

MEMORANDUM

DATE: February 6, 2004

TO: Montgomery County Planning Board

VIA: Joseph R. Davis, Chief Development Review Division

FROM: A. Malcolm Shaneman, Supervisor (301) 495-4587
Richard A. Weaver, Senior Planner (301) 495-4544
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Five Single Family Lots

PROJECT NAME: Ancient Oak West

CASE #: 1-03080

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

ZONE: R-200

LOCATION: On the southeast side of Darnestown Road (MD 28), approximately 800 feet north of Turkey Foot Road

MASTER PLAN: Potomac

APPLICANT: Nicholas Petrucelli

FILING DATE: April 2, 2003

HEARING DATE: February 12, 2004

STAFF RECOMMENDATION: Approval, Pursuant to Section 50-29(b)(2) of the Montgomery County Subdivision Regulation, Subject to the Following Conditions:

- (1) Compliance with the conditions of approval of the preliminary forest conservation plan prior to issuance of sediment and erosion control permits
- (2) Access and improvement as required to be approved by the Maryland State Highway Administration prior to issuance of access permits

- (3) Compliance with conditions of the MCDPS (Health Dept.) letter dated, January 5, 2004
- (4) All areas of forest conservation and wetland buffer to be placed in a Category I forest conservation easement and delineated on the record plat
- (5) Record plat to reflect common ingress/egress and utility easement over shared driveways
- (6) Compliance with conditions of MCDPS stormwater management approval letter dated, September 23, 2003
- (7) Applicant to provide an engineered sediment control plan to MCDPS for review and approval prior to issuance of building permits
- (8) The term "denied access" to be placed on record plat along frontage of MD 28 except at approved location
- (9) Record plat to reflect location of existing 25 ft. trail easement along rear of Lots 3 and 4. Easement to be appropriately signed and to remain unimpeded
- (10) Record plat to reflect dedication (60ft. from centerline) for MD 28
- (11) Five (5) ft. sidewalk to be provided along frontage of MD 28
- (12) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- (13) The adequate public facilities review for this plan will remain valid for 61 months from the date of mailing of the Planning Board Opinion
- (14) Other necessary easements

ISSUES

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

In order to approve an application for Resubdivision, the Planning Board must find that the proposed lot(s) complies with all seven of 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."

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. In this case, staff has provided a description of the area analyzed under the resubdivision criteria and has also provided an illustration that delineates the neighborhood.

Staff has determined that the neighborhood for this resubdivision application should include those lots fronting on the southern side of MD 28 within close proximity to the subject property and in the same (R-200) zone. As such, staff excluded those lots immediately across MD 28 as they are in the Rural Cluster (RC) Zone. Staff excluded lots with differing access points, i.e. Water Oak Drive via Chestnut Oak Drive, because those lots tend to represent a different neighborhood than the lots that access MD 28 with respect to orientation and visual characteristics. Unplatted parcels and any parts of lots were also excluded.

The neighborhood, as defined by staff, includes two lots on the north side of Chestnut Oak Lane (Lot 11, Block A and Lot 12, Block A, Ancient Oak West). These two lots, and a third lot that is now a part of a lot and excluded from the neighborhood, were created by a resubdivision plan that was platted in 1977. Lots 24 through 27, Block A of the Rollinmead subdivision to the south and west of the subject property were created by preliminary plan and platted in 1998.

Master Plan Compliance

The property is located within the Approved and Adopted Potomac Master Plan. The master plan does not specifically identify this property but gives general guidance and recommendations regarding zoning and land use. The recent master plan revision left this property and the majority of properties in this portion of Darnestown in the R-200 zone. The proposed resubdivision complies with the recommendations adopted in the master plan for the R-200 zone.

DESCRIPTION

Vicinity

The subject property is identified as Lot 2 and Lot 3, Block B of the Ancient Oak West subdivision. The plat for this property was originally recorded in 1964. The current lot sizes are 166,588 for Lot 1 and 171,591 square feet for Lot 2. Each existing lot has a house on it. The houses will remain as part of this resubdivision. Properties to the west of the subject property along Water Oak Drive; not included in the defined neighborhood for reasons cited above, were also platted in 1964. Properties located across MD 28 and abutting the subject property, also not included in the neighborhood because they are in a different zone, were platted in 1991 and were developed under the cluster provisions of the RC Zone. A part of a lot abuts the subject property to the north and an unplatted parcel abuts the subject property to the south.

Proposal

This application for resubdivision proposes to create five lots from the original two lots. The concept would keep the two homes on the site that front on MD 28. The new lots would be created to the rear of the existing houses and be served by a single, common driveway placed within the pipestems of the rear lots. An existing pond located in the southern corner of the property would remain and become part of a conservation area surrounded by trees planted to meet the forest conservation requirements. Lot sizes will be as follows:

- Lot 1 – 80,000 square feet
- Lot 2 – 67,000 square feet
- Lot 3 – 94,500 square feet
- Lot 4 - 46,100 square feet
- Lot 5 - 55,700 square feet.

ANALYSIS

Staff has analyzed the request with respect to the seven resubdivisions criteria. As the attached tabular summary indicates, the proposed lots fall within the range for all seven of the resubdivision criteria for those lots within the defined neighborhood. Lots 11 and 12, Block A, at the intersection of MD 28 and Chestnut Oak Drive tend to be the smallest lots with respect to size and area in the defined neighborhood. None of the proposed lots are as small in size and area as Lot 11, Block A. Accordingly, Lots 25 and 26, Block A, of the Rollinmead subdivision tend to be the largest lots in the defined

neighborhood with respect to size and area. These two pipestem lots are comparable in frontage, shape, and alignment with the pipestems in the subject application.

Staff believes there to be a high correlation with respect to the range of lot shapes, sizes, area, frontages, widths, and alignments for the proposed and existing lots in the defined neighborhood. Further, staff finds the proposed lot to be suitable for residential development. Details of the staff review are provided below:

- Size:** Proposed lot range - 46,100 sq. ft. to 94,500 sq. ft.
Neighborhood lot range - 42,264 sq. ft. to 100,188 sq. ft.
- Area:** Proposed lot range – 26,903 sq. ft. to 59,795 sq. ft.
Neighborhood lot range – 18,890 sq. ft. to 68,360 sq. ft.
- Shape:** Proposed lot - Rectangular and Pipestem
Neighborhood lot – Rectangular, Irregular and Pipestem
- Alignment:** Proposed lot - Generally Perpendicular
Neighborhood lot – Generally Perpendicular and Corner lots
- Frontage:** Proposed lot range – 25 ft. to 254 ft.
Neighborhood lot range – 25 ft. to 521 ft.
- Width:** Proposed lot range – 100 ft. to 254 ft.
Neighborhood lot range – 100 ft. to 327 ft.

CONCLUSION

Staff has determined that the proposed lots comply with all seven of the resubdivision criteria pursuant to Section 50-29(b)(2) of the Montgomery County Subdivision Regulations. The proposal demonstrates a high correlation with the range of resubdivision criteria and, if approved, would create lots that are similar with the characteristics of the lots in the defined neighborhood. Staff recommends approval of the application subject to the conditions cited above.

Attachments

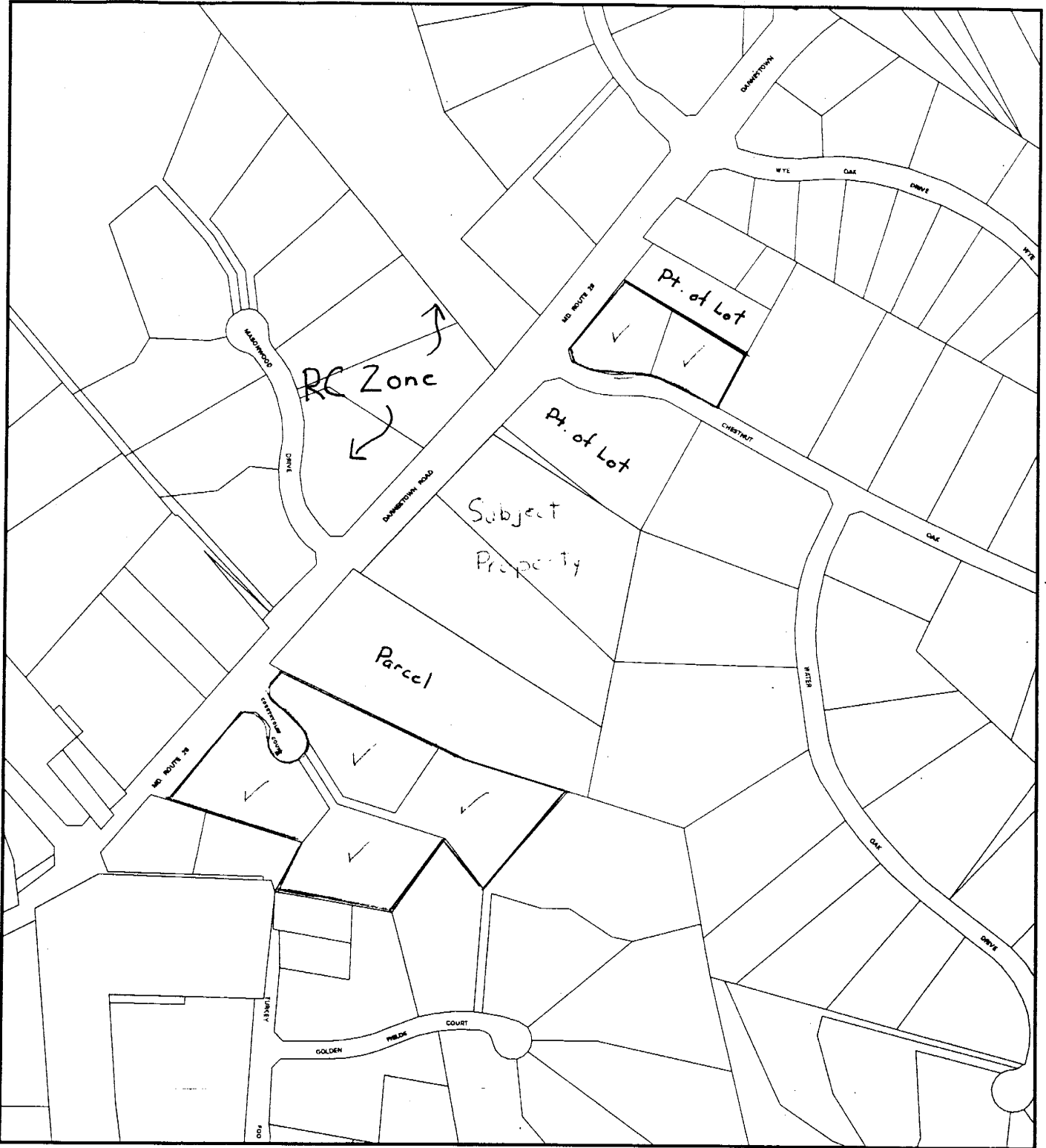
Vicinity Map	5
Neighborhood Development Map	6
Proposed Resubdivision Plan	7
Tabular Summary	8

Letters received by staff are included as attachments

VICINITY MAP FOR

ANCIENT OAK WEST (1-03080)

= Defined Neighboring Lot



Map compiled on January 07, 2000 at 8:45 AM | Site located on base sheet no - 220NW13

NOTICE

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Key Map

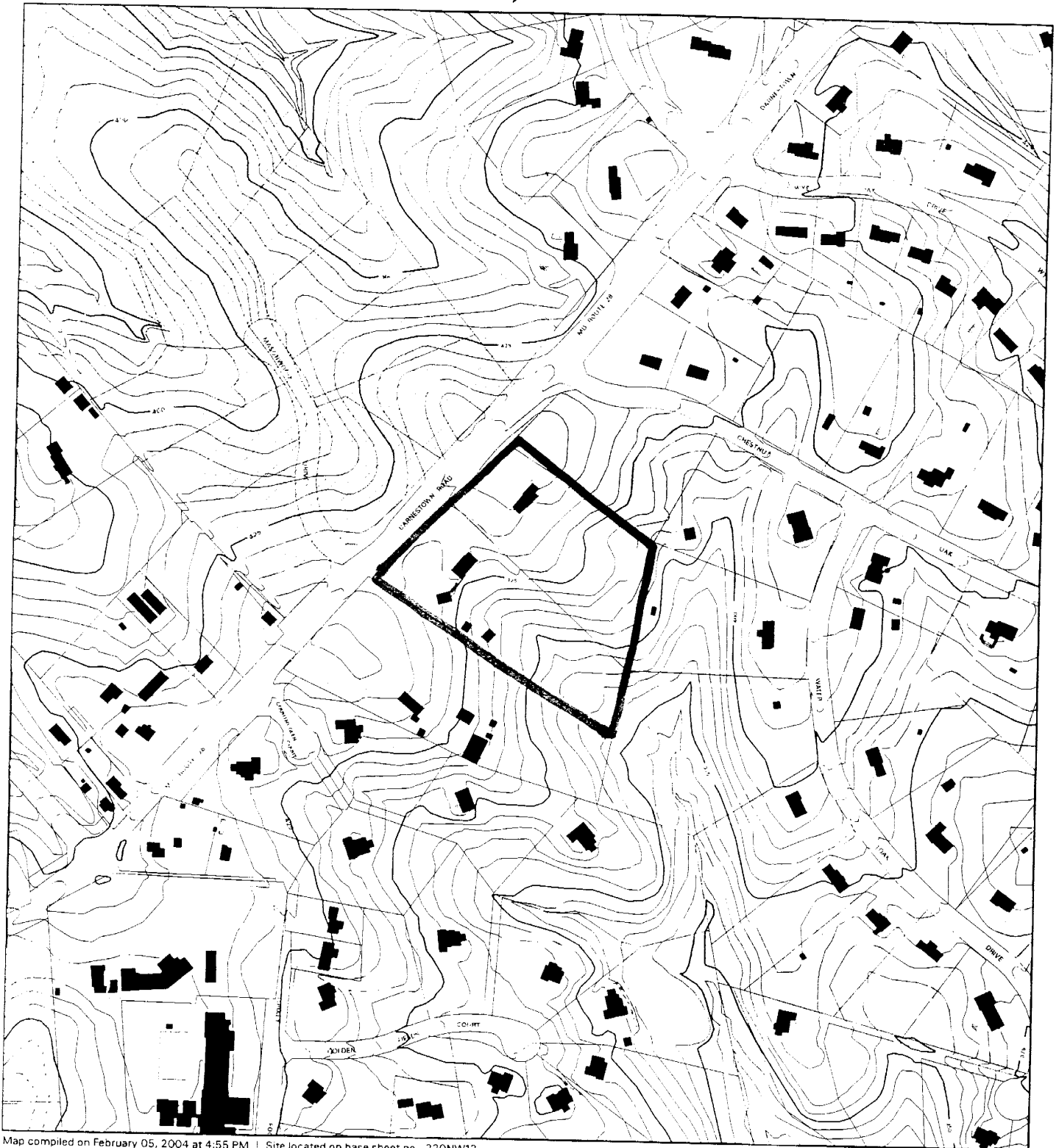


Research & Technology Center



1 : 4800

ANCIENT OAK WEST (1-03080)



Map compiled on February 05, 2004 at 4:55 PM | Site located on base sheet no - 220NW13

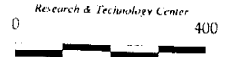
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Key Map



1:4800

**PRELIMINARY PLAN
ANCIENT OAK WEST**
Montgomery County, Maryland

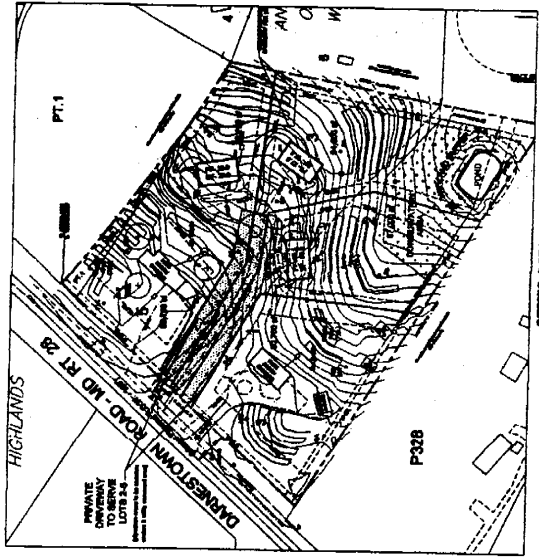


date: February 2008
scale: 1" = 60'



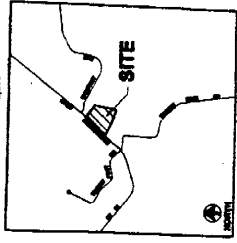
SHEET 1 OF 1

NO.	DATE	DESCRIPTION

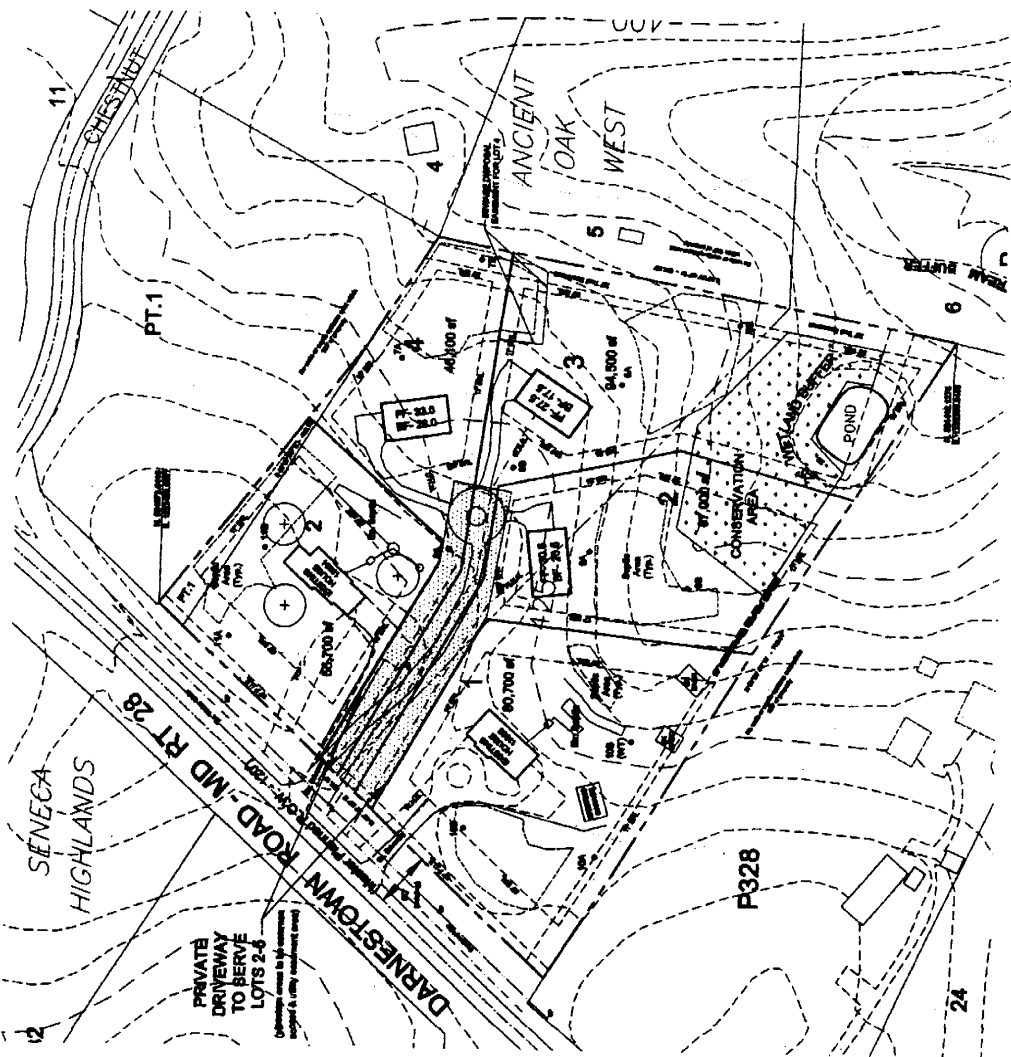


SEPTIC DETAIL
1" = 10'

- NOTES:**
1. AREA OF PROPERTY - 7.26 AC
 2. EXISTING ZONING - R-20
 3. MINIMUM LOT SIZE PERMITTED - 20,000 SF
 4. MINIMUM LOT SIZE SHOWN - 40,100 SF (1.06 AC)
 5. NUMBER OF LOTS SHOWN ON PLAN - 6
 6. SITE TO BE SERVED BY PUBLIC WATER & ON-SITE SEPTIC SYSTEMS
 7. EXISTING WATER AND SEWER SERVICE CATEGORIES: W-1, S-2
 8. DEVELOPMENT STANDARDS:
 - Minimum: 10' side, 17' setback
 - Maximum: 30'
 9. UTILITY SERVICE BY: VERIZON, PEPCO, W. GAS



NICHOLAS D. S.V.A. PETRUCCIOLI
SOUTH DARNESTOWN ROAD
DARNESTOWN, MD 20878
(301) 444-4778



SEWAGE DISPOSAL SYSTEM - DESIGN DATA:

Lot	# Beds	Area (sq. ft.)	Volume (cu. ft.)	Depth of Storage (ft.)	Area (sq. ft.)	Volume (cu. ft.)	Depth of Storage (ft.)	Area (sq. ft.)	Volume (cu. ft.)	Depth of Storage (ft.)
1	2	10,000	10,000	1.0	10,000	10,000	1.0	10,000	10,000	1.0
2	2	10,000	10,000	1.0	10,000	10,000	1.0	10,000	10,000	1.0
3	2	10,000	10,000	1.0	10,000	10,000	1.0	10,000	10,000	1.0
4	2	10,000	10,000	1.0	10,000	10,000	1.0	10,000	10,000	1.0
5	2	10,000	10,000	1.0	10,000	10,000	1.0	10,000	10,000	1.0
6	2	10,000	10,000	1.0	10,000	10,000	1.0	10,000	10,000	1.0
TOTAL	12	60,000	60,000	1.0	60,000	60,000	1.0	60,000	60,000	1.0

NOTES:
1. This plan shows the proposed layout of the sewage disposal system.
2. The system is designed to serve the lots shown on this plan.
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PREPARED BY:
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Resubdivision Criteria: Ancient Oak West (Lots 1-5)							
Lot #	Frontage	Alignment	Size (sf)	Shape	Width	Area (sf)	Suitability
Proposed Lots							
1	254'	Perpendicular	80,700	Rectangular	254'	55,714	R-200
2	25'	Perpendicular	67,000	Pipestem	100'	44,990	R-200
3	25'	Perpendicular	94,500	Pipestem	100'	59,795	R-200
4	25'	Perpendicular	46,100	Pipestem	215'	26,903	R-200
5	239'	Perpendicular	55,700	Rectangular	221'	35,398	R-200
Existing Properties							
11A*	214'	Perpendicular	42,264	Rectangular	224'	18,890	R-200
12A*	521'	Corner	50,069	Rectangular	228'	20,720	R-200
24A	250'	Perpendicular	87,120	Irregular	100'	50,283	R-200
25A	25'	Perpendicular	100,188	Pipestem	246'	66,880	R-200
26A	25'	Perpendicular	92,915	Pipestem	290'	68,360	R-200
27A	582'	Corner	87,187	Irregular	327'	49,350	R-200
Range	25-582'		42,264-100,188		100-327'	18,890-66,880	
Average	198'		73,067		209'	45,207	
Zone Minimum	25'		20,000		100'		R-200

* Resubdivision