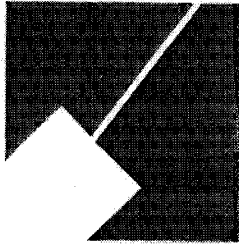


Item #9

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, www.mncppc.org

**MEMORANDUM**

**DATE:** February 6, 2004

**TO:** Montgomery County Planning Board

**VIA:** Joseph Davis, Chief *JRD*  
Development Review Division

**FROM:** A. Malcolm Shaneman, Supervisor (301) 495-4587 *AMS*  
Dolores M. Kinney, Senior Planner (301) 495-1321 *DK*

**REVIEW TYPE:** Pre-Preliminary Plan Review

**APPLYING FOR:** Resubdivision of Existing Lots P2, P15, P17 and P18

**PROJECT NAME:** Kingsview Knolls

**CASE #:** 1-03085

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

**ZONE:** R-200

**LOCATION:** On Kings Hill Road in the northwest quadrant of the Kings Hill Road and Kings Brook Road intersection

**MASTER PLAN:** Germantown

**APPLICANT:** Mr. Brian G. Allen

**FILING DATE:** April 9, 2003

**HEARING DATE:** February 12, 2004

---

**STAFF RECOMMENDATION:** Approval, subject to conditions.

- 1) Imperviousness for the four Kingsview Knolls single-family detached units, driveways, and sidewalks may not exceed 13,172 square feet.
- 2) All driveways must be designed as single car width (10 feet) from the edge of the road to the sidewalk and flared out to a double car width (20 feet) in front of the garage. Alternative driveway design may be approved by M-NCPPC Environmental Planning staff on a case-by-case basis provided any additional impervious surface is accounted for as part of the overall impervious limit of 13,172 square feet. All sales contracts must disclose to buyers that these dimensions are imposed as a condition of the Planning Board approval.
- 3) The developer must provide M-NCPPC Environmental Planning staff an estimate of the imperviousness for each lot, based on the actual structure to be constructed, prior to release of the building permits. The developer must also submit surveyed 'as-builts' after the wall and final checks are complete for each lot.
- 4) Compliance with the conditions of approval of the MCDPS stormwater management approval.
- 5) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s) (or MDSHA prior to issuance of access permits).
- 6) 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.

## **DISCUSSION OF ISSUES**

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

This is an application to resubdivide parts of four (4) existing lots into four (4) separate lots.

In order to approve an application for *Resubdivision*, the Planning Board must find that the proposed lots comply 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, the applicant has provided a description of the area analyzed under the resubdivision criteria and an

illustration that delineates the neighborhood, which is included in the staff report. Staff is of the opinion that the applicant's neighborhood delineation is appropriate because it provides an adequate sample that exemplifies the lot and development pattern of the area.

The neighborhood associated with this resubdivision includes 30 lots within Block 1 of Kingsview Knolls Subdivision, which is located on the west side of Kingshills Road, bounded by Schaeffer Road, south of Clopper Road (MD 117). Except for the corner lots they are all perpendicular in alignment. Except for one existing irregular shaped lot, they are rectangular in shape, are consistent in frontage, area, width and suitable for residential use. The irregular shaped lot is slightly larger than the other lots used for comparison in the neighborhood.

### **Master Plan Compliance**

The property is located within the Germantown Master Plan Area. The master plan does not specifically identify this property for discussion but does give general guidance and recommendations regarding zoning and land use. The master 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.

### **SITE DESCRIPTION:**

The property is part of the Kingsview Knolls, Lot 2, Block 2 Lots 1, 2, & 13 through 20, Block 1 and Lot 1, Block 3 subdivision which was originally recorded on March 26, 1963, and contained 12 lots ranging from 40,000 to 76,550 square feet, in the Germantown area. The subdivision was subsequently resubdivided and created smaller lots. The lots subject to this resubdivision are Pt. Lot 15, which contains 28,588 square feet, Pt. Lot 17, which contains 20,000 square feet, Pt. Lot 18, which contains 20,000 square feet, and Pt. Lot 2, which contains 28,588 square feet.

### **ANALYSIS**

This application for resubdivision includes parts of previously recorded lots. As currently considered "parts" of lots the properties are not considered buildable lots. The proposal is to create four (4) buildable single-family lots without changing the current deeded boundary lines. The proposed resubdivision will be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the neighborhood.

**CONCLUSION:**

The proposed resubdivision entails the creation of four (4) individual lots from four (4) existing parts of lots. There are no boundary line changes proposed from what is currently deeded. 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 finds this application consistent with the development pattern and lot configuration within the defined neighborhood. Staff recommends approval of the application with the conditions identified on the preceding page.

**Attachments:**

Vicinity Map	4
Neighborhood Delineation Map	5
Proposed Plan	6
Tabular Summary	7
Correspondence Received To Date	8

# KINGSVIEW KNOLLS (1-03085)



Map compiled on February 06, 2004 at 10:42 AM | Site located on base sheet no - 225NW14

## NOTICE

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Key Map



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Research & Technology Center



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# KINGSVIEW KNOLLS (1-03085)



Map compiled on February 06, 2004 at 11:07 AM | Site located on base sheet no - 225NW14

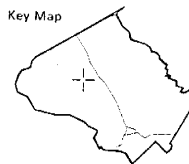
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Key Map



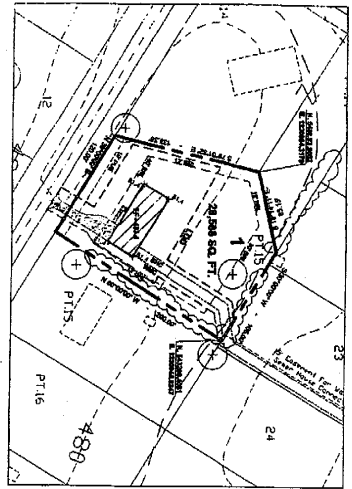
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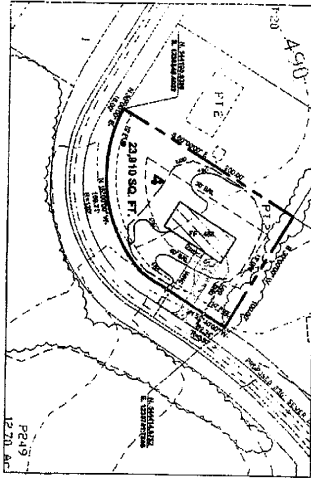
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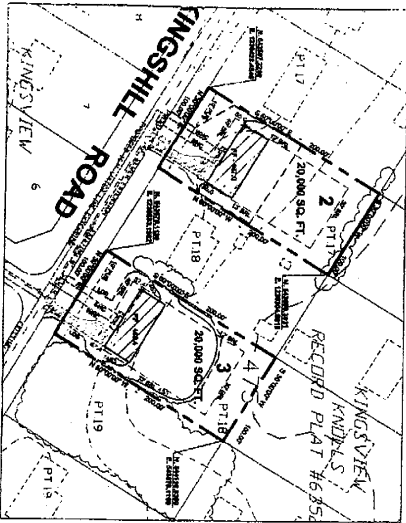
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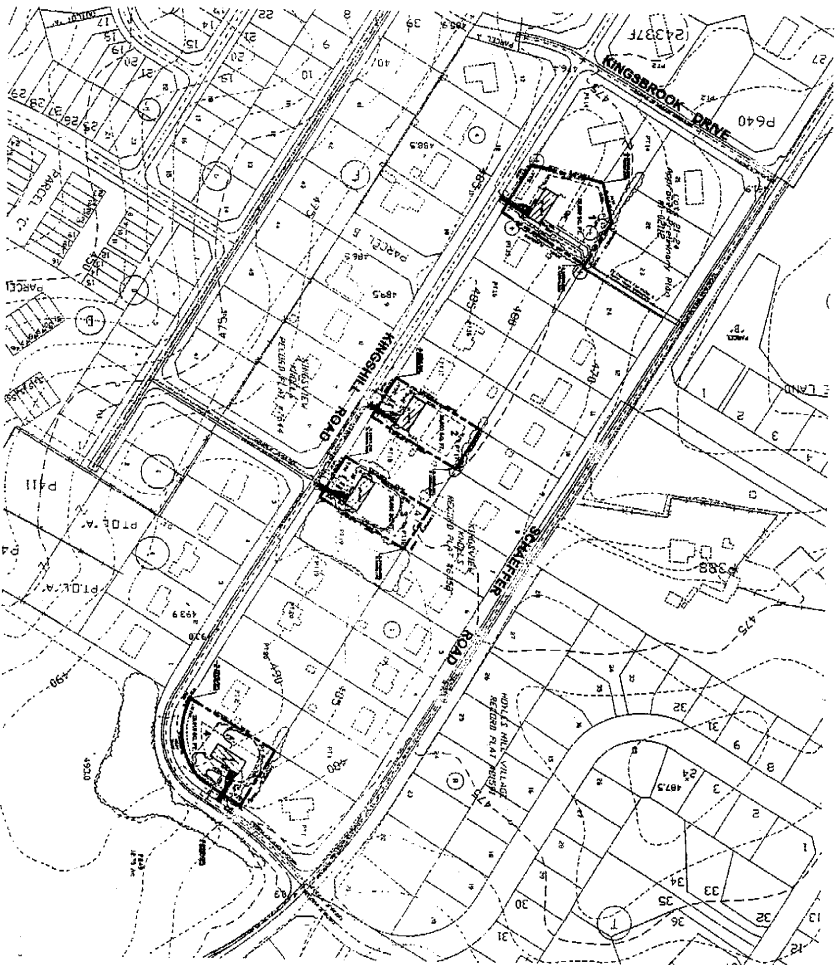
DETAIL VIEW: PART OF LOT 15  
SCALE: 1" = 50'



DETAIL VIEW: PART OF LOT 2  
SCALE: 1" = 50'



DETAIL VIEW: PART OF LOT 17, PART OF LOT 18  
SCALE: 1" = 50'



**LOT 1 NOTES:**

1. AREA OF PROPERTY - 20,000 SQ. FT.
2. AREA OF PROPERTY DEDICATED TO PUBLIC STREET - 0.0 SQ. FT.
3. NUMBER OF LOTS PROPOSED - 1
4. MINIMUM LOT SIZE PERMITTED - 20,000 SQ. FT.

**LOT 2 NOTES:**

1. AREA OF PROPERTY - 20,000 SQ. FT.
2. AREA OF PROPERTY DEDICATED TO PUBLIC STREET - 0.0 SQ. FT.
3. NUMBER OF LOTS PROPOSED - 1
4. MINIMUM LOT SIZE PERMITTED - 20,000 SQ. FT.

**LOT 3 NOTES:**

1. AREA OF PROPERTY - 20,000 SQ. FT.
2. AREA OF PROPERTY DEDICATED TO PUBLIC STREET - 0.0 SQ. FT.
3. NUMBER OF LOTS PROPOSED - 1
4. MINIMUM LOT SIZE PERMITTED - 20,000 SQ. FT.

**LOT 4 NOTES:**

1. AREA OF PROPERTY - 20,000 SQ. FT.
2. AREA OF PROPERTY DEDICATED TO PUBLIC STREET - 0.0 SQ. FT.
3. NUMBER OF LOTS PROPOSED - 1
4. MINIMUM LOT SIZE PERMITTED - 20,000 SQ. FT.

**GENERAL NOTES:**

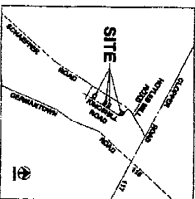
1. EXISTING ZONING - R-200
2. LOTS TO BE SERVED BY PUBLIC WATER & SEWER - 36
3. 20' WIDE SIDEWALKS FOR CATERPILLER, 8' & 14' FROM CURB/ROADWAY CENTERLINE
4. LOCATED IN GREAT SERVICE CREEK WATERSHED (CLASS I-P) AND PROTECTED AND EXEMPT FROM THE FOREST CONSERVATION LAW & REQUIRED SETBACKS:
5. 50' FROM WATERSHED BOUNDARY
6. 25' TOTAL (17' MINIMUM)
7. SITES TO BE SERVED BY VERMONT, PENN & WASHINGTON GAS (IF AVAILABLE)
8. BASE INFORMATION FROM MANGRAC SHEET 22MM14
9. SITE LOCATED ON TAX MAP 0723

**Surveyor's Certificate:**

I hereby certify that the foregoing is a true and correct copy of the original as shown to me by the owner of the same.

*[Signature]*  
Surveyor

2222000000  
MR. BERNARD CALLEN  
11000 SOUTHERN ROAD  
GERMANTOWN, MARYLAND 20874  
301-254-8160



**PRELIMINARY PLAN  
KINGSVIEW KNOLLS**  
(Re subdivision of P2, P15, P17, and P18 of Block 1)  
Montgomery County, Maryland

**B&A**  
Benson & Associates, Inc.  
Land Planning Consultants  
8331 Bay Green Court  
Columbia, MD 21047  
(301) 945-6240

date: MARCH 2003  
scale: 1" = 100'



18413 Kingshill RD  
Germantown, MD 20874-2209  
(301) 428-3621  
E-mail [olson\\_pat@msn.com](mailto:olson_pat@msn.com)

June 11, 2003

Mr. Joseph R. Davis, Chief, Development Review Division  
Mr. A. Malcolm Shaneman, Supervisor  
Mr. Richard A. Weaver, Senior Planner  
MNCPPC  
8787 Georgia AVE  
Silver Spring, MD 20910

Dear Messrs. Davis, Shaneman and Weaver:

RE: File No. 1-03085, Kingsview Knolls

Thank you for the information you provided on the above-referenced preliminary plan; we appreciate your thoroughness of notification. I have no comments of opposition to report as long as the development conforms to all the required regulations. But we do have some concerns:

The current plan shows a proposed sewer extension to serve Lot 4 and the water line extension to serve Lots 2 and 3. If sewer and water can be extended to three new houses, we believe the remaining houses, existing for nearly 40 years, should be included. We want to make the planners and commissioners aware that unless the sewer and water lines are extended from point to point (Kingshill RD to Kingsbrook RD) Lots 7 through 17 are "outside the envelope" of development and will not have water or sewer now or in the future except on an emergency basis. This is worrisome and unfair.

Currently, water only is available just to the Kingshill RD houses on the line established to serve the Kingsview Village development behind us (along Maytide and Rockingham Streets). At the time the water line was put in for Kingsview Village, county authorities, including our county council representative, Nancy Dacek, were quite unaware of our situation until a resident initiated action for the homes on Kingshill RD bordering that line to be included in the hookup. It made economic sense for all parties, and Ms. Dacek arranged for a meeting of all involved to implement this proposal. It was done. We believe that this is a similar opportunity.

I have had periodic discussions about this problem with WSSC representatives, the most recent with Tom Gingrich (301) 206-8883. The conclusion: The latest drastic increase in costs has made it prohibitive for an individual homeowner to obtain sewer/water, the alternative is to wait for failure of the system, but the process to remedy the problem could take a year or more, depending on "the lag time".



2

Further comments of concern I received from residents is the disruption factor of construction; we ask that the houses be completed at one time, to minimize the impact of truck traffic; that Kingshill RD, which is deteriorating and was adversely impacted by unauthorized rerouting of trucks from previous Schaeffer RD construction, be restored; and needless to say, that the 25 mph speed limit be observed.

We will be grateful for your help in this matter and look forward to your response.

Sincerely,



(Mrs.) Patricia V. Olson ("Pat")  
Kingsview Knolls Citizens Association

18413 Kingshill RD  
Germantown, MD 20874-2209  
(301) 428-3621  
E-mail: [olson\\_pat@msn.com](mailto:olson_pat@msn.com)

June 11, 2003

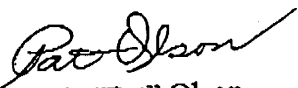
Mr. Joseph R. Davis, Chief, Development Review Division  
Mr. A. Malcolm Shaneman, Supervisor  
Mr. Richard A. Weaver, Senior Planner  
MNCPPC  
8787 Georgia AVE  
Silver Spring, MD 20910

Dear Messrs. Davis, Shaneman and Weaver:

Re: Case No. 1-02112, Kingsview Knolls

On closer perusal of this item dated September 2002, I note that the covering page refers to resubdivision of Lot 13. Would you please explain, since the attached information does not bear this out. This proposal is of interest in light of the additional plan to build 4 houses on Kingshill RD -- totalling seven additions to Kingsview Knolls.

Thanks.

  
(Mrs.) Patricia "Pat" Olson  
Kingsview Knolls Citizens Association