



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB AGENDA
ITEM # 9
DATE: 1/6/05



MEMORANDUM

DATE: December 30, 2004

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RAK*
Catherine Conlon, Acting Supervisor *CC*
Development Review Division

FROM: Richard Weaver, Planner Coordinator (301) 495-4544 *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Resubdivision of Lot 1, Verbit's Acres

PROJECT NAME: Verbit's Acres

CASE #: 1-05002

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

ZONE: R-200 (Cluster)

LOCATION: Located in the northeast corner of the intersection of Atwood Road
and Alderton Road

MASTER PLAN: Fairland

APPLICANT: Dana Preister

HEARING DATE: January 6, 2004

STAFF RECOMMENDATION: Approval, pursuant to Section 50-29 (b)(2), Montgomery County Subdivision Regulations, including a waiver for an over length cul-de-sac, and subject to the following conditions:

- 1) Prior to recordation of the record plat(s) or issuance of sediment and erosion plan permit, comply with conditions of the preliminary forest conservation plan. Conditions include, but are not limited to:
 - a. Reconfigure SWM facility, if feasible, to reduce disturbance within the critical root zone of a 29.5" dbh black oak and provide adequate protection for the oak.
 - b. Reconfigure parcel B so that the entire forest retention area lies within proposed Parcel A.
 - c. All of Parcel A, including that part of Parcel A south of Lots 13 and 14, to be placed in a Category I conservation easement. Easement to be shown on record plat.
 - d. Exact location of natural surface trail to be field located and approved by M-NCPPC staff to minimize adverse impacts to trees. Final location of the trail to be shown on the final forest conservation plan.
- 2) The applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 3) The applicant shall construct all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan and to the design standards imposed by all applicable road codes, unless otherwise approved by the Planning Board.
- 4) Record Plat shall reflect all areas under Homeowners Association ownership and stormwater management areas.
- 5) Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 6) Compliance with the conditions of approval of the MCDPS stormwater management approval dated December 3, 2004.
- 7) Compliance with conditions of MCDPWT letter dated December 27, 2004, unless otherwise amended.
- 8) Other necessary easements.

SITE DESCRIPTION:

The Subject Property consists of one platted lot totaling 5.1 acres. The property has frontage on Blackburn Road that is currently not built to complete county road standards. Eight homes in the Blackburn Village subdivision exist on the opposite side of Blackburn Road. Five homes in the Verbit's Acres subdivision abut the Subject Property

to the west. South of the Subject Property there is an open space parcel in the Silverwood subdivision and Lot 214, also in the Silverwood subdivision.

The high point of the Subject Property is along Blackburn Road. The property drops in elevation to the south and east. Forest covers the entire property except for the area occupied by an existing single family residence and associated driveway. Three specimen trees are shown on the property and will be saved. The existing house will also be saved.

PROJECT DESCRIPTION:

This application requests a resubdivision of the subject property into eight (8) residential lots using the cluster option of the R-200 zone. The development will require improvements to Blackburn Road including curb, gutter, sidewalk and construction of a cul-de-sac to properly terminate the road. Access to Lot 214 to the south is maintained by providing a curb apron to the right-of-way to Blackburn Road. Lot 214 is not likely to be resubdivided and may be eligible for construction of one, single-family home with approval of a building permit. Access to Lot 214 could then be accommodated with a single driveway.

The plan uses the cluster development option under the R-200 zone. Under the optional (cluster) method the applicant is generally required to meet forest conservation requirements on the subject property and to provide additional open space beyond the typical stream valley buffers. Staff acknowledges that these two requirements are being met by this plan and supports the use of cluster.

The applicant is also required to create a five foot wide natural surface trail from the cul-de-sac bulb to the Fairland Recreational Park to the south within the Blackburn Road tight-of-way. This is an important public access point to the Park and recommended in the Fairland Master Plan. Staff supports the alignment as shown on the preliminary plan. Further discussion of the master plan objectives for the Subject Property follows.

DISCUSSION OF ISSUES

Master Plan Compliance

The Fairland Master Plan specifically identifies the Subject Property for discussion (see Attachment A). The Plan, adopted in 1997, recommends changing the zoning for the property from the R-90/TDR zone to the R-200 zone and supporting the use of cluster to preserve environmental features. The zoning was changed to R-200 by sectional map amendment subsequent to the Master Plan adoption. The proposed resubdivision complies with the recommendations adopted in the master plan in that it is a request for development of one-family detached residential units using the cluster option to preserve sensitive environmental features and provides access to Fairland Recreational Park.

Conformance with Section 50-29(b)(2)

A. Statutory Review Criteria

This application involves the resubdivision of one platted lot and is therefore subject to the resubdivision 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 state:

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

The delineated neighborhood contains 8 lots, which are illustrated in the "Neighborhood Delineation" (attachment D), and includes all lots developed under the R-200 zoning standard immediately confronting the Subject Property on Blackburn Road. Lots immediately to the west of the Subject Property in the Verbit's Acres subdivision were developed under the R-90/TDR zone option and as has been Planning Board practice, are not included. Part of Lot 2 also confronting the property on Blackburn Road has been altered by deed and was excluded from the defined neighborhood. The "Data Table" (attachment E) illustrates the variation in lot shapes, sizes, areas, frontages, widths and alignments for the lots in the neighborhood delineation.

C. Analysis

Comparison of the Character of Proposed Lots to Existing

Determinations regarding resubdivision applications are subject to Section 50-29(b)(2) of the Subdivision Regulations. The proposed subdivision and resulting lots must be of the same character as the lots in the delineated neighborhood with respect to the seven resubdivision characteristics: shape, size, alignment, width, frontage, area and suitability for residential use. After review of the application, staff concludes that the proposed resubdivision complies with the criteria. As set forth below, the attached tabular summary supports this conclusion:

Lot Size: In the 8 lot neighborhood, lots range in size from 10,000 square feet to 14,617 square feet. The proposed lots range from 11,372 square feet to 17,913 square feet. Two of the proposed lots (Lots 13 and 14) are not within the range of sizes for the existing neighborhood and will be the largest lots. **While the size**

measurement for these lots are outside the range for the lots in the neighborhood, they are not dissimilar from the defined neighborhood especially as viewed from the street. Staff believes that all proposed lots are of the same character with the lots in the neighborhood.

Area: The lots in the defined neighborhood range in areas from 4,111 square feet to 8,215 square feet. The proposed lots have useable areas ranging from 6,096 square feet to 12,000 square feet. Areas for proposed lots 13 and 14 are larger than all lots in the neighborhood. **Similar to the discussion regarding size, staff believes that the two proposed lots (13 and 14) are of the same character, as are all lots in the proposed neighborhood with respect to size.**

Alignment: The defined neighborhood includes lots that vary with respect to their alignment to the right-of-way with the majority either perpendicular or radial. One existing lot is at an angle to the right-of-way. In the proposed subdivision, the majority of lots are perpendicular or radial. One lot (Lot 13) in the proposal will be angled to the right-of-way in order to accommodate the existing one family structure in its current location. The lot is not, however, out of character with the defined neighborhood. **Staff believes the proposed lots to be of the same character as the existing lots in the defined neighborhood.**

Lot Frontage: The lot frontages in the existing neighborhood range from 62 feet to 81 feet. The proposed resubdivision will have lots with frontages that range from 36 to 114 feet. Lot 13 and 14 are narrower than all existing lots but are the two lots that will front on the cul-de-sac bulb. The Planning Board has recognized that the requirement for cul-de-sacs in existing neighborhoods may lead to lots with frontages that are narrower than the range of conventional lots on straight segments.

The majority of proposed lots are wider with respect to frontage than the lots in the defined neighborhood. This is due to the fact that the proposed lots are on the inside curve of the bend in Blackburn Road which necessitates the wider frontages. It has generally been Board practice to find lots that may not be within the frontage range due to their location on a road curve not necessarily out of character with the defined neighborhood. **Therefore, consistent with similar applications and given the circumstances of this application, staff believes that these lots are of the same character with the lots in the defined neighborhood with respect to frontage**

Width: The neighborhood consists of lots that range from 50 feet to 66 feet. The proposed lots range in width from 57 feet to 114 feet. The widths of the proposed lots are not all within the range of lot widths for the proposed neighborhood. Similar to the discussion above regarding frontage, the majority of proposed lots are on the inside curve of the roadway and tend to have wider widths at the building frontage. **Given the circumstances of this application, the widths of**

the proposed lots are of the same character as the existing lots in the neighborhood with respect to width.

Shape: The existing neighborhood is comprised of lots that vary in shape. The proposed subdivision includes lots of similar shape characteristics. The two lots on the cul-de-sac bulb are irregular, but not dissimilar from Lot 19 in the defined neighborhood. **All proposed lots share similar shape characteristics with lots in the defined neighborhood and are of the same character with respect to shape.**

Suitability for Residential Use: The proposed lots in the neighborhood are zoned for residential use, and staff finds they are suitable for residential use.

Over Length Cul-De-Sac

Pursuant to Section 50-26 (d), cul-de-sacs longer than 500 feet are not permitted unless the Board finds the over length cul-de-sac is justified for one or more of the following reasons:

- 1) Property shape
- 2) Property size
- 3) Topography
- 4) Large lot size
- 5) Improved street alignment

Staff and MCDPWT believe the over length cul-de-sac is justified because previous subdivision approvals have brought the existing street alignment of Blackburn Road to this property. The road must terminate on this property since the portion of Blackburn Road to which this road was to have been connected has been abandoned. The road cannot be extended to the south onto the Fairland Recreational Park. There are no options to connect this road to another road to avoid a cul-de-sac. The cul-de-sac is required by MCDPWT for proper termination of the road to accommodate adequate turning movements of vehicles. For these reasons staff supports the use of the over length cul-de-sac.

CONCLUSION:

Section 50-29 (b) (2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply: street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. Based on the review performed on this application including the information in the Data Table, staff finds that all the proposed lots are of the same character as the lots in the delineated neighborhood with respect to the seven resubdivision criteria and comply with Section 50-29(b)(2) of the Subdivision Regulations. As such, staff recommends approval of the preliminary plan with the conditions cited above.

Attachments

- Attachment A - Master Plan Excerpt -
- Attachment B - Vicinity Development Map
- Attachment C - Proposed Development Plan
- Attachment D - Neighborhood Delineation Map
- Attachment E - Tabular Summary