



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

MCPB
ITEM # 5
7/5/07



MEMORANDUM

DATE: June 22, 2007

TO: Montgomery County Planning Board

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

FROM: Richard A. Weaver, Coordinator (301) 495-4544 *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision, Resubdivision

APPLYING FOR: 2 One-Family Detached Residential Lots and One Outlot

PROJECT NAME: Homecrest, Phase I

CASE #: 120070430

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

ZONE: R-200

LOCATION: Located on the north side of Bel Pre Road opposite intersection with Beaverwood Lane

MASTER PLAN: Aspen Hill

APPLICANT: Tamara Corporation, et.al.

ENGINEER: Dewberry

DATE FILED: December 4, 2006

HEARING DATE: July 5, 2007

Staff Recommendation: Approval of two lots only (Phase I) and subject to the following conditions:

- 1) Approval for Phase I of this preliminary plan application is limited to two (2) one-family detached residential lots.
- 2) A category I easement shall be shown over all stream valley buffers on the site and reflected on the record plat.
- 3) A permanent split rail fence shall be erected along the Category I easement on Lots 71 and 72.
- 4) Record Plat to contain a note " Outlot A, (Phase II) may be considered for resubdivision by the Montgomery County Planning Board. Any revision to the Category I easements shown on Outlot A will be considered then as an amendment to the forest conservation plan. Outlot A may not be converted to a record lot by the minor subdivision process."
- 5) Compliance with the conditions of the MCDPS stormwater management approval letter dated February 2, 2007.
- 6) Compliance with the conditions of the MCDPWT approval letter dated June 25, 2007, unless otherwise amended.
- 7) Other necessary easements shall be shown on the record plat.

I. SITE DESCRIPTION (Attachment1)

The 5.77 acre property "Subject Property" or "Property" is zoned R-200 and is located on the north side of Bel Pre Road opposite the intersection with Beaverwood Lane in the Aspen Hill Planning Area. Uses surrounding the site are R-200 to the west; Argyle Golf Course (R-200) to the north, R-150 to the south confronting on Bel Pre Road and a Moose Lodge to the east zoned RE-2

The Property is entirely forested and is bisected by a tributary to the Northwest Branch known as Bel Pre Creek. The Northwest Branch drainage basin in this area is classified as a Use IV stream. Use IV stream systems have sufficiently high water quality that they are capable of supporting seasonally stocked trout for "put and take fishing". The site has no structures upon it.

II. PROJECT DESCRIPTION (Attachment 2)

Phasing

At the request of the applicant, the project has been split into two separate phases. The original application was submitted with a driveway connection crossing the stream from Bel Pre Road to serve future proposed lots on the northern half of the Property. Staff believes the stream crossing to be avoidable by accessing the northern half of the site (Phase II) with a master plan secondary road, proposed as part of the Layhill Overlook project (120070490) at the corner of Bel Pre Road and Homecrest Road. Staff advised the applicant that consideration of any development north of the stream bisecting the site was premature because the full right-of-way for this future road across the

adjacent Moose Lodge property has not been dedicated or acquired. There are no indications that the Moose Lodge is interested in subdivision in the near future so the right-of-way may be dedicated. Therefore, recognizing the need for this master plan road to serve the general area, Park acquisition staff has been in contact with Moose Lodge officials and is negotiating for the possible purchase of the right-of-way for this road. The road will eventually provide access not only to the Subject Property, but also to the Argyle Country Club, when or if, it were to develop under its residential zoning. Phase I of the preliminary plan only requests approval of the two lots on Bel Pre Road. All references to any subdivision or road extensions north of the stream on the site have been deleted from this plan. Staff has not made any recommendations to the applicant on subdivision of Phase II other than to support access from the new master planned road.

Staff believes that avoidance of a stream crossing to reach the northern portions of the Subject Property from Bel Pre Road, as originally requested, is important given the good water quality of the Northwest Branch and forested nature of the stream valley. The master plan road will provide a far superior means of access to the northern portions without environmental damage to the stream system. While Park staff negotiates with the Moose Lodge to acquire the road dedication, the applicant asked for the two lots fronting on Bel Pre Road (Phase I) to proceed to the Planning Board. An outlot will be recorded on the plat for the remainder of the site not included in the two lots. A category I easement will be placed on the entire stream valley buffer, which will far exceed the minimum retention requirements under the forest conservation law for the two lots. Any future resubdivision of Outlot A will require Planning Board approval, including any dedications for the master plan road across the Subject Property and any revisions to the forest conservation plan, including modification of the easements.

Phase I

This application proposes to resubdivide existing Lot 6, Homecrest, into two lots at this time. Access to the proposed lots is from Bel Pre Road using a shared access driveway. The rear of the lots will have a category I easement placed on them since the lot lines will extend into the stream buffer. As discussed above, the entirety of the remainder of the property will be shown and recorded as an outlot with the stream buffer placed in a category I easement to meet the requirements for forest conservation. Since the preliminary plan is a resubdivision, conformance to Section 50-29(b)(2) is discussed below.

III. ANALYSIS and FINDINGS

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

Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that the proposed lots comply 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.

Neighborhood Delineation

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. For this application, a neighborhood of eighteen (18) lots has been defined for analysis purposes (Attachment 3). The neighborhood includes the nearest platted lots within the R-200 zone, which are located approximately 500 feet to the east along Big Bear Terrace. The abutting Moose Lodge property is within the RE-2 Zone and lots confronting the Subject Property on Bel Pre Road are zoned R-150. As has been staff and Planning Board practice, lots in different zoning categories are not included in resubdivision analyses. A number of deed parcels are also excluded, consistent with previous practice. The neighborhood shown provides a reasonable sample of lots upon which to base the resubdivision review.

Resubdivision Analysis

Staff has reviewed the submitted application for compliance with the Resubdivision Criteria pursuant to Section 50-29 (b) (2) and has the following analysis:

Size: The proposed lots are of the same character with respect to size as all lots in the neighborhood.

Lots in the neighborhood range in size from 10,357 square feet to 21,055 square feet. The two lots proposed in Phase I are 21,672 square feet and 25,409 square feet in size. This resubdivision creates two lots that are slightly larger than the largest lot in the defined neighborhood. This does not necessarily make them out of character, in fact, the Subject Property is currently the largest lot in the neighborhood; this resubdivision creates two lots that are more in character with the lot sizes in the defined neighborhood. The proposed lots have a high correlation with respect to lot sizes within the neighborhood.

Area: The proposed lots are of the same character with respect to area as the lots in the neighborhood.

The buildable areas of lots in the defined neighborhood range from 3,344 square feet to 8,250 square feet in useable area. The resubdivision proposes two lots at 8,147 square feet for Lot 71 and 11,054 square feet for Lot 72. Lot 71 will be the third largest with respect to area and Lot 72 will be the largest. Similar to the discussion for size, the two lots are more in character than the existing lot. Previous decisions by the Planning

Board have found lots larger in dimensional measurements for size and area to not necessarily be out of character with smaller lots in the neighborhood. The proposed lots exhibit a high correlation with all other lots in the neighborhood with respect to area.

Shape: The proposed lot shapes are in character with other lots in the neighborhood.

The neighborhood is characterized by a variation of lots shapes including rectangular, generally rectangular and irregular. The proposed lots are generally rectangular and are of the same character.

Width: The proposed lots are of the same character with respect to width as the other lots in the neighborhood.

The range of lot widths at the front building line in the neighborhood range from 74 feet to 175 feet. Both of the proposed lots are within this range, at 110 and 126 feet, and close to the middle of the range. Both lots are of the same character with respect to width at the building line.

Alignment: The proposed lots are of the same character with respect to alignment as all lots in the neighborhood.

Lots in the neighborhood align at various angles to the road. Most are perpendicular to the street frontage, two are radial, two are pipestems and one is angled. The two proposed lots are perpendicular to the road and are, therefore, of the same character as compared to the existing lots in the neighborhood.

Frontage: The proposed lots are of the same character with respect to frontage as the lots in the neighborhood.

The range of lot frontages in the neighborhood is from 25 feet to 187 feet. The proposed lot frontages are 105 and 110 feet for lot 72 and 71, respectively. They are well within the range for all lot frontages in the neighborhood. Therefore, the proposed lots of the same character as the lots in the neighborhood with respect to frontage.

Suitability: The proposed lots are suitable for residential development as are all other lots in the neighborhood.

In summary, the analysis performed by staff indicates that the proposed lots comply with all seven of the resubdivision criteria outlined in Sec. 50-29(b)(2) and that there is a high correlation between the area, size, shape, street frontage, alignment, width and suitability of the existing lots to the proposed lots.

Conformance with the Master Plan

The Aspen Hill Master Plan does not specifically identify the subject property. In the Land Use and Zoning section of the plan, the property and surrounding development is identified as suitable for one-family detached housing although other properties in the immediate area do have different zoning densities for residential uses.. The proposed subdivision complies with the recommendations adopted in the Aspen Hill Master Plan in that it proposes one-family detached housing consistent with the current density of the neighborhood.

Conformance with the Subdivision Regulations

Section 50-29 – Subdivision

Pursuant to Section 50-29, and as with all subdivisions, including resubdivisions, the proposed size, width, shape and orientation of the lots must be found to be appropriate for their location within the subdivision taking into account and master plan guidance and for the type of development proposed. The Aspen Hill Master Plan is silent on any specific guidance on the layout of subdivisions for this area. However, given the R-200 zoning of the property, the size, shape, width and orientation of the proposed lots are appropriate for this type of medium density, single family development and is consistent with adjacent subdivision layouts. The proposed development of Phase I complies with 50-29 (1) of the Montgomery County Subdivision Regulations.

Adequate Public Facilities

Adequate Public Facilities (APF) have been reviewed and approved by all review agencies. MCDPS has approved a stormwater management concept for the site consisting of on-site water quality control measures using infiltration techniques. MCDPWT has approved the location of the driveway access points and will require certain improvements as per their approval letter dated June 25, 2007. Fire and Rescues Services have also review the plan and have recommended approval in a June 15, 2007 letter. The project will generate less that 30 peak hour trips and, therefore, is not required to perform a detailed traffic study. The applicant is required to only do frontage improvements required by MCDPWT. All other agencies have recommended approval of the application with respect to public facilities. Based on the reviewed of APF, and with the discussion of subdivision and resubdivision above, staff finds the plan to be in compliance with Chapter 50, the Montgomery County Subdivision Regulations.

Conformance with the Zoning Ordinance

The lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance, Chapter 59. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The lots were also reviewed by MCDPS, Zoning Section and found to comply with the R-200 zoning requirements.

Conformance with Chapter 22A Forest Conservation and Environmental Guidelines

The 5.77-acre Property contains 5.73 acres of forest of which 3.03 acres will be protected in a category I easement by this Plan, which far exceeds the minimum requirements for the site. The elimination of the stream crossing, as originally proposed, protects an additional 0.59 acres of priority stream valley forest. Staff will continue to support access to the northern half (Phase II) of this site from the previously discussed master plan road from the Layhill Overlook subdivision. The preservation of the 3.03 acres of priority forest meets the requirements of Chapter 22A, the Montgomery County Forest Conservation Law. The plan also complies with the Planning Board adopted *Environmental Guidelines*, in that the environmentally sensitive areas, including all of the stream valley buffers, on the site have been protected. Staff recognizes that Outlot A may have resubdivision potential and that when Phase II proceeds, adjustments to the forest conservation easements may be required as an amendment to the preliminary forest conservation plan.

IV. CITIZEN CORRESPONDENCE

The application was submitted prior to the new requirement to conduct a pre submission meeting with area residents. The application was forwarded to all adjacent and confronting property owners, as well as local civic associations. No correspondence has been received to date.

V. CONCLUSION

Staff finds that Preliminary Plan #120070430 Homecrest, Phase I, meets all applicable requirements of the Subdivision Regulations, Aspen Hill Master Plan, and the Zoning Ordinance. The two lots proposed under this preliminary plan meet all seven of the resubdivision criteria defined in Section 50-29(b) (2) of the Subdivision Regulations. The lots have a high correlation with the characteristics of the comparable neighborhood, namely: size, area, shape, width, alignment, frontage and suitability. The lots are consistent with the recommendations of the Aspen Hill Master Plan and meet the minimum dimensional requirements of the Zoning Ordinance. As such, Staff recommends approval of the preliminary plan, subject to compliance with the conditions cited above.

Attachments:

Attachment 1 – Vicinity Map

Attachment 2 – Preliminary Plan

Attachment 3 – Neighborhood Delineation and Summary Table

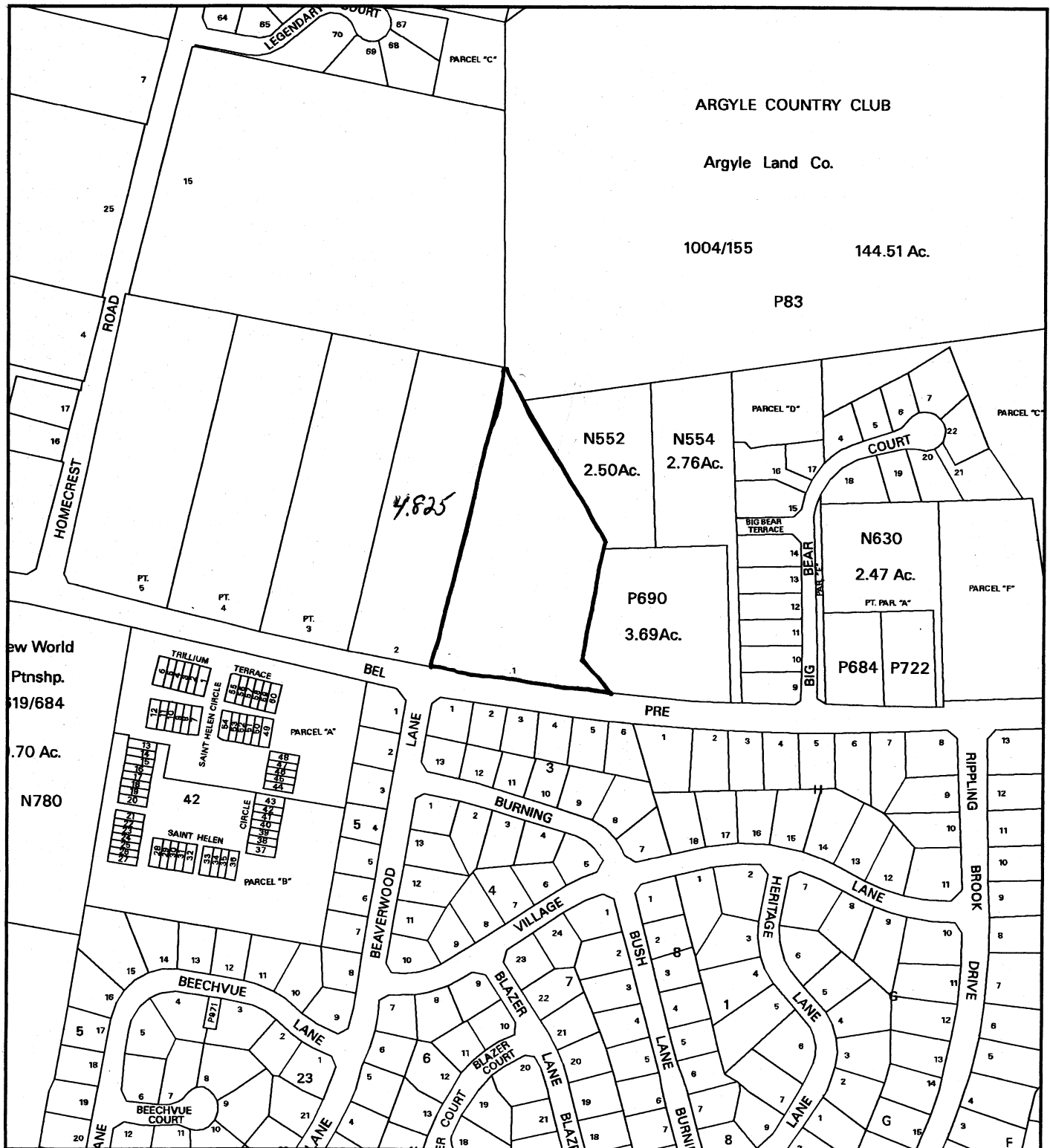
Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Homecrest, Phase I				
Plan Number: 120070430				
Zoning: R-200				
# of Lots: 2				
# of Outlots: 1				
Dev. Type: One family detached residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval the Preliminary Plan	Verified	Date
Minimum Lot Area	20,000 sq. ft.	21,672 sq. ft. is minimum proposed	R✓	6/25/07
Lot Width	100 ft.	110 ft. is minimum proposed	R✓	6/25/07
Lot Frontage	25 ft.	105 ft. is minimum proposed	R✓	6/25/07
Setbacks				6/25/07
Front	40 ft. Min.	Must meet minimum ¹	R✓	6/25/07
Side	12 ft. Min./25 ft. total	Must meet minimum ¹	R✓	6/25/07
Rear	30 ft. Min.	Must meet minimum ¹	R✓	6/25/07
Height	50 ft. Max.	May not exceed maximum ¹	R✓	6/25/07
Max Resid'l d.u. per Zoning	11	2	R✓	6/25/07
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	No			
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes			6/25/07
Road dedication and frontage improvements	Yes	Agency letter		6/25/07
Environmental Guidelines	Yes a	Staff memo		6/25/07
Forest Conservation	Yes	Staff memo		6/25/07
Master Plan Compliance	Yes	R✓		6/25/07
Other (i.e., parks, historic preservation)	N/A			
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes	Agency letter		2/2/07
Water and Sewer (WSSC)	Yes	Agency comments		1/22/07
10-yr Water and Sewer Plan Compliance	Yes	Agency comments		1/22/07
Well and Septic	N/A			
Local Area Traffic Review	N/A			
Fire and Rescue	Yes	Agency letter		6/15/07
Other (i.e., schools)				

¹ As determined by MCDPS at the time of building permit.

HOMECEST (120070430)

Attachment 1



Map compiled on December 27, 2006 at 11:52 AM | Site located on base sheet no - 219NW03

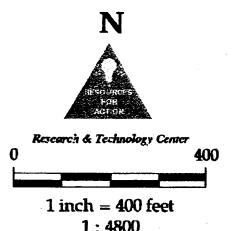
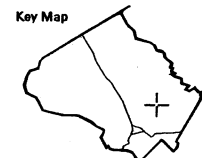
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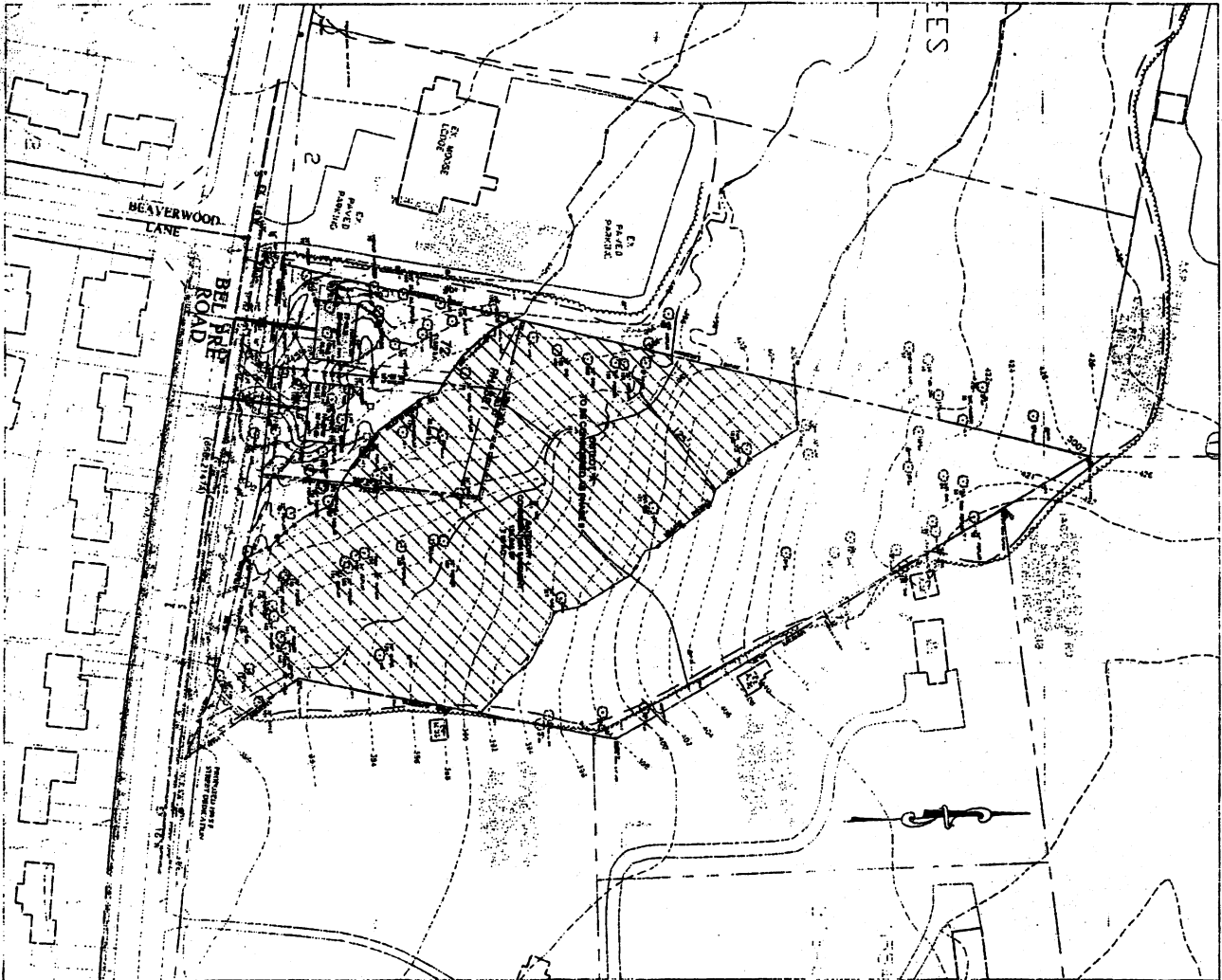
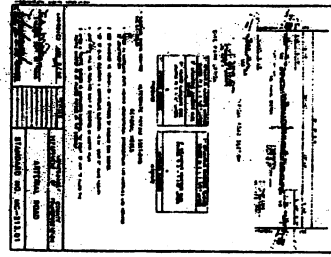
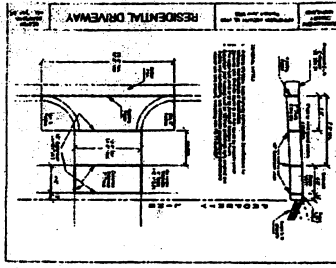
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760



Attachment 2



NO.	REVISIONS	DATE
1	PRELIMINARY	10/1/00
2	REVISED	10/1/00
3	REVISED	10/1/00
4	REVISED	10/1/00
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8	REVISED	10/1/00
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10	REVISED	10/1/00

NOTES:

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO THE CENTER OF THE ROAD OR DRIVEWAY.
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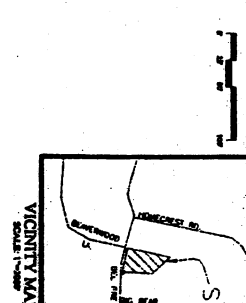
NO.	REVISIONS	DATE
1	PRELIMINARY	10/1/00
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1004 / 155

144.51 Ac.

P 83

Subject Property

E S T

2.50 Ac.

2.76 Ac.

N 552

N 554

(13-502)

BEL - PRE

PARCEL "D"

C.T.

ESTATES

PARCEL "C"

OUTLOT A
PHASE II

PHASE I

P 690

3.69 Ac.

BIG BEAR TEN

BEAR

N 630

2.47 Ac.

P.T. BAR "A"

P 684

P 722

N 670

PARCEL "F"

Neighborhood
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ROAD

BURNING

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