



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

MCPB
Item #7
2/10/05



MEMORANDUM

DATE: February 3, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*

FROM: Catherine Conlon, Acting Supervisor
Development Review Division *CC*

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Resubdivision of Existing Lots 14 and 15

PROJECT NAME: Kemp Mill Farms

CASE #: 1-04037

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

ZONE: R-90

LOCATION: Located in the southwest quadrant of the intersection of Grays Lane and Kemp Mill Road.

MASTER PLAN: Kensington/Wheaton

APPLICANT: Lewis J. and Peggy T. Allison

HEARING DATE: February 10, 2005

STAFF RECOMMENDATION: Approval, pursuant to Section 50-29(b)(2), Montgomery County Subdivision Regulations subject to the following conditions:

- 1) Approval under this preliminary plan is limited to four (4) one-family dwelling units.
- 2) Prior to approval of record plat, applicant shall submit a tree-save plan that includes a licensed arborist's recommendations for protecting at least two large cherry trees along the southern property line of proposed Lot 16. If protection of these trees is not possible, 6 one-inch caliper, native shade trees to be planted on Lot 16 as mitigation for loss of the cherry trees.
- 3) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 4) Record plat to provide the deed reference for the existing Declaration of Covenants (for Roadway Construction) for Clintwood Road.
- 5) Compliance with conditions of MCDPWT letter of approval dated January 30, 2005, unless otherwise amended.
- 6) Compliance with the conditions of approval of the MCDPS stormwater management approval dated August 11, 2004.
- 7) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 8) Other necessary easements.

SITE DESCRIPTION:

Lots 14 and 15, Block F, the "Subject Property", are part of the Kemp Mill Farms Subdivision which was approved in 1977. The Subject Property is located in the southwest quadrant of the intersection of Grays Lane and Kemp Mill Road (Attachment A). The property contains 1.3795 acres and is zoned R-90. The property is currently developed with two one-family detached dwelling units which front on Kemp Mill Road, and are accessed by private driveways from Kemp Mill Road and Grays Lane.

PROJECT DESCRIPTION:

This is an application to resubdivide the two existing lots into four (4) residential lots. Two additional one-family detached dwelling units are proposed for the new lots. Access to the new lots will be via private driveway on Grays Lane, and a shared private driveway on Clintwood Drive (Attachment B).

DISCUSSION OF ISSUES

Tree Save Plan

The site is exempt from forest conservation plan requirements since it is less than 1.5 acres in size and there is no existing forest (small property exemption). Staff has recommended that two large cherry trees (30" and 25" in diameter) along the southern property line of proposed lot 16 be preserved. The applicant has revised the proposed grading near the trees to reduce disturbance within the trees' critical root zones. If a licensed arborist determines that the trees cannot be preserved, staff is recommending mitigation with planting of native shade trees per condition #2.

Master Plan Compliance

The Kensington/Wheaton 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 one-family detached homes. The proposed resubdivision complies with the recommendations adopted in the sector plan in that it is a request for residential development.

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 applicant has delineated a Neighborhood consisting of 17 lots (Attachment C). The lots included in the neighborhood extend north to Grays Lane, east to the opposite side of Kemp Mill Road, south to include the lots on either side of, and confronting, the intersection of Clintwood Lane and Brentwood Lane, and west to include lots on the opposite side of Clintwood Lane. The lots range in size from 8,799 square feet to 20,996 square feet. All the lots in the neighborhood share the R-90 zoning. Staff is of the opinion that the applicant's neighborhood delineation is appropriate. The neighborhood includes the lots confronting, and adjacent to the lots being created, plus lots along the common approaches to the property via Kemp Mill Road and Brentwood Lane. Parcel 315 is not included in the neighborhood because it is not a platted lot. Existing Lot 1, Block A, which is across the street, is not included as it is in the R-200 zone. Staff believes the neighborhood provides an adequate sample that exemplifies the lot and development pattern of the area. The applicant has provided a tabular summary of the area based on the resubdivision criteria, which is attached to this staff report.

C. 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. Specifically, the criteria are shape, size, alignment, width, frontage, area and suitability for residential use. 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 (Attachment D) and graphical documentation support this conclusion:

Frontage: The existing lots range in frontage from 75 feet to 312 feet. The proposed resubdivision will have lots with frontages that are 121.5 to 241 feet. **The proposed lots therefore have a high correlation to the existing lots with respect to the frontage criterion and will be of the same character as the other lots in the neighborhood.**

Alignment: The existing neighborhood contains lots which are aligned perpendicular to the street. This same perpendicular alignment is reflected in the proposed lots. **The proposed lots have a high correlation to the existing lots with respect to the alignment criterion and will be of the same character as the other lots in the neighborhood.**

Size: The existing neighborhood lots range in size from 8,799 square feet to 23,305 square feet. The proposed lots range in size from 11,327 square feet to 18,948 square feet. **The proposed lots, therefore, have a high correlation with respect to size with other lots in the neighborhood and will be of the same character.**

Shape: The existing neighborhood consists of 14 rectangular lots. The proposed lots will all be rectangular lots. **Therefore, there is a high correlation between the shapes of the proposed lots and the shapes of the existing lots, and the proposed lots will be of the same character as the existing lots with respect to shape.**

Width: The existing neighborhood lots range in width from 75 feet to 120 feet. The proposed lots are 120 feet and 121.5 feet in width for proposed Lots 16 and 17, respectively. Proposed Lots 18 and 19 are corner lots which are 90' in width along their narrowest frontage. Proposed Lots 16 and 17 are the widest, non-corner lots in the neighborhood. Their width is generated by locating the proposed lot line between the two existing structures. Staff believes that the width of Lot 17, fronting on Kemp Mill Road, is in character with the widths of existing lots in the neighborhood because it reflects existing conditions and does not change the character of the existing street frontage. Staff believes the greater

width of proposed Lot 16 is also acceptable because it is driven by the location of the existing houses, and maintains the neighborhood lot pattern of having matching rear and side lot lines rather than an offset line. Proposed Lots 18 and 19 are within the range of lot widths within the neighborhood. Staff believes the proposed lot widths are in keeping with the lot pattern of the existing neighborhood. **Therefore, Staff believes the proposed lots are of the same character with respect to width as existing lots in the delineated neighborhood.**

Area: Lot areas for the existing lots in the designated neighborhood range from 2,750 square feet to 8,314 square feet. The proposed lots range from 4,028 square feet to 9,400 square feet. The lot area of proposed Lot 17, at 9,400 square feet, is the largest in the designated neighborhood. The other proposed lots are within the range of the neighborhood. Staff, believes the area of proposed Lot 17 does not cause the lot to be out of character with other lots in the defined neighborhood since the lot pattern is maintained. **Therefore, the proposed lots have a high correlation to the existing lots in the neighborhood with respect to the area criterion and will be of the same character with respect to area.**

Suitability for Residential Use: The proposed lots are 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 four 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 finds the proposed resubdivision complies with Section 50-29(b)(2) of the Subdivision Regulations and recommends approval of the preliminary plan.

Attachments

Attachment A Vicinity Development Map
Attachment B Proposed Development Plan
Attachment C Neighborhood Delineation Map
Attachment D Tabular Summary