



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item # 2

05-29-03

MEMORANDUM



DATE: May 23, 2003

TO: Montgomery County Planning Board

VIA: Joseph R. Davis, Chief, Development Review Division

FROM: A. Malcolm Shaneman, Supervisor, Development Review Division *AMS*
Richard Weaver, Senior Planner, Development Review *RAU*

REVIEW TYPE: Preliminary Plan of Subdivision - Resubdivision

APPLYING FOR: Five (5) One Family Detached Dwelling Units

PROJECT NAME: Fawsett Farms

CASE NO. 1-03054

REVIEW BASIS: Chapter 50 Montgomery County Subdivision Regulations

ZONE: R-200

LOCATION: On the North Side of MacArthur Boulevard and Fawsett Road, West of Falls Road (MD 189)

MASTER PLAN: Potomac Subregion

APPLICANT: Robert Srour

SUBMITTED: January 13, 2003

HEARING DATE: May 29, 2003

STAFF RECOMMENDATION: Disapproval, Pursuant to Section 50-29(b)(2)

PROJECT DESCRIPTION: Proposal

This resubdivision application proposes the creation of five (5) one-family residential lots. The subject property ("Site") is currently subdivided into four (4) residential lots. The proposed resubdivision would reconfigure the internal lot lines in order to yield one additional residential lot and one parcel containing a Stormwater management system. The property is over 4.5 acres in size and is currently zoned R-200.

The existing four lots range in size from 40,000 square feet to 67,500 square feet, with the largest lot located at the intersection of Falls Road (MD 189) and MacArthur Boulevard. There is one single-family dwelling located on Lot 14 to the northern end of the Site. The current lot configuration orients two lots directly towards Falls Road, one lot square to the intersection of Falls Road and MacArthur Boulevard and one lot towards MacArthur Boulevard. The proposed resubdivision would create lots ranging in size from 32,437 to 33,796 square feet. The lot configuration proposed by this application would front four lots, including the corner lot on Falls Road, and one lot on MacArthur Boulevard and its intersection with Fawsett Road. The Applicant proposes to provide access to the four lots with frontage on Falls Road via a common driveway easement from Falls Road. The driveway for the remaining proposed lot, with frontage on MacArthur Boulevard, is designed to traverse proposed Parcel A and provide access from Fawsett Road.

PROJECT DESCRIPTION: Vicinity

The Site is located in the Fawsett Farms subdivision. The subdivision was recorded by plat in June 1945, prior to the adoption of the current R-200 zone. The lots located within Block 5 of this subdivision are generally comprised of large lots, which range in size from 44,000 to 54,000 square feet (not including the lots within the Site); most of the lots are rectangular in shape and are aligned perpendicular to the abutting roadways. The block in which the Site is located is zoned R-200; the blocks to the north, across Chandler Road, and to the south, across Fawsett Road, are similarly zoned. The properties located west of the Site, across Falls Road, are zoned RE-2.

PRIOR ACTION BY THE PLANNING BOARD

In February 1996, an application for preliminary plan was submitted for a portion of the Site. That application proposed the resubdivision of lots 11, 12 and 13—three of the lots that are the subject of the instant application—lots into one 3.5-acre lot, for the purpose of constructing a nursing and elderly care home facility. The Planning Board held two public hearings on that resubdivision application. At the first hearing, in March 1997, the then applicant requested that the hearing be continued to allow the applicant adequate time to address the concerns raised by the Board regarding Master Plan compliance and Section 50-29(b)(2) of the Subdivision Regulations. At the second hearing, in January 1998, the Planning Board denied the resubdivision application on the

basis that the proposed lot was not in conformance with the provisions under the resubdivision criteria. In the previous application, the Planning Board expressed concern with the proposed assemblage of three lots into one large lot in order to accommodate a special exception use.

DISCUSSION OF ISSUES

Conformance to Chapter 50-29(b)(2)

A. Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that the proposed lot(s) 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 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

Staff has attached to this Memorandum a Vicinity Map, which delineates the relevant neighborhood for analysis purposes under § 50-29(b)(2). It has been the longstanding practice of the Planning Board to exclude from its defined neighborhood those existing lots that are situated in zones different from the zone in which the property that is the subject of the application is located. Consequently, Staff recommends excluded from its consideration the lots on the west side of Falls Road across from the Site, which, as stated above, are located on RE-2 zoned property. The defined neighborhood, as depicted on the attached neighborhood delineation map, includes the entirety of Block 5, which is bounded by Falls Road to the west, Chandler Road to the north, Fawsett Road and MacArthur Boulevard to the south, and the Schultz Tract to the east. Staff did not include lots outside of Block 5 in the defined neighborhood because most of those lots are oriented towards other roadways or are outside of the Fawsett Farms subdivision. Staff is of the opinion that the area contained within Block 5 is representative of the lot character and development pattern originally established; and, furthermore, the block has remained virtually unchanged since the initial recordation of the subdivision (see Neighborhood Delineation Map).

C. Comparison of the Character of Proposed Lots to Existing

In performing its analysis, Staff applied the above-noted resubdivision criteria to its delineated neighborhood. Staff concludes that the proposed resubdivision does not comply with the size, area, width, and frontage criteria of § 50-29(b)(2). As set forth below, the attached tabular summary supports this conclusion:

- a) Size: The proposed lots range in size from 32,437 square feet to 33,796 square feet. As such, the largest of the proposed lots is approximately 6,200 square feet smaller than Lot 15, which, at 40,000 square feet, is the smallest existing lot in the defined neighborhood (necessarily excluded are existing lots contained within the Site). Consequently, the high correlation required between the size of each of the proposed lots and the size of the existing lots does not exist.
- b) Area: The proposed lots range in area—a measure of land contained within the building envelope of a lot—from 12,926 square feet to 19,161 square feet. Therefore, all five proposed lots would have a lesser area than that of any of the remaining existing lots in the defined neighborhood (necessarily excluded are existing lots contained within the Site). The existing lot with the least area—a corner lot¹—is approximately 21,000 square feet. Consequently, the high correlation required between the area of each of the proposed lots and the area of the existing lots does not exist.
- c) Width: Three of the proposed lots fronting on Falls Road have widths, measured at the building restriction line, of approximately 105 feet. These three proposed lots have the least widths of all lots within the defined neighborhood; the existing lots range in width from 115-230 feet. A majority of the proposed lots, therefore, have widths at the bottom of the scale for the block and defined neighborhood; and, therefore, the requisite high correlation is not present between the width of all of the proposed lots and the width of the existing lots.
- d) Frontage: Three of the proposed lots fronting on Falls Road have frontages, measured at the property line shared with the right-of-way, of approximately 105 feet. Notably, only one of the existing lots in the defined neighborhood—which range in frontage from 100-300 feet—has a frontage measuring less than the latter three proposed lots. A majority of the proposed lots, therefore, have frontages at the bottom of the scale for the block and defined neighborhood; and, therefore, the requisite high correlation is not present between the frontage of all of the proposed lots and the frontage of the existing lots. It is significant to note that the only existing lot with lesser frontage than the three aforementioned proposed lots is classified as having radial alignment to the street onto which it fronts, Fawsett Road, as contrasted

¹ Corner lots typically have markedly lesser areas than other lots, of similar size. The reason for such disparity in area between corner lots and those lots in the middle of a block is that corner lots have frontage on two or more streets, resulting in greater aggregate setbacks distances. By way of comparison, the proposed lot with the least area, at 12,926 square feet, is also a corner lot, and its area is approximately 8,000 square feet lower than that of the smallest existing lot in the defined neighborhood.

with the three proposed lots, which are all aligned perpendicular to Falls Road.

Master Plan Compliance

The property is located within the Approved and Adopted Potomac Subregion Master Plan. The master plan does not contain specific recommendations applicable to this property but does give general guidance and recommendations regarding zoning and land use. The master plan recommends this area to maintain the residential R-200 zoning as adopted and maintain the residential land use consisting of one-family detached homes.

Conclusion

In conclusion, Staff does not support this preliminary plan application for five lots through resubdivision. Staff recommends that the Planning Board disapprove this application on the grounds that, as set forth in detail above, all five of the proposed lots fail to comply with all seven resubdivision criteria, as required by § 50-29(b)(2) of the Subdivision Regulations and confirmed by well-established Maryland caselaw. Specifically, the requisite high correlation does not exist between each of the proposed lots and the existing lots in the defined neighborhood with respect to the size and area criteria. Additionally, with respect to the width and frontage criteria, a high correlation does not exist between all of the proposed lots and the existing lots.

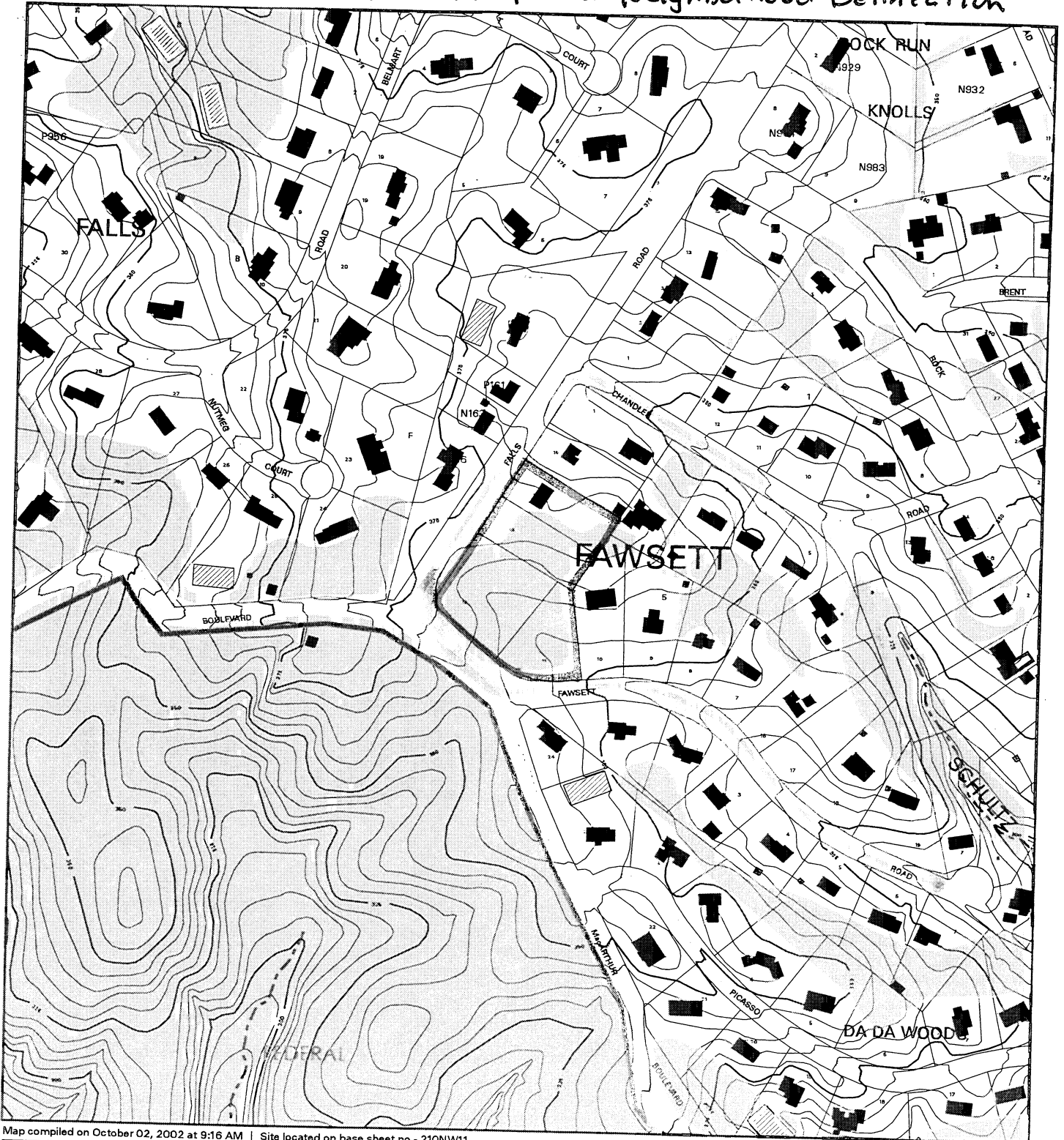
Attachments

Vicinity Map and Neighborhood Delineation	6
Vicinity Map	7
Proposed Development Plan	8
Tabular Summary	9

VICINITY MAP FOR

FAWSETT FARM

Vicinity Map and Neighborhood Delineation



Map compiled on October 02, 2002 at 9:16 AM | Site located on base sheet no - 210NW11

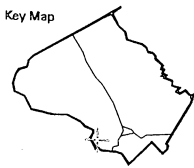
NOTICE

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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

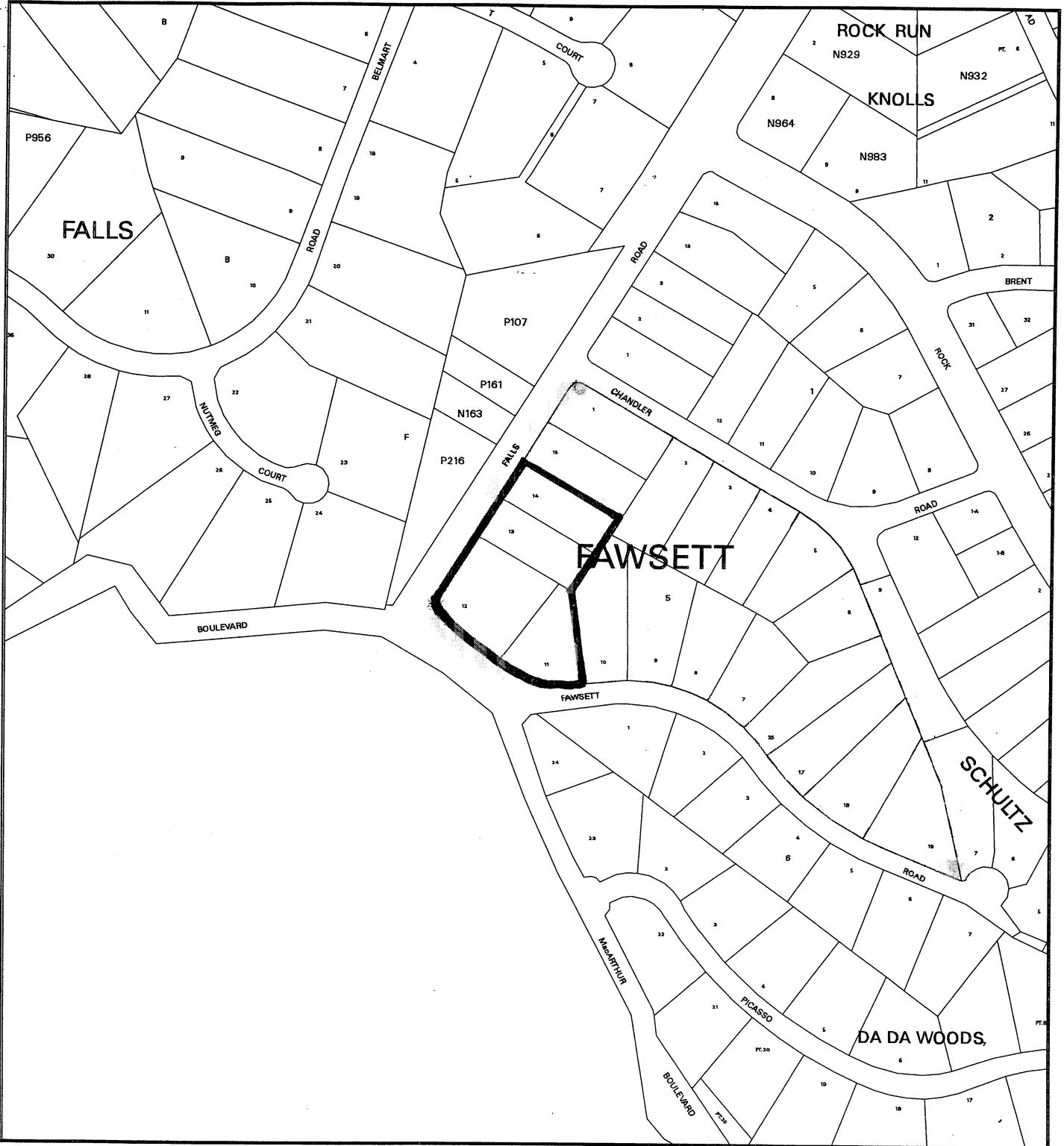
Key Map



1 : 4800

VICINITY MAP FOR
FAWSETT FARM

Vicinity Map



Map compiled on October 17, 2002 at 12:09 PM | Site located on base sheet no - 210NW11

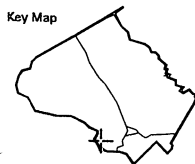
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Key Map



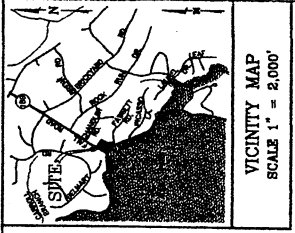
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1 : 4800

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

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760



VICINITY MAP
SCALE 1" = 2,000'

NOTES

1. Topography with 2 foot intervals prepared by this office.
2. Boundary lines shown from recorded deeds and plats.
3. Water and sewer utilities are as shown and 5'-3" respectively.
4. The property is shown as per the proposed lot use is residential.
5. Number of lots shown by this plan is 5.
6. This site is within the New Surveys, Planning Area 25A.
7. A Major Resource Inventory Modification Study by this office has been approved by the MDEP Environmental Planning Division.
8. The utility lines shown are the Potomac River, The State of Maryland has designated this portion of the Potomac River Retained or Open Top Water.
9. Areas with utility easements, telephone, electric, gas, water, sewer, stormwater, or other utility easements are shown.
10. This plan is not for construction purposes.
11. Property lines and areas are subject to adjustment at final plat stage of plan.
12. Final plat stage of plan is subject to adjustment at final house construction and grading to be determined by building permit.
13. Final house construction and grading to be determined by building permit.
14. Servicing utility companies are:
 - Bell Atlantic
 - Telephone
 - Water & Sewer - M.D.S.C.
 - Electric
 - PECO

Area Tabulation
 Gross Total Area (GTA) = 192,000 sq ft or 4.38 ac.
 Deduction to Public Use = 0 sq ft or 0.00 ac.
 Net Total Area (NTA) = 192,000 sq ft or 4.38 ac.

Development Standards
 Min. Lot Area = 20,000 sq ft, 32,000 sq ft
 Min. Lot Width = 100' x 100', 100' x 150'
 Max. Front Yard Setback = 40'
 Max. Side Yard Setback = 35' min. (30' total) same
 Building Height = 30'

Exclusion Schedules
 Non-Residential/Permitted with existing same
 Non-Residential/Permitted same

TAX MAP P. 341

WBSD 2106911

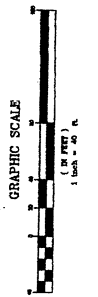
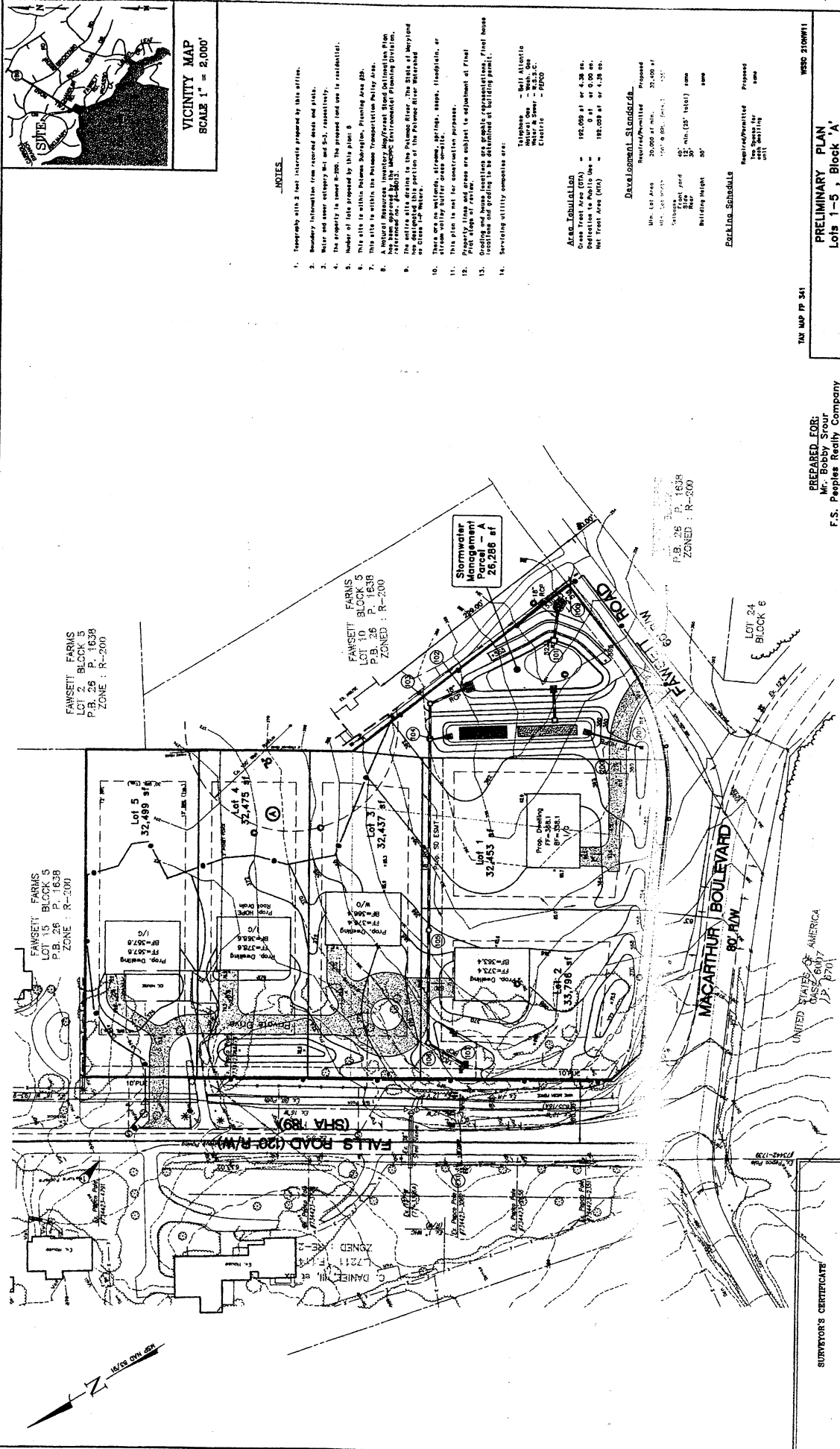
PRELIMINARY PLAN
Lots 1-5, Block 'A'

Fawcett Farm
 (Lots 11-14 PB.26 P.1638)

10TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND
 Macris, Hendricks & Glaescock, P.A.
 Engineers & Planners & Surveyors
 P.A. (C) 2003
 9220 Wilshire Road
 Montgomery, MD 20850
 WWW.MHPA.COM
 410-241-1293

NO.	DATE	REVISION	DESCRIPTION
1	2/20/03	Revised Layout for 5 Lots	MHP

PREPARED FOR:
 Mr. Bobby Spurr
 F.S. Peoples Realty Company
 14672-O Southlawn Lane
 Rockville, Md. 20850
 Phone 301 294-8775 Fax 301 294-8775



SURVEYOR'S CERTIFICATE

I hereby certify that the boundary shown hereon is correct and that the same is a true and correct copy of the Land Records of Montgomery County, Maryland, as shown upon completion of a final survey. Topography from sources stated herein.

Date: March 5, 2003

Scott H. Hendricks
 Scott H. Hendricks & Associates, P.A.
 Professional Land Surveyor
 Maryland Reg. No. 10712

SUBDIVISION	LOT NO.	BLOCK	PLAT BOOK & PLAT NO.	DATE RECORDED	ORIGINAL SUBDIVISION	RESUB.	FRONTAGE	ALIGNMENT TO STREET	SHAPE	WIDTH *	SIZE	AREA ***	COMMENT
Proposed Subdivision	1		N/A	N/A	No	Yes	143'	Perpendicular	Rectangular	143'	32,453 sf	18,588 sf	
	2		N/A	N/A	No	Yes	160' 207'	Perpendicular	Rectangular	160' 207'	33,796 sf	12,926 sf	Corner Lot
	3		N/A	N/A	No	Yes	105.5'	Perpendicular	Rectangular	105.5'	32,437 sf	19,130 sf	
	4		N/A	N/A	No	Yes	105'	Perpendicular	Rectangular	105'	32,475 sf	19,143 sf	
	5		N/A	N/A	No	Yes	105'	Perpendicular	Rectangular	105'	32,499 sf	19,161 sf	
Smallest Lot							105'			105'	32,437 sf	12,926 sf	
Largest Lot							184'			184'	33,796 sf	19,161 sf	
Median Lot							124'			124'	32,475 sf	19,130 sf	
Average Lot							137'			137'	32,732 sf	17,789 sf	

5 * Width at Building Frontage

* * Area Within Building Envelope

SUBDIVISION	LOT NO.	BLOCK	PLAT & PLAT N	DATE RECORDED	ORIGINAL SUBDIVISION	RESUB.	FRONTAGE	ALIGNMENT TO STREET	SHAPE	WIDTH *	SIZE	AREA **	COMMENT
Fawsett Farms	1	5	26/1638	8/23/45	Yes	No	125' 295'	Perpendicular	Rectangular	120'	47,314 sf	±21,000 sf	Corner Lot
	2	5	26/1638	8/23/45	Yes	No	140'	Perpendicular	Rectangular	140'	46,593 sf	±28,300 sf	
	3	5	26/1638	8/23/45	Yes	No	140'	Perpendicular	Rectangular	140'	45,144 sf	±27,700 sf	
	4	5	26/1638	8/23/45	Yes	No	140'	Perpendicular	Rectangular	140'	42,088 sf	±24,800 sf	
	5	5	26/1638	8/23/45	Yes	No	210'	Radial	Irregular	180'	46,719 sf	±27,100 sf	
	6	5	26/1638	8/23/45	Yes	No	210'	Angular	Trapezoidal	200'	42,733 sf	±25,500 sf	
	7	5	26/1638	8/23/45	Yes	No	130'	Radial	Irregular	150'	44,139 sf	±26,200 sf	
	8	5	26/1638	8/23/45	Yes	No	120'	Radial	Irregular	130'	44,410 sf	±26,900 sf	
	9	5	26/1638	8/23/45	Yes	No	120'	Radial	Trapezoidal	140'	54,923 sf	±33,800 sf	
	10	5	26/1638	8/23/45	Yes	No	118'	Radial	Polygonal	130'	48,485 sf	±33,100 sf	
	15	5	26/1638	8/23/45	Yes	No	125'	Perpendicular	Rectangular	125'	40,000 sf	±22,100 sf	
	16	5	26/1638	8/23/45	Yes	No	100'	Radial	Irregular	115'	49,624 sf	±32,000 sf	
	17	5	26/1638	8/23/45	Yes	No	150'	Radial	Trapezoidal	125'	51,261 sf	±31,400 sf	

