

Item # 10

12-12-02

### **MEMORANDUM**

DATE:

December 6, 2002

TO:

Montgomery County Planning Board

VIA:

Joseph R. Davis, Chief, Detelopment Review Division

FROM:

A. Malcolm Shaneman, Supervisor, Development Review Di

**REVIEW TYPE:** 

Preliminary Plan Application

**APPLYING FOR:** 

Six (6) Single Family Residential Lots

PROJECT NAME: Poplar Hill

CASE NO.

1-03010

**REVIEW BASIS:** 

Chapter 50, Sections 50-29(b)(2) and Section 50-39 of the Montgomery

County Subdivision Regulations

Chapter 59-C-9.5 Montgomery County Zoning Ordinance

**ZONE:** 

Rural Cluster (RC)

LOCATION:

West Side of Poplar Hill Road, Approximately 150 Feet South of Arminio

Court

VICINITY:

Potomac

**APPLICANT:** 

Mr. And Mrs. Frederick Schuyler

Mr. And Mrs. Joseph LaFleur and

Mr. Chun Lau

**SUBMITTED:** 

September 10, 2002

**HEARING DATE:** December 12, 2002

STAFF RECOMMENDATION: Denial, Pursuant to Sections 50-29(b)(2) and Section 50-39 of the Subdivision Regulations and Chapter 59 Section 59-C-9.5 of the Zoning Ordinance

## PROJECT DESCRIPTION: Vicinity

The proposed resubdivision application is located in the Harlow Subdivision in an area currently zoned Rural Cluster. The subject property is located on the east side of Poplar Hill Road approximately 150 feet south of Armino Court. The lots in the original subdivision were recorded in 1946. The lots on the west side of Poplar Hill Road were recorded in 1990. Poplar Hill Road is a Rustic Road varying in width. The area was originally classified in the Rural zone prior to adoption of the 1981 Potomac Subregion Sectional Map Amendment when it was reclassified the area to Rural Cluster. The most recent 2002 Sectional Map Amendment for the Potomac Subregion retained the Rural Cluster zoning.

# PROJECT DESCRIPTION: Proposal

This preliminary plan application requests the resubdivision of Part of Lot 7 (N161), the adjacent remainder of resubdivided Lot 7 (N122) and Part of Lot 8 (N324). Each of the lots is under separate ownership and comprises a total of 30.9 acres. There are two (2) existing single family homes located on the subject site. One (1) dwelling is located on N324 and the other is located on N122. These dwellings are located primarily to the rear third of the properties. The proposed application requests the resubdivision of this site into six (6) lots. The proposed four (4) new lots would be located up front on the property along Poplar Hill Road. The plan proposes retaining the existing dwellings on the site. The individual dwellings would be served by a series on common driveways. The required sixty (60) percent open space requirement is meet by providing and eighteen (18) acre open space easement within and around the subject property.

## **Prior Consideration By The Planning Board**

In November 2001 the applicants submitted a pre-preliminary plan application for the subject property. The pre-preliminary plan differs from the preliminary plan being considered under the current application. The pre-preliminary plan showed only three (3) of the proposed four (4) new dwellings along Poplar Hill Road. The fourth dwelling unit was proposed towards the rear of the northern end of the property. This development pattern was similar to the development pattern that exists with the existing units on the site.

On May 3, 2001 the preliminary plan application was presented to the Planning Board at the request of the applicant to seek the Boards advice on the proposed resubdivision prior to submitting a preliminary plan. The Board heard testimony from both the staff and the applicant. Some Board members expressed their concerns with the openspace, lot layout and the resubdivision precedent on neighboring properties. The Board voted in favor of the applicant submitting a preliminary plan application. A copy of the approved minutes of the May 3, 2001 hearing is attached to this memorandum.

## **DISCUSSION OF ISSUES TO DATE:**

# Conformance to Chapter 50, Section 50-29 (b) (2), Resubdivision Criteria

In order to approve an application for resubdivision, the Planning Board must find that the proposed lot(s) meet the "Resubdivision Criteria" as 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."

This application is a request to resubdivide the three existing lots into six reconfigured lots. The applicant has submitted an analysis of the Harlow Subdivision and the abutting Spring Meadows Subdivision, in which a comparison is made of the proposed lot configurations with 55 lots and parts of lots within the defined neighborhood. The tabular summary is attached to this memorandum

Staff has defined the neighborhood as all of the recorded lots confronting and adjacent to the subject site. Within the area analyzed by staff there have been three resubdivisions. Two of which, have used the cluster provision in the zone, with an average lot size of 2 acres and have provided the required open space. The property immediately north of the subject site was resubdivided and recorded as Seneca Meadows in 1986. In 1991, the confronting lots on Poplar Hill Road were resubdivided and recorded as the Harlow Subdivision. The property to the south of the defined neighborhood, lots 13, 14 and 15 on Poplar Hill Road were the result of a resubdivision in 1979 and is known as the Harlow Subdivision. The average lot size is 5 acres.

# Conformance to Chapter 59, Section 59-C-9.5, Cluster Development, Zoning Ordinance

Section 59-C-9.5 of the Zoning Ordinance outlines the purpose and intent of the Rural Cluster Zone. The section states that:

"The purpose of the cluster method of development is to provide greater flexibility in achieving ta compatible mixture of agricultural and residential uses and to protect scenic and environmentally sensitive area without jeopardizing farming or other agricultural use on a portion of the property or on adjacent or nearby properties."

Section 59-C-9.53 – Guidelines, provides further guidance on the vision of the cluster open space and states in subsection (a):

The plan of cluster must locate and arrange residential development so as to protect, to the maximum extent reasonable, that portion of the tract appropriate for open space, farming or other permissible uses...."

# Conformance to Section 50-39, Residential Cluster Subdivision, Subdivision Regulations

This section of the Subdivision Regulations also provides guidance on the purpose, character, and procedures for processing cluster subdivisions. In making a determination as to the appropriateness of cluster for a given property, the Planning Board must consider among others:

- Influence of the proposed development on adjacent or nearby, existing and future development
- The spatial relationship of the buildings and common open space
- The location, character and area of the open space and its usefulness for recreational or other permitted use

### CONCLUSION

Staff has reviewed the proposed application under the "Resudivision Criteria" and concludes the application does not conform to the provisions of this section. This application for resubdivision, unlike the other resubdivisions which have occurred in the defined neighborhood, would, in staffs estimation, set a redevelopment precedent for the recorded lots on the east side of Poplar Hill Road. The resulting subdivision creates lots of a pipestem configuration. This lot configuration is not common on the west side or the east side of Poplar Hill Road

The development pattern suggested under this application creates a situation that does not lend itself to a supportable cluster plan. Staff does conclude that the preliminary plan does provide a better open space configuration than did the pre-preliminary application. The applicant's desire to retain the existing dwelling units does limit the ability to provide useable, contiguous open space. The typical lot pattern that has evolved on the west side of Polar hill Road is that of clustering lots along the road frontage, with the bulk of the property in opens pace. As is demonstrated by the neighborhood location maps, the open space areas are individual parcels and not easements on existing properties. This pattern has served to protect the stream valley by located the residential out of the sensitive areas. The applicants have improved upon the first submission of the pre-preliminary plan by relocating the proposed new lots along the Poplar Hill Road frontage but have not sufficiently proven that the open space areas are readily accessible or useful to the surrounding development

# **ATTACHMENTS**

Location Map	6
Site Development Map	7
Neighborhood Delineation	8
May 3, 2001 Planning Board Hearing Minutes	9
Tabular Summary	10 -

No Citizen Correspondence has been submitted to the file

# **POPLAR HILL (1-03010)**

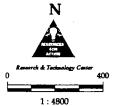


Map compiled on September 24, 2002 at 9:26 AM | Site located on base sheet no - 219NW15

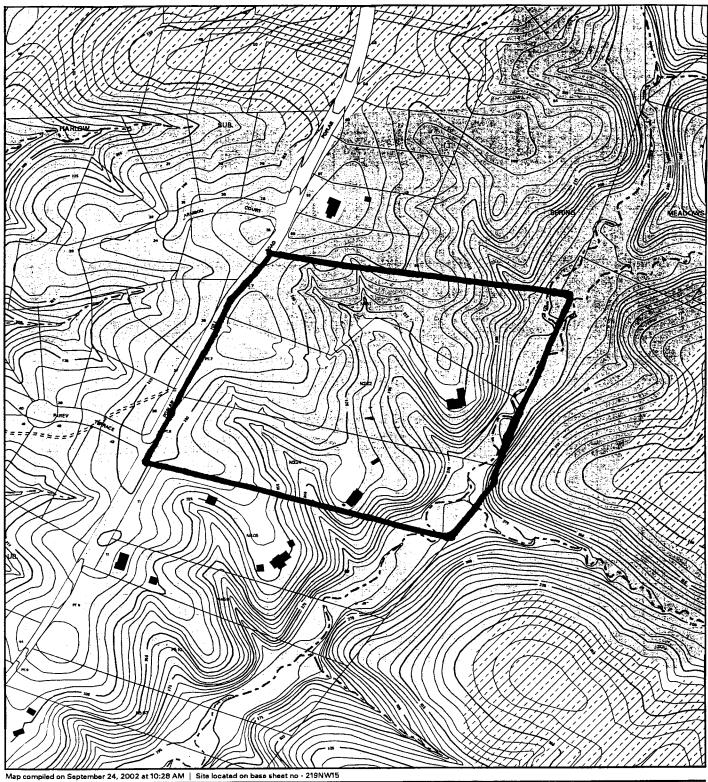
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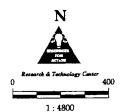


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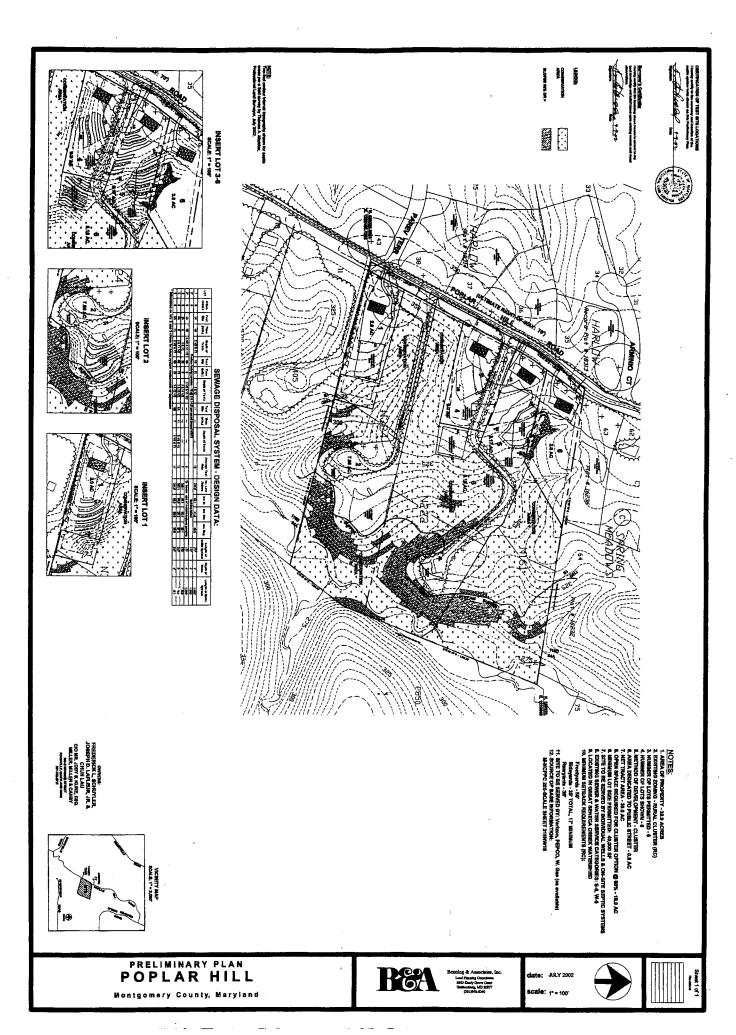
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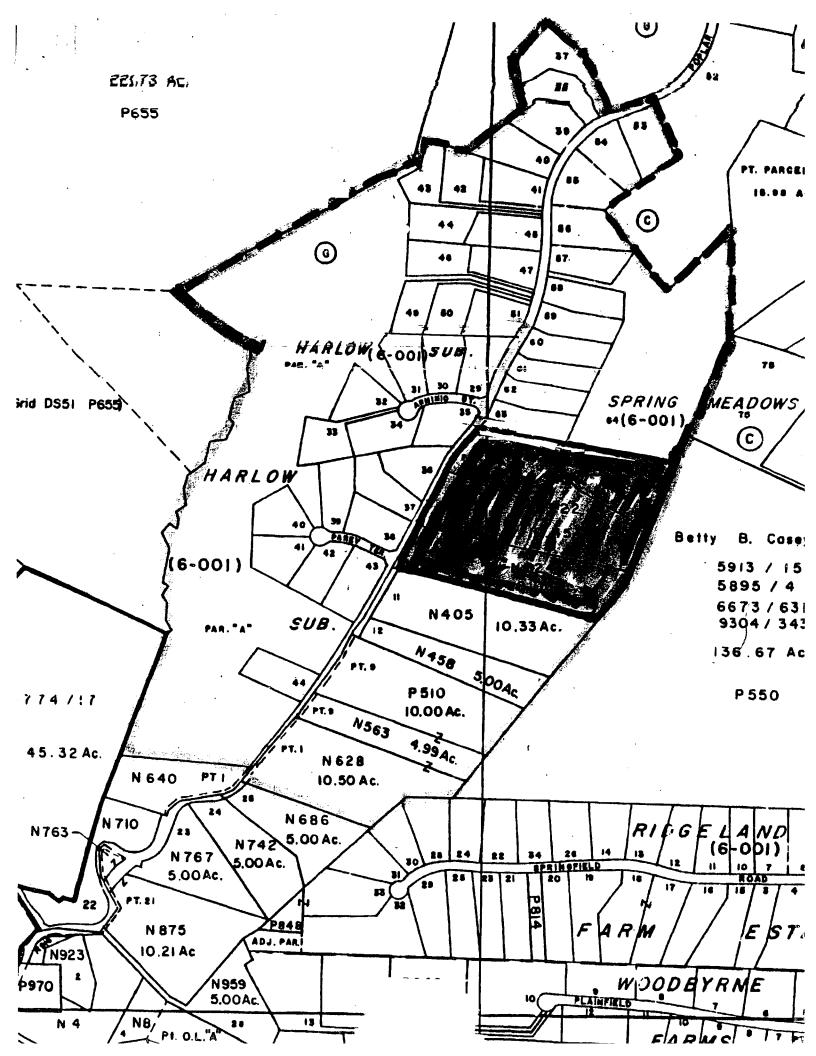
This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area 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











# 4. Pre-Preliminary Plan No. 7-01011 – Harlow Subdivision (Resubdivision)

Rural Cluster; Six (6) Lots Requested (Single-Family Detached Dwelling Units); 30.90 Acres Private Septic and Private Well

East Side of Poplar Hill Road Approximately 150 Feet South of Arminio Court

Policy Area: Rural (Darnestown and Vicinity)

APPLICANTS:

Mr. And Mrs. F. Schuyler, Mr. And Mrs. J. LaFleur, Mr. C. Lau

**ENGINEER:** 

Perrine Planning and Zoning

ATTORNEY:

Miller, Miller and Canby

Staff Recommendation: Objections to the Submission of a Preliminary Plan Application

(See Staff Report)

# **BOARD ACTION**

**Motion:** 

**BRYANT/HOLMES** 

Vote:

Yea:

4-0

Nay:

Other:

PERDUE ABSENT

Action: CONTRARY TO THE STAFF RECOMMENDATION, EXPRESSED NO OBJECTIONS TO SUBMISSION OF A PRELIMINARY PLAN OF SUBDIVISION.

In opening remarks, Development Review staff noted that in submitting a pre-preliminary plan the applicant is seeking advice from the Board as to the likelihood that a preliminary plan, if submitted, would be approved. In reviewing the proposed resubdivision to resubdivide three lots to create six lots, staff explained that staff objects to submission of a preliminary plan of subdivision because, in staff's view, the proposal does not conform with the resubdivision criteria because of the use of pipestem lots; further, staff questions whether the proposal is a viable cluster development because of the placement of the lots and the disjointed, rather than contiguous, open space. Staff distributed supplemental materials, including a location map showing a revised definition of the neighborhood for purposes of applying the resubdivision criteria and a chart comparing the proposed lots to the existing lots in the neighborhood in terms of those seven resubdivision criteria. Responding to questions from the Board, staff noted that retaining the existing homes affects the lot layout and the results of the percolation tests for the septic systems may cause the lot layout to change.

# 4. Pre-Preliminary Plan No. 7-01011 – Harlow Subdivision (Resubdivision)

# CONTINUED

Mr. Jody Kline, attorney representing the applicant, and Mr. Phil Perrine, the land planning consultant, used various exhibits to discuss the topography and environmental features of the site, noting that the lot layout is related to the attempt to preserve trees, protect environmentally sensitive areas, and retain agriculture as a viable option for the property. Mr. Kline noted that the vistas from the road will be preserved and the open space areas will be reserved for use of all property owners through covenants on the lots.

Staff reiterated that staff would prefer to have larger contiguous areas of open space, rather than the fragmented open space area in the plan, and more clustered development.

Chairman Hussmann said he could support the plan because, in his view, there is no clear pattern of development in the neighborhood that needs to be followed and the plan is very environmentally sensitive.

Commissioner Bryant suggested that the proposal would not set a precedent for resubdivision of adjacent properties and, therefore, he would be willing to review a preliminary plan of subdivision. He recommended that the applicant cluster the houses as much as possible.

Vice Chairman Holmes noted that much will depend on the final location of homes as a result of the percolation tests.

		Resubdivisi	on Criter	ia: Poplar I	Hills Lots	s 1-6	
Lot#	Frontage	,	Size	Shape	Width	Area	Suitability
Propose	ed Lots						
1	168'	Perpendicular	2.0 AC	Rectangular	168'	1.3 AC	RC
2	148'	Perpendicular	7.86 AC	Rectangular	330'	2.2 AC	RC
3	131'	Perpendicular	8.15 AC	Rectangular	384'	2.0 AC	RC
4	248'	Perpendicular	2.0 AC	Rectangular	248'	1.3 AC	RC
5	154'	Perpendicular	8.17 AC	Rectangular	154'	1.2 AC	RC
6	188'	Perpendicular	2.0 AC	Rectangular	188'	1.3 AC	RC

TAB		\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	TABULAR SUMMARY	MF.			EIGH	1B0R	OF NEIGHBORHOOD CHARACTERISTICS	CHAR/	ACTERIS	STICS
вгос	SUBDIVISION BLOCK LOT	ELAT BOOK	DATE RECORDED	ORIG. SUBDIV RESUB.	FRONTAGE	VEICHMENT	()	SIZE	SHAPE	WIDTH → T STREET	AREA	COMMENT
	23	12460	∑ =	z	574	T ANGLED WYSTREET		485×872	TRIANGULAR	574,	5.0016 ACRES	
HARLOW -	24	12460	MAR. 1979	z	224'	4' ANGLED W/STREET		300×740 R	RECTANGULAR	224'	5.0041 ACRES	
HARLOW -	25	12460	MAR. 1979	z	159,	9' ANGLED W/STREET	- -	290×700 F	RECTANGULAR	159'	5.0084 ACRES	
HARLOW -	<u>a</u>	29 1818	SEPT. 1946	Z	530'	O' PERPENDICULAR W/STREET		490×990 F	RECTANGULAR	530'	10.50 ACRES	DIMENSNS. SCALED FROM TAX MAP
HARLOW -	P9	29 1818	SEPT. 1946	z	180,	O' PERPENDICUI AR W/STREET	1 1	180×1120	RECTANGULAR	180,	4.99 ACRES	DIMENSNS. SCALED FROM TAX MAP
HARLOW -	P9	29 1818	SEPT. 1946	z	Y 445'	5' PERPENDICULAR W/STREET		400×1120	RECTANGULAR	445'	10.00 ACRES	DIMENSNS. SCALED FROM TAX MAP
HARLOW -	12	10702	MAR. 2 1979	Z	Υ 151	1' PERPENDICUI AR W/STREET		190×1174	RECTANGULAR	151'	5.0000 ACRES	
HARLOW -	=	10702	MAR. 2 1979	z	Y 355'	5' PERPENDICUI AR W/STREET	1	365×1239	RECTANGULAR	355	10.3317 ACRES	
HARLOW =	P8	29 1818	SEPT. 1946	z	7	300' PERPENDICULAR W/STREET	1	300×1350	RECTANGULAR	300,	10.00 ACRES	DIMENSNS. SCALED FROM TAX MAP
HARLOW -	P7	29 1818	SEPT. 1946	z	√ 400'	O' PERPENDICULAR W/STREET	1 1	400×1350	RECTANGULAR	400,	10.45 ACRES	DIMENSNS. SCALED FROM TAX MAP
HARLOW -	P7	1818	SEPT. 1946	z	7	330' PERPENDICULAR W/STREET		350×1300	IRREGULAR	330	10.45 ACRES	DIMENSNS. SCALED FROM TAX MAP
HARLOW -	PAR	A	MAY 5 1990	z	7	1140 ARIET		750×2800	IRREGULAR	1140	46.4380 ACRES	IS. SCA
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SHEET 2 OF 5

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SUBDIVISION BLOCK LOT #	BLOCK	# rot	NOOB TAJ9 ON TAJ9 &	DATE RECORDED	ORIG. SUBDIV	RESUB.	FRONTAGE	ALIGNMENT	SIZE	SHAPE	WIDTH AT STREET	AREA	COMMENT
HARLOW	l	36	18314	MAY 1990	z	<u>₹</u>	89' PE	89' PERPENDICULAR W/STREET	370×370	TRIANGULAR	389'	2.0688 ACRES	
HARLOW	!	37	18314	MAY 1990	Z	<b>≻</b>	37' PE	37' PERPENDICULAR W/STREET	190×480	IRREGULAR	137'	2.0531 ACRES	
HARLOW	1	38	18314	MAY 1990	z	∠	56' PE	556' PERPENDICULAR W/STREET	230×360	230x360 RECTANGULAR	354'	2.0710 ACRES	212' ALONG POPLAR HILL RD
HARLOW	ı	39	18314	MAY 1990	z	<u>γ</u>	37' PE	37' PERPENDICULAR W/STREET	200×440	200x440 RECTANGULAR	137'	2.0095 ACRES	
HARLOW	1	9	18314	MAY 1990	z	× 26	59,	ANGLED W/STREET	250×390	IRREGULAR	59,	2.000 ACRES	
HARLOW		14	18314	MAY 1990	z	) >	62, 4	ANGLED W/STREET	290x340	IRREGULAR	62,	2.0686 ACRES	
HARLOW	l	42	18314	MAY 1990	z	7	58,	PERPENDICULAR W/STREET	220×390	RECTANGULAR	258'	2.0000 ACRES	
HARLOW	_	43	18314	MAY 1990	z	<u>9</u> ≻	67' PE	67' PERPENDICULAR W/STREET	230×430	RECTANGULAR	252' 415'	2.4213 ACRES	415' ALONG POPLAR HILL RD
HARLOW	1	44	18315	MAY 1990	z		.90	PERPENDICULAR W/STREET	206×432	RECTANGULAR	206,	2.0000 ACRES	

LAFLEUR PROPERTY AS PROPO	PROPE	RTY AS	PROP	OSED	į								
HARLOW		70	29	SEPT.	Z	>	325'	PERPENDICULAR	270×750	SEPT.   N   Y 1325' PERPENDICULAR 270x750 RECTANGULAR 325'	325'	5.1	
			1818	1946				W/STREET				ACRES	
HARLOW	ı	9 <u>/</u>	29	SEPT. N Y 25'	Z	λ	25'	FLAG	360×600	360x600 RREGULAR	25'	5.1	
			1818	1946				W/STREET				ACRES	

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STICS	COMMENT	352, ALONG POPLAR HILL RD						272' ALONG POPLAR HILL RD			SHEET 3 OF
<b>ACTERI</b>	AREA	2.2021 ACRES	2.0000 ACRES	2.0000 ACRES	2.0409 ACRES	2.0000 ACRES	2.0360 ACRES	2.0093 ACRES	3.0000 ACRES	2.0000 ACRES	
CHAR	WIDTH NTH STREET	352' 200'	84′	147	29,	180	515,	272' 375'	,09	100,	
OF NEIGHBORHOOD CHARACTERISTICS	SHAPE	215×405 RECTANGULAR	300x740 RECTANGULAR	215x400 RECTANGULAR	TRIANGULAR	RECTANGULAR	RECTANGULAR	RECTANGULAR	IRREGULAR	IRREGULAR	
GHBOR	SIZE	215×405 R	300×740 R	215×400 F	270×365	240×290	220×425	280×390	220×420	210×580	
JEN JC	∀ГІСИМЕИ	W/	PERPENDICULAR W/STREET	7' PERPENDICULAR W/STREET	ANGLED W/STREET	FLAG W/STREET	5' PERPENDICULAR W/STREET	.7' PERPENDICULAR W/STREET	FLAG W/STREET	00'"L" SHAPE W/STREET	. 1
\ \_	<b>В</b> ОИТАСЕ	552'	84'	147'	29'	29.	515	647'	,09	100,	
4	RESUB.	>	>	>	>	>	> _	> z	> z	> z	_
/WWC	SOCK LOT SECORDED SEC	MAY N	MAY N	1990	1990	MAY N	MAY 1990	1990	MAY 1	MAY 1	
S	NOOB TAJO SE PLAT NO	18313	18313	18313	8313	18313	18313	18313	16231	16231	
ILAF	LOT #	29	30	31	32	33	34	35	37	38	
ABU	ЭГОСК			1	1	1	-		O	O	
<del> </del>	SUBDIVISION BLOCK LOT	HARLOW	HARLOW	HARLOW	HARLOW	HARLOW	HARLOW	HARLOW	SPRING	SPR MWS	

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STICS	COMMENT																								SHFFT 4 OF 5
ACTERI	AREA	2.07645	ACRES	2.04114	ACRES	2.03886	ACKES	2.01417	ACRES	2.03181	ACRES	2.01551	ACRES	20.01053	ACRES	2.00000	ACRES	2.29040	ACRES	2.34348	ACRES	2.06227	ACRES	2.23511	ACKES
CHAR	WIDTH A ⊤ STREET	200,		176'		175'		146		170		159'		50°		164'		240,		392,		310'		250'	
OF NEIGHBORHOOD CHARACTERISTICS	SHAPE	186x520 RECTANGULAR		RECTANGULAR		RECTANGULAR		RECTANGULAR		RECTANGULAR		RECTANGULAR		IRREGULAR		RECTANGULAR		RECTANGULAR		RECTANGULAR		RECTANGULAR		RECTANGULAR	
GHBOR	SIZE	186×520 F		160×530 F		160×520	:	160×510		170×510		180×490		650×1200		365×1239		300×1350		400×1350		350×1300		750x2800	
OF NEI	ALIGNMENT	PERPENDICULAR	W/STREET	6' PERPENDICULAR	W/STREET	5' PERPENDICULAR	W/STREET	PERPENDICULAR	W/STREET	PERPENDICULAR	W/STREET		W/STREET	FLAG	W/STREET	PERPENDICULAR	W/STREET	PERPENDICULAR	W/STREET	PERPENDICULAE	W/STREET	PERPENDICULAR	W/STREET	50 PERPENDICULAR	W/STREET
_	FRONTAGE	200,		176		175		146		170.		159		20		164		240,		392		310,		255	_
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ILAF	LOT #	63	-	62		61	-	09	1	59	Γ	άς	1	64		57		5.6		7.7		54	5	53	
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F	SUBDIVISION BLOCK LOT	SPRING	MEADOWS	SPR MWS		SPR MWS		SPR MWS		SPR MWS		OWN GGO		WW Adv		SPR MWS		SWM AGS		OWN GOS	DAM NAW	OMM day		SPR MWS	

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OF NEIGHBORHOOD CHARACTERISTICS	AREA	2.01778	ACRES	2.01497 ACRES	2.05222 ACRES	21.81362 ACRES	2.09373 ACRES	2.07942 ACRES	2.04152 ACRES	2.24013 ACRES	2.01997 ACRES	2.01585 ACRES	2.00354 ACRES	2.15456 ACRES	2.00000 ACRES	
CHAR	WIDTH A T STREET	200,		25'	25'	25'	240,	25,	201'	25'	25,	25'	170,	164'	241'	
(H00D	SHAPE	RECTANGULAR		RECTANGULAR	RECTANGULAR	IRREGULAR	RECTANGULAR	RECTANGULAR	RECTANGULAR	RECTANGULAR	IRREGULAR	RECTANGULAR	RECTANGULAR	IRREGULAR	IRREGULAR	
GHBOR	SIZE	240×340 R		220×330 R	200×350 R	800×1300	210×430	200×370	195×440 F	220×380	210×430	220×380	240x310	170×370	260×320	
OF NEI	ALIGNMENT	PERPENDICULAR	W/SIKEE!	FLAG W/STREET	FLAG W/STREET	FLAG W/STREET	PERPENDICULAR W/STREET	FLAG W/STREET	PERPENDICULAR W/STREET	FLAG W/STREET	FLAG W/STREET	FLAG W/STREET	PERPENDICULAR W/STREET	PERPENDICULAR W/STREET	PERPENDICULAR W/STREET	
	FRONTAGE	200,		25'	25'	25,	240,	25,	201,	25,	22,	25,	170,	164,	241,	
AR	ORIG. SUBDIV RESUB.	> Z	$\dashv$	> z	> z	> Z	> z	> z	> z	> z	> z	> Z	> 2	> z		
TABULAR SUMMARY	DATE RECORDED		282	MAY 1985	MAY 1985	MAY 1985	MAY 1985	MAY 1985	MAY 1985	MAY 1985	MAY 1985	MAY 1985	MAY 1985	MAY 1985	MAY 1985	
	NOOB TAJ9 ON TAJ9 &		0529	16230	16230			16230		16230	16241	16241	16241	16241	16231	
JLAF	# רסד	51		20	49	48	47	46	45	44	43	42	41	40	39	
ABL	вгоск	9		ပ	9	ပ	9	IJ	ပ	၅	ပ	ပ	9	ပ	9	
	SUBDIVISION	SRPING	MEADOWS	SPR MWS	SPR MWS	SPR MWS	SPR MWS	SPR MWS	SPR MWS	SPR MWS	SPR MWS	SPR MWS	SPR MWS	SPR MWS	SPR MWS	