



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MCPB

Item #16

7/22/04



MEMORANDUM

DATE: July 16, 2004

TO: Montgomery County Planning Board

VIA: Richard Hawthorne, Acting Chief *RCH*
Development Review Division

FROM: Catherine Conlon, Acting Supervisor *CAC* (301) 495-4542

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Resubdivision of Existing Lot 13, Great Elm Farm Estates
Subdivision for Two Lots

PROJECT NAME: Great Elm Farm Estates

CASE #: 1-04066

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

ZONE: RE-2

LOCATION: On west side of Partridge Run Lane, approximately 270 feet south
of Glen Road

MASTER PLAN: Potomac Subregion

APPLICANT: Guy H. Semmes

FILING DATE: March 5, 2004

HEARING DATE: July 22, 2004

STAFF RECOMMENDATION: Approval Pursuant to Section 50-29(b)(2), subject to
the following conditions:

- 1) Approval under this preliminary plan is limited to two (2) residential dwelling units.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 3) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 4) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 5) Prior to record plat, applicant to demonstrate that both proposed lots are subject to the existing access, maintenance and liability agreement for Partridge Run Lane.
- 6) Compliance with the conditions of approval of the MCDPS stormwater management approval.
- 7) 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.
- 8) Other necessary easements.

SITE DESCRIPTION:

The Subject Property, Lot 13, Block 3 (“Subject Property”), is part of the Great Elm Farms Estates subdivision, which was originally recorded by plat in 1994. The Subject Property is located on the west side of Partridge Run Lane, an existing private road, approximately 270 feet south of Great Elm Farm Estates and is zoned RE-2. The property is developed with a single-family dwelling.

PROJECT DESCRIPTION:

This is an application to resubdivide the 4.41 acre Subject Property into two residential lots. The applicant proposes to create a 2.28 acre (993,168 square feet) lot with 62,000 square feet of developable area (“Proposed Lot 20”) and a 2.13 acre (927,828 square feet) lot with 45,950 square feet of developable area (“Proposed Lot 21”). The applicant proposes retention of the existing dwelling on proposed Lot 21 and the construction of a new single-family detached dwelling on proposed Lot 20.

DISCUSSION OF ISSUES

Master Plan Compliance

The Potomac Subregion Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations regarding zoning and land use. The plan recommends that this area maintain the existing zoning as adopted and maintain the residential land use consisting of single-family detached homes. The proposed resubdivision complies with the recommendations adopted in the Master Plan in that it is a request for residential development and is consistent with the Zoning Ordinance development standards for the RE-2 zone.

Frontage on a Private Road

The proposed lots will have frontage and will be accessed from existing Partridge Run Lane, which is a private cul-de-sac. The zoning ordinance, in Section 59-C-1.34.1 provides that:

“In the RE-2 zone, lots may front on a private cul-de-sac if the Planning Board finds, as part of the subdivision plan approval process, that the private cul-de-sac:

1. Provides safe and adequate access;
2. Has sufficient width to accommodate the dwelling units proposed;
3. Will better protect significant environmental features on and off site than would a public road; and
4. Has proper drainage.”

The existing road is currently providing safe and adequate access for the neighborhood lots and has sufficient width to accommodate the proposed additional lot. Access via Partridge Run Lane avoids a stream crossing and protects existing forest on the property. Proper drainage will be provided by the proposed lots. Therefore, Staff finds that the criteria for frontage of lots on a private cul-de-sac have been met and recommends approval.

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 selected by Staff consists of 30 lots. The lots included in the neighborhood have frontage with the Subject Property on Partridge Run Lane and Great Elm Court, and share the same RE-2 zoning.

ANALYSIS

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, Staff applied the above-noted resubdivision criteria to the delineated neighborhood. Staff concludes that the proposed lots fall within the neighborhood ranges for the resubdivision criteria and are of the same character with respect to the resubdivision criteria as other lots within the defined neighborhood. Therefore, Staff concludes that the proposed resubdivision complies with the criteria of Section 50-2(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:

Frontage: The existing lots range in frontage from 15 feet to 485 feet. Proposed Lot 20 has a lot frontage of 189 feet, and the proposed Lot 21 has a frontage of 201 feet, which will rank 15th and 17th narrowest with respect to frontage for lots in the neighborhood. These lots therefore have a high correlation to the existing lots with respect to the frontage criterion.

Alignment: Lot 20 will be a perpendicular and Lot 21 will be pipestem in alignment. There are eleven (11) other pipestem lots in the neighborhood and six (6) existing perpendicular aligned lots existing in the neighborhood. The remaining lots are angular and radial in shape. The existing lots vary in alignment, approximately a fourth for each alignment type. Therefore, the proposed lots have a high correlation to the existing lots with respect to the alignment criterion.

Size: The existing lots range in size from 87,120 square feet to 196,456 square feet. Proposed Lot 20 will be 99,350 square feet (2.28 acres) and Lot 21 will be 92,950 square feet (2.13 acres). Ranking from the smallest lot, the proposed lots will fall 9th and 16th in size among the 30 lots in the neighborhood. The proposed lots, therefore, have a high correlation with respect to size of other lots in the neighborhood.

Shape: Proposed Lot 20 and Lot 21 will both have irregular shapes, with Lot 21 being a pipestem lot. The neighborhood consists of 17 irregularly shaped lots

and 11 pipestem lots. Therefore, there is a high correlation between the shapes of the proposed lots and the shapes of the existing lots.

Width: The existing lots range in width from 150 feet to 440 feet. Proposed Lot 20 will have a lot width of 188 feet and Lot 21, 217 feet. Ranking from the narrowest, the lots will fall 7th and 11th in width among lots in the neighborhood. The proposed lots will, therefore, have a high correlation in width to other lots in the neighborhood.

Area: Lot areas in the neighborhood range from 39,600 square feet to 145,800 square feet. Proposed Lot 20, with an area of 62,000 square feet will rank 14th largest in area. Proposed Lot 20 will have a high correlation to other lots in the neighborhood with regard to area. The proposed Lot 21, with an area of 45,950 square feet, will statistically be the second smallest lot in the neighborhood with respect to area. Although Lot 21 statistically falls within the low range with respect to area, Staff, nevertheless finds that the area of that lot (over 43,560 square feet, or one acre) is of the same character with respect to the criterion as other lots within the defined neighborhood. The area criterion (as a measure of developable area within a lot) is less critical in large lot zones than it is in small lot zones because the usable area in a large lot is typically more than adequate to accommodate a house and yard. Therefore, a statistically “high correlation” is not necessary to find that the lot is of the same character.

Suitability for Residential Use: The existing lots and the proposed lots zoned residential and the land is suitable for residential use.

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 Staff finds that 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. Therefore, Staff believes the proposed resubdivision complies with Section 50-29(b)(2) of the Subdivision Regulations and Staff recommends approval of the preliminary plan.

Attachments

- Attachment 1 Vicinity Development Map
- Attachment 2 Neighborhood Delineation Map
- Attachment 3 Proposed Development Plan
- Attachment 4 Tabular Summary
- Attachment 5 Applicant Correspondence