

MCPB
Agenda Item #8
Date: 2/17/05



MEMORANDUM

DATE: February 11, 2005

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Pre-Preliminary Plan of Subdivision (Resubdivision)

APPLYING FOR: Advisory Only – Inclusion of Outlot in Defined Neighborhood

PROJECT NAME: Offutt Estates

CASE #: 7-05011

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

ZONE: R-90

LOCATION: Located on the north side of Hillery Way, approximately 500 feet west of Rockville Pike (MD 355)

MASTER PLAN: North Bethesda

APPLICANT: Architecture Realty, Inc.

HEARING DATE: February 17, 2005

STAFF RECOMMENDATION: Support the defined neighborhood as illustrated by staff to include the adjacent Outlot.

PROJECT DESCRIPTION:

At the request of the applicant, this pre-preliminary plan is being brought before the Planning Board for **non-binding** discussion only. The application seeks advice on the potential to resubdivide an existing platted lot in the North Bethesda Planning Area located on the north side of Hillery Way and on the west side of Rockville Pike (MD 355). Lot 3, the “Subject Property” is zoned R-90 and is 21,794 square feet in size. The applicant wishes to submit a preliminary plan to resubdivide the lot into two lots; one rectangular and the other a pipestem. Specifically, as part of this pre-preliminary plan, the applicant seeks advice on the ability to include an outlot in the defined neighborhood.

DISCUSSION:

As with all resubdivisions, the Board must consider a defined neighborhood upon which to base a comparison of the seven resubdivision criteria. For this application the Board is being asked to provide thoughts on the ability of the applicant to include an existing outlot in the defined neighborhood. An outlot is defined in the Zoning Ordinance as follows:

“A parcel of land which is shown on a record plat but which is not to be occupied by a building or otherwise considered as a buildable lot within the meaning of this chapter. A building permit must not be issued on any land so designated. An outlot may be converted to a lot in accordance with the procedures contained in Chapter 50 of the Montgomery County Code.”

Outlots are typically created to accommodate open space or recreational areas to assure that they are never used for other purposes, i.e., development. In some cases outlots are created as unusable or otherwise un-subdividable remainders of land at the fringes of subdivisions. These types of outlots cannot be made buildable unless they are combined with other land to meet the minimum requirements of the Zoning Ordinance or Subdivision Regulations. Historically, staff has not included these type of outlots in a defined neighborhood for resubdivision reviews because they cannot meet Chapter 50 and Chapter 59 requirements and are therefore; truly undevelopable. The Planning Board has accepted this practice.

In certain cases outlots are created where public services such as water and sewer or septic are not currently provided or available which restricts the property from being platted as a buildable lot. In these instances the outlots remain as un-buildable until either water and sewer can be provided or a well and septic system can be approved by the Department of Permitting Services. Under the provisions of the minor subdivision

process these types of outlots can be converted to buildable lots by submitting a plat application for review and approval by the Planning Board.

This application is the first instance in staffs' recollection involving a request to include an outlot which has the potential to be converted to a buildable lot under the minor subdivision process in the defined neighborhood for comparison of a resubdivision. Specifically, this application proposes to include Outlot B, Offutt Estates in the defined neighborhood and requests that the review of the resubdivision include the characteristics of Outlot B.

Outlot B was recorded by plat in 1977. It is unknown why Outlot B was created by the land owners at that time. Staff has not been able to locate a microfiche copy of the preliminary plan. Public sewer may not have been available to this street in 1977 since the plat for Outlot B shows that it is encumbered by the septic system for the house on adjacent Lot 4. Public sewer and water are now available to all lots on Hillery Way. Outlot B otherwise meets all requirements of Chapter 50, the Subdivision Regulations and the size and dimensional requirements for the R-90 zone found in the Zoning Ordinance. Staff believes that Outlot B could be converted to a buildable lot under the minor subdivision process. The Owner of Outlot B is not part of this application and it is not known if he or she is contemplating conversion of the outlot to a buildable status.

As shown on the pre-preliminary plan, the outlot is immediately adjacent to the Subject Property. Staff does believe that Outlot B should be included within the defined neighborhood for this resubdivision and suggests that in future applications, where outlots can be converted by the minor subdivision process, they be included in the resubdivision analysis for comparison reasons.

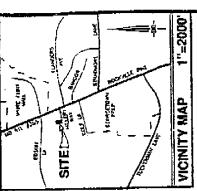
For this application, staff further recommends that if the plan proceeds to the preliminary plan stage, the defined neighborhood should be expanded to include Lots, 5 and 6, Block B of the Wickford Subdivision, and Lots 1, 5 and 6, Block D of the Wickford Subdivision. Staff has been consistent in recommending that all lots abutting the Subject Property of a resubdivision be included in the defined neighborhood even though they may not share the same road access. Staff also recommends that the part of Lot 1 on the north side of Hillery Way not be included since it is an unplatted remainder of a lot.

CONCLUSION:

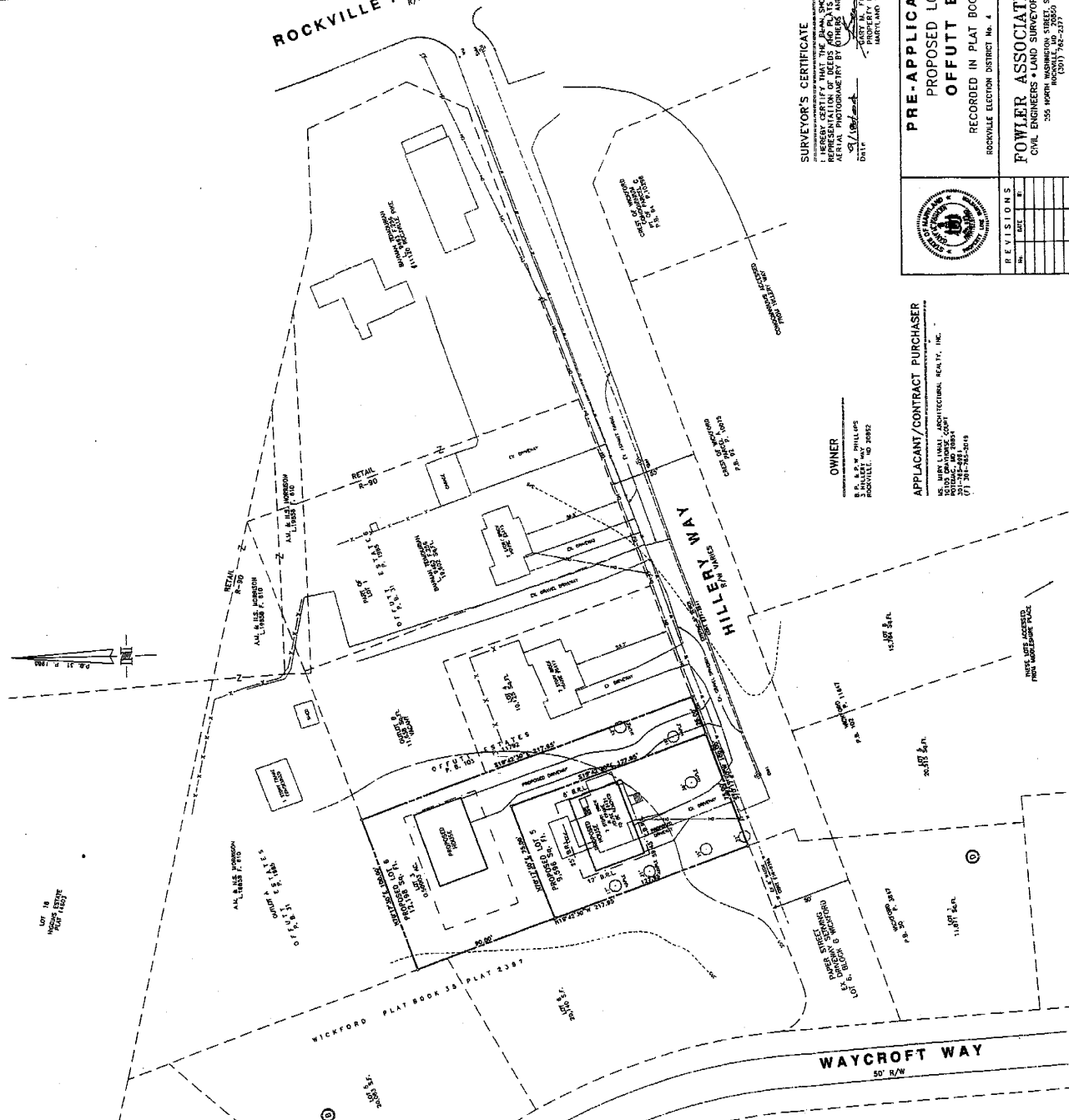
Based on the discussion above, staff requests that the Planning Board support the defined neighborhood as described and as shown on attachment A of this memorandum.

ATTACHMENTS:

Attachment A	Defined Neighborhood
Attachment B	Preliminary Plan



ROCKVILLE PIKE - MD. RTE. #355
R/W VARIES



SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE ABOVE SHOWN SECTION IS AN ACCURATE REPRESENTATION OF DEEDS AND PLATS OF RECORD TOGETHER WITH AERIAL PHOTOGRAPHY BY [Signature] AND FIELD MEASUREMENTS.
DATE: 10/19/84
PROPERTY LINE SURVEYOR
AMERICAN REGISTRATION NO. 559

PRE-APPLICATION PLAN
PROPOSED LOTS 5 & 6
OFFUTT ESTATES

RECORDED IN PLAT BOOK 31 AT PLAT 1985

ROCKVILLE ELECTION DISTRICT No. 4 MONTGOMERY COUNTY, MARYLAND

APPLICANT/CONTRACT PURCHASER
MS. WENDY L. WALKER, ARCHITECTURAL, INC. N.Y. INC.
255 NORTH WASHINGTON STREET, SUITE 300
ROCKVILLE, MD 20854
(301) 982-2449

OWNER
S. P. & W. PHILLIPS
ROCKVILLE, MD 20852

PLANNERS
FOWLER ASSOCIATES, INC.
255 NORTH WASHINGTON STREET, SUITE 300
ROCKVILLE, MD 20854
(301) 982-2377

REVISIONS	
NO.	DATE

SEAL OF THE MARYLAND SURVEYORS ASSOCIATION

SCALE: 1" = 2000'

DATE: 10/19/84

DEVELOPMENT NOTES

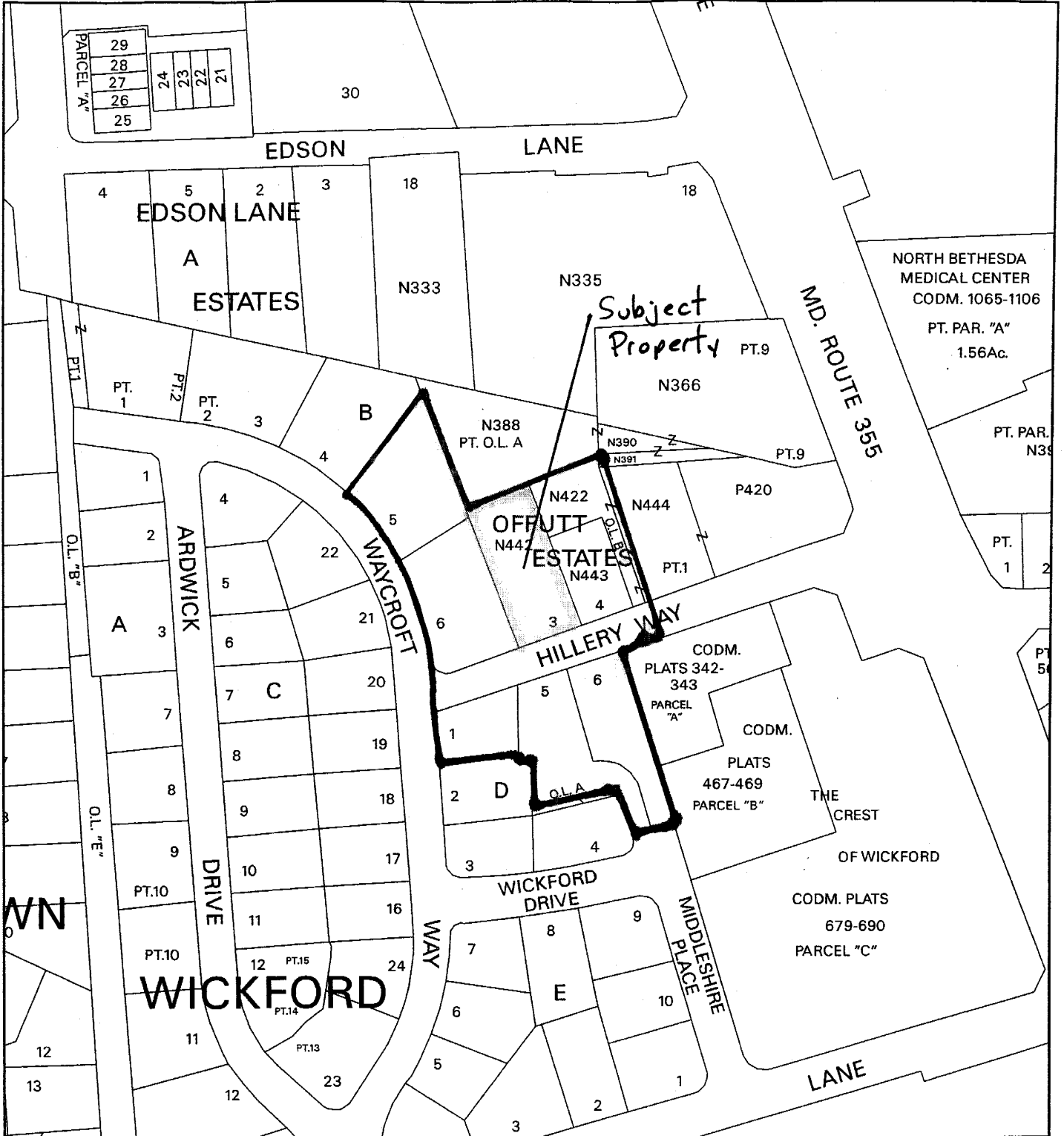
- 1. EXISTING ZONING IS R-30, WITH BUILDING RESTRICTION LINES AS FOLLOWS:
FRONT 30 FEET, SIDEWALK TO SEPARATE BUILDING RESTRICTION LINE
REAR 25 FEET, OFFICE BUILDING 4 FEET, SIDEWALK 4 FEET, SIDEWALK 4 FEET
- 2. MINIMUM LOT SIZE: 5000 SQUARE FEET
- 3. MINIMUM LOT WIDTH AT BUILDING LINE: 75 FEET
- 4. THERE IS NO FOREST ON THIS SITE.
- 5. EXISTING ZONING IS R-30, WITH BUILDING RESTRICTION LINES AS FOLLOWS:
FRONT 30 FEET, SIDEWALK TO SEPARATE BUILDING RESTRICTION LINE
REAR 25 FEET, OFFICE BUILDING 4 FEET, SIDEWALK 4 FEET, SIDEWALK 4 FEET
- 6. THE ENTIRE SITE IS TO BE GRADED TO A FINISH GRADE OF 5 FEET BELOW THE FINISH GRADE OF THE ADJACENT LOT TO THE NORTH.
- 7. THE ENTIRE SITE IS TO BE GRADED TO A FINISH GRADE OF 5 FEET BELOW THE FINISH GRADE OF THE ADJACENT LOT TO THE NORTH.
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- 10. THE ENTIRE AREA OF THIS SITE IS TO BE GRADED TO A FINISH GRADE OF 5 FEET BELOW THE FINISH GRADE OF THE ADJACENT LOT TO THE NORTH.
- 11. THERE ARE NO BOWLS OR WELLS ON THIS SITE.
- 12. THE SITE IS NOT LISTED ON THE HISTORICAL REGISTER.

GENERAL NOTES

- 1. THIS SITE IS TO BE GRADED TO A FINISH GRADE OF 5 FEET BELOW THE FINISH GRADE OF THE ADJACENT LOT TO THE NORTH.
- 2. THERE IS NO FOREST ON THIS SITE.
- 3. EXISTING ZONING IS R-30, WITH BUILDING RESTRICTION LINES AS FOLLOWS:
FRONT 30 FEET, SIDEWALK TO SEPARATE BUILDING RESTRICTION LINE
REAR 25 FEET, OFFICE BUILDING 4 FEET, SIDEWALK 4 FEET, SIDEWALK 4 FEET
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- 11. THERE ARE NO BOWLS OR WELLS ON THIS SITE.
- 12. THE SITE IS NOT LISTED ON THE HISTORICAL REGISTER.

Defined neighborhood

OFFUTT ESTATES, PROPOSED LOTS 5 & 6 (7-05011)



Map compiled on October 20, 2004 at 1:12 PM | Site located on base sheet no - 214NW05

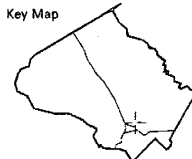
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Key Map



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Research & Technology Center



1 inch = 200 feet
1 : 2400