



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


MCPB
ITEM #
4/12/07




MEMORANDUM

DATE: March 30, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief 
Development Review Division

FROM: Catherine Conlon, Subdivision Supervisor (301-495-4542)
Development Review Division 

REVIEW TYPE: Pre-preliminary Plan of Subdivision (Resubdivision)
APPLYING FOR: Advice on an 8-lot subdivision for 8 one-family detached dwelling units

PROJECT NAME: Dorset Shire II
CASE NO. 720070020
REVIEW BASIS: Chapter 50, the Subdivision Regulations and Chapter 59, the Zoning Ordinance

ZONE: R-200/TDR-3 – proposal uses the R-200 cluster option
LOCATION: On the south side of Piedmont Road, approximately 650 feet west of Skylark Road
MASTER PLAN: Clarksburg

APPLICANT: Mr. & Mrs. Dale Hayman
ENGINEER: Macris, Hendricks & Glascock, P.A.

FILING DATE: July 24, 2006
HEARING DATE: April 12, 2007

Staff Recommendation: Objection to submittal of a preliminary plan as currently proposed.

SITE DESCRIPTION and SURROUNDING AREA:

The subject property consists of 5.99 acres of land located on the south side of Piedmont Road approximately 650 feet west of its intersection with Skylark Road in Clarksburg (see Attachment A). Piedmont Road is a designated a rustic road. The property is zoned R-200/TDR-3 and consists of one unplatted parcel and a recorded lot. The property contains two existing residential dwellings and accessory structures that are proposed to be retained. Surrounding land use consists of one-family detached residential dwellings. To the north in the Fountain View Subdivision, and to the east in the Dorset Shire Subdivision, the lots were developed under R-200 zone standards with septic. Lots in Fountain View are generally between 20,000 and 25,000 square feet in size. This area was rezoned to Rural Density Transfer (RDT) by the latest master plan. Lots in Dorset Shire, which is now classified in the R-200/TDR-3 zone, are all greater than one acre in size since they were developed under more recent septic requirements than lots in Fountain View. Public sewer is now available to all properties on the south side of Piedmont and Skylark Roads, and to the lots in Fountain View. To the west and south, the property abuts open space that is part of the Clarksburg Village Subdivision. Clarksburg Village contains areas zoned R-200, R-200/TDR-2 and R-200/TDR-3.

The site lies within the Little Seneca Creek watershed (a Use Class IV-P stream in this section) and the Clarksburg Special Protection Area (SPA). A tributary stream to Little Seneca Creek flows along the western property boundary, and another stream begins in the southern portion of the subject property. The southwestern portion of the property lies within the environmental buffers associated with these streams. One existing house, and its accessory structures, encroaches within the environmental buffer. Approximately half of the site is forested, and there are several specimen-size individual trees.

PROJECT DESCRIPTION

The applicant has requested Planning Board advice concerning a proposal for an 8-lot subdivision that clusters six new residential dwellings around the two existing houses on the northern half of the property. Two possible layouts for these lots have been submitted (Attachments B and C). Both layouts propose four pipestem lots, and access to the units via three shared, private driveways.

The development proposal applies the standards for R-200 development using the cluster option, rather than using the TDR option, due to environmental constraints. The proposal includes extension of public water and public sewer to serve the proposed houses.

Relationship to the Clarksburg Master Plan

The proposed subdivision falls within the Newcut Road Neighborhood which is separated from the Clarksburg Town Center and Transit Corridor Districts by Stringtown Road and the Little Seneca Creek greenway. The land use recommendations for the neighborhood propose a mixed-use center on Newcut Road approximately midway between Midcounty Highway (A-305)

and Skylark Road, with a concentration of activity and density in that area, and lower densities at the edges of the neighborhood. The subject property falls on the northern edge of the neighborhood, but is not specifically mentioned in the master plan. The plan retains the R-200 zoning of this area, but gives opportunity for increased density through the purchase of Transfer Development Rights (TDRs). The subject preliminary plan complies with the recommendations of the Clarksburg Master Plan in that it proposes residential development, however, the proposed size and clustered layout of lots does not provide the appropriate transition to larger lots to the east.

DISCUSSION OF ISSUES

The applicant has submitted the subject pre-preliminary plan to obtain advice from staff and the Planning Board regarding several issues related to the proposed development (see applicant's letter in Attachment D). Each of these issues is discussed below.

- Application of the Resubdivision Criteria

As previously noted, the subject property includes one previously recorded lot from the adjacent Dorset Shire Subdivision. The subdivision should, therefore, be reviewed under the requirements of Section 50-29(b)(2) 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.

Conducting a resubdivision analysis involves delineating a neighborhood with which the proposed lots will be compared. In this case, the surrounding area was developed using different standards than the proposed development, so the applicant is questioning whether a typical resubdivision analysis is appropriate. Because lots to the west were developed using R-200/TDR-3 standards, and existing lots to the east might be redeveloped using the TDR option, the applicant believes that the proposed lots are compatible and appropriate with the adjacent development. In staff's opinion, lot data should be provided for all existing lots that have frontage on either side of Piedmont Road from Needle Drive to Stringtown Road. Although a strict application of the resubdivision analysis may not be appropriate in this instance, this lot data would help to determine whether the proposed lots create an adequate transition between existing lots in the neighborhood.

- Compatibility with adjoining development

The proposed development introduces the use of small scale, pipestem lots along Piedmont Road. Currently, the only pipestem lots along the street are the two larger lots in the adjacent Dorset Shire subdivision. An original 9-lot version of the pre-preliminary plan included creation of an internal public street that avoided the use of pipestems (Attachment E), but the applicant is no longer considering that option based on comments from staff that

at least two lots would have to be dropped to justify use of the cluster option of development. The applicant believes the proposed 8-lot configuration, and the use of pipestem lots, is compatible with adjacent development. In staff's opinion, use of pipestems may be appropriate because they reduce the overall development envelope, but the cluster of four lots on the eastern half of the subdivision should be reduced by one. In development Option A (Attachment B), the orientation of proposed lot 5 results in a relationship between houses on proposed lots 4, 5 and 8 that is too tight. In addition, proposed lots 6 and 7 result in a two to one relationship next to existing lot 2 in the adjacent subdivision. Development Option B (Attachment C) improves the internal relationship between lots, but also places two houses next to the adjacent lot. Staff favors development option B with the deletion of proposed lot 8.

- Retention of the existing house within the environmental buffer

The proposed plan retains an existing house and accessory structure, as well as yard area, within the environmental buffer of the onsite stream. Environmental staff is of the opinion that the structures may remain provided adequate compensation is provided elsewhere on the site (to be determined at preliminary plan), and the proposed lot is configured so that the structures could be replaced outside of the buffer if they were ever to be re-built.

- Use of the cluster option

Since the site constraints do not permit utilization of the TDR option for increased development density, the applicant proposes use of the cluster option to achieve a larger number of smaller lots. The applicant believes cluster is appropriate because forest conservation thresholds will be met onsite, and the property is located within a special protection area.

As described in the Zoning Ordinance, the purpose of the cluster method of development is to provide an optional method of development that encourages the provision of community open space for active or passive recreation, as well as, the preservation of trees. The cluster method preserves the same limitations on density as that permitted in the base zone. The resulting development should protect the character of the existing neighborhood and provide open space for common use. In staff's opinion, the proposed development will satisfy the purpose of the cluster option provided no stormwater management structures need to be located in the proposed open space area in the southeast corner of the site. This area, at a minimum, should be preserved to protect existing forest and provide compensation for the existing buffer encroachments.

CITIZEN CORRESPONDENCE

As of the date of this report, one letter was received in response to the originally submitted pre-preliminary plan (Attachment F). In this letter (to which staff separately responded), several residents from the adjacent Fountain View and Dorset Shire subdivisions expressed their concerns about the size and number of proposed lots, and the fact that existing

properties were combined to meet the minimum 5-acre tract size requirement for use of the cluster option of development. In addition, the applicant held a community meeting at which similar concerns were raised about compatibility between the proposed lots and existing lots in the two subdivisions.

Attachments:

- Attachment A – Site Vicinity Map
- Attachment B – Development Option A
- Attachment C – Development Option B
- Attachment D – Applicant Letter
- Attachment E – Internal Public Street Development Option
- Attachment F – Citizen Correspondence

DORSET SHIRE II (720070020)



Map compiled on August 17, 2006 at 10:59 AM | Site located on base sheet no - 233NW12

NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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

Key Map

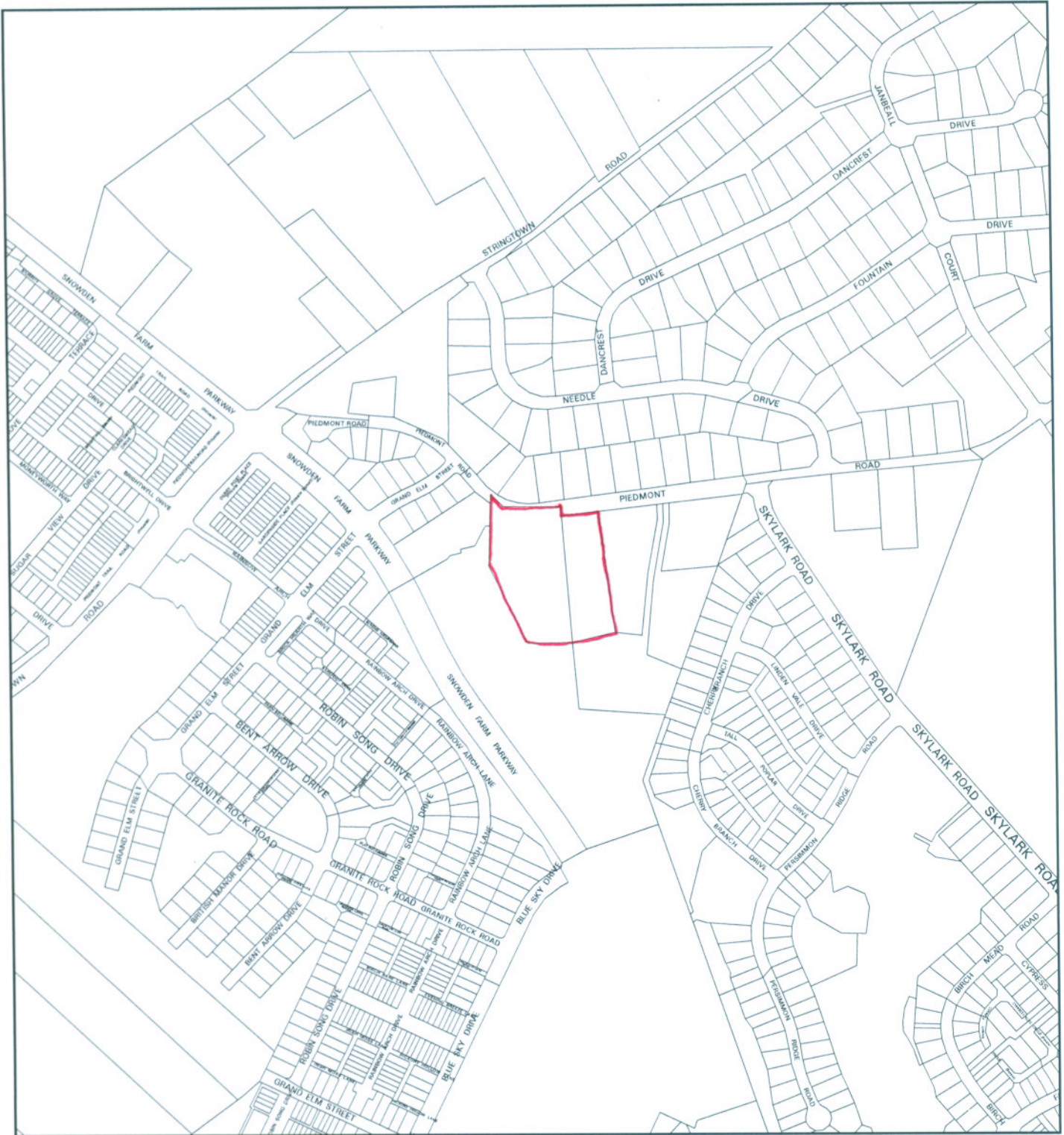


Research & Technology Center



1 inch = 600 feet
1 : 7200

DORSET SHIRE II (720070020)



Map compiled on August 17, 2006 at 11:08 AM | Site located on base sheet no - 233NW12

NOTICE

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Key Map



N



Research & Technology Center



1 inch = 600 feet
1 : 7200

Attachment B

SITE DATA TABLE

The property is zoned R-205/1963
 The property lies within the Clarkburg Master Plan, Planning Area#13
 The number of lots proposed is 8.
 The "Overlay" optional method is proposed.
 Parcel 805's water and sewer category is W-3 and S-3
 Lot 1's water and sewer category is W-1 and S-2
 The proposed development standards are:

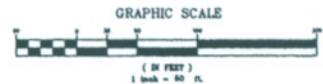
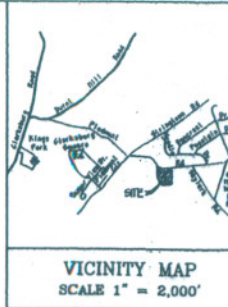
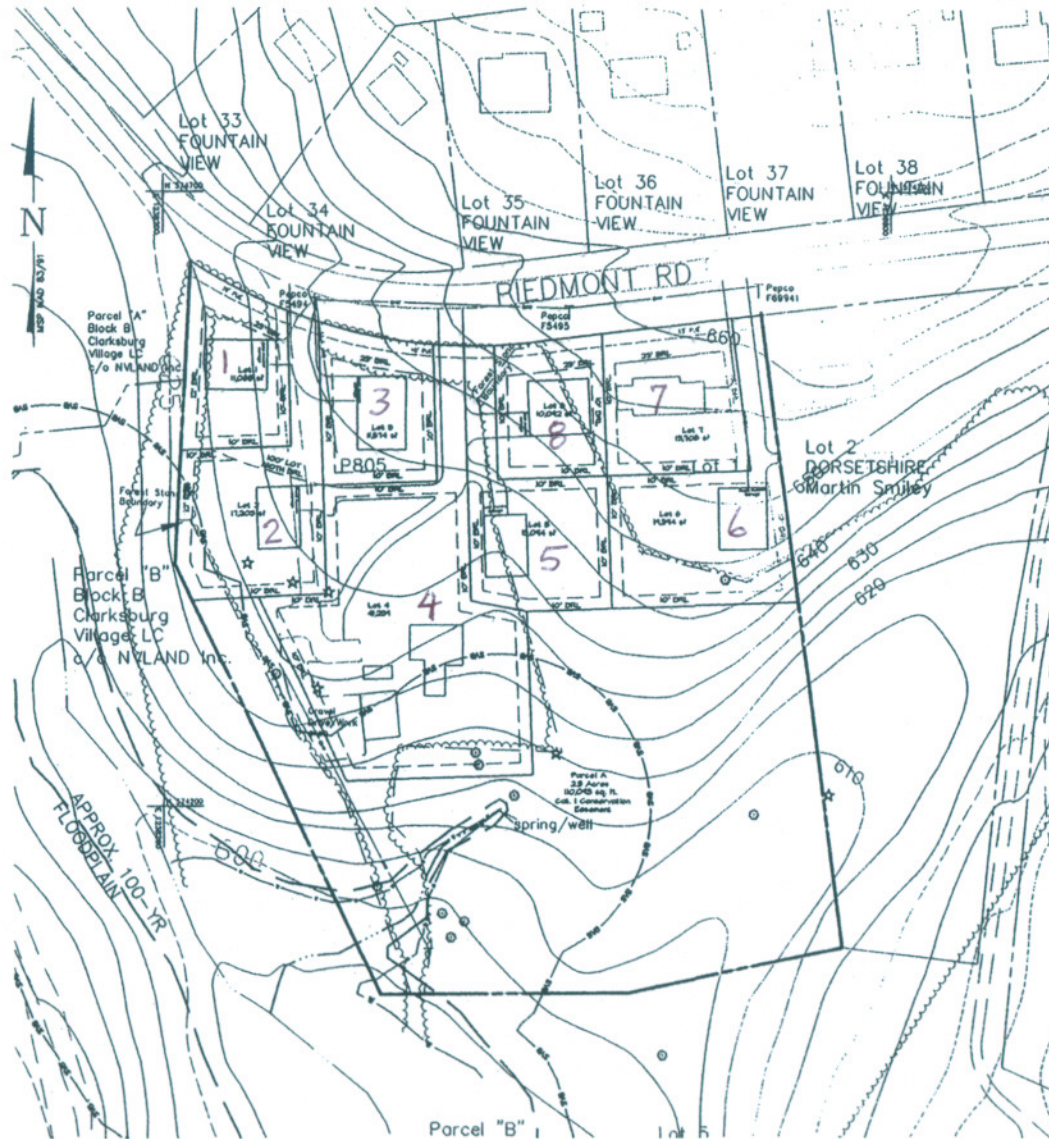
	Required/Permitted	Proposed for Approval
Minimum Tract Area: S8-C-1.532	5 acres	15.99 acres
Map Density of development: S8-C-1.533	12 du.	8 du.
Setbacks from Street: S8-C-1.534	25 feet	25 feet
Minimum Lot Area: S8-C-1.535	10,000 sqft	10,000 sqft
Minimum Lot Width at street line: S8-C-1.535	25 feet	25 feet
Yard Requirements: S8-C-1.538	Side: (adjoining boundary) 10 feet min. 12 feet min.	10 feet min. 12 feet min.
	Front: (adjoining boundary) 10 feet 40 feet	10 feet 40 feet
Building Height: S8-C-1.327	50 feet max.	50 feet max.
Building Coverage:	25% max.	25% max.

AREA TABLE

Grand Tract Area	3,261.13 sqft.	or 0.075 acres
Subdivision for Piedmont Road	26,080 sqft.	or 0.60 acres
Site Tract Area	206,572 sqft.	or 4.71 acres
Parcel A	116,092 sqft.	or 2.65 acres
Parcel Conservation Easement		

GENERAL NOTES

Topographic information: MDCPPC topographic drawing, 5 foot contour intervals
 Stormwater management to be provided on lot
 Water and Sewer plan to be specified at Preliminary Plan
 Boundary information from recorded plats and deeds of record
 Utilities underlying the site include:
 Water: M&D
 Gas: Conoco
 Sewer: Montgomery Power
 Tel: Verizon



PREPARED FOR:
 Mr. & Mrs. Dale Hayman
 12600 Piedmont Road
 Clarkburg, MD 20871

NO.	DATE	DESCRIPTION	BY

TAX MAP EW562 W503 335HW13

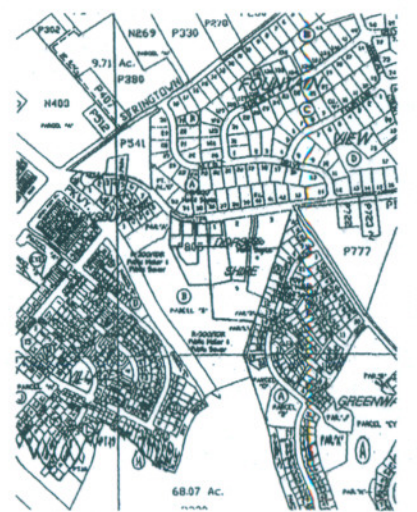
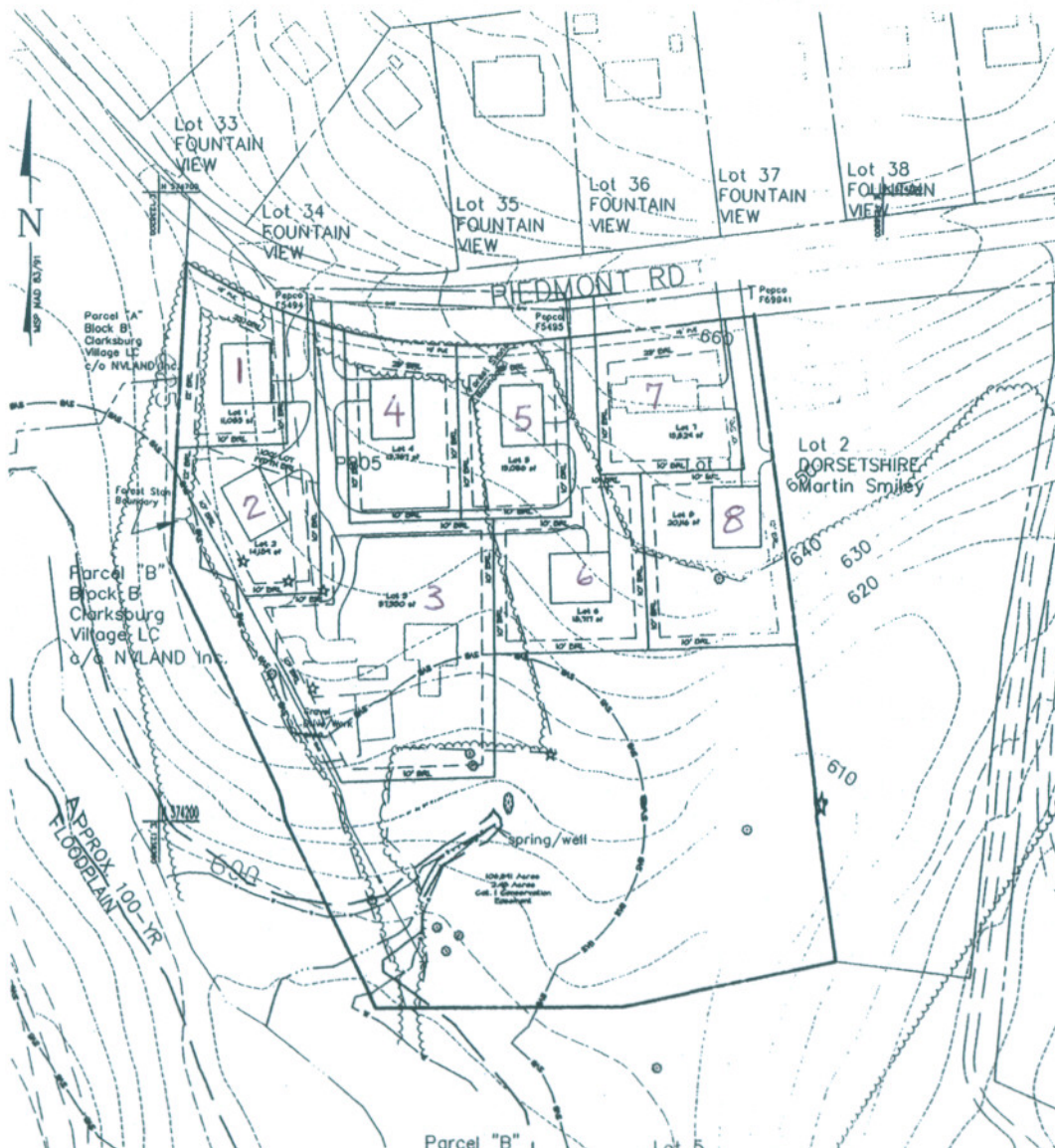
PREAPPLICATION PLAN A
 Lots 1-8 & Parcel A
Dorset Shire II
 Lot 1 and Parcel 805
 2nd ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG Macriri, Hendricks & Glascock, P.A.
 Engineers • Planners
 Landscape Architects • Surveyors

9320 Wighman Road, Suite 130
 Montgomery Village, Maryland
 20886-1279 Phone 301.670.0840
 Fax 301.648.0800
 www.mhga.com

Proj. Mgr. NCB
 Design NCB
 Date 10/2006
 Project No. 03223
 Sheet 1 of 1

Attachment C



SITE DATA TABLE

The property is taxed R-200/7083
The property lies within the Clarksburg Master Plan, Planning Area#13
The number of lots proposed is 8.
The "Cluster" optional method is proposed.
Parcel 800's water and sewer category is W-3 and S-3
Lot 7's water and sewer category is W-1 and S-3
The proposed development standards are:

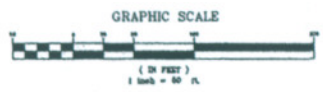
	Required/Permitted	Proposed for Approval
Minimum Tract Area 88-C-1.531	5 acres	15.95 acres
Max Density of development: 88-C-1.533	13 du/s	8 du/s
Setbacks from Street 88-C-1.534	25 feet	25 feet
Minimum Lot Area: 88-C-1.535	10,000 sqft	10,000 sqft
Minimum Lot Width at street line: 88-C-1.535	25 feet	25 feet
Yard Requirements 88-C-1.536	Side: 10 feet min 12 feet min. (adjoining boundary)	10 feet min 12 feet min.
	Rear: 10 feet 40 feet (adjoining boundary)	10 feet 40 feet
Building Height 88-C-1.317	50 feet max.	50 feet max.
Building Coverage	35% max.	25% max.

AREA TABLE

Tract Area	230,133 sq ft	or 5.29 acres
Subdivision for Piedmont Road	33,288 sq ft	or 0.76 acres
Net Tract Area	206,845 sq ft	or 4.73 acres
Parcel A	106,881 sq ft	or 2.43 acres

GENERAL NOTES

Topographic information NAD83 topographic showing 3 foot contour intervals.
Stormwater management to be provided on lot.
Water and Sewer plan to be provided at Preliminary Plan.
Boundary information from recorded plat and deeds of record.
Utilities including the M&D include:
Water: M&D
Cable: Comcast
Gas: Maryland power
Tel: Verizon



PREPARED FOR:
Mr. & Mrs. Dale Hoyman
12800 Piedmont Road
Clarksburg, MD 20871

NO.	DATE	DESCRIPTION	BY

TAX MAP EW542 WSSC 233HW13

PREAPPLICATION PLAN B
Lots 1-8 & Parcel A
Dorset Shire II
Lot 1 and Parcel 805
2nd ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG Macris, Hendricks & Glascock, P.A.
Engineers + Planners
Landscape Architects + Surveyors
1620 Highgate Road, Suite 100
Montgomery Village, Maryland
20896-1276
Phone 301.872.0840
Fax 301.848.0880
www.mhga.com

Proj. Mgr.	Design
VSB	HGB
Date	Scale
10/2008	1"=5'
Project No.	Sheet
03223	1 of 1



July 21, 2006

Cathy Conlon, Supervisor
Maryland National Capital
Park and Planning Commission
Development Review Division
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Dorset Shire II
MHG Job No, 2003.223

Dear Ms. Conlon,

The enclosed submission of a Pre Application Plan is to elicit Staff feedback on the proposed development of Parcel 805 and Lot 1 of the Dorset Shire Subdivision. At this time we anticipate receiving Staff comment at DRC and determine whether or not to continue onto the Planning Board based on comments received.

The proposed development is situated along Piedmont Road, in Clarksburg Maryland. The subject tracts consist of a parcel and a recorded lot, totaling approximately 5.99 acres. The properties are zoned R-200 with a TDR overlay. The density of the overlay, per the Clarksburg Master Plan, is 3. See page 97, Figure 38, of the master plan. The proposal utilizes the Cluster Option of Development. 9 dwellings are proposed: 2 proposed to remain and 7 are to be built. The lots will be served by a reduced width tertiary street that forms a semicircle with two points of access on Piedmont Road. Forest Conservation is proposed to be met on-site and stormwater management will adhere to the Special Protection Requirements.

We would like your comments on the following items:

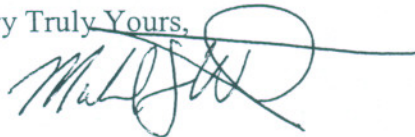
- Application of the resubdivision criteria. The site is adjacent to projects developed under the TDR development option and properties zoned PD-4, and R-200, some of which with septic systems. Although the adjacent recorded lots of the Dorset Shire Subdivision are currently zoned R-200, they do have the option to redevelop with the TDR development option. We feel the proposed lots are compatible and appropriate, in terms of comparison with adjacent development.

- Retention of the existing home within the SVB area. The property owners would like to retain use of the 100+ year old structure. We feel that there could be considerations made in applying the Environmental Guidelines.
- Appropriateness of the utilization of the Cluster Method. The optional methods of development require forest conservation thresholds to be met on-site. In addition, the properties are located within a special protection area. The density afforded under the TDR method cannot be met, 17, and utilize the required 2/3 amount. We felt that the Cluster Option allows smaller lots to transition from the larger R-200 lots to the developing PD zoned lots and TDR lots near by.
- The use of the Tertiary Street.
- Sidewalks along Piedmont Road.

The applicant has held a community outreach meeting. Approximately 15 persons attended. Their primary concerns focused on: Sidewalks along Piedmont, compliance with plan approvals (sitting non-compliance with adjacent developing properties), overall drainage patterns, the location of proposed SWM facilities, decreased home values, and the continuing sprawl of Clarksburg.

Please contact our office with any questions or concerns regarding the application.

Very Truly Yours,



Macris, Hendricks, & Glascock, P.A.

SITE DATA TABLE

The property is zoned R-2000(MD).

The property is shown by Ordinance Number 190, Planning Agency 3.

The number of lots proposed is 9.

The "Ordinary" standard is proposed.

Project 8075 total and new capacity is 2-3 and 3-3.

Lot 1's total and new capacity is 2-2 and 2-3.

The proposed development standards are:

Standard/Requirement	Proposed by Applicant
Minimum Lot Area	5 acres
Minimum Lot Width	13 feet
Minimum Lot Depth	20 feet
Minimum Lot Area	10,000 sqft
Minimum Lot Width	20 feet
Minimum Lot Depth	20 feet
Minimum Lot Area	10,000 sqft
Minimum Lot Width	20 feet
Minimum Lot Depth	20 feet
Minimum Lot Area	10,000 sqft
Minimum Lot Width	20 feet
Minimum Lot Depth	20 feet

AREA TABLE

Area	Area	Area
Overall Site Area	28,000 sqft	14,500 sqft
Overall Site Area	28,000 sqft	14,500 sqft
Overall Site Area	28,000 sqft	14,500 sqft
Overall Site Area	28,000 sqft	14,500 sqft
Overall Site Area	28,000 sqft	14,500 sqft

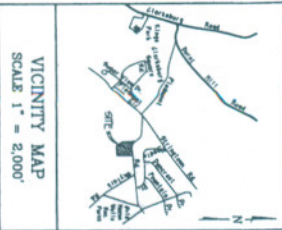
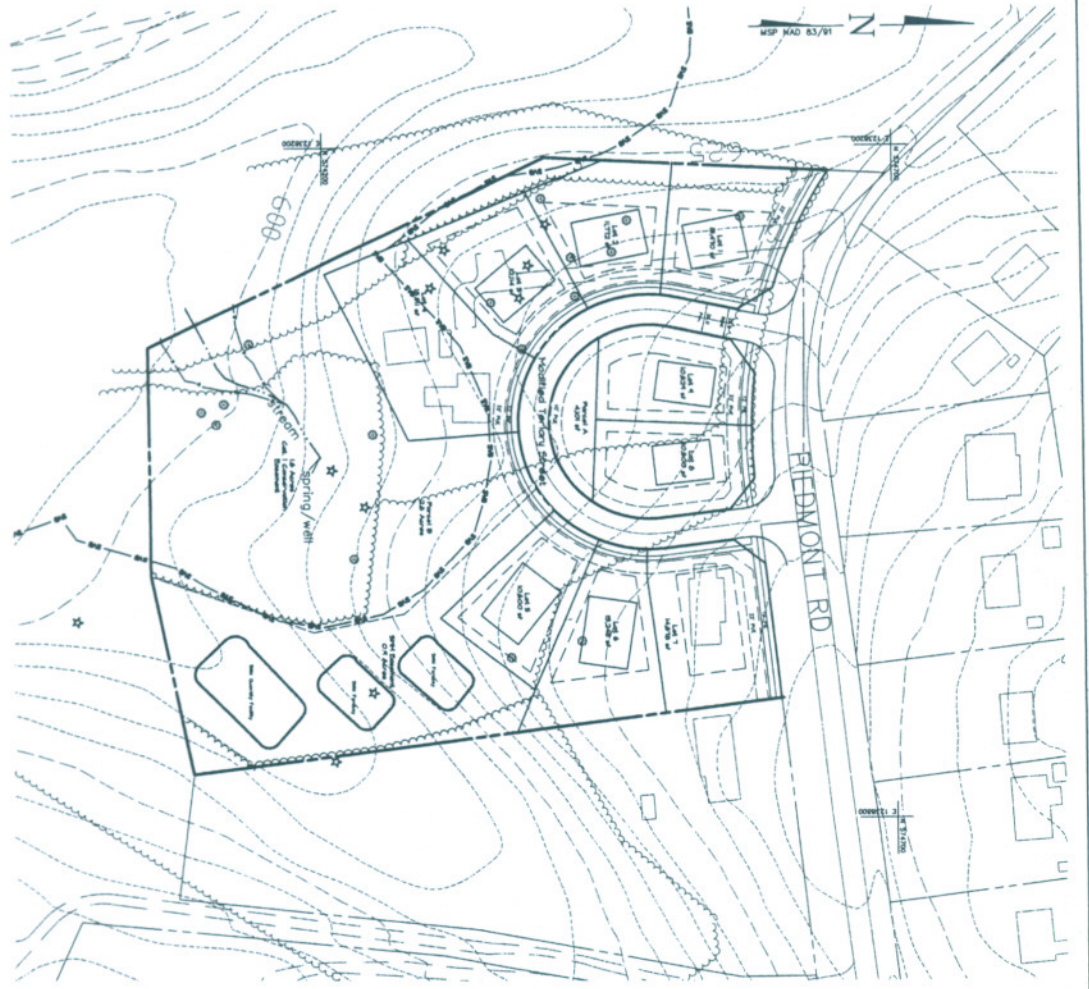
GENERAL NOTES

Topographic information is shown throughout the site. Contour intervals are 5 feet. Contour elevations are shown in feet above sea level.

Boundary information from recorded plat and other records is shown.

Other information is shown as follows:

- Water
- Power
- Telephone
- Gas
- Highway
- Other



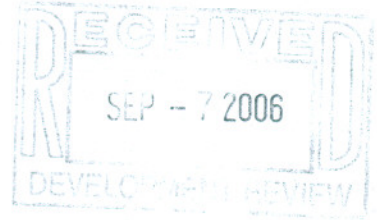
PREPARED FOR:
Mr. & Mrs. Dale Hoffman
1250 Freedom Blvd
Colesburg, MO 20871

PREAPPLICATION PLAN
Lots 1-9, Parcels A & B
Dorest Shire II
Lot 1 and Parcel 805
2nd ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG
MARCIA HANCOCK & GIBSON, P.A.
Engineers • Planners • Surveyors
Landscape Architects • Environmental

Project: Dorest Shire II
Date: 11/20/05
Scale: 1" = 2000'
Sheet: 1 of 1

NO.	DATE	DESCRIPTION	BY



M-NCPPC
Development Review Division
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Plan # 720070020

To Whom It May Concern:

This letter is in reference to **Plan # 720070020**. Information pertinent to our concerns is as follows:

1. The land involved is comprised of two (2) individual parcels owned by two different landowners.
2. Neither parcel is a minimum of five (5) acres.
3. The parcel noted as *Lot 1* on the plan is actually part of the Dorset Shire subdivision approved under Preliminary Subdivision Plan # 1-73103 dated September 25, 1975.
4. Fountain View Subdivision opposite this proposed Dorset Shire II is $\pm \frac{1}{2}$ acre lots.

We request that answers be provided to the following questions:

1. How can *Lot 1* Dorsetshire (2.056 acres) - where minimum lot size approved by MNCPPC was 1.5 acres - be divided into three lots whose sizes are between 10,600 sq.ft (.2433 acres) and 14,768 sq.ft. (.3369 acres)?
2. Given the fact that the criteria for this plan is a minimum of five (5) acres and neither landowner has the required acreage, why has this plan even been considered?
3. Considering that lots in the surrounding subdivisions (Fountain View and Dorset Shire) are larger, this plan does not conform to the neighborhood. Again, why is this plan even being considered?
4. What is the potential that this subdivision will become low income housing?
5. Dorset Shire was originally zoned RR. When did this zoning change?
6. Will these apparent zoning changes be allowed as the process goes forward?

7. There is an existing house on what is designated *Lot 4* on the pre-application plan. It is rumored that this house is designated historic. If that is true, why are other houses being allowed to be built so close to this building? Other owners in the area have been told by the County that construction could not be within 500 ft. of a historic property.
8. If this subdivision is approved, a precedent will have been established – landowners may combine their parcels to gain the required minimum of five (5) acres to apply for a subdivision. Is there a zoning ordinance permitting this? If not, one needs to be written guaranteeing other citizens of Montgomery County the same opportunity as these parties, in particular those in the Dorset Shire and Fountain View subdivisions which will border this new subdivision.

Environmental Impact

The land upon which Clarksburg Town Center and Clarksburg Village are being built was R-200 zoning (1/2 acres). Both areas have an average lot size of 4,000 sq. ft. This means that the following effect on the surrounding environment will occur.

- There will be five times less land for rain to fall upon and replenish the water table.
- Five times the number of trees and greenery will be destroyed than originally intended. These are oxygen producers and carbon dioxide consumers. These plants purify the air we breathe.
- There will be five times the number of cars than originally intended. Therefore, the roads designed were not intended for this volume of traffic.
- Five times the amount of pollution will be caused by the increased number of vehicles.

We, the undersigned, are concerned citizens of Dorset Shire and Fountain View subdivisions. We expect answers to the above issues in writing from your department or by a scheduled meeting.

Added
3/30/07
pbc

1. J. MARTIN SMILEY ✓
12508 Piedmont Rd.
CLARKSBURG, MD 20871

J. Martin Smiley

3. Laura Simkins ✓
12504 Piedmont Rd
Clarksburg MD 20871

Laura Simkins

5. Swellen J. Velthuis ✓
12505 Piedmont Rd.
Clarksburg, MD 20871

Swellen J. Velthuis

7. Kent Cheung ✓
12517 Piedmont Road
CLARKSBURG, MD 20871

Kent P. Cheung

9. George Claggett ✓
12509 Piedmont Rd
Clarksburg MD 20871

George E. Claggett

11. Jodi Nightengale ✓
12501 Piedmont Rd
Clarksburg MD 20871

Jodi Nightengale

2. Michael J. Beck ✓
12410 Piedmont Rd
Clarksburg MD, 20871

M. J. Beck

4. Lee Jenkins ✓
12504 Piedmont Road
Clarksburg MD 20871

Lee Jenkins

6. Dennis Hughes ✓
12513 Piedmont Rd
Clarksburg MD 20871

Dennis Hughes

8. Jacqueline Crist ✓
12513 Piedmont Rd
Clarksburg MD 20871

Jacqueline Crist

10. Letetia Claggett ✓
12509 Piedmont Rd
Clarksburg MD 20871

Letetia Claggett

12. Kelly & Edward S ✓
12561 Piedmont Road
Clarksburg, MD 20871

Kelly & Edward S