



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

MCPB
Item #
1/3/08



MEMORANDUM

DATE: December 21, 2007

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Pre-Preliminary Plan of Subdivision
Pursuant to Section 50-33 (Non-Binding)

APPLYING FOR: Resubdivision of Existing Lots 40 and 44, Bowie Mills Estates
Subdivision for Four Lots

PROJECT NAME: Bowie Mill Estates

CASE #: 720060490

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RE-2

LOCATION: On the south side of Bowie Mill Road, 300 feet east of the intersection
with Fraley Farm Road

MASTER PLAN: Upper Rock Creek

APPLICANT: Anita Chopra

ENGINEER: CAS Engineering

FILING DATE: March 13, 2006

HEARING DATE: January 3, 2008

RECOMMENDATION: No Objection to the Submission of a Preliminary Plan

SITE DESCRIPTION (Attachment A)

The subject property consists of 18.07 acres of land within the Upper Rock Creek Master Plan area. The property is zoned RE-2 and is located on the south side of Bowie Mill Road east of the intersection with Fraley Farm Road. The land is comprised of two vacant lots, which were originally recorded in 1985. The property has frontage and access to Bowie Mill Road. Surrounding land use to the east, west and south are residential lots/dwellings in the RE-2 zone and RE-1 residential to the north.

The property lies within the Upper Rock Creek watershed which is classified as Use III-P, and has been designated as a Special Protection Area (SPA). A tributary stream is located just off the southern boundary of the property; a proposed stream buffer would encroach on to the property. There is forest on the southern portions of the site.

PROJECT DESCRIPTION (Attachment B)

This is an application to resubdivide the two lots comprising 18 acres into four lots that would be 144, 000 sf, 128,742 sf, 269, 442 sf, and 244,993 sf in size. The lots would be served by a single driveway out to Bowie Mill Road. All lots would be served by individual wells and septic systems. Forest would be protected in a forest conservation easement on the southern boundary.

The applicant has submitted this pre-preliminary plan to obtain the Planning Board's advice on the feasibility of the proposed resubdivision. This is not a request under Section 50-33A of the Subdivision Regulations so the Board's opinions in this instance are not binding.

ANALYSIS AND FINDINGS

Compliance with the Subdivision Regulations and Zoning Ordinance

The pre-preliminary plan has not been fully evaluated for compliance with all of the requirements of the Subdivision Regulations, but certain determinations have been made. Fire and Rescue Services have given their approval of the access plan for fire and rescue service. A full evaluation of adequate public facilities must occur if this plan becomes a preliminary plan application, but staff has determined that the property is not located in any area that has been determined to be deficient for schools, fire, police or health facilities by the 2008 Annual Growth Policy. However, the project will be subject to the new Policy Area Mobility Review.

The lots meet the dimensional requirements for area, frontage, width, and suitability and setbacks in the RE-2 zone, and, as discussed below, all the requirements for resubdivision as specified in Section 50-29(b)(2).

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 are in character for the neighborhood with respect to 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 subdivision 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.

B. Neighborhood Delineation (Attachment C)

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate "Neighborhood" to evaluate the application. For this application, the applicant submitted a Neighborhood of 19 lots that includes all lots abutting the proposed lots and lots that access Bowie Mill Road within close proximity to the subject property. Lots 2-6 on October Court and Lots 11, 18 and 29-31 with private driveway access to Bowie Mill Road were accepted into the Neighborhood, in part, to provide a sufficient sampling of lots upon which to draw a reasonable comparison of lot characteristics. These lots are also within reasonable distance of the subject property. All included lots are zoned RE-2, as is the Subject Property. Staff and the Planning Board have historically not crossed zoning boundaries when determining the Neighborhood suitable for a resubdivision evaluation. Therefore, the neighborhood excludes lots in the RE-1 zone even though they are confronting the subject property or are within close proximity to the subject property.

In Staff's opinion, the Applicant's proposed Neighborhood is appropriate. It contains an adequate number of lots upon which to compare the requested division of land.

C. Comparison of the Character of Proposed Lots to Existing

In performing the analysis, the above-noted resubdivision criteria were applied to the delineated Neighborhood. The proposed lots are of the same character with respect to the resubdivision criteria as the lots within the Neighborhood. The proposed resubdivision complies with the criteria of Section 50-29(b)(2). As set forth below, the attached tabular summary (**Attachment D**) supports this conclusion.

Frontage: The existing lots range in frontage from 25 feet to 310 feet. The two proposed pipestem lots are at 31 feet each and the two standard lots are at 128 feet and 207 feet each. Pipestems have been allowed within the Neighborhood. The two pipestem lots do tend to be at the lower end of the range; however they are not at the bottom. They are of the same character with respect to frontage as the other pipestem lots and with the

overall defined Neighborhood. **The proposed lots will be of the same character as existing lots in the neighborhood with respect to lot frontage.**

Alignment: All of the lots in the Neighborhood generally align perpendicularly to the street upon which they front. The proposed lots do not differ substantially with respect to alignment from any existing lot. **Staff finds that they are of the same character with respect to alignment.**

Size: The existing lots range in size from the largest at 393,742 square feet or 9 acres, to the smallest lot in the Neighborhood which is 87,120 square feet or 2 acres. **The proposed lots all fall well within the range of sizes for the existing lots in the Neighborhood and are therefore, of the same character.**

Shape: The proposed lots will either be rectangular or pipestems. There are numerous examples of each of these lot shapes in the Neighborhood. **The shapes of the proposed lots are in character with shapes of the existing lots.**

Width: The existing lots range in width at the building line from 102 feet to 432 feet. The proposed lots range from 223 feet to 362 feet and are well within the range for lot widths. **The proposed lots will be in character with existing lots in the Neighborhood with respect to width.**

Area: The buildable areas of lots in the neighborhood range from 40,155 square feet to 322,757 square feet. **Again, the proposed lots are well within the range of lot buildable areas for the existing Neighborhood and are therefore, of the same character.**

Master Plan Compliance

The Upper Rock Creek 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 RE-2 zone.

Transportation

The proposed lots would not generate 30 or more vehicle trips during the morning or evening peak-hour. Therefore, the application is not subject to Local Area Transportation Review but will be subject to the Policy Area Mobility Review.

Environment

There is a stream on the southern boundary of the site and its buffer will extend on to the property. The buffer can be adequately protected by easement as shown on the plan. No stormwater management is required to be approved at this time but will be required to be approved at the time of the Preliminary Plan application. The stream buffers as shown on the preapplication plan would be further reviewed and approved as part of a preliminary plan.

Forest Conservation

The plan will be subject to the Forest Conservation Law at the time of preliminary plan.

Citizen Concerns (Attachment E)

One letter was received from a downstream property owner who is concerned that the development may impact her pond. The letter asks that the stream valley buffer measures and forest conservation easements be enforced on the plan. Should this plan be submitted as a preliminary plan application, it will need to comply with the Planning Board adopted *Environmental Guidelines* and the Montgomery County Forest Conservation Law. This will entail protection of the stream valley buffer and some amount of forest on the site in a forest conservation easement.

CONCLUSION

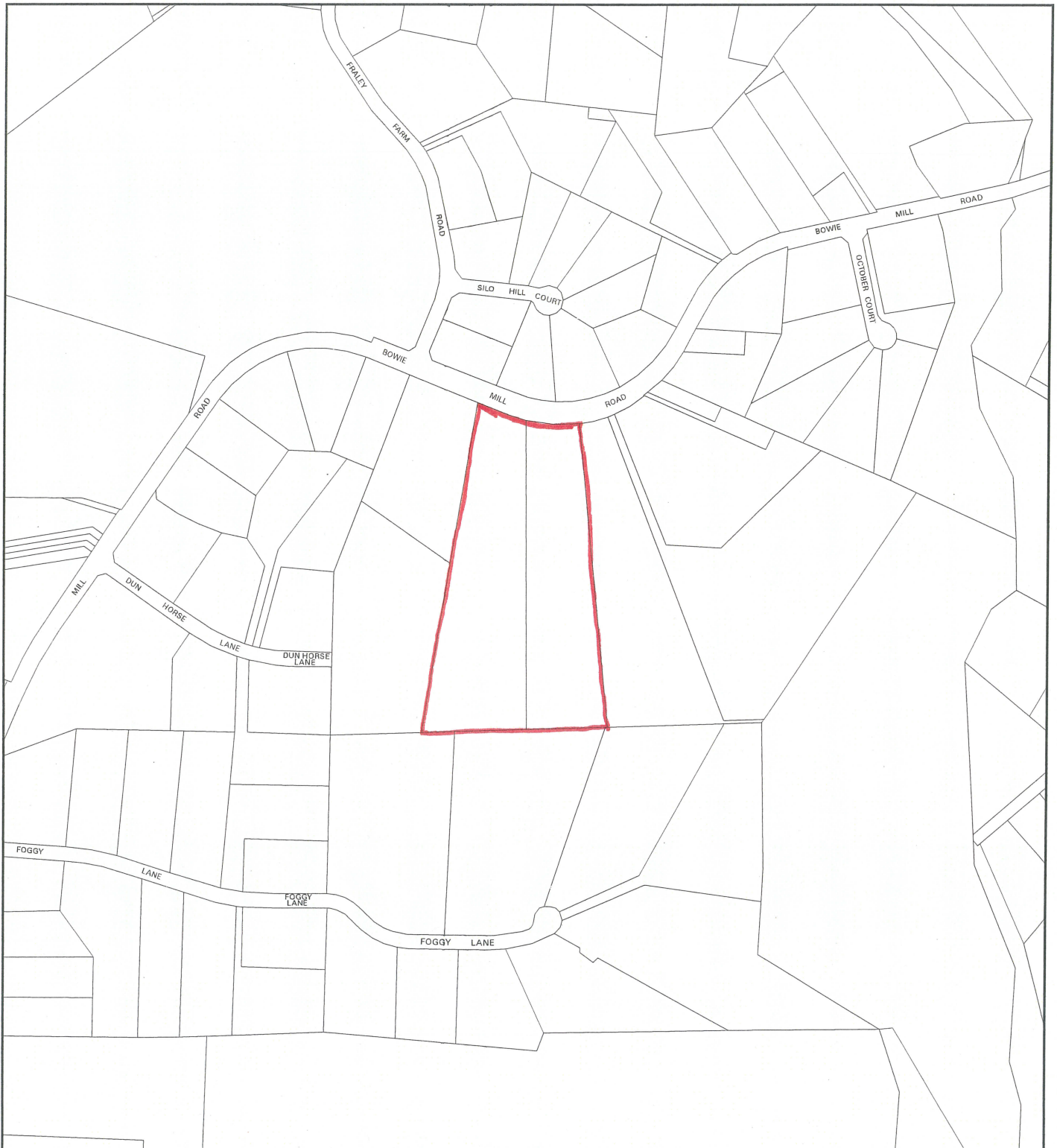
For the foregoing reasons, Staff supports the proposed concept as presented on the pre-preliminary plan, and does not object to the submission of a preliminary plan.

Attachments

Attachment A Vicinity Map
Attachment B Pre-Preliminary Plan
Attachment C Neighborhood Delineation
Attachment D Tabular Summary
Attachment E Citizen Letter

BOWIE MILL ESTATES (720060490)

Attachment A



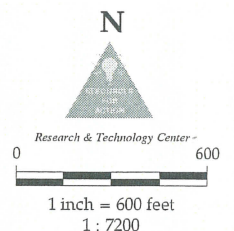
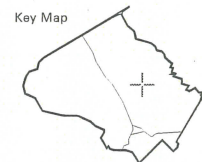
Map compiled on March 29, 2006 at 9:32 AM | Site located on base sheet no - 224NW05

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



Attachment B

GENERAL NOTES

- 1) ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MONTGOMERY COUNTY ZONING ORDINANCES.
- 2) THE PROPOSED LOTS A, B, C & D ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.
- 3) THE PROPOSED LOTS A, B, C & D ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.
- 4) THE PROPOSED LOTS A, B, C & D ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.
- 5) THE PROPOSED LOTS A, B, C & D ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.
- 6) THE PROPOSED LOTS A, B, C & D ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.
- 7) THE PROPOSED LOTS A, B, C & D ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.
- 8) THE PROPOSED LOTS A, B, C & D ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.
- 9) THE PROPOSED LOTS A, B, C & D ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.
- 10) THE PROPOSED LOTS A, B, C & D ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.

ZONING DATA

- 1) THE PROPOSED LOTS A, B, C & D ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.
- 2) THE PROPOSED LOTS A, B, C & D ARE TO BE DEVELOPED AS RESIDENTIAL LOTS.
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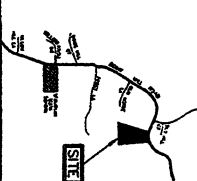
LEGEND

- 1) PROPOSED LOT A
- 2) PROPOSED LOT B
- 3) PROPOSED LOT C
- 4) PROPOSED LOT D
- 5) PROPOSED LOT A
- 6) PROPOSED LOT B
- 7) PROPOSED LOT C
- 8) PROPOSED LOT D
- 9) PROPOSED LOT A
- 10) PROPOSED LOT B
- 11) PROPOSED LOT C
- 12) PROPOSED LOT D

SEPTIC DESIGN CHART

PROPOSED LOT A	PROPOSED LOT B	PROPOSED LOT C	PROPOSED LOT D
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
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VICINITY MAP



SITE / ZONING DATA

PROPOSED LOT A	PROPOSED LOT B	PROPOSED LOT C	PROPOSED LOT D
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17815 & 17827 BOWIE MILL ROAD
PROPOSED LOTS A, B, C & D
PRE-APPLICATION CONCEPT PLAN

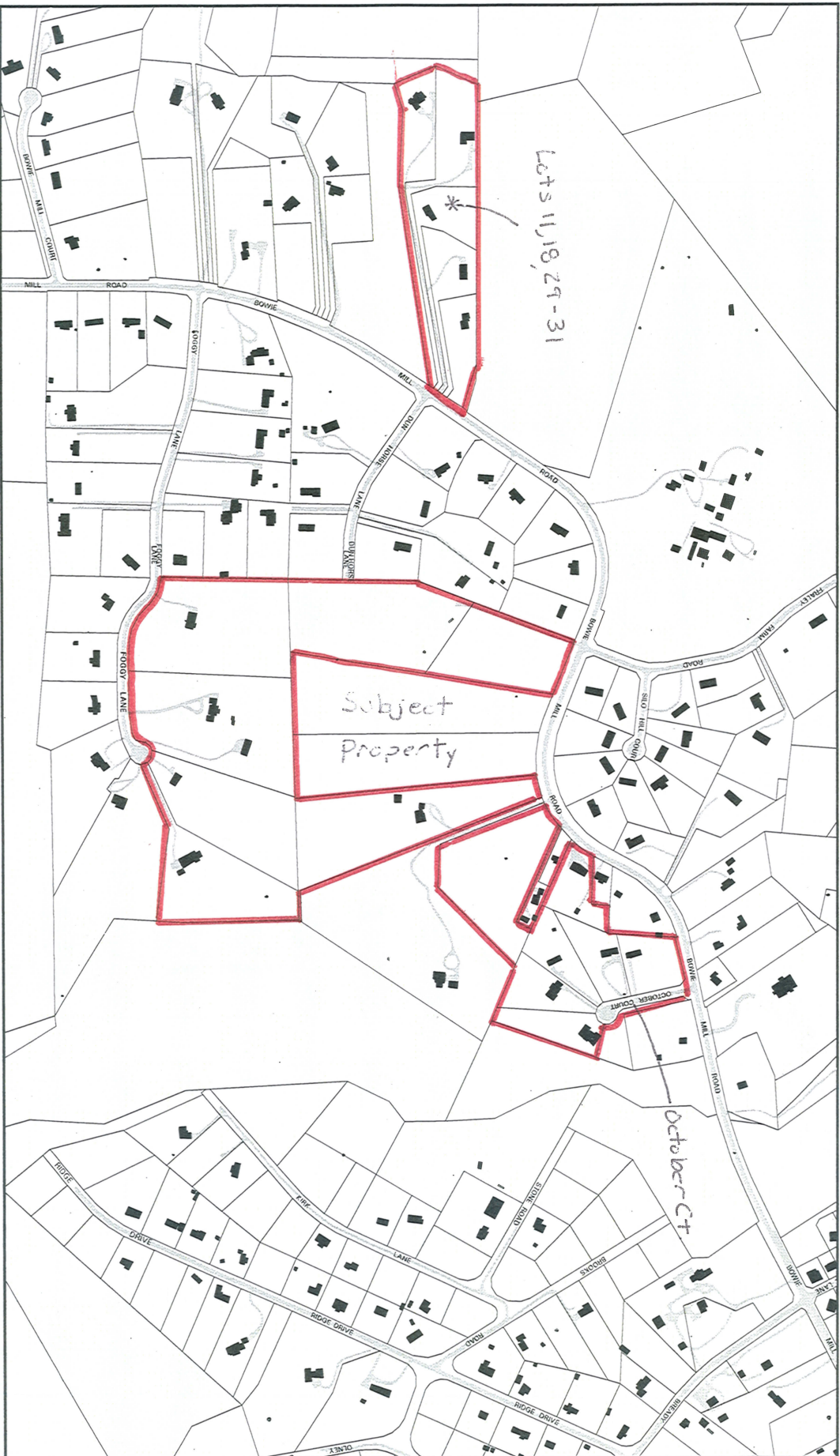
CAS ENGINEERING
CIVIL - SURVEYING - LAND PLANNING
A DIVISION OF CAS ENTERPRISES, INC.
108 West Ridgeville Boulevard, Suite 101, Mount Airy, Maryland 21777
DC Metro (301) 607-8033 FAX (301) 607-8045

PLAT BOOK 164, PLAT 15426 &
PLAT BOOK 150, PLAT 15153
BOWIE MILL ESTATES
OLNEY (9TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
PRE-APPLICATION CONCEPT PLAN

DATE	BY	REVISION
06-025	03/2006	
CDS	CDS	
1"=60'	CAS	

Attachment C NEIGHBORHOOD

BOWIE MILL ESTATES (720060490)



Map compiled on December 21, 2007 at 12:01 PM | Site located on base sheet no. - 224NW05

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Key Map



N

0 800
1 inch = 800 feet
1 : 9600

Research & Technology Center

Tabular Summary

Sorted by Lot Size

Lot	Block	Frontage	Alignment	Lot Size	Lot Shape	Width	Area
37	-	464	perpendicular	448,179	rectangle	420	318,080
38	-	594	perpendicular	404,076	rectangle	520	286,840
41	-	120	perpendicular	393,742	triangular	291	322,757
47	-	60	perpendicular	374,028	irregular	389	298,625
36	-	62	perpendicular	297,950	irregular	320	216,870
43	-	150	perpendicular	289,969	irregular	432	240,090
A	-	31	perpendicular	276,837	pipestem	362	213,162
35	-	40	perpendicular	267,051	pipestem	210	146,850
C	-	31	perpendicular	242,395	pipestem	319	181,776
48	-	310	perpendicular	231,104	irregular	355	173,776
31	-	25	perpendicular	164,142	pipestem	223	97,296
11	-	25	perpendicular	141,776	pipestem	174	72,053
B	-	128	perpendicular	136,629	rectangle	219	99,442
D	-	207	perpendicular	131,344	rectangle	230	94,886
30	-	30	parallel	102,189	pipestem	330	56,818
29	-	30	parallel	97,994	pipestem	250	56,778
4	-	43	perpendicular	87,921	triangular	142	44,022
18	-	109	perpendicular	87,766	irregular	163	40,155
5	-	35	perpendicular	87,493	triangular	175	50,159
6	-	82	perpendicular	87,209	triangular	151	49,982
3	-	148	perpendicular	87,120	irregular	190	56,195
2	-	297	corner	87,120	rectangle	297	54,911
1	-	155	perpendicular	87,120	irregular	196	54,220
1	-	109	perpendicular	22,095	rectangle	100	8,967

1. Lot statistics taken from available record plats.

2. Parts of lots and parcels were not Included.

3. Longest front property line used for frontage calculation on corner lots

4. 50' front btl (per RE-2 Zone) assumed for buildable area calculations

Sorted by frontage

Lot	Block	Frontage	Alignment	Lot Size	Lot Shape	Width	Area
38	-	594	perpendicular	404,076	rectangle	520	286,840
37	-	464	perpendicular	448,179	rectangle	420	318,080
48	-	310	perpendicular	231,104	irregular	355	173,776
2	-	297	corner	87,120	rectangle	297	54,911
D	-	207	perpendicular	131,344	rectangle	230	94,886
1	-	155	perpendicular	87,120	irregular	196	54,220
43	-	150	perpendicular	289,966	irregular	432	240,890
3	-	148	perpendicular	87,120	irregular	190	56,195
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36	-	62	perpendicular	297,950	irregular	320	216,870
47	-	60	perpendicular	374,028	irregular	389	298,625
4	-	43	perpendicular	87,921	triangular	142	44,022
35	-	40	perpendicular	267,051	pipestem	210	146,850
5	-	35	perpendicular	87,493	triangular	175	50,159
A	-	31	perpendicular	276,837	pipestem	362	213,162
C	-	31	perpendicular	242,395	pipestem	319	181,77.6
30	-	30	parallel	102,189	pipestem	330	56,818
29	-	30	parallel	97,994	pipestem	250	56,778
31	-	25	perpendicular	164,142	pipestem	223	97,296
11	-	25	perpendicular	141,776	pipestem	174	72,053

1. Lot statistics taken from available record plats.
2. Parts of lots and parcels were not Included.
3. Longest front property line used for frontage calculation on corner lots
4. 50' front brl (per RE-2 Zone) assumed for buildable area calculations

Sorted by width

Lot	Block	Frontage	Alignment	Lot Size	Lot Shape	Width	Area
38	-	594	perpendicular	404,076	rectangle	520	286,840
43	-	150	perpendicular	289,966	irregular	432	240,890
37	-	464	perpendicular	448,179	rectangle	420	318,080
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1	-	109	perpendicular	22,095	rectangle	100	8,967

1. Lot statistics taken from available record plats.

2. Parts of lots and parcels were not Included.

3. Longest front property line used for frontage calculation on corner lots

4. 50' front brl (per RE-2 Zone) assumed for buildable area calculations

Sorted by buildable area

Lot	Block	Frontage	Alignment	Lot Size	Lot Shape	Width	Area
41	-	120	perpendicular	393,742	triangular	291	322,757
37	-	464	perpendicular	448,179	rectangle	420	318,080
47	-	60	perpendicular	374,028	irregular	389	298,625
38	-	594	perpendicular	404,076	rectangle	520	286,840
43	-	150	perpendicular	289,966	irregular	432	240,890
36	-	62	perpendicular	297,950	irregular	320	216,870
A	-	31	perpendicular	276,837	pipestem	362	213,162
C	-	31	perpendicular	242,395	pipestem	319	181,776
48	-	310	perpendicular	231,104	irregular	355	173,776
35	-	40	perpendicular	267,051	pipestem	210	146,850
B	-	128	perpendicular	136,629	rectangle	219	99,442
31	-	25	perpendicular	164,142	pipestem	223	97,296
D	-	207	perpendicular	131,344	rectangle	230	94,886
11	-	25	perpendicular	141,776	pipestem	174	72,053
30	-	30	parallel	102,189	pipestem	330	56,818
29	-	30	parallel	97,994	pipestem	250	56,778
3	-	148	perpendicular	87,120	irregular	190	56,195
2	-	297	corner	87,120	rectangle	297	54,911
1	-	155	perpendicular	87,120	irregular	196	54,220
5	-	35	perpendicular	87,493	triangular	175	50,159
6	-	82	perpendicular	87,209	triangular	151	49,982
4	-	43	perpendicular	87,921	triangular	142	44,022
18	-	109	perpendicular	87,766	irregular	163	40,155
1	-	109	perpendicular	22,095	rectangle	100	8,967

1. Lot statistics taken from available record plats.

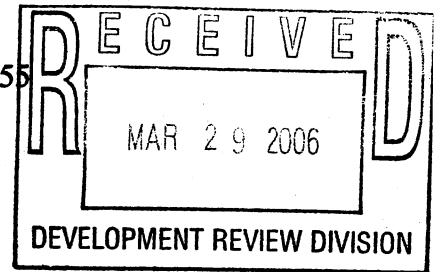
2. Parts of lots and parcels were not included.

3. Longest front property line used for frontage calculation on corner lots 4. 50' Front BRL (per RE-2 Zone) assumed for buildable area calculation

4. 50' front brl (per RE-2 Zone) assumed for buildable area calculations

Attachment E

5607 Foggy Lane
Derwood, MD 20855
March 15, 2006



Ms. Catherine Conlon
M-NCPPC Department of Park and Planning
Subdivision Office
Development Review Division
8787 Georgia Ave
Silver Spring, MD 20910

Dear Ms. Conlon,

We are writing to inform you of our environmental concerns regarding File#7-20060250. We are the adjacent property and have a pond (see map) that would be negatively impacted if the *"possible forest conservation easements"* and the *"stream buffer"* on the survey we received in the mail from CAS Engineering are not actually implemented. We are hereby requesting that these actually be implemented. Our pond is stocked with fish and was negatively impacted when a similar project was initiated on Bowie Mill Road (Lot 45 on the map). The homeowner of Lot 45 removed *all* the trees in the rear of his property, (adjacent to the present Lot 40), and as a result, significant soil erosion occurred and significantly impacted our pond. The homeowner was fined and obliged to pay for the drudging of the pond, due to the excess sediment that was deposited in the pond when the trees were cut. Obviously, this did not restore the wooded conservation area that backed up our property.

We are concerned that the same may occur with the present planned subdivision. The property in File#7-20060250 is much closer than the Bowie Mill property (Lot 45) and would undoubtedly have a negative effect on both the pond and the wooded area if the forest conservations easements are not respected. We strongly request that the environmental measures foreseen and suggested on the map we received be actually implemented and enforced.

Please contact us if you need any further information from us.

Thank you.

Sincerely

A handwritten signature in cursive script, appearing to read "Dr. and Mrs. Georges L. Chahine".

Dr. and Mrs. Georges L. Chahine

P.S. Our fears are further compounded by another subdivision letter we just received for Lot 44, File No. 720060490