



MEMORANDUM

DATE: February 11, 2005

TO: Montgomery County Planning Board

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

FROM: Dolores Kinney, Senior Planner *DK*
Development Review

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision of Parcel 850 for 3 lots and 1 outlot

PROJECT NAME: Macon Construction

CASE #: 1-05005

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-60

LOCATION: Located at the east quadrant of the intersection of Metropolitan Avenue and Capital View Drive

MASTER PLAN: Kensington Wheaton

APPLICANT: Macon Construction

HEARING DATE: February 17, 2005

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

- 1) Limit the preliminary plan to three single-family residential lots and one outlet.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan including preparation of a detailed tree protection plan and an on-site management plan for non-native, invasive plant species. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 3) At the time of Historic Area Work Permit review for any construction on Lots 1, 2 or 3, and any future construction on Outlot A if it is converted into a lot, the applicant will submit the following to Environmental Planning and Historic Preservation Commission staff:
 - a) a full tree survey prepared by a certified arborist, indicating size, species, health and location of all trees greater than 6" in diameter;
 - b) a detailed grading plan for the lot(s); and
 - c) a tree save plan prepared by a certified arborist identifying necessary tree protection measures.

No issuance of building permits prior to approval of the tree save plan.
- 4) Prior to record plat the owner will sign an agreement with the Historic Preservation Commission to outline a short-term renovation/stabilization plan for the Historic Dwyer House, and a long-term timeline for the entire site including timing for the new construction and the rehabilitation of the Dwyer House.
- 5) Place in involuntary reservation on proposed Lots 1, 2 and 3 the master plan right-of-way for relocated Capitol View Avenue, for a period of three years from the date of preliminary plan approval. No structural improvements may be made within the reservation area during the reservation period.
- 6) Place Outlot A containing the master plan right-of-way for relocated Capitol View Avenue and the possible extension or terminus of Meredith Avenue in involuntary reservation for a period of three years from the date of preliminary plan approval. No structural improvements may be made within the reservation area during the reservation period.
- 7) Record plat shall contain a note stipulating that Lot 3 may not be reduced in size in the future, except to permit the reserved right-of-way for relocated Capitol View Avenue at the rear of the lot to be used in the event that this road is constructed.
- 8) If the reservation areas are not acquired for construction of relocated Capitol View Avenue or Meredith Avenue, an application may be filed to convert the Outlot into a maximum of one record lot through the minor subdivision process.
- 9) Compliance with the conditions of approval of the MCDPS stormwater management approval dated July 30, 2004.
- 10) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 11) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
- 12) Record plat to reflect a Category I conservation easement over all areas of forest retention, and a Category II easement over all tree save areas as determined by the tree save plan.

- 13) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 14) Compliance with conditions of MCDPWT letter dated, November 30, 2004 unless otherwise amended.
- 15) Other necessary easements.

SITE DESCRIPTION

The subject property, identified as Parcel 850 ("Subject Property"), is located on the east side of Metropolitan Avenue, immediately north of Capital View Avenue (MD 192), between the north and south terminus of Meredith Avenue (Attachment A). The property contains 1.48 acres and is zoned R-60. The property contains an existing single family dwelling which is a designated county historic resource, the Dwyer House.

PROJECT DESCRIPTION:

This is a preliminary plan application to create three (3) residential lots and one (1) outlot, for the construction of two (2) single-family detached dwellings and retention of the existing dwelling (Attachment B). The proposed plan involves a parcel of land, which is included within the environmental setting of the Master Plan Historic District of Capitol View Park. The site is also the location of the future realignment of Capital View Avenue and possible connection of Meredith Avenue.

RELATIONSHIP TO THE KENSINGTON /WHEATON MASTER PLAN AND CAPITOL VIEW SECTOR PLAN

The Subject Property is located within the Capital View Park Historic District. The Capital View Park is an example of a railroad community in Montgomery County, which gradually developed over the past 100 years. The Subject Property contains an existing dwelling, which has architectural significance representative of the 1870 to 1916 era. In addition, the Subject Property contains large specimen trees, which if at all possible, should be preserved.

The Master Plan for Communities of Kensington-Wheaton identifies this site for realignment of the right-of-way for Capital View Avenue. Although there are no immediate plans for improvements to Capital View Avenue, reservation for the realignment of the right-of-way for a period of at least three years is being requested as part of the proposed plan.

ISSUES

The 1982 Capitol View Sector Plan recommends the realignment of Capitol View Avenue as a 70' right-of-way. If constructed, the proposed realignment will occupy the rear of three proposed buildable lots and bisect what would have been a fourth buildable lot at the eastern side of the Subject Property. As such, the preliminary plan reflects creation of an outlot on the eastern portion of the site, and the record plat will include

reservation of the proposed 70' right-of-way for the realigned Capitol View Avenue, for a period of three years.

The eastern side of the property is located at the north and south terminus of Meredith Avenue. If Meredith Avenue is connected, the eastern area of the Subject Property would be needed as right-of-way. As with Capitol View Avenue, the record plat will include reservation for Meredith Avenue for a period of three years.

The reservation areas as depicted on the preliminary plan consist of portions of lots 1, 2, and 3 and all of Outlot A. Should a determination be made that the construction of the Capitol View Avenue realignment and the Meredith Avenue connection are not required, the outlot would be eligible for development once the reservation expires.

ENVIRONMENTAL

Forest Conservation

The preliminary forest conservation plan (FCP) proposes to clear about 0.36 acre of forest. About 0.76 acre of forest will be retained and will be placed in a Category I conservation easement. The plan proposes to retain more than the break-even point. Forest within the reservation area and Outlot A is considered as a forest retention area at this time and is recommended to be placed in a Category I conservation easement. If the reservation area is not purchased by the county and Outlot A is converted to a buildable lot, then the forest conservation plan would have to be revised at the time that the outlot is converted to a lot. If the reservation area is purchased by the county, the part of the conservation easement within the reservation area and Outlot A would need to be replaced by the County.

The preliminary FCP also shows which large trees on the site are proposed to be retained and which ones are to be removed. Staff considers this preliminary FCP to be a conceptual tree save plan for the subdivision. After the preliminary plan is approved, the subdivision will have to be reviewed under the Historic Area Work Permit process, which requires detailed site grading and architectural plans. Staff recommends that as part of the Historic Area Work Permit process, detailed tree save plans that are prepared by a licensed arborist also be submitted for M-NCPPC staff review and approval. If any of the large trees shown for preservation on the preliminary FCP cannot be adequately protected, staff recommends onsite tree planting to mitigate for the loss of such trees. The amounts, species, sizes, and locations of trees to be planted for mitigation would be dependent on what trees will be removed, conditions of the trees to be removed, and available space for replanting on the site.

ANALYSIS

Staff's review of Preliminary Plan #1-05005, Macon Construction, indicates that the plan conforms to the recommendations of the Capitol View Sector Plan and The Master Plan for Communities of Kensington-Wheaton. 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 area of 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 #1-05005, Macon Construction, conforms to the Capitol View Master Plan and the Master Plan for the Communities of Kensington-Wheaton and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan with the specified conditions.

ATTACHMENTS

Attachment A	Vicinity Map
Attachment B	Preliminary Plan