



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**Agenda Item #5**  
**Date: 2/3/05**



**MEMORANDUM**

**DATE:** January 28, 2005

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Development Review Division

Cathy Conlon, Acting Supervisor  
Development Review Division

**FROM:** Richard Weaver, Planning Coordinator *RW*  
Development Review

**REVIEW TYPE:** Preliminary Plan of Subdivision

**APPLYING FOR:** Preliminary Plan Approval for 1 Residential Lot

**PROJECT NAME:** 15215 Seneca Road

**CASE #:** 1-05050

**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** RC

**LOCATION:** Located on the north side of Seneca Road, approximately 700 feet east of the intersection with Oxmoor Place

**MASTER PLAN:** Potomac

**APPLICANT:** Eric Martinis

**FILING DATE:** November 17, 2004

**HEARING DATE:** February 3, 2005

**STAFF RECOMMENDATION:** Approval, pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to one (1) dwelling unit.
- 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) Compliance with the conditions of approval of the MCDPS stormwater management approval.
- 5) Access and improvements as required by MDSHA prior to recordation of plat.
- 6) Compliance with conditions of MCDPS (Health Dept.) septic approval dated January 20, 2005.
- 7) Other necessary easements.

**SITE DESCRIPTION:**

The subject property, identified as Parcel 402 (“Subject Property”), is located on the north side of Seneca Road, approximately 700 feet east of the intersection with Oxmoor Place (Attachment A). The Subject Property contains 5 acres and is zoned Rural Cluster (RC). It is currently developed with a single-family dwelling to be removed.

**PROJECT DESCRIPTION:**

This is an application to subdivide (convert) the Subject Property into one (1) lot for the construction of one (1) one-family detached dwelling. The gross area of the parcel is five (5.0) acres. The minimum net lot area required under the RC zone using the cluster option is 40,000 square feet with a requirement for 60% of the site (lot) to be preserved as open space. The ensuing lot proposed by this application will be 4.81 acres after dedication to the public right-of-way of 0.19 acres.

**ISSUES**

Pursuant to Section 59-C-9.54, the density under the cluster development option must not exceed one unit per 5 acres. Although the Zoning Ordinance does define the *one unit per five (5) acre* specifically as “gross tract area”, staff has historically used this as the minimum gross land area (before dedication or other conveyances) upon which to base lot yield. This section of the Zoning Ordinance also does not define a “net tract area” that would presumably set a minimum size on the resulting tract area after dedications or conveyances. For this application the resulting lot will be 4.81 acres after road dedication.

As stated above, the Zoning Ordinance does require a “net lot area” of 40,000 square feet, with a 60% open space requirement for RC development using the cluster option. The proposed lot meets this requirement. 60% of the lots will be preserved in easement as open space. The majority of existing forest will be preserved within the open space easement. The new house will be located in the area already cleared around the existing house. Staff believes that the proposed lot meets all dimensional requirements and the intent of the Rural Cluster zone under the cluster development provisions.

## **ANALYSIS**

Staff’s review of Preliminary Plan #1-05045, 15215 Seneca Road Property, indicates that the plan conforms to the recommendations of the Potomac Master Plan. The proposed preliminary plan is consistent with the master plan goal to maintain the area’s residential character. Staff also finds that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the proposed subdivision. Staff further finds that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

## **CONCLUSION:**

Staff finds that Preliminary Plan #1-05045, conforms to all applicable regulations and guidelines for subdivision of property in Montgomery County. As such, Staff recommends approval of the preliminary plan, subject to the above conditions.

## **ATTACHMENTS:**

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|--------------|------------------|
| Attachment A | Vicinity Map     |
| Attachment B | Preliminary Plan |
| Attachment C | Air Photo        |

