



MEMORANDUM

DATE: April 15, 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
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Resubdivision of Existing Parcel 640 and Pt. 2

PROJECT NAME: Kingsview Knolls

CASE #: 1-05007

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

ZONE: R-200

LOCATION: Located on the east side of Schaeffer Road, south of the intersection with Kingsbrook Drive

MASTER PLAN: Germantown

APPLICANT: Farnsworth Homes, Inc.

HEARING DATE: April 21, 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) Total impervious surfaces constructed on these lots shall not exceed 9,268 square feet. Applicant to submit detailed impervious calculations to Environmental Planning prior to the release of building permits. Impervious surfaces include: buildings, driveways, sidewalks, leadwalks, stairwells, building overhangs less than 2 feet above the ground level, and porches.
- 3) Compliance with conditions of MCDPWT letter dated, March 14, 2004 unless otherwise amended.
- 4) Compliance with the conditions of approval of the MCDPS stormwater management approval.
- 5) Other necessary easements.

SITE DESCRIPTION:

Part of Lot 2, and Parcel 640 are referred to as the "Subject Property". Part of Lot 2 is in the Kingsview Knolls Subdivision, which was originally recorded by plat in 1963. The Subject Property is located on the east side of Schaeffer Road, south of its intersection with Kingsbrook Drive. The property contains 1.06 acres and is zoned R-200.

PROJECT DESCRIPTION:

This is a preliminary plan of resubdivision to create two (2) residential lots for the construction of two (2) one-family detached dwelling units. Access to the proposed lots will be directly from Kingsview Knolls Drive. The property is exempted from forest conservation requirements.

DISCUSSION OF ISSUES

Master Plan Compliance

The Germantown 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 originally proposed a neighborhood of approximately 23 properties, consisting of 12 parts of lots, 2 parcels and 9 lots. Staff has revised the neighborhood to exclude the parts of lots, the parcels and 5 of the lots. Parts of lots and parcels are not typically evaluated in neighborhoods as they pertain to resubdivisions. Additionally, the lots, which were excluded from the neighborhood, are not contiguous to the Subject Property. As such, Staff has proposed a neighborhood of four (4) lots for analysis purposes. The neighborhood consists of Lots 24 through 27 of Block 2 in the Kingsview Knolls subdivision. These lots are located southwest of the Subject Property.

Staff’s neighborhood delineation is appropriate because it provides an adequate sample that exemplifies a contiguous lot and development pattern of the area. A tabular summary of the area based on the resubdivision criteria 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 the neighborhood of four (4) lots, three (3) lots have frontages of 102 feet and one (1) lot has frontage of 120 feet. The proposed Lot 28 has a frontage of 120 feet and the proposed Lot 29 has frontage of 110 feet. **Therefore, the proposed lots will be consistent in character with other lots in the neighborhood as it pertains to frontage.**

Area (Useable Area): The lot areas in the existing neighborhood range from 10,000 square feet to 10,700 square feet. The proposed Lot 28 will have an area of 9,300 square feet and the proposed Lot 29 will have an area of 10,435 square feet. Lot 28 is a corner lot. By definition, corner lots have 2 front yard setbacks that results in smaller lot areas. Staff believes that Lot 28 is, however, consistent with other lots and in character, although smaller in area, than existing lots in the delineated neighborhood. **As such, the proposed resubdivision will be in character with the existing lots in the neighborhood with respect to area.**

Lot Size: The existing lots in the neighborhood range in size from 20,400 to 22,350. The proposed Lot 28 is 24,337 square feet and the proposed Lot 29 is 22,000 square feet. **Lot 28 will have the largest lot size in the designated neighborhood because it is a corner lot. However, staff believes that both lots will be in character with the neighborhood as it pertains to lot size.**

Lot Width: Three (3) lots in the neighborhood have lot widths of 102 feet and one (1) lot has a width of 120 feet. The proposed Lot 28 has a lot width of 145 feet and Lot 29, 110 feet. Lot 28 will have the greatest width in the designated neighborhood but not be out of character. **Staff believes that the proposed lots will be of the same character as the existing lots in the neighborhood with respect to width.**

Shape: The existing lots are all rectangular in shape with the exception of one (1) irregular lot. The proposed Lot 28 is a corner lot and Lot 29 is an irregular. **As such, the proposed resubdivision will be of the same character as the existing lots in the neighborhood pertaining to shape.**

Alignment: The existing lots in the neighborhood are perpendicular in alignment. The proposed Lot 28 is a corner lot - an existing condition - and the proposed Lot 29 is a perpendicular lot. All proposed lot lines meet the street in a perpendicular fashion and, therefore, **the proposed resubdivision will be of the same character as the existing lots in the neighborhood with respect to alignment.**

Residential Use: The existing lots and the proposed Lots 28 and 29 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.

Proposed Lot 28 will be the only corner lot, the smallest in useable area and the largest in size. Due to its location in the subdivision, at two intersecting streets, a corner lot is appropriate. As previously stated, staff believes that Lot 28, while not in the range for existing lots for size and area, will be of the same character as lots in the defined neighborhood. Staff also finds that the entire proposed resubdivision is of the same character as existing lots in the neighborhood and 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 Neighborhood Delineation Map
- Attachment C Proposed Development Plan
- Attachment D Tabular Summary