontage for the proposed lots, and for previously approved Lots 2 and 3, which border the subject property on the south and do not currently have frontage on a public street. These lots currently have access to Norbeck Road from a private driveway that extends along the southern boundary line of the subject property. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

### **Environment**

#### **Forest Conservation**

There are 1.20 acres of forest existing on-site. All forest will be cleared, generating a planting requirement of 1.12 acres. The planting requirements will be met off-site by either reforestation/afforestation of 1.12 acres or protection of 2.24 acres of existing forest. The plan meets all applicable requirements of the county Forest Conservation Law.

#### **Environmental Buffers**

The site does not include any streams, wetlands, or floodplains and there are no environmental buffers on the property.

#### **Stormwater Management**

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on December 13, 2006. The concept includes on-site water quality control via construction of a bio filter or sand filter, onsite recharge via open section roadway swales, storage below the proposed stormwater quality facility and other nonstructural elements.



## **Compliance with the Subdivision Regulations and Zoning Ordinance**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations, including the requirements for resubdivision as specified in Section 50-29(b)(2), as discussed below. Access and public facilities will be adequate to support the proposed lots and uses, and the lots will meet the dimensional requirements for area, frontage, width and setbacks in the R-200 zone. All applicable agencies have also reviewed the plan and recommended approval. Attached Table 1 contains a summary of this analysis.

### **Conformance with Section 50-29(b)(2)**

#### **A. Statutory Review Criteria**

In order to approve an application for resubdivision, the Planning Board must find that each of the proposed lots complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

#### **B. Neighborhood Delineation**

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate block, neighborhood or subdivision for evaluating the application. The subject case presents unusual circumstances with respect to the delineation of a resubdivision neighborhood ("Neighborhood"). The Applicant and Staff do not agree on how these circumstances should be dealt with.

#### **Applicant's Neighborhood**

As noted above, the subject application is adjacent to lots that were approved as part of a previous resubdivision approved by the Planning Board in 2003. In the analysis of that application, staff and the Planning Board included certain lots in the resubdivision neighborhood that were not developed under the same standards as the lots being subdivided<sup>1</sup>. The inclusion of these lots seems to have been based on the fact that, without them, there was insufficient data with which to compare the lots being proposed<sup>2</sup>. The Neighborhood selected by the applicant for the current application, pictured below, consists of 12 lots, excluding the subject property. The Neighborhood includes the previously mentioned density control lots to the south (Lots 12-15,

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<sup>1</sup> The adjacent neighborhood was developed under the R-200, Density Control Option, which permits lots as small as 15,000 square feet in size. The previous analysis included lots that are less than 20,000 square feet in size, as required under the standard R-200 zone.

<sup>2</sup> Staff determined that only two other lots were available for comparison purposes without these lots.

Block I, and Lots 27-30, Block F), as well as Lots 1-3, Block J, and Lot 1 with frontage on Norbeck Road, which does not have a block designation. The applicant's Neighborhood data is included in Attachment C.



In support of this Neighborhood, the Applicant's representative cites the previous review, and the fact that the Density Control development standards mirror those for standard R-200 detached developments in all respects except individual lot size (see Applicant's letter in Attachment D).

#### Staff's Neighborhood

In staff's opinion, lots developed under different standards should not be used for direct comparison in a resubdivision case. Consistent with more recent interpretations of this issue, it is staff's opinion that the density control lots should be excluded from the resubdivision neighborhood. Although staff would typically include abutting lots, we believe the previous conclusion to exclude lots on Woods Center Road is valid. Although some of these lots abut the proposed subdivision, they are within a part of the overall neighborhood that has developed with a significantly different lot configuration and character<sup>3</sup>.

<sup>3</sup> In the approved and adopted 1996 Aspen Hill Master Plan these lots are identified as part of Area 25, which "is dominated by single-family detached houses on lots that are larger than the rest of the Aspen Hill community" (p. 77).



The Neighborhood selected by staff, pictured below, consists of 4 lots, excluding the subject property. It does not include R-200 density control Lots 12-15 on Drury Road, nor does it include density control Lots 27-30 on Norbeck Road. Staff's neighborhood includes Lots 1-3, Block J and Lot 1 to the north of the subject property on Norbeck Road. Staff's Neighborhood data is also included in Attachment C. As was the case in the previous resubdivision to create existing Lots 1-3, Block J, there are very few lots available with which to compare the proposed lots. Absent an appropriate sample of similarly situated lots, staff believes it is appropriate to expand the range of Neighborhood data by using the typical development standards of the underlying zone, taking into consideration the presence of other lots in the surrounding area.



## C. Analysis

### Comparison of the Character of Proposed Lots to Existing

In performing the analysis, the above-noted resubdivision criteria were applied to staff's Neighborhood. Two of the proposed lots are the smallest lots in the Neighborhood with respect to overall size and width. However, since the sample of lots on which the comparison is made is so small, staff has also considered the development standards of the underlying zone in the analysis. Based on this analysis, staff finds the proposed lots to be in character with existing lots in the overall neighborhood. Staff's findings in this regard are set forth below.

**Frontage:**

In staff's Neighborhood of 4 lots, lot frontages range from 89.04 to 175.84 feet. Existing Lot 3 on proposed Keltrip Court has the smallest lot frontage, at 89.04 feet. The proposed lots fall within this range, at 92, 138 and 124 feet, respectively. **As a result, the proposed lots will be of the same character as existing lots with respect to lot frontage.**

**Alignment:**

In terms of alignment, 1 lot in the Neighborhood of 4 homes is perpendicular and 3 lots are radial. This is consistent with the alignment of lots in the overall neighborhood. Two of the proposed lots are perpendicular and the other is radial. **Therefore, the proposed lots will be of the same character as existing lots in terms of alignment.**

**Size:**

The lot sizes in the delineated Neighborhood of 4 homes range from 24,262 square feet to 30,757 square feet. Proposed lots 6 and 5, at 22,823 and 23,185 square feet respectively, will be the smallest in the Neighborhood with respect to size. Proposed lot 4 will be 27,823 square feet in size. Proposed lots 6 and 5 will be 1,439 and 1,077 square feet smaller than the smallest existing lot, but both are above the minimum 20,000 square feet permitted in the zone. In this case, the size of proposed lots 6 and 5 do not make them out of character with other existing lots. Lot 6 is the smallest lot, but will appear to be larger because of the location of the stormwater management parcel immediately adjacent to it. Lot 5 is slightly smaller than the lot on the opposite side of proposed Keltrip Court, but that will not impact the overall one to one relationship of the two lots. Staff finds that the addition of the proposed lots to future Keltrip Court results in an overall layout that is consistent with the underlying zone, and provides an appropriate transition between the smaller density control neighborhood to the south and the larger lots on Woods Center Road. **Therefore, staff finds the proposed lot sizes to be in character with the size of existing lots.**

**Shape:**

In staff's Neighborhood of 4 lots, 1 lot is "generally rectangular" and 1 lot is "generally triangular" in regards to lot shape. The remaining 2 lots are irregularly shaped. **The proposed lots are "generally rectangular", rectangular, and irregular in shape and will, therefore, be in character with shapes of the existing lots.**

**Width:**

Lot widths at the front building restriction line in staff's Neighborhood range from 147 feet to 186 feet. The proposed lots will have widths of 162, 129 and 124 feet which are all significantly larger than the minimum 100' width required in the zone. Proposed lot 6 will be the smallest width at 124 feet, however, as previously noted, this lot is adjacent to the stormwater management parcel and will not necessarily appear to be narrower than existing lot 1 on the opposite side of the street. Proposed lot 5 will also have a smaller lot width, but it generally lines up with the lot on the opposite side of the street. It is also adjacent to the radially-aligned proposed lot 4, which has larger than typical lot width that provides flexibility for placement of a future house further away from the house on



lot 4. The proposed lots do not fall within the width range for the delineated neighborhood, but are within the range of lot widths for a typical R-200 subdivision and provide an appropriate transition between the smaller density control neighborhood to the south and the larger lots on Woods Center Road. **Consequently, staff finds the proposed lots will be in character with existing lots with respect to width.**

**Area:**

In a neighborhood of 4 lots, buildable areas range from 10,039 to 16,318 square feet. Existing Lot 2 on proposed Keltrip Court has a buildable area of 10,039 square feet, which is the smallest in the neighborhood. The proposed lots have buildable areas of 14,948, 11,356 and 11,098 square feet. **The proposed lots will be of the same character as other lots in the neighborhood with respect to buildable area.**

**Suitability for Residential Use:**

The existing and the proposed lots are zoned R-200 and one-family detached dwelling units are a permitted use in the zone.

**Citizen Correspondence and Issues**

Proposed requirements for pre-submission meetings prior to plan submissions do not apply to the Allanwood preliminary plan. This plan was distributed to adjacent and confronting property owners and to local civic associations in conformance with the procedures in place at the time of the submission. As of the date of this report, no citizen concerns regarding this application have been brought to the attention of M-NCPPC staff.

**CONCLUSION**

The proposed subdivision complies with the requirements of the Aspen Hill Master Plan and is in conformance with the requirements of the Subdivision Regulations and Zoning Ordinance. The application involves resubdivision of an existing lot and must comply with Section 50-29(b)(2) of the Subdivision Regulations, which specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. As set forth above, staff finds that the Neighborhood available for analysis in this instance does not provide an adequate sample of lots with which to compare. Staff therefore recommends extending the analysis to include the typical development standards of the underlying R-200 zone, taking into consideration the need to create an appropriate transition of lots between the existing density control subdivision to the south, and larger lots to the west, north and east. In staff's opinion, the proposed application makes that transition and completes the neighborhood envisioned during the previous approval of the resubdivision plan for the property immediately to the south, where the Planning Board approved two of the lots without frontage in anticipation of further development that would include a cul-de-sac. Based on this analysis, staff finds the proposed lots will be of the same character as the existing lots in the neighborhood and recommends approval of the application with the specified conditions.

## **Attachments**

Attachment A – Vicinity Map

Attachment B – Proposed Development Plan

Attachment C – Applicant’s Neighborhood Data & Staff’s Neighborhood Data

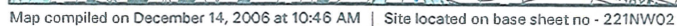
Attachment D –Applicant’s Letter

Attachment E – Agency Correspondence

TABLE 1: Plan Checklist and Data Table

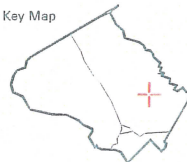
<b>Plan Name: Allanwood</b>				
<b>Plan Number: 120070400</b>				
<b>Zoning: R-200</b>				
<b># of Lots: 5</b>				
<b># of Outlots:</b>				
<b>Dev. Type: Standard</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval on the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	20,000 sq. ft.	22,633 sq. ft. is min. proposed	CAC	5/11/07
Lot Width	100 ft.	Must meet minimum	CAC	5/11/07
Lot Frontage	25 ft.	Must meet minimum	CAC	5/11/07
Setbacks				
Front	40 ft. Min.	Must meet minimum	CAC	5/11/07
Side	12 ft. Min./25 ft. total	Must meet minimum	CAC	5/11/07
Rear	30 ft. Min.	Must meet minimum	CAC	5/11/07
Height	50 ft. Max.	May not exceed maximum	CAC	5/11/07
Max Resid'l d.u. or Comm'l s.f. per Zoning	5 dwelling units	3 dwelling units	CAC	5/11/07
MPDUs	No		CAC	5/11/07
TDRs	No		CAC	5/11/07
Site Plan Req'd?	No		CAC	5/11/07
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street	Yes		CAC	5/11/07
Road dedication and frontage improvements	Yes or N/A		DPWT & SHA Agency letters	1/5/2007-DPWT 3/20/2007-SHA
Environmental Guidelines	Yes		Staff memo	5/9/2007
Forest Conservation	Yes		Staff memo	5/9/2007
Master Plan Compliance	Yes		CAC	5/11/07
Other (open space, etc.)				
<b>ADEQUATE PUBLIC FACILITIES</b>				
Stormwater Management	Yes		Agency letter	12/13/2006
Water and Sewer (WSSC)	Yes		Agency Comments	1/2/2007
Well and Septic	N/A			
Local Area Traffic Review	N/A		Staff memo	1/2/2007
Fire and Rescue	Yes		Agency letter	2/9/2007





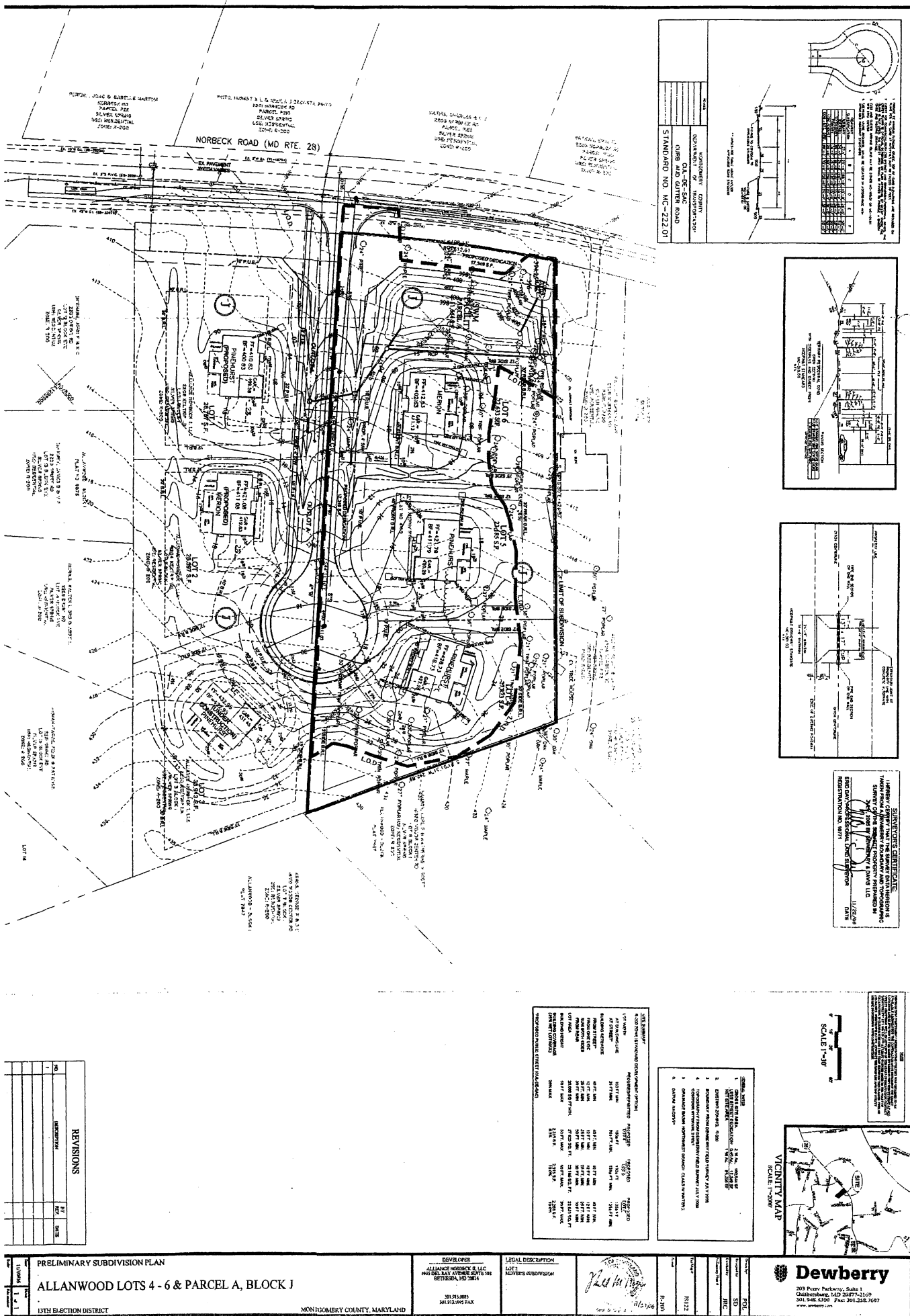
This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

f-NCPPC

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1 inch = 600 feet  
1 : 7200





## Neighborhood

Resubdivision: Allanwood II

## Comparable Lot Data Table

New Lots 4 - 6, Block J

May 2, 2007

Ranked By Lot Size

Lot #	Block	Frontage (ft.)	Alignment	Size (sq. ft.)	Shape	Width (ft.)	Area (sq. ft.)
13	I	114.64	perpendicular	15,395	generally rectangular	117.00	5,629
28	F	100.00	perpendicular	16,500	rectangular	100.00	7,125
29	F	100.00	perpendicular	16,500	rectangular	100.00	7,125
14	I	92.18	radial	16,707	irregular	105.00	6,793
27	F	96.41	perpendicular	17,130	irregular	100.00	7,410
30	F	108.80	corner perpendicular	19,118	generally rectangular	120.00	6,555
12	I	161.69	corner perpendicular	21,375	generally rectangular	130.00	6,893
**6	J	124.00	perpendicular	22,823	rectangular	124.00	11,098
**5	J	138.00	perpendicular	23,185	generally rectangular	129.00	11,356
2	J	156.29	radial	24,262	irregular	147.00	10,039
15	I	91.23	radial	26,423	irregular	105.00	13,658
**4	J	92.00	radial	27,823	irregular	162.00	14,948
1	-	170.21	radial	29,676	generally triangular	152.00	16,195
1	J	175.84	corner perpendicular	30,428	generally rectangular	186.00	13,018
3	J	89.04	radial	30,757	irregular	160.00	16,318

## Neighborhood

Resubdivision: Allanwood II

Comparable Lot Data Table

**Allanwood (#120070400) - STAFF NEIGHBORHOOD DELINEATION DATA TABLE***(Ranked by Buildable Area)*

Lot #	Block	Frontage (ft.)	Alignment	Size (sq. ft.)	Shape	Width (ft.)	Area (sq. ft.)
3	J	89.04	radial	30,757	irregular	160	16,318
1	-	170.21	radial	29,676	generally triangular	152	16,195
4*	J	92	radial	27,823	irregular	162	14,948
1	J	175.84	corner perpendicular	30,428	generally rectangular	186	13,018
5*	J	138	perpendicular	23,185	generally rectangular	129	11,356
6*	J	124	perpendicular	22,823	rectangular	124	11,098
2	J	156.29	radial	24,262	irregular	147	10,039

**\* = Proposed Lots**

## MILES &amp; STOCKBRIDGE P.C.

Stephen J. Orens  
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sorens@milesstockbridge.com

May 2, 2007

Ms. Catherine Conlon, Supervisor  
Ms. Erin Grayson, Planner  
Development Review Division  
The Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Allanwood – Lots 4-6 and Parcel A, Block J –Preliminary Plan 120070400

Dear Ms. Conlon and Ms. Grayson:

Thank you both for taking the time to meet with me and Rick Sullivan to discuss the above referenced Preliminary Plan application for the project we refer to as “Allanwood II.” Allanwood II, as its name implies, is the second phase of a small community of six single family detached homes in the R-200 zone. The first phase of “Allanwood” was approved by the Planning Board for three lots along the south side of a proposed new cul-de-sac road to be called “Keltrip Court.”

In order to secure Department of Permitting Services approval of the Final Plat, grade establishment plans for Keltrip Court were prepared, submitted and approved by the County. The southern half of Keltrip Court was reserved as an Outlot for future street dedication by the Final Subdivision Plat for Lots 1 through 3 and Outlot A, Block J. That street dedication is to occur when Allanwood II is approved for development. In addition, The Washington Suburban Sanitary Commission approved and Alliance Homes has installed the water and sewer mains necessary to serve a six lot subdivision. The installation of those facilities prior to final approval of Allenwood II was necessary in order to avoid installation of facilities that were not properly sized to accommodate full development.

Allanwood II proposes to complete this small, six home community enabling Keltrip Court to be fully dedicated and constructed in the manner contemplated when Phase I of Allanwood was approved. Both the proposed subdivision and the approved subdivision are “resubdivisions” that are required to be analyzed under Section 50-29 (b) (2) of the Subdivision Regulations<sup>1</sup> to assure that there will be a “high correlation” between the character of the proposed lots and the existing lots in the neighborhood.

The appropriate neighborhood definition for the purpose of the required comparison has been a matter of considerable discussion between Development Review Division staff and Alliance

<sup>1</sup> Chapter 50 of the Montgomery County Code 2004 as amended.  
Client Documents:4823-4027-9041v3|18814-000000|5/2/2007



Homes' consultant land planners from Dewberry. The appropriate neighborhood definition was the focus of our meeting last week and we have carefully considered the factors that were brought to our attention by both of you during that meeting as well as the reasoning employed in the DRD Staff Report for the Allanwood Preliminary Plan, Plan Number 1-02008.

The neighborhood that we propose as appropriate for Allanwood II includes:

- Lots 1, 2 and 3, Block J
- Lots 12, 13, 14 and 15, Block "Eye"
- Lots 27, 28, 29 and 30, Block F
- Lot 1, "Ebner Tract"

We are persuaded that the reasoning employed by DRD staff in its analysis of the first Allanwood Preliminary Plan to exclude from the resubdivision neighborhood the large elongated, and in one instance odd shaped, lots along the west side of Wood Center Road was correct and that the same reasoning applies with equal force to the three lots now proposed for the other side of Keltrip Court, the Allanwood cul-de-sac. In that 2003 Staff Report, Development Review Division staff did not include the lots along Woods Center Road in the resubdivision neighborhood

"because access to this neighborhood is somewhat removed from the subject property. These lots were determined to be within a separate neighborhood from the subject property given the lot patterns that have evolved along Norbeck Road."

We agree with Staff's conclusion in 2003 and find it to be just as valid today in 2007. The homes on both sides of proposed Keltrip Court correlate well with the existing lots along Norbeck Road to the south of Allanwood. As is true for all of the lots in the proposed resubdivision neighborhood, the three proposed lots will immediately be served by both public water and public sewer. While initial development on public water and sewer mirrors the development pattern to the south along Norbeck Road, it is dissimilar to the initial development pattern of the properties along Woods Center Road, where the lots are larger and were recorded before public sewer was available to serve this area, resulting in a development pattern more suitable to well and septic development.

We also agree with DRD staff's prior conclusion that the resubdivision neighborhood for the first Allanwood subdivision appropriately included Lots 12, 13, 14 and 15 in Block "Eye" and Lots 27, 28, 29 and 30 in Block F even though that segment of the immediate surrounding neighborhood was developed under the Density Control Standards of Section 59-C-1.4 of the Zoning Ordinance. That conclusion also applies to the proposed subdivision, which like the prior developments, is a single family detached R-200 subdivision. Even though Density Control Development subdivisions are no longer permitted, the Density Control Development standards for development in the R-200 zone mirror the development standards for more typical R-200 detached developments in every respect except individual lot size. The only regulatory standard that distinguishes a hypothetical typical R-200 zone development from a hypothetical Density Control Development in the R-200 zone is individual lot size. All other regulatory standards are

identical. Hypothetical differences are not an appropriate element of the evaluation of a resubdivision application.

While typical R-200 subdivisions require a minimum lot size of 20,000 square feet<sup>2</sup> the Density Control Development standards for the same R-200 zone permit 15,000 square foot lots with an average lot size of 20,000 square feet. Given the striking similarity in development standards applicable to both typical subdivisions and Density Control Development subdivisions in the R-200 zone there is no reason whatsoever to exclude the R-200 Density Control Development lots from this resubdivision neighborhood of R-200 zoned properties when the purpose of the comparison between existing and proposed lots is to ascertain whether there is a high correlation between what is actually there and what is proposed to be there.

It is also noteworthy that the Density Control Development lots in this neighborhood were required to be served by public water and sewer<sup>3</sup> when they were approved and, like the proposed Allanwood II lots, were designed more in keeping with typical R-200 standards than were the larger lots on Woods Center Road that were designed to accommodate wells and septic systems.

In order to exclude Lots 12, 13, 14 and 15 in Block "Eye" and Lots 27, 28, 29 and 30 in Block F from the proposed resubdivision neighborhood in this case, and conversely include any of the Woods Center Road lots in that neighborhood, the Planning Board must find a relevant factual difference in the character of the area today that renders inapplicable the prior 2003 finding that the Woods Center Road lots were in "a separate neighborhood from the (adjacent) subject property given the lot patterns that have evolved along Norbeck Road."<sup>4</sup>

It is our assessment that the prior determination of which lots are appropriately within and which lots are not appropriately within the resubdivision neighborhood has been made more compelling by the Planning Board's approval of the first three lots surrounding Keltrip Court. The only difference between the facts presented in the first Allanwood resubdivision and the facts presented by this second Allanwood resubdivision, as those facts relate to neighborhood boundaries is the inclusion of the now recorded lots on the south side of Keltrip Court in the proposed resubdivision neighborhood.

The exclusion of the Woods Center Road lots from this resubdivision neighborhood is supported by the 1994 Approved and Adopted Aspen Hill Master Plan, the applicable local area master plan for the area in which Allanwood and Allanwood II are located. The lots on Woods Center Road are part of an area identified in the Aspen Hill Master Plan as "Significant Parcels and Areas Site No. 25 ("Area No. 25")."<sup>5</sup> Both of the Allanwood subdivisions are located in the planning area encompassed by the Aspen Hill Master Plan, but neither is within Area No. 25.

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<sup>2</sup> See zoning ordinance Section 59- C-1.43.

<sup>3</sup> See zoning ordinance Section 59-C-1.422.

<sup>4</sup> See Staff Report Preliminary Plan 1-02088, page 3.

<sup>5</sup> Approved and Adopted Aspen Hill master Plan, pages 77, 78 and 80.

The Aspen Hill Master Plan differentiates the Allanwood neighborhood from Site No. 25 which includes the Woods Center Road lots. Unlike the portion of the planning area in which the proposed subdivision is located, Site No. 25, including the Woods Center Road lots, is singled out in the master plan as an

“area dominated by single-family detached houses that are on lots that are larger than the rest of the Aspen Hill community.” (See Aspen Hill Master Plan, page 77.)

The Aspen Hill Master Plan graphically draws the line that separates Site No. 25 and the Woods Center Road lots along the common property line that separates Allanwood II from the rear yards of those lots along Woods Center Road. (See Aspen Hill Master Plan, Figure 33, page 78.) A boundary line drawn in a master plan should not be ignored during the subdivision approval process.

When the appropriate resubdivision neighborhood is analyzed, it is clear that there is a high correlation between the three lots proposed by this Preliminary Plan and the existing lots in the resubdivision neighborhood. The only reason that the three proposed lots are not “cookie cutter” replicas of the three lots previously approved on the other side of Keltrip court is that a storm water management facility is needed to serve the cul-de-sac road contemplated by the previous approval and that stormwater management facility must be located along the Norbeck Road frontage, resulting in a slight reduction in the size of the proposed lots when compared to the size of the lots that the new lots confront on the other side of Keltrip Court.

The proposed lots need not be cookie cutter replicas of what exists in order for the Planning Board and staff to find the required high correlation between what exists and what is proposed in the resubdivision neighborhood. In fact, in prior cases, including the Board’s approval of a revised Powell Subdivision subsequent to the *Lee*<sup>6</sup> court decision, this Board has looked to see if the proposed lots fall within the range of existing lots as to each of the resubdivision criteria.

The resubdivision criteria require that

“a plat for the resubdivision of any lot, tract or other parcel of land that is a part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.” §50-29 (b) (2) of the subdivision Regulations.

Six of the seven criteria are: 1) street frontage; 2) alignment; 3) size; 4) shape; 5) width; and 6) area. The seventh is “suitability for residential use.”

As to lot frontage, the proposed lots have, respectively, 92 feet, 138 feet and 124 feet of frontage on a public street. The existing range of lot frontages is between 89.4 feet and 175.84 feet. The proposed lots clearly fall within the range of what is existing. Two of the three proposed lots are

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<sup>6</sup> *Suzanne M. Lee, et al v Maryland-National Capital park and Planning Commission*, 107 Md. App. 486, 668 A.2d 980 (1995)

aligned perpendicular to the street and the third lot, at the end of the cul-de-sec, has the same radial alignment as the lot to which it is adjacent. The neighborhood is a mix of lots that are in both perpendicular and radial alignment to the street.

The three proposed lots are respectively 22,823 square feet, 23,185 square feet and 27,823 square feet in a neighborhood where lot sizes range from 15,395 square feet to 30,757 square feet. Two of the three lots are rectangular in shape as are six of the twelve existing lots. One proposed lot is irregular in shape, similar to five of the existing lots in the neighborhood. One neighborhood lot is rectangular.

The width of the proposed lots falls within the mid to high side of the range of widths of existing lots. The existing lots range in width from 100 feet at the lower end to 186 feet at the high end. Two of the proposed lots are 124 feet and 129 feet wide respectively and the third at 162 feet will be the second widest lot in the neighborhood.

With regard to lot area, the proposed lots are respectively 11,098 square feet, 11,356 square feet and 14,948 square feet in area placing them all at the upper end of the lot area range of existing lots in the neighborhood. All of the lots are well suited for residential use.

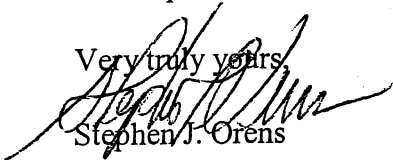
The proposed Allanwood II Subdivision is appropriate for the location of that subdivision taking into account the virtually identical development pattern across Keltrip Court, the public interest served by securing the additional right of way needed to construct Keltrip Court and the recommendations of the Aspen Hill Master Plan. Further, the size, width, shape and orientation of the three proposed single family detached lots are all appropriate for the location of Allanwood II, taking into account the type of development and use contemplated, and the similarity in lot size between the proposed subdivision and the Aspen Hill area, as specifically noted in the text of the Aspen Hill Master Plan.

To assist your consideration of this letter we are enclosing the following documents:

1. Aspen Hill Master Plan Pages 76 through 78
2. Revised Neighborhood delineation plan dated May 2, 2007

We trust that we have addressed the details as you had requested and we ask that the Development Review Division support the requested three lot subdivision.

Very truly yours,



Stephen J. Orens

Enclosures

Cc: Richard A. Sullivan, Jr., Alliance Homes  
James Crawford, Dewberry



- o Bel Pre Creek should be protected for recreational trout populations. As mentioned in the environmental section of this Plan, parts of this creek have accelerated streambank erosion. A detailed floodplain study should be done to assess the effects of developing this site on the downstream homes that are located in or near the floodplain of the creek. One-hundred-year flood control may be required on Argyle Country Club to prevent additional flooding risks to downstream structures.
- o A stream buffer of approximately 22 acres should be delineated and left undisturbed (Figure 17).
- o On-site stormwater management methods should be resolved for water quality and quantity. The stormwater management facilities must be designed to provide for maintenance of appropriate water quality standards for Use IV streams.
- o Alternative methods of access to the existing road network should be investigated and delineated.

#### **#25 - Allanwood/Gayfields/Willson Hills/Gaywood Area**

This area is one of the older areas of the Layhill community. It is bordered to the north by Norbeck Road, to the east by Layhill Road and Northwest Branch Regional Park and Golf Course, and to the west by Longmead Crossing Subdivision (Figures 33 and 34). The area is dominated by single-family detached houses on lots that are larger than the rest of the Aspen Hill community (Gayfields has a 35,000-square-foot minimum lot size by covenant). That character should be emphasized and encouraged in the development of the unimproved areas in this portion of the planning area.

#### **#26 - Plaza Del Mercado Shopping Center**

The 9.76-acre neighborhood center is located north of Bel Pre Road (Figure 16). The center has approximately 87,000 square feet of gross retail space. This is part of the major activity center for the Layhill community. It is bordered to the west by townhouses, to the north by Argyle Country Club and to the east by Layhill Shopping Center.

Plaza Del Mercado shopping center has positive features, including shaded arcades along its front, a distinct style and a variety of uses. The parking lot is large and unshaded, but partially concealed from Bel Pre Road by a McDonald's, a gas station and some hedge screening.

The rear access to the stores is fenced off, which forces the adjacent residents to walk around the entire site to get to the stores. While security is important, the shopping convenience of the residents should also be considered.

A Master Plan for the Communities of

# Aspen Hill

Planning Area

## SIGNIFICANT PARCELS AND AREAS SITE NO.25

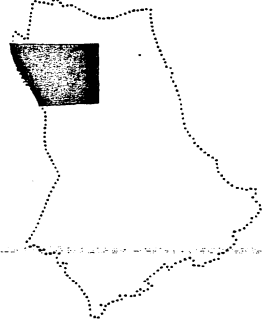
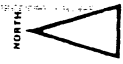
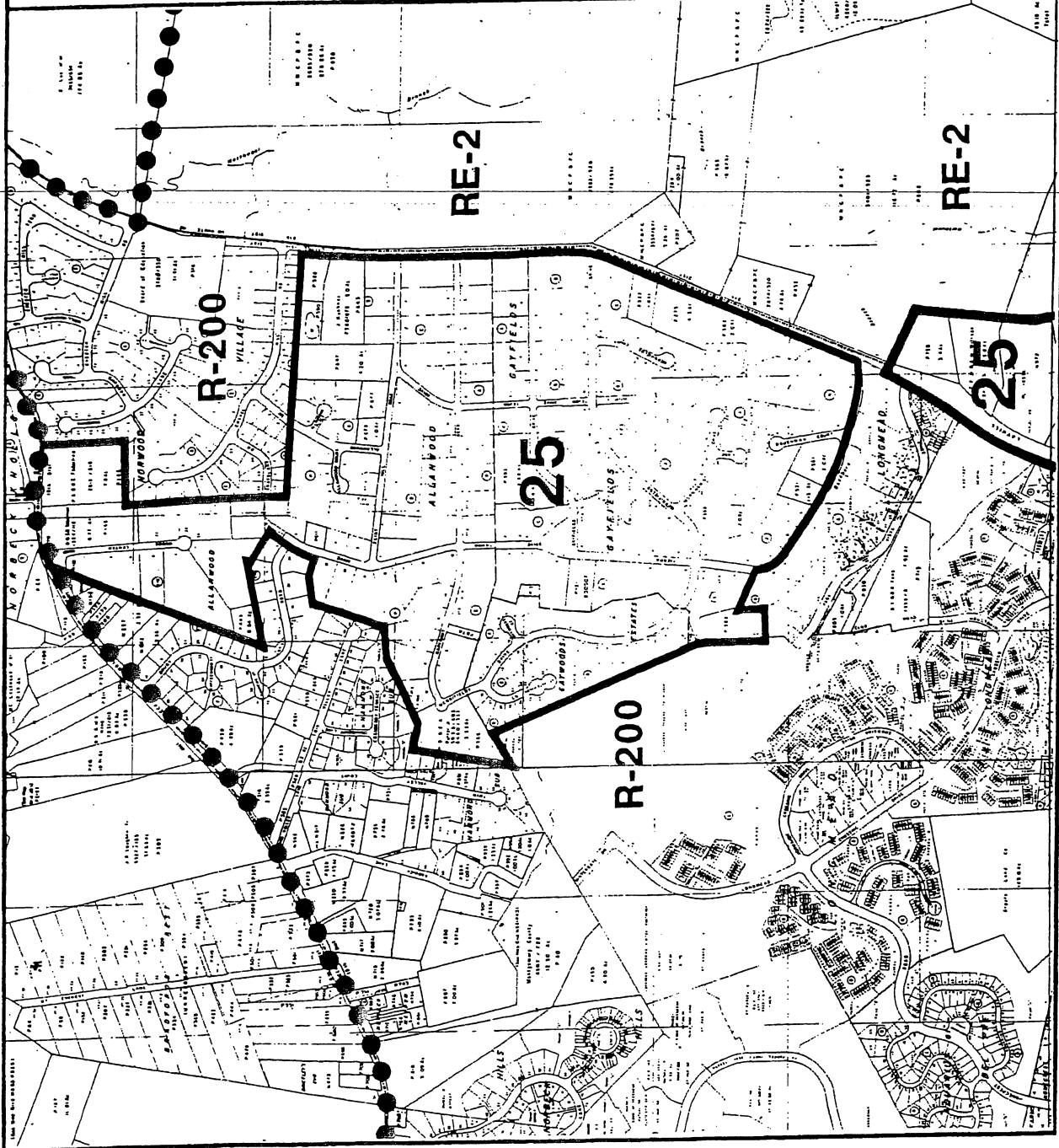
SHOWING EXISTING  
ZONING FOR  
SURROUNDING  
PROPERTIES

PARCEL BOUNDARY

Locational Reference Map

0 300 600  
FEET

FIGURE 33



A Master Plan for the Communities of

*Aspen Hill*  
Planning Area

**SIGNIFICANT  
PARCELS  
AND AREAS  
SITE No.25**

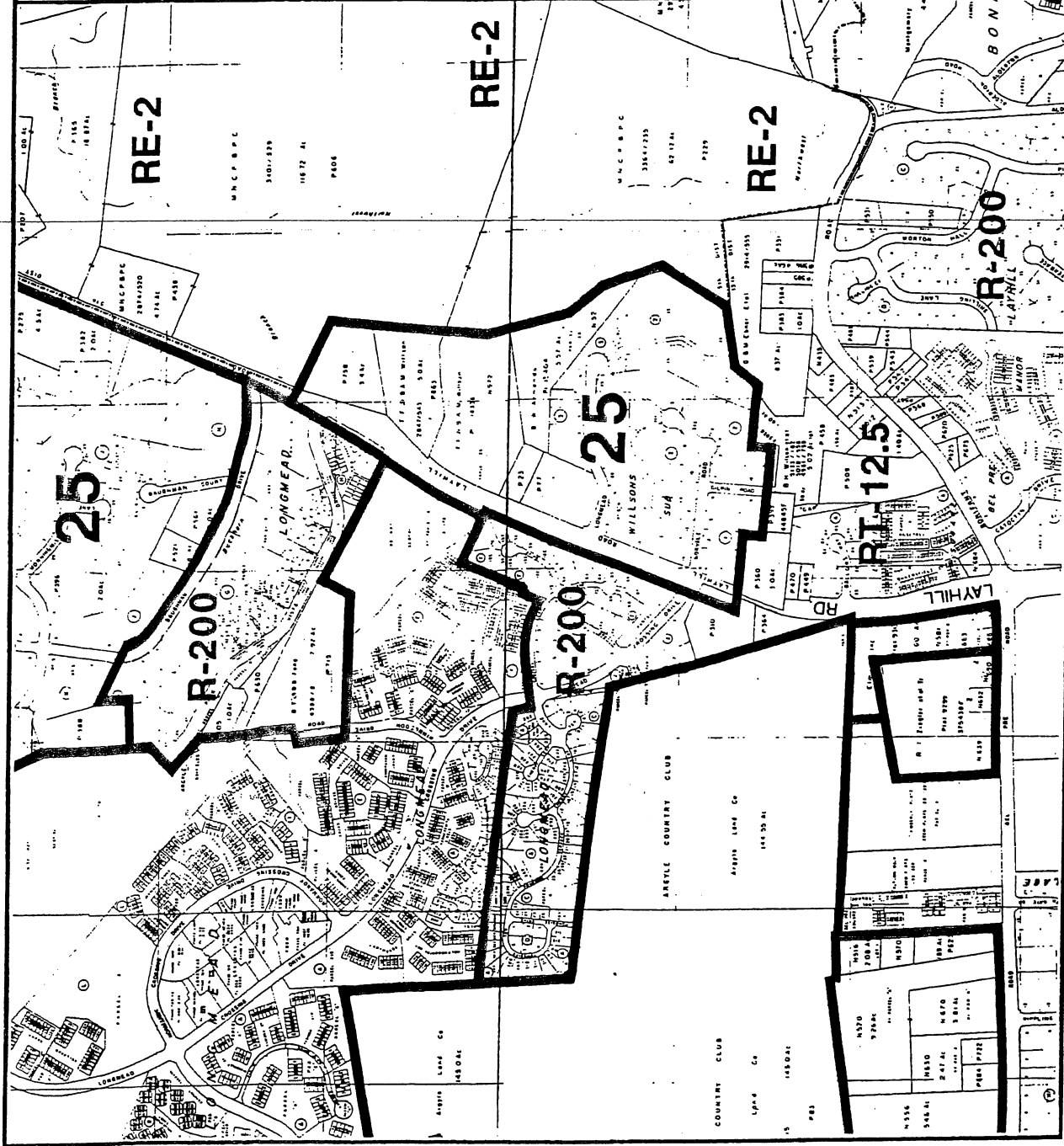
**SHOWING EXISTING  
ZONING FOR  
SURROUNDING  
PROPERTIES**

**PARCEL BOUNDARY**

**Locational Reference Map**

0 300 600  
FEET

**FIGURE 34**





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## FIRE MARSHAL COMMENTS

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**DATE:** 2-21-07  
**TO:** JAMES CRAWFORD  
**FROM:** TYLER MOSMAN  
**RE:** ALLANWOOD II SUBDIVISION 1-20070400

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### PLAN APPROVED.

1. Review based only upon information contained on the plan submitted 2-9-07. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services

MNCPPC-MC



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

December 13, 2006

Shahriar Amiri  
Acting Director

Ms. Cheryl Hannan  
Dewberry  
203 Perry Parkway, Suite 1  
Gaithersburg, MD 20877

Re: Stormwater Management **CONCEPT** Request  
for Allanwood II Subdivision  
Preliminary Plan #: 1-07040  
SM File #: 229177  
Tract Size/Zone: 2.36 acres / R-200  
Total Concept Area: 2.36 acres  
Lots/Block: N/A  
Parcel(s): N227  
Watershed: Northwest Branch

Dear Ms. Hannan:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via construction of a bio filter or Montgomery County Sand Filter and onsite recharge via open section roadway swales, storage below the proposed stormwater quality facility and other nonstructural elements. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. The drainage area to the proposed Bio Filter is 1.37 acres, which exceeds the normally allowable maximum of 1.0 acre. However, because the proposed facility is suitably placed for this type of facility and because the road swales offer a good means of pretreatment, the 1.37 acres drainage area will be considered acceptable in this instance. The drainage area to the facility may not be increased beyond 1.37 acres.
5. The flow splitter may not be located on a private lot as shown. It must be moved to a location either within the public right-of-way or within the stormwater parcel.
6. Driveway access must be provided to the facility from the proposed road.
7. Please note that the detailed sediment control / stormwater management plans can not be approved for this project until the Preliminary Plan has been approved.



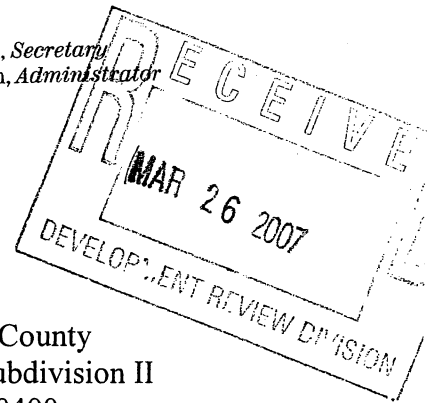


Martin O'Malley, *Governor*  
Anthony G. Brown, *Lt. Governor*

**SHA**  
**State Highway**  
Administration  
Maryland Department of Transportation

John D. Porcari, *Secretary*  
Neil J. Pedersen, *Administrator*

March 20, 2007



Ms. Catherine Conlon  
Supervisor, Development Review  
Subdivision Division  
Maryland National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Re: Montgomery County  
Allanwood Subdivision II  
File # 1-20070400  
MD 28 (Norbeck Road)  
Mile Post: 29.10

Dear Ms. Conlon:

The State Highway Administration (SHA) received revised preliminary subdivision plans from Dewberry Consultants on February 16, 2007. SHA also received Dewberry's February 7, 2007 letter to the Washington Suburban Sanitary Commission (WSSC), which provided five (5) alternate designs for MD 28 @ Keltrip Court, in an effort to address adverse impacts to an existing 42" PCCP water main. We offer the following comments:

- Proposed solutions #3 and #4 are acceptable to SHA. Acceleration and deceleration lanes are marginally warranted because only six (6) residential lots are proposed. Considering the adverse impacts to the 42" water main that the widening of MD 28 would cause, solutions #1 and #2 can be eliminated.
- The revised preliminary plan that SHA received on February 16<sup>th</sup> reflects the MD 28 @ Keltrip Court design outlined in proposed Solution #3 and is therefore acceptable. The applicant should extend the proposed curb & gutter slightly to achieve 25' long tangent sections along MD 28.
- With one exception, all the comments offered in our January 5, 2007 letter to your office remain valid. The last comment regarding right-of-way dedications has already been addressed. SHA's Plats and Surveys Division approved Dedication Plat # 57239 on October 23, 2006.
- The applicant must address the remaining comments in our January 5, 2007 letter.
- The proposed and required work within MD 28 rights-of-way is subject to the terms and conditions of an access permit, which must be received from this office.

My telephone number/toll-free number is \_\_\_\_\_

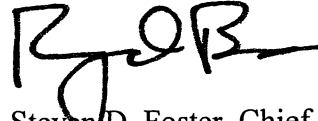
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • [www.marylandroads.com](http://www.marylandroads.com)

Ms. Catherine Conlon  
Page Two

If you have any questions, please contact Raymond Burns at 410-545-5592 or our toll free number in Maryland only 1-800-876-4742.

Very truly yours,



for Steven D. Foster, Chief  
Engineering Access Permits Division

SDF/rbb

cc: Mr. James Crawford / Dewberry, 203 Perry Pkwy, Gaithersburg, MD 20877  
Mr. Ronald Mijan / Dewberry, 203 Perry Parkway, Gaithersburg, MD 20877  
Mr. Douglass Ableiter, Project Manager  
WSSC, Relocation Unit, 14501 Sweitzer Lane, Laurel, Maryland 20707-5902  
Mr. Richard Weaver / M-NCPPC  
Mr. Shahriar Etemadi / M-NCPPC  
Mr. Sam Farhadi / MCDPWT  
Mr. Jeff Wentz *sent via e-mail*  
Ms. Kate Mazzara *sent via e-mail*  
Mr. Augustine Rebish *sent via e-mail*



MONTGOMERY COUNTY PLANNING DEPARTMENT  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MEMORANDUM**

TO: Erin Grayson, Development Review

VIA: Stephen Federline, Supervisor, Environmental Planning

FROM: Amy Lindsey, Environmental Planning

DATE: May 9, 2007

SUBJECT: Preliminary Plan 120070400  
Allanwood II Subdivision

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**RECOMMENDATION:**

**Environmental Planning staff recommends approval of the preliminary plan of subdivision subject to the following conditions:**

1. The proposed development shall comply with the conditions of the Final Forest Conservation Plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits:
  - a. Offsite afforestation/reforestation method and location to be determined, prior to record plat approval, and must be consistent with Section 22A-12, Montgomery County Forest Conservation Law.
2. Final sediment control plan must be consistent or within the limits of disturbance shown on the Final Forest Conservation Plan, dated 5/08/07.

**BACKGROUND**

The 2.35-acre property is located in Montgomery County on Norbeck Road in the Aspen Hill Master Plan area. Currently, there is one single-family home on the property. This preliminary plan proposes removing the existing house and constructing three new ones. This plan contemplates the completion of the cul-de-sac proposed in preliminary plan 1-02088. Surrounding and confronting uses are all single-family residential. There is 1.20 acres of forest existing on the property. The property is within the Northwest Branch watershed; a Use IV watershed.

**Forest Conservation**

There is 1.20 acres of forest existing on-site. All forest will be cleared from this site, generating a planting requirement of 1.12 acres. The planting requirements will be met

off-site by either reforestation/afforestation of 1.12 acres or protection of 2.24 acres of existing forest.

### **Environmental Buffers**

The site does not include any streams, wetlands, or floodplains and there are no environmental buffers on the property. The property is within the Northwest Branch watershed; a Use IV watershed.





David

DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

January 5, 2007

Ms. Catherine Conlon, Subdivision Supervisor  
Development Review Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20070400  
Allenwood

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 11/22/06. This plan was reviewed by the Development Review Committee at its meeting on 01/02/07. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show/label all existing planimetric and topographic details specifically driveways adjacent and opposite the site on the preliminary plan.
2. Full width dedication (including truncation) and construction of the interior public street per tertiary residential roadway standards terminating in a standard cul-de-sac.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to obtain the approval of grade establishments for new public streets from DPS.
5. Size storm drain easement(s) prior to record plat and show them clearly. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
6. Record plat to reflect denial of access along Norbeck Road except for the interior public street.
7. A Public Improvements Easement may be necessary along the interior public street, in order to accommodate the required sidewalk construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this sidewalk construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.

Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878  
240-777-6000 • 240-777-6013 TTY • 240-777-6030 FAX  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

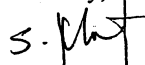
Ms. Catherine Conlon  
Preliminary Plan No. 1-20070400  
Date January 5, 2007  
Page 3

grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

- E. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- F. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at [sam.farhadi@montgomerycountymd.gov](mailto:sam.farhadi@montgomerycountymd.gov) or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E., Senior Planning Specialist  
Development Review Group  
Traffic Engineering and Operations Section  
Division of Operations

m:/subdivision/farhas01/preliminary plans/ 1-20070400, Alanwood.doc

Enclosures ()

cc: Richard Sullivan, Alliance Norbeck II, LLC  
James R. Crawford, Dewberry & Davis LLC  
Joseph Y. Cheung; DPS RWPPR  
Sarah Navid; DPS RWPPR  
Henry Emery; DPS RWPPR  
Shahriar Etemadi; M-NCPPC TP  
Gregory Leck, DPWT TEOS  
Raymond Burns, MSHA  
Preliminary Plan Folder  
Preliminary Plans Note Book