



THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

MEMORANDUM

DATE: July 22, 2004
TO: Montgomery County Planning Board
VIA: Richard Hawthorne, Chief *RCH*
Michael Ma, Supervisor
Development Review Division
FROM: Mary Beth O'Quinn *mboq*
Planning Department Staff
(301) 495-1322

REVIEW TYPE: Site Plan Review
APPLYING FOR: 3 one-family detached homes on 1.78 acres and 2 TDRs

PROJECT NAME: Kakar Property
CASE #: 8-04031
REVIEW BASIS: Site Plan required by the conditions of Preliminary Plan 1-03071
Site Plan required in the RE2-TDR2 Zone [§59-C-1.395 TDR Zone]

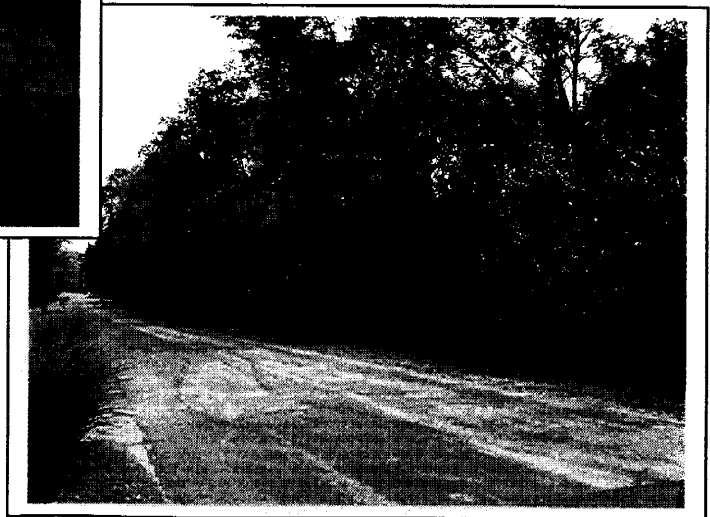
ZONE: RE2-TDR2 Zone
LOCATION: Bailey's Lane, 370 feet southeast of Norbeck Road (MD 28)
MASTER PLAN: Aspen Hill
APPLICANT: Devinder S. Kakar, Jaspinder K Kakar, Arvinder S. Kakar
FILING DATE: May 20, 2004
HEARING DATE: July 29, 2004



STAFF RECOMMENDATION: Approval of three one-family detached homes and 2 TDRs, subject to the following conditions:

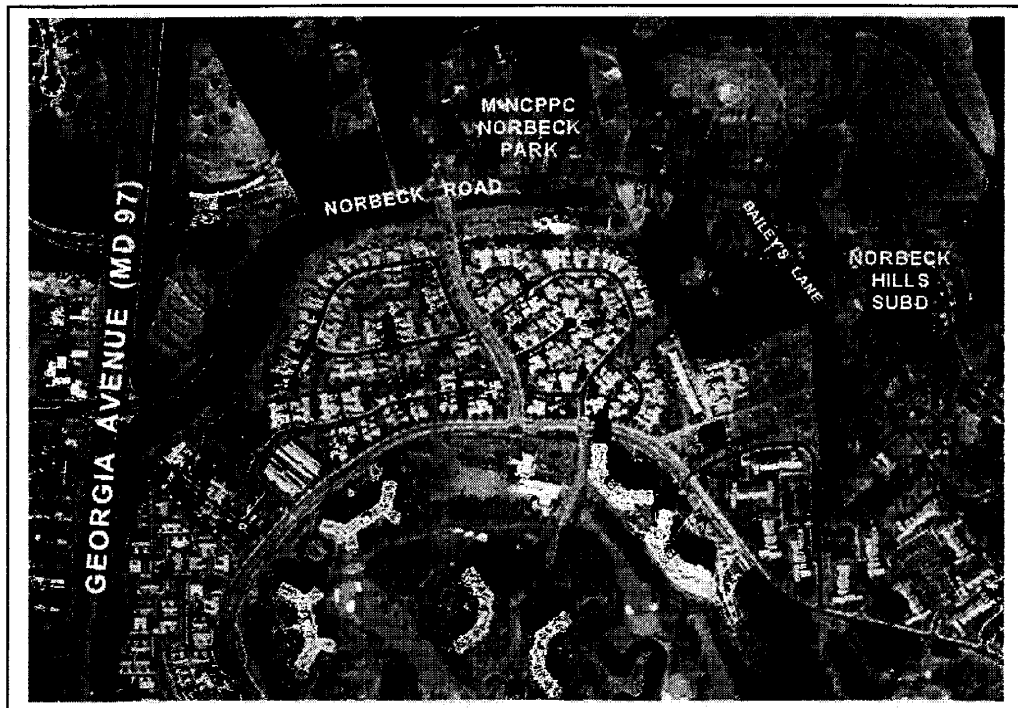
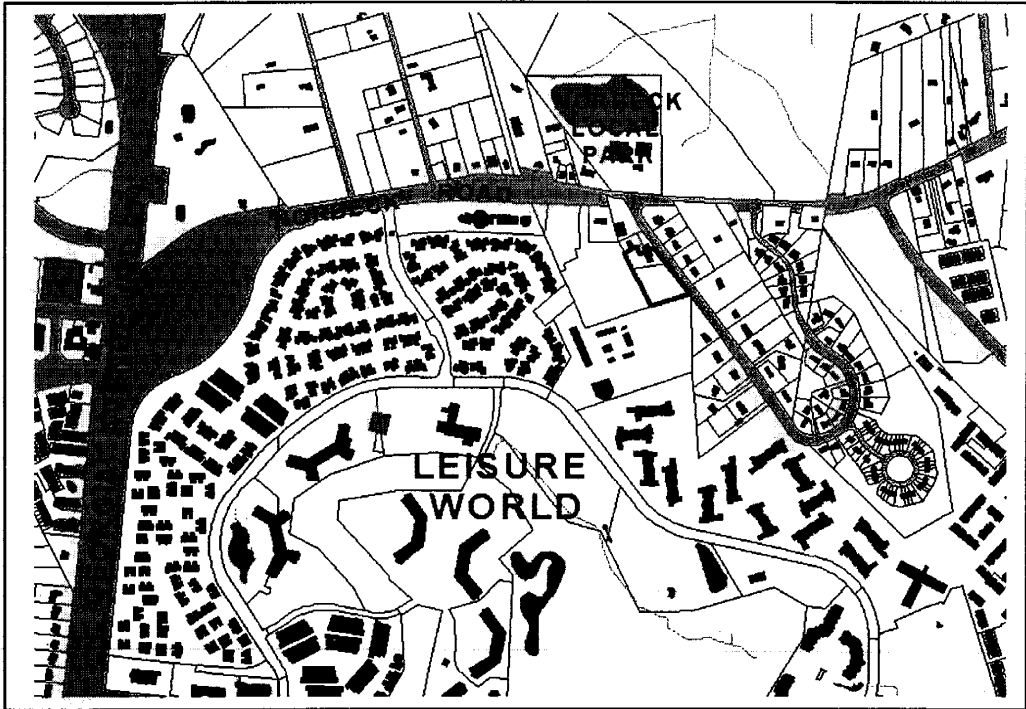
1. Stormwater Management
Conditions of MCDPS stormwater management concept approval dated April 10, 2004.
2. Environmental Planning
 - a. Comply with the conditions of the final forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits;
 - b. Show a Category I Forest Conservation Easement over all the areas of retained forest on the record plat;
 - c. Install a permanent split rail fence at the rear of the area to be cleared and along the boundaries of the forest conservation easement area.
3. Signature Set
Prior to signature approval of the site/landscape plans the following revisions must be made and/or information provided on the site plan, subject to staff review and approval:

- a. Site Plan
Verify dimensions for the following: entrance drives, forest conservation areas, future rear decks; indicate clearly on the site plan the following: parcel boundary that includes Lots 1,2,and 3, lot lines with dimensions, limits of disturbance; final forest conservation boundaries.
- b. Landscape Plan
Provide landscape buffering to continue existing roadside wooded buffer using mixed evergreen, deciduous, and understory plantings in the following locations: from the side lot lines to the house edges, at the entrance drives, at the garages; location, plant spacing and species to be reviewed at signature set;
- c. Provide the development program inspection schedule;
- 4. TDRs
Prior to recording of plat, applicant shall provide verification that 2 Transfer Development Rights (2TDRs) have been acquired for the proposed development; applicant shall indicate on the signature site plan the provision of 2 Transfer Development Rights (TDRs).
- 5. Site Plan Enforcement Agreement
Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents (as applicable) for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - i. Landscaping associated with each building must be completed as construction of each facility is completed;
 - ii. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - iii. Coordination of each section of the development and roads;
 - v. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features;
 - b. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit;
 - c. No clearing or grading prior to M-NCPPC approval of signature set of plans.



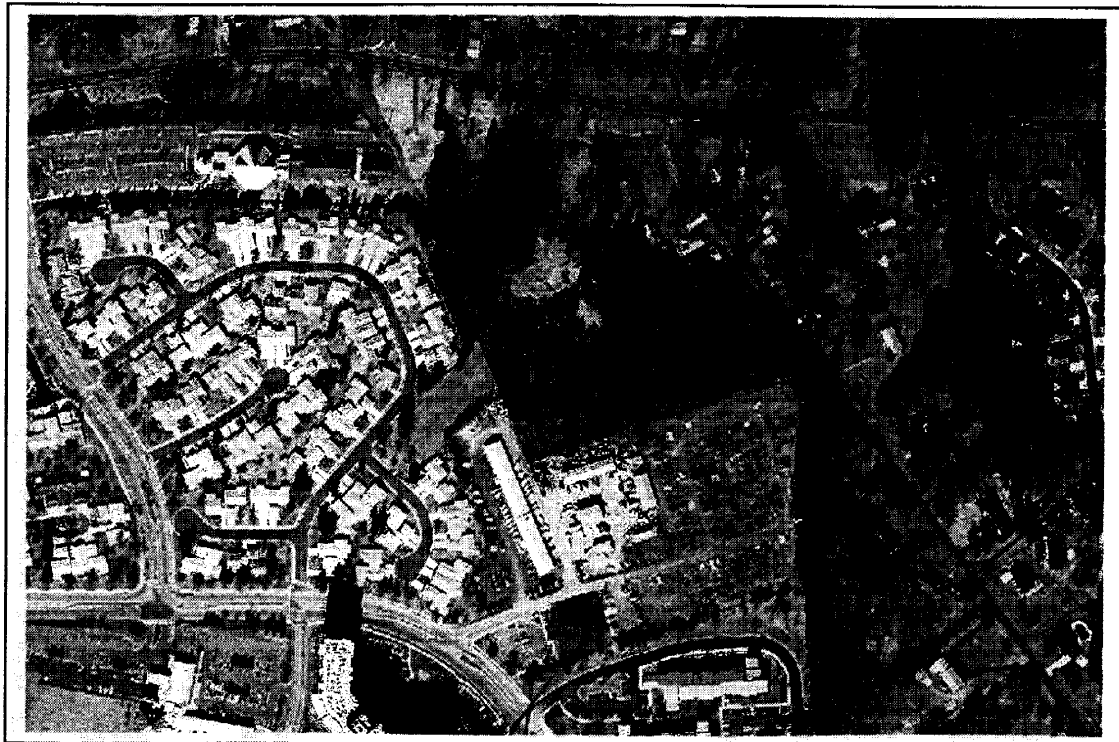
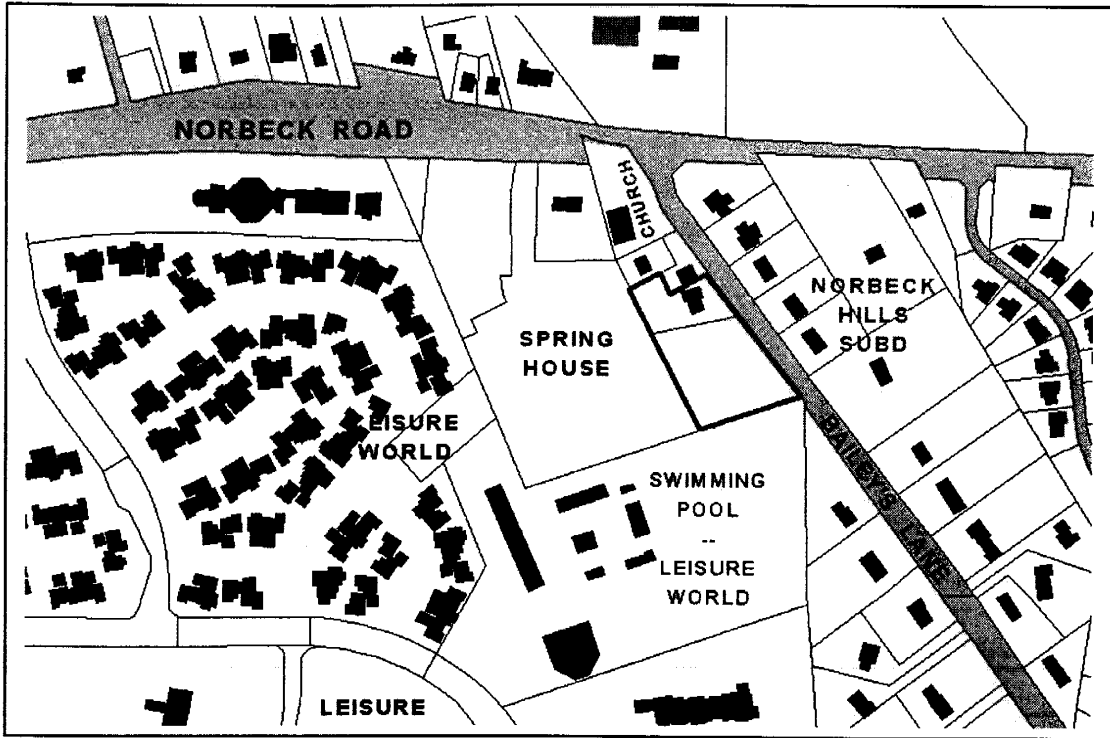
PROJECT DESCRIPTION: Surrounding Vicinity

The proposed site represents the only undeveloped property along the west side of Bailey's Lane, in the Aspen Hill Planning Area. The area adjoins the northeast boundary of Leisure World (PRC Zone), less than one mile east of Georgia Avenue and is commonly known as Norbeck Hills. The Spring House at Norbeck adjoins the subject site at its rear, juxtaposed between the Kakar site and Leisure World. The East Norbeck Local Park is located directly across Norbeck Road to the north.



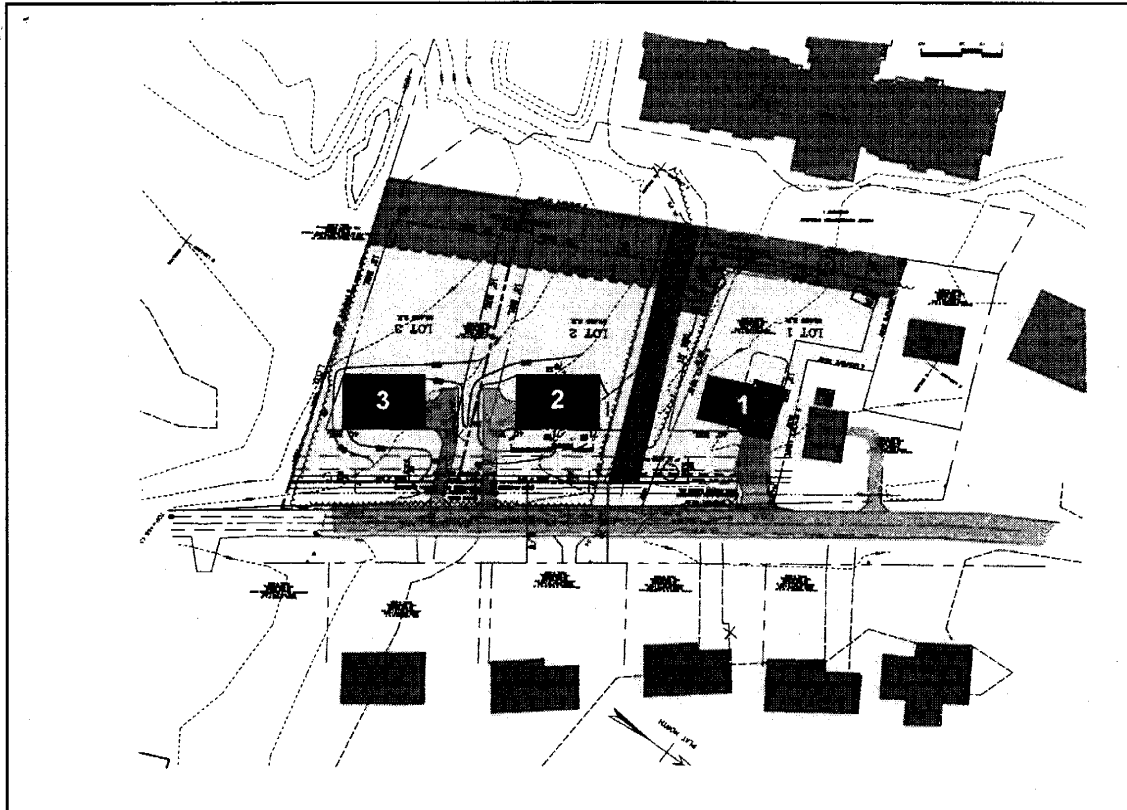
PROJECT DESCRIPTION: Site Description

The subject property is approximately rectangular in shape, however, with an irregular north property line that extends beyond the primary parcel shape. Street frontage for the entire parcel measures approximately 360 feet, while the maximum depth of the three lots is 239 feet. The site contains an existing WSSC sewer easement, 20 feet in width, that parallel the side lot lines between Lot 1 and Lot 2. The site, generally level in grade, contains substantial vegetation; however, most tree growth is young in age and represents small caliper maple trees.



PROJECT DESCRIPTION: Proposal

The proposed site plan features three one-family detached homes on three lots. The house on Lot 1, currently exists, and the two additional houses are proposed for construction. The two new houses retain the building line established by the existing house, and reflect the spacing and building locations of other houses in this RE2 Zone. A forest conservation easement is proposed for the rear of all three lots, interrupted only by the 20-foot WSSC easement that extends from street frontage to rear lot line, between Lot 1 and Lot 2. The proposal utilizes R-200 standards as applicable to the RE2-TDR2 zone.



The Kakar Property development proposes three houses facing Bailey's Lane: Lot 1, an existing house to be retained; Lot 2 and Lot 3: new houses located south of the existing house. The WSSC easement lies between Lots 1 and 2 (shown in blue); the forest conservation easement is shown in dark green at the rear of the parcels.

PROJECT DESCRIPTION: Prior Approvals

The proposal was the subject of Preliminary Plan 1-03071 approved by the Planning Board on July 3, 2003. [See attached, *Opinion 1-03071*, dated August 5, 2003]

Transportation Planning Comment

The Planning Board approved Preliminary Plan No. 1-03071 on July 3, 2003, to create three lots for two new (or three total) single-family detached units. The Planning Board amended staff's condition No. 2 for access and improvements identified in DPWT's letter dated June 19, 2003. In DPWT's letter, their comment No. 11.B. was to construct four-foot wide sidewalk on Bailey's Lane along the property frontage and extended offsite to Norbeck Road with the language "if required as an off-site amenity by the Montgomery County Planning Board". Planning Board voted to delete the requirement to construct a sidewalk because Bailey's Lane is a dead end street and currently is an open-section road with no current sidewalks. Additional right-of-way would have to be acquired to construct the sidewalk between the property line and Norbeck Road.

Summary

The Planning Board, in its Preliminary Plan deliberation, considered the issue of sidewalks, as applied to this open section lane with swales, and found that an on-site and off-site sidewalks requirement is "out of place" for this subdivision. The subsequent site plan application process reviewed the feasibility of sidewalks for the subject site's frontage, in response to the applicant's request for a waiver of such sidewalk. The Department of Permitting Services has reviewed the subject site with favorable inclination to a recommendation that a sidewalk within the street frontage is not necessary for the following reasons:

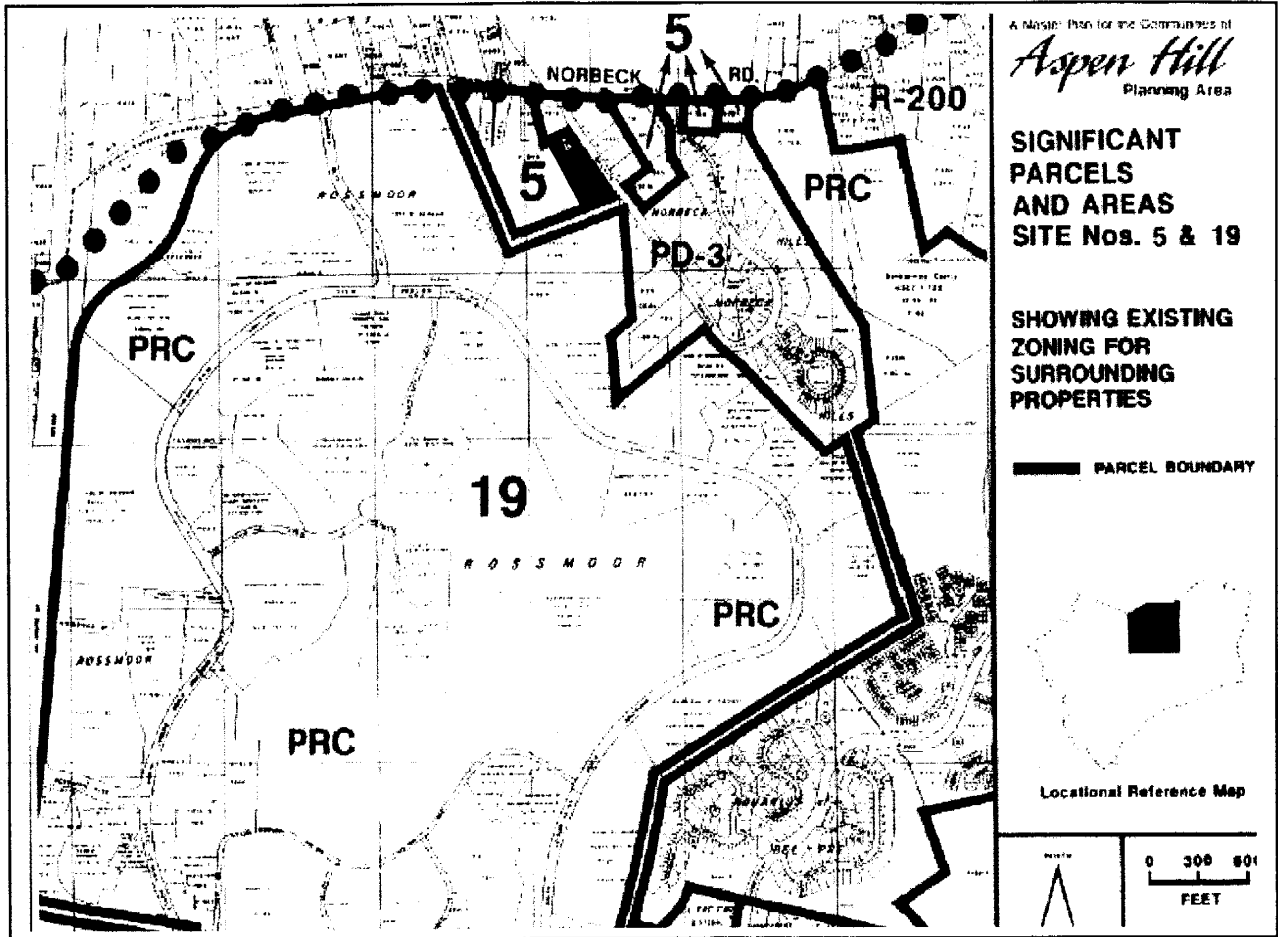
- Bailey's Lane is an open section macadam-surfaced road, with no curbs, gutters or sidewalks; the road terminates in a cul-de-sac with a loop road extension;
- The location of the drainage swales for storm water conveyance requires that any sidewalk be constructed outside of the right-of-way, on the subject property;
- The subject lots remain the only undeveloped parcels on Bailey's Lane; the other 24 houses were constructed before 1990;
- Relocation of the drainage swale and/or the installation of a curb and gutter system entails excessively costs;

The applicant has offered to agree to a covenant that would obligate the future property owners of the subject lots to participate on an equitable, pro-rata basis with other property owners to provide the sidewalk along the full length of Bailey's Lane.



ANALYSIS: Conformance to Master Plan

The subject site is not specifically addressed in the Aspen Hill Master Plan, except for its recommendation for RE2-TDR2 Zoning.



CONFORMANCE TO DEVELOPMENT STANDARDS

PROJECT DATA TABLE			
Kakar Property Development Standard	Site Plan 8-04031	RE2-TDR2 Zone Permitted/Reqd	RE2-2 Zone Proposed
Gross Site Area	1.96 acres		
Total Net Tract Area	1.75 acres		76,178 sf
Area of Public Dedication	0.19 acres		
Proposed Use	One-family Residential		
<u>Development Standards R-200</u>			
Lot Area		20,000 sf	23,680 sf minimum
Density (maximum)		2 units/acre	1 unit/.58 acre
<u>Building Setbacks</u>			
From public street (Master Plan)		10 feet minimum	34 feet minimum
From adjoining lot – side		12 feet min	12 feet min
Sum of both sides		25 feet	42 feet
From adjoining lot - rear		30 feet minimum	107 feet minimum
<u>Building Height</u>		50 feet maximum	50 feet maximum
<u>Building Coverage</u>			
Impervious Area Building Coverage		N/A 25%	16% (12,823 sf)
Green Area		NA	85% minimum
<u>Parking</u>			
Standard	2 spaces/unit	6 spaces	9 spaces

<u>TDR TABULATION</u>			
1.	GROSS SITE AREA:		1.75 AC.
2.	MAXIMUM TDR DENSITY:	1.75 ACRES x 2 D.U. / ACRE =	3 D.U.
3.	BASE DENSITY (RE-2):	1.75 ACRES x .5 D.U. / ACRE =	1 D.U.
4.	MAXIMUM TDR's:	3 D.U. (MAX. TDR DENSITY) - 1 D.U. (BASE DENSITY) - 1 EXISTING HOUSE =	1 D.U. 2 TDRs
5.	MINIMUM TDR's REQUIRED WITHOUT WAIVER:	1 (MAXIMUM TDR's) x 2/3=	2 TDRs
6.	TDR's (TO BE PURCHASED):		2 TDRs

FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with and approved Development Plan. Not applicable.*
2. *The Site Plan meets all of the requirements of the zone in which it is located. See project Data Table above.*
3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

a. **Buildings**

The buildings locations are adequate, safe and efficient. The site design utilizes R-200 development standards, maintaining the established patterns of the existing neighborhood with respect to lot size, setbacks, spacing between the houses, and stormwater management. The proposed placement of the houses provides for generous rear yard dimensions in addition to forest conservation areas.

b. **Open Spaces**

Open space provided consists of the front yards, rear yards, and a 50-foot wide forest conservation easement across the rear lot lines of the three properties. The proposed placement of the houses will provide shaded rear yards that are adequate, safe, and efficient. The generous rear yards create attractive open space while preserving attractive views of the forest conservation areas. Staff recommends that the signature set drawings indicate the form and location of any decks.

c. **Landscaping and Lighting**

Landscaping for the project includes the provision of a forest conservation area across the rear of the three lots, along with various selected landscaping elements. Staff recommends strongly the following measures to ensure adequate compatibility: enhancing the visual boundary of the conservation easement by means of a split rail fence; extending the road side wooded buffer at the edges of the property to frame the houses and provide a visual connection to the existing wooded boundary. Staff also recommends selected landscape elements for screening the garages and driveways.

d. **Recreation**

The proposal is exempt from Recreation Requirements.

e. **Vehicular and Pedestrian Circulation**

Vehicular ingress/egress conforms to R-200 standards. Each house is provided with an individual vehicular entrance driveway. Each driveway leads to a side-loaded garage, providing adequate, safe, and efficient access.

Pedestrian circulation for this subdivision is accommodated on-street. There are no sidewalks provided throughout the development that is served by an open section road with swales to accommodate stormwater conveyance. The applicant has submitted a waiver request per Sec.50-26(h)(3) to allow the omission of the sidewalk along secondary residential street serving the development. Staff supports the applicant's request for the waiver, with particular reference to the Planning Board's consideration and comments on the Preliminary Plan.

4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.*

The buildings proposed are compatible with other uses and development within the immediate and surrounding area. The siting of the buildings, their respect for the established buildings lines, height and orientation will provide an appropriate level of compatibility for this infill property.

The activity associated with the proposed residential uses will not cause any negative effect on the surrounding residential and commercial uses.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

As conditioned, the proposal meets the requirements of Chapter 22A for forest conservation.