



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

MCPB
Item # 9
7/30/09



MEMORANDUM

DATE: July 1, 2009

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: 2 lots for 2 one-family detached dwelling units

PROJECT NAME: Manor Park – Resubdivision of Lot 199

CASE #: 120090250

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-200

LOCATION: On the west side of Old Georgia Road, 325 feet southwest of Montpelier Road

MASTER PLAN: Aspen Hill

APPLICANT: Thomas Maddox and David McKee

ENGINEER: Benning & Associates

FILING DATE: February 11, 2009

HEARING DATE: July 30, 2009

RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 2 residential lots.
- 2) The proposed development must comply with the following conditions of the preliminary forest conservation plan. The applicant must 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. Approval of final forest conservation plan consistent with the preliminary forest conservation plan prior to any clearing, grading or demolition on the site.
 - b. Final forest conservation plan must include a detailed tree protection plan to identify individual trees that will be protected or removed on the subject property. The tree protection plan must include measures to protect trees that are located offsite on private properties and must include a certified arborist's recommendations for onsite and offsite tree protection measures.
 - c. The afforestation requirement must be met using an offsite option (afforestation offsite or purchase of credits at an approved forest conservation bank). The specific option selected will be reviewed and approved as part of the final forest conservation plan.
- 3) The applicant must comply with the conditions of the MCDPS stormwater management approval dated March 17, 2009. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 4) The applicant must satisfy provisions for access and improvements as required by MDSHA prior to issuance of access permits.
- 5) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
- 6) Other necessary easements must be shown on the record plat.

SITE DESCRIPTION

The Subject Property, pictured in Figure 1 on the following page, is a 1.06 acre recorded lot with frontage on Old Georgia Avenue, the service road for MD 97, approximately 325 feet southwest of Montpelier Road. The Property was consolidated into 1 lot in 1989 from 2 lots originally recorded in 1923. The property is zoned R-200 and is currently developed with an existing one-family detached residential dwelling unit and detached garage. Across the service road and beyond Georgia Avenue (MD 97) to the east is property zoned Planned Retirement Community (PRC). To the south, west and north are developed, recorded lots zoned R-200.

The site is located within the Rock Creek watershed (Use Class I/I-P). There is neither forest on-site nor other environmental features.



Figure 1: Aerial Image

PROJECT DESCRIPTION

The Applicant proposes to resubdivide the Property and record 2 lots for 2 one-family detached residential dwelling units, as shown in Figure 2 on the following page. The existing dwelling unit is to remain on the southern portion of the Property as proposed lot 1 with a new driveway to serve the lot. Proposed lot 2, on the northern portion of the Property, will accommodate a new one-family detached dwelling unit but utilize the existing driveway and detached garage. The two proposed lots will be served by public water and sewer house connections and a public utility easement has been provided to accommodate any necessary installation of electric utilities. Proposed Lot 1 is 24,038 square feet and proposed Lot 2 is 22,214 square feet in size.

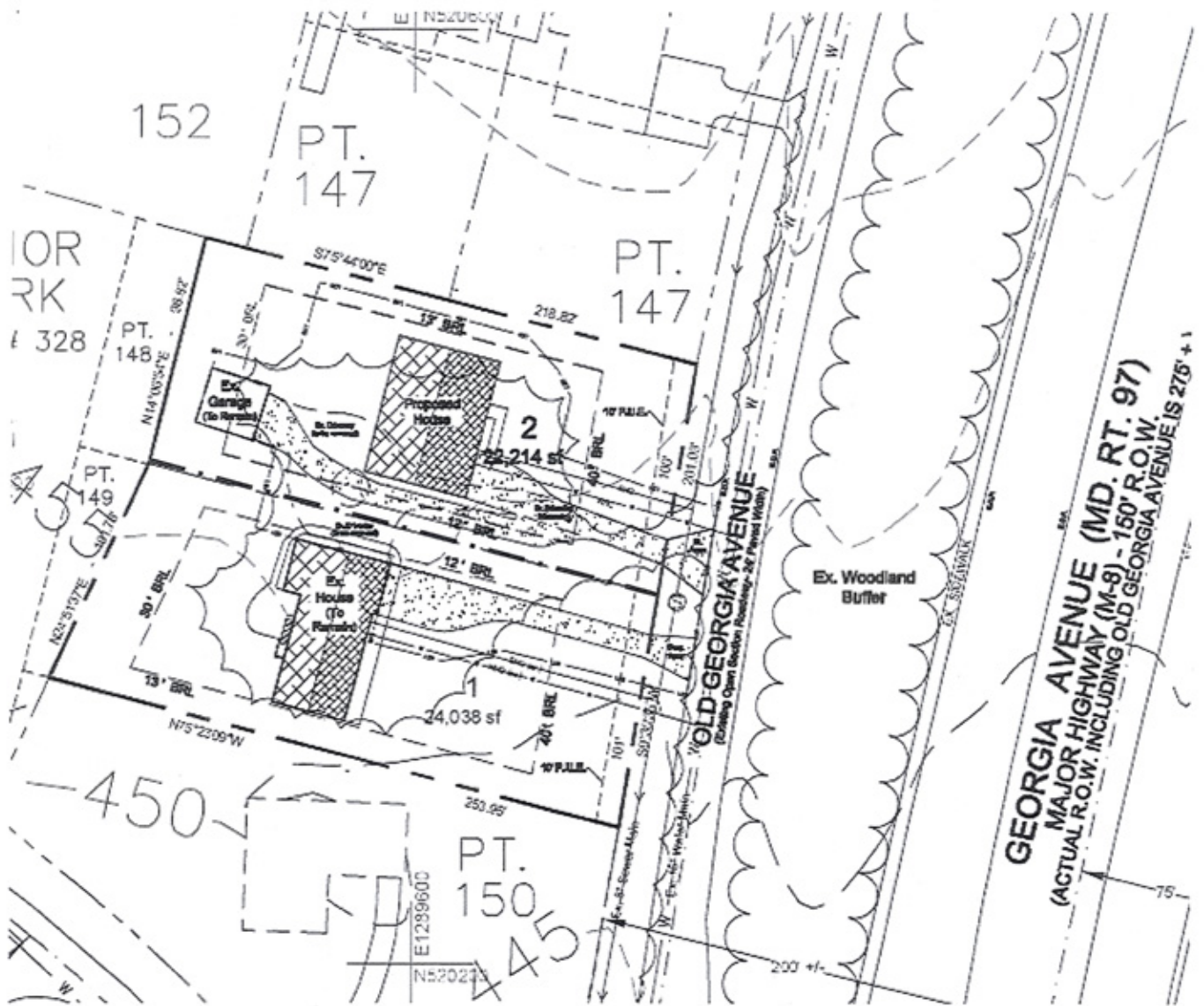


Figure 2: Preliminary Plan

ANALYSIS AND FINDINGS

Substantial Master Plan Conformance

The Aspen Hill Master Plan makes no specific recommendations regarding this Property or adjacent properties. The Master Plan only reconfirms the existing R-200 zoning for the area. This preliminary plan of subdivision contributes to the established nature of the Manor Country Club neighborhood in that it proposes to record 2 lots in conformance with the R-200 zoning standards with a perpendicular relationship to the street and a compatible relationship to abutting properties.

Public Facilities

Roads and Transportation Facilities

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. In addition, Transportation Planning staff has determined the application is not subject to Policy Area Mobility Review because the proposed development generates fewer than 3 new peak-hour trips within the weekday morning and evening peak periods. The service road on which the Property is located is part of the 250 feet of required right-of-way for Georgia Avenue, a state highway. As delineated on the preliminary plan, the existing right-of-way is adequate and no additional dedication is necessary. A sidewalk does not currently exist along the Subject Property's frontage and is not required by MDSHA or identified as part of any future capital improvement projects. Pedestrians safely use the street in this location. Proposed vehicular and pedestrian access for the subdivision will be safe and adequate.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed dwelling units. The application meets the Montgomery County Fire and Rescue Service requirements for fire and rescue vehicle access. Area schools are operating at adequate levels; therefore, the Subject Property is not within a school moratorium area and no facilities payment is required. Other public facilities and services, such as police stations, firehouses and health services, are operating within the standards set by the Growth Policy Resolution currently in effect. Electrical and telecommunications services are also available to serve the lots.

Environment

Environmental Guidelines

The Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) for the subject site (NRI/FSD #420090750) was approved on December 4, 2008. The Property neither contains streams, wetlands, floodplains, or environmental buffers nor is it located immediately adjacent to such features. There is no forest on the site, but 12 trees that are 24 inches in diameter at breast height (dbh) and greater are located on the Property. The majority of these large trees are located along the northern boundary. There are no State or County champion trees on the site.

Forest Conservation

The plan meets requirements of the Forest Conservation Law. The site is unforested, but afforestation planting is required to meet the requirements of the forest conservation plan. These requirements will be met offsite. Of the 12 large trees on the subject site, two are specimen-sized tulip poplars. The preliminary forest conservation plan dated May 29, 2009 proposes to protect some of the large onsite trees and all offsite trees are proposed to be protected from impacts by this development. Staff recommends that as part of the final forest conservation plan, a detailed tree protection plan be submitted for review and approval. The tree protection plan must include protection measures recommended by a certified arborist and provide for protection and preservation of all offsite trees located on private property.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on March 17, 2009. The concept includes on-site water quality control and recharge via rooftop and non-rooftop disconnection credits. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cubic feet per second.

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. The application meets all applicable sections, including the requirements for resubdivision as discussed below. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. 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 application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

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 "Neighborhood" for evaluating the application. In this instance, the Neighborhood agreed upon by staff and the applicant consists of 38 lots. The Neighborhood is depicted in Figure 3 on the following page. The Neighborhood includes abutting lots, lots within the same block and lots created as part of the Manor Park Subdivision platted in 1923. All of the lots share the same R-200 zoning classification, but it is important to note that since the lots in the Neighborhood were recorded in 1923, many do not meet the R-200 minimum lot size of 20,000 square feet that was established in the 1970s. The designated neighborhood provides an adequate sample of the lot and development pattern of the area, which varies from consolidated lots along Carrolton Road to lots that have not changed since 1923 along Montpelier Road,

Beverly Road and Old Georgia Avenue. A tabular summary of the area based on the resubdivision criteria is included in Attachment A.

C. Analysis

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 other lots within the defined Neighborhood. Therefore, the proposed resubdivision complies with the criteria of Section 50-29(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:

Frontage:

Lot frontages in the Neighborhood range from 99 feet to 309 feet. The majority of existing lots in the Neighborhood, or 22 of the 38, have 100 feet of street frontage. Proposed lot 1 will have 101 feet of frontage and proposed lot 2 will have 100 feet of frontage along Old Georgia Avenue. **The proposed lots will be of the same character as existing lots in the Neighborhood with respect to lot frontage.**

Alignment:

In the 38 lot Neighborhood, 5 lots are angular in alignment, 5 lots are corner lots and the remaining 28 lots are perpendicular in terms of alignment. Both proposed lots will have a perpendicular alignment to Old Georgia Avenue. **The proposed lots are of the same character as existing lots with respect to the alignment criterion.**

Size:

Lot sizes in the Neighborhood range from 14,973 square feet to 31,766 square feet. 16 lots in the Neighborhood are less than 20,000 square feet in size because the Neighborhood pre-dates the zone. 14 lots in the Neighborhood range from 20,000 to 24,852 square feet and the remaining 8 lots range from 28,275 square feet to 31,766 square feet in size. Proposed lot 1 is 24,038 square feet and proposed lot 2 is 22,214 square feet. **The size of the proposed lots is in character with the size of existing lots in the Neighborhood.**

Shape:

10 lots in the Neighborhood are irregular in shape and 28 lots are rectangular in shape. The two proposed lots will be rectangular in shape. **The shapes of the proposed lots will be in character with shapes of the existing lots.**

Width:

Lot widths in the Neighborhood range from 100 feet to 175 feet. 22 of the 38 lots, which is a majority of lots in the Neighborhood, have a lot width of 100 feet. Proposed lot 1 will have a lot width of 101 feet while proposed lot 2 will have a lot width of 100 feet. **The proposed lots will be in character with existing lots in the Neighborhood with respect to width.**

Area:

The buildable area of lots in the Neighborhood ranges from 4,093 square feet to 18,249 square feet. Proposed lot 1 will have a buildable area of 12,720 square feet and proposed lot 2 will have a buildable area of 11,402 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 residential and the land is suitable for residential use.



Figure 3: Resubdivision Neighborhood

Citizen Correspondence and Issues

On February 13, 2008 the applicant properly notified adjacent and confronting property owners and civic associations of the preliminary plan submission. October 14, 2008 a pre-submission meeting was held, as required, and issues raised by attendees included: removal of trees on the property as a result of new construction, the size and style of the proposed dwelling unit, and whether or not subdivision is allowed by neighborhood covenants. As previously stated in the Forest Conservation section on page 5 of this report, some of the large onsite trees are proposed

to be protected, no offsite trees are proposed to be impacted and a tree protection plan will be required as part of the final forest conservation plan to ensure that necessary measures are taken to ensure the long-term viability of as many onsite trees as possible. The size and style of the proposed dwelling unit has not yet been determined, and it is not an issue that falls under the Board's subdivision authority. The Board also does not intervene in private agreements such as neighborhood covenants. The owners of the Property researched such covenants and determined that subdivision in the neighborhood is not strictly controlled but building specifications should be submitted to the Manor Country Club Board. The owners intend to comply with this private agreement, which could help to address the scale of the proposed dwelling unit. As of the date of this report, no additional citizen concerns have been brought to Staff's attention regarding the proposed subdivision.

CONCLUSION

Section 50-29(b)(2) of the Subdivision Regulations 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, the two proposed lots are of the same character as the existing lots in the defined neighborhood with respect to each of the resubdivision criteria and, therefore, comply with Section 50-29(b)(2) of the Subdivision Regulations. The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Aspen Hill Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

Attachment A – Resubdivision Data Table

Attachment B – Agency Correspondence

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Manor Park – Resubdivision of Lot 199				
Plan Number: 120090250				
Zoning: R-200				
# of Lots: 2				
# of Outlots: 0				
Dev. Type: Standard, Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	20,000 sq. ft.	22,214 sq. ft. is min. proposed	EG	7/1/09
Lot Width	100 ft.	100 ft. is min. proposed	EG	7/1/09
Lot Frontage	25 ft.	100 ft. is min. proposed	EG	7/1/09
Setbacks				
Front	40 ft. Min.	Must meet minimum ¹	EG	7/1/09
Side	12 ft. Min./25 ft. total	Must meet minimum ¹	EG	7/1/09
Rear	30 ft. Min.	Must meet minimum ¹	EG	7/1/09
Height	50 ft. Max.	May not exceed maximum ¹	EG	7/1/09
Max Resid'l d.u. or Comm'l s.f. per Zoning	2 dwelling units	2 dwelling units	EG	7/1/09
MPDUs	No		EG	7/1/09
TDRs	No		EG	7/1/09
Site Plan Req'd?	No		EG	7/1/09
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street		Yes	EG	7/1/09
Road dedication and frontage improvements		N/a	Agency memo	6/26/09
Environmental Guidelines		Yes	Staff memo	7/2/09
Forest Conservation		Yes	Staff memo	7/2/09
Master Plan Compliance		Yes	EG	
Other (i.e., parks, historic preservation)				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management		Yes	Agency letter	3/17/09
Water and Sewer (wssc)		Yes	Agency comments	3/30/09
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	3/30/09
Well and Septic		N/a	EG	7/1/09
Local Area Traffic Review		N/a	Staff memo	3/30/09
Policy Area Mobility Review		N/a	Staff memo	3/30/09
Transportation Management Agreement		No	Staff memo	3/30/09
School Cluster in Moratorium?		No	EG	7/1/09
School Facilities Payment		No	EG	7/1/09
Fire and Rescue		Yes	Agency letter	5/18/09
Other (i.e., schools)				

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

Resubdivision Criteria: Lot 199 Manor Park (sorted by width)									
Lot #	Section	Frontage	Alignment	Size (sf)	Shape	Width	Area (sf)	Suitability	
115	2	100	Perpendicular	22,500	Irregular	100	11,230	R-200	
116	2	100	Perpendicular	27,500	Rectangular	100	15,128	R-200	
117	2	100	Perpendicular	30,000	Rectangular	100	17,250	R-200	
118	2	100	Perpendicular	30,000	Rectangular	100	17,250	R-200	
128	2	100	Perpendicular	30,000	Rectangular	100	14,308	R-200	
132	2	100	Perpendicular	23,120	Rectangular	100	11,621	R-200	
133	2	100	Perpendicular	20,608	Rectangular	100	9,988	R-200	
134	2	100	Perpendicular	21,260	Rectangular	100	10,192	R-200	
135	2	100	Perpendicular	19,824	Rectangular	100	9,741	R-200	
137	2	100	Perpendicular	19,040	Rectangular	100	8,659	R-200	
139	2	100	Perpendicular	18,256	Rectangular	100	8,609	R-200	
142	2	100	Perpendicular	16,702	Rectangular	100	7,412	R-200	
154	2	100	Angular	21,756	Irregular	100	10,726	R-200	
156	2	100	Perpendicular	18,893	Rectangular	100	9,029	R-200	
157	2	100	Perpendicular	18,055	Rectangular	100	8,215	R-200	
158	2	100	Perpendicular	18,239	Rectangular	100	8,435	R-200	
160	2	100	Perpendicular	17,566	Rectangular	100	7,949	R-200	
162	2	100	Perpendicular	16,933	Rectangular	100	7,455	R-200	
164	2	100	Perpendicular	16,280	Rectangular	100	6,966	R-200	
166	4	100	Perpendicular	15,627	Rectangular	100	6,476	R-200	
168	4	100	Perpendicular	14,973	Rectangular	100	5,964	R-200	
185	2	100	Perpendicular	20,000	Rectangular	100	9,750	R-200	
Prop. 2	2	100	Perpendicular	22,214	Rectangular	100	11,402	R-200	
Prop. 1	2	101	Perpendicular	24,035	Rectangular	101	12,720	R-200	
136	2	106	Perpendicular	20,880	Rectangular	106	10,856	R-200	
195	2	106	Perpendicular	18,846	Rectangular	106	9,017	R-200	
196	2	106	Perpendicular	19,860	Rectangular	106	9,110	R-200	
170	2	255	Corner	15,308	Rectangular	107	4,093	R-200	
152	2	99	Perpendicular	23,886	Irregular	119	12,493	R-200	
144	2	275	Corner	22,230	Irregular	121	7,930	R-200	
153	2	125	Angular	24,852	Irregular	125	11,762	R-200	
131	2	137	Angular	24,525	Irregular	126	12,590	R-200	
151	2	151	Angular	31,766	Irregular	147	18,249	R-200	
190	2	143	Perpendicular	27,275	Rectangular	147	13,100	R-200	
145	2	305	Corner	22,880	Rectangular	149	7,700	R-200	
187	2	250	Corner	16,362	Irregular	149	4,238	R-200	
129	2	309	Corner	24,750	Rectangular	150	7,900	R-200	
130	2	150	Perpendicular	24,585	Rectangular	150	11,300	R-200	
189	2	150	Perpendicular	28,067	Irregular	150	14,563	R-200	
188	2	175	Angular	31,034	Irregular	175	15,901	R-200	



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

March 17, 2009

Carla Reid
Director

Mr. David McKee
Benning Associates, Inc.
8933 Shady Grove Court
Gaithersburg, MD 20877

Re: Stormwater Management **CONCEPT** Request
for Manor Park, Lot 199, Sec. 2
Preliminary Plan #: 120090250
SM File #: 235016
Tract Size/Zone: 1.06 Ac.
Total Concept Area: 1.06 Ac.
Lots/Block: 2 lots proposed
Watershed: Lower Rock Creek

Dear Mr. McKee:

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 and recharge via rooftop and non-rooftop disconnection credits. 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. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this

office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mike Geier at 240-777-6342.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN235016 Manor Park.mjg.doc

cc: C. Conlon
M. Pfefferle
SM File # 235016

QN -N/A; Acres: 1
QL - Onsite; Acres: 1
Recharge is provided



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

March 31, 2009

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 #1-20090250
Manor Park, Re-subdivision of Lot 199

Dear Ms. Conlon:

We have completed our review of the preliminary plan with latest revision dated February 10, 2009. This plan was reviewed by the Development Review Committee at its meeting on March 30, 2009. 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. Necessary dedication for Georgia Ave (MD 97) and its Service Road in accordance with the Master Plan.
2. We recommend the Montgomery County Planning Board require the applicant to construct a five (5) feet wide sidewalk along the site frontage.
3. Access and improvements along Georgia Ave (MD 97) as well as its Service Road as required by the Maryland State Highway Administration.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Sam Farhadi or Dewa Salihi at (240) 777-2197.

Sincerely,

Gregory M. Leck, P.E., Manager
Development Review Team

m:/subdivision/farhas01/preliminary plans/ 1-20090250, Manor Park, Re-sub of Lot 199.doc

Enclosure

Division of Traffic Engineering and Operations

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trafficops@montgomerycountymd.gov