



MEMORANDUM

**DATE:** April 1, 2005

**TO:** Montgomery County Planning Board

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

**FROM:** Dolores M. Kinney, Senior Planner *DMK*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Resubdivision of Existing Recorded Parcel N854

**PROJECT NAME:** 4501 Pinetree Road

**CASE #:** 1-05062

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

**ZONE:** RE-1

**LOCATION:** Located on the north side of Pinetree Road, at the intersection with Sycamore Lane

**MASTER PLAN:** Olney

**APPLICANT:** The Haines Companies

**ENGINEER:** CAS Engineering

**HEARING DATE:** April 7, 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 two (2) one-family dwelling units.
- 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 conditions of MCDPWT letter dated, March 21, 2005 unless otherwise amended.
- 5) Compliance with the conditions of approval of the MCDPS stormwater management approval letter dated January 14, 2005.
- 6) Other necessary easements

**SITE DESCRIPTION:**

Parcel N854 referred to as the “Subject Property” is part of the Sycamore Acres Subdivision, which was originally recorded in 1948. The Subject Property, a corner lot, is located on the north side of Pinetree Road at the intersection with Sycamore Lane. The property contains 2.0 acres and is zoned RE-1. A one-family dwelling currently exists on the property, which will be removed.

**PROJECT DESCRIPTION:**

This is a preliminary plan of subdivision application to create two (2) residential lots for the construction of two (2) one-family detached dwelling units. Access to the site will be directly from Pinetree Road.

**DISCUSSION:**

**Master Plan Compliance**

The Olney 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 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 26 lots for analysis purposes. The neighborhood extends northwest to Emory Lane, one block south of Pinetree Road, one block north of Pinetree Road and west beyond Sycamore Lane.

Staff is of the opinion that the applicant's neighborhood delineation is appropriate because it 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 included in the staff report.

## **ANALYSIS**

### **Comparison of the Character of Proposed Lots to Existing**

In performing the analysis, Staff applied the resubdivision criteria to the delineated neighborhood. Based on the analysis, Staff finds that the proposed resubdivision will be of the same character as the existing lots in the neighborhood. As set forth below, the attached tabular summary and graphical documentation support this conclusion:

**Frontage:** In a neighborhood of 26 lots, lot frontages range from 150 feet to 331 feet. The proposed Lot 15 has a frontage of 229 feet and the proposed Lots 16 has a frontage of 209 feet. **Staff finds that the proposed lots will be consistent in character with other lots in the neighborhood with respect to frontage.**

**Area:** Lot areas range from 15,335 square feet to 93,755 square feet. **The proposed lots will range in area from 22,410 square feet to 22,714 square feet and will be in character with the existing lots in the neighborhood with respect to area.**

**Lot Size:** The lot sizes in the delineated neighborhood range from 40,000 square feet to 128,066 square feet. The proposed Lots 15 and 16 will have lot sizes of

44,431 square feet. **Therefore, Staff finds that the lot sizes of the proposed lots to be of the same character as the existing lots in the neighborhood.**

**Lot Width:** The lot widths in the existing neighborhood range from 118 feet to 300 feet. **The proposed Lot 15 will have a width of 198 feet and Lot 16 will have a lot width of 184 feet which will be of the same character as the other existing lots in the neighborhood as it pertains to lot width.**

**Shape:** There is one (1) triangular lot, six (6) corner lots, 10 irregular lots, and nine (9) rectangular lots. The proposed resubdivision will create two (2) triangular lots. The proposed lots will fall at the lower end of the range as it pertains to shape. Given that the Subject Property was originally a triangular, corner lot, the shape is an existing condition. **As such, Staff finds that proposed lots will be of the same character as the existing lots in the neighborhood.**

**Alignment:** There are six (6) corner lots, and the remaining lots are perpendicular. The proposed resubdivision will create two (2) perpendicular lots. **Staff finds that the proposed subdivision will be consistent in character with the existing lots in the neighborhood as it pertains to alignment.**

**Residential Use:** The proposed lots are 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. The proposed resubdivision will create two lots that are in character based on the resubdivision criteria with all of the lots in the existing neighborhood. Staff finds that the proposed resubdivision is of the same character as existing lots in the neighborhood and therefore, complies with Section 50-29(b)(2) of the Subdivision Regulations. As such, Staff 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