



MEMORANDUM

DATE: February 18, 2005

TO: Montgomery County Planning Board

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

FROM: Richard A. Weaver, Planner Coordinator *RAW*
Development Review Division

REVIEW TYPE: Pre-preliminary Plan Review

APPLYING FOR: Resubdivision of Existing Lot 64

PROJECT NAME: Muncaster Manor

CASE #: 7-05013

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

ZONE: RE-1

LOCATION: Located at the western terminus of Rolling Road, approximately 1,600 feet east of the intersection with Muncaster Road.

MASTER PLAN: Upper Rock Creek

APPLICANT: Richard A. Mills

HEARING DATE: February 24, 2005

STAFF RECOMMENDATION: No objection to the submission of a preliminary plan

SITE DESCRIPTION:

Lot 64, referred to as the “Subject Property”, is part of the Muncaster Manor Subdivision located on the west side of Muncaster Road at the terminus of Rolling Road, approximately 1,600 feet west of the intersection with Muncaster Road. The property contains 16.15 acres and is zoned RE-1.

PROJECT DESCRIPTION:

At the recommendation of staff, this pre-preliminary plan is being brought before the Planning Board for **non-binding** discussion only. The applicant is seeking advice from the Planning Board to resubdivide an existing recorded lot, Lot 64 (“Subject Property”) into three (3) residential lots; two (2) with frontages of 30 feet each and one (1) with no frontage. Proposed Lot 66 will contain 4.0878 acres, Proposed Lot 67 will contain 2.8591 acres, and the Proposed Lot 68 will contain 9.2019 acres.

DISCUSSION OF ISSUES

Lots Without Frontage

The neighborhood upon which to compare this application includes a lot without frontage. This lot (Lot 63, Block B) was platted in 1998 after approval of a 1997 preliminary plan. Proposed Lot 68 also has no frontage. In the following Analysis, staff has concluded that Proposed Lot 68 is of the same character with respect to frontage and alignment as the existing neighborhood because it compares favorably with the existing lot without frontage. Since this is the first time in staffs’ memory that a lot without frontage is requested as part of a resubdivision, staff seeks the Planning Board’s advice on the matter prior to the applicant proceeding with a full preliminary plan.

Master Plan Compliance

The Upper Rock Creek 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 master 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 the proposed lot 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 the Resubdivision section, the Planning Board must determine the appropriate “neighborhood” for evaluating the application.

The applicant has proposed a neighborhood of 20 lots for analysis purposes. The neighborhood is bordered on the north and west by Rock Creek Valley Park, on the south by Granby Road and on the east by Granby Court and Muncaster Manor Park. Staff is of the opinion that the applicant’s neighborhood delineation is appropriate because it includes lots within the same subdivision, lots that abut the Subject Property and lots with common access points. The applicant has provided a tabular summary of the area based on the resubdivision criteria, which is included in the staff report.

ANALYSIS

Comparison of the Character of Proposed Lots to Existing

Frontage: In the 20 lot neighborhood, lot frontages range from zero (0) feet to 600 feet. The proposed Lot 66 and Lot 67 have frontages of 30 feet each and the proposed Lot 68 has no frontage. The proposed resubdivision creates a lot which will be one of two lots with zero (0) frontage. **Although proposed lot 68 is at the lowest end of the proposed lots as it pertains to frontage, Staff finds that the proposed lots will be of the same character with other lots in the neighborhood.**

Area: In a neighborhood of 23 lots, lot areas range from 43,560 square feet to 196,020 square feet. The proposed Lot 66 has an area of 82,764 square feet, Lot 67 has a lot area of 78,408 square feet and Lot 68 has an area of 317,988 square feet. Since the Subject Property is the largest current lot in the neighborhood, staff believes that the proposed lots will be more in character than the present lot. **As such, Staff finds that the proposed lots are of the same character as the existing lots in the neighborhood as it pertains to area.**

Lot Size: The lot sizes in the delineated neighborhood range from 78,408 square feet to 259,182 square feet. The proposed Lot 66 will have a lot size of 178,56 square feet, Lot 67 will have a lot size of 126,324 and the proposed Lot 68 will have a lot size of 400,752 square feet. The proposed lot will be the largest in the neighborhood but since the Subject Property is currently the largest in the

neighborhood at 16.2 acres, staff believes that the resubdivision would bring it more into character with the defined neighborhood. **Therefore, the resubdivision will be of the same character with the other lots in the neighborhood with respect to size.**

Lot Width: The lot widths in the neighborhood range from 66 feet to 600 feet. The proposed lots will have widths of 125, 150 and 175 feet. The proposed lots fall within the range of lot widths and are of the **same character as the existing lots in the neighborhood.**

Shape: There is a wide variation of lot shapes found in the existing neighborhood including: irregular, rectangular, square, and pipestem. **Staff finds that the shape of the proposed lots will not differ from the variation in lot shapes found within the existing neighborhood and are of the same character.**

Alignment: All lot lines in the existing neighborhood generally align perpendicularly to the right-of-way upon which they front except for existing Lot 63, Block B that has no frontage. Proposed Lot 68 will also have no frontage on a right-of-way. Staff believes that Lot 63, Block B, as a platted lot, has established that lots without frontage are appropriate for this neighborhood. In that respect, staff finds Proposed Lot 68 to be similar in character to Lot 63, Block B and therefore, in character with the neighborhood. **The proposed resubdivision creates two (2) pipestems and one without frontage. The proposal is of the same character as the lots in the defined neighborhood.**

Residential Use: The existing lots and the proposed lots are residential in 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. Proposed Lot 68 will be one of two lots in the neighborhood with no frontage. Since the Board has the authority to create lots without frontage and the neighborhood includes an existing lot with no frontage staff does not believe that creation of a second lot without frontage would be out of character. Staff further believes that Proposed Lots 66 and 67 are also in character with the neighborhood. As such, Staff finds that the proposed resubdivision to comply with Section 50-29(b)(2) and does not object to the submission of a preliminary plan.

Attachments:

- Attachment A – Neighborhood Delineation
- Attachment B – Vicinity Map
- Attachment C - Tabular Summary