

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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MCPB
Item # 10
9/29/05



MEMORANDUM

DATE: September 23, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *PK*
Cathy Conlon, Supervisor *CAC*
Development Review Division

FROM: Richard Weaver, Planner Coordinator, (301) 495-4544 *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan Review (Resubdivision)
APPLYING FOR: Resubdivision of an existing lot into a lot and an agricultural use outlot

PROJECT NAME: Sun Kissed Farm
CASE #: 120060070 (1-06007)
REVIEW BASIS: Chapter 50, Sec. 50-29 (b) (2), Montgomery County Subdivision Regulations

ZONE: RDT
LOCATION: On the north side of Bethesda Church Road, approximately 650 feet north and west of the intersection with Purdum Road

MASTER PLAN: Agricultural and Rural Open Space
APPLICANT: Danny Pascal
ENGINEER: Benning and Associates
ATTORNEY: None

FILING DATE: July 18, 2005
HEARING DATE: September 29, 2005

STAFF RECOMMENDATION: Approval, pursuant to Section 50-29 (b) (2) (Resubdivision), and subject to the following conditions:

- 1) Compliance with the conditions of approval of the final forest conservation plan approved September 9, 2005. The applicant must satisfy all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permits.
- 2) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation areas.
- 3) Record plat to contain a note as follows: "The outlot shown hereon is for agricultural or open space purposes only. The area of the outlot shall not be used elsewhere for density purposes to achieve additional buildable lots. The outlot may not be consolidated into an adjacent recorded lot."
- 4) Other necessary easements.

SITE DESCRIPTION:

The subject property consists of a single recorded lot totaling 24.99 acres and zoned RDT. A single family home exists on the property which is accessed by a shared driveway through the adjacent Lot 1 to Bethesda Church Road. The lot is within the Bennett Creek Watershed, a Use I-P stream. A tributary stream traverses the eastern border of the property. Slopes on the property are gentle to moderate. There are approximately 4.26 acres of existing forest located for the most part in the near-stream area.

PROJECT DESCRIPTION:

The application proposes to resubdivide the existing 24.99 acre lot into a 10.22 acre lot and an outlot. The purpose of this resubdivision request is to create the outlot so that it can be transferred to the adjacent property owner of Parcel 95, identified as "equestrian farm" on the preliminary plan. The owner of Parcel 95 operates an equestrian facility and uses the area of the outlot for equestrian uses. Rather than continue to operate under the existing agreement, the property owners seek to resubdivide Lot 2 to create the outlot so that the outlot and the equestrian amenities located on it can be transferred. Since this plan alters the configuration of an existing lot recorded by plat, it is a resubdivision and must be reviewed under Section 50-29 (b) (2). No changes to the existing house on Lot 2 are contemplated by this plan.

Lot 2 and the adjacent Lot 1, Sun Kissed Farm, were originally platted in 1995 as a subdivision of a 50.87 acre parcel. Under the provisions of the RDT zone (1 unit per 25 acres), 2 lots were the maximum number of lots that could be created from the original parcel. Since the entire area of the proposed outlot was required to be used in the density calculations to create Lots 1 and 2, Sun Kissed Farm, it is imperative that the outlot not be used elsewhere to create additional lots. A note on the record plat referenced in condition No.3 will address this concern.

Forest Conservation

This property is subject to the Montgomery County Forest Conservation Law. The applicant has submitted and received approval of a final forest conservation plan. Under the Law, the applicant must protect the existing 4.26 acres of forest and plant an additional 0.74 acres of forest. The applicant will meet the planting requirement in an off-site forest bank. The forested area, including the stream valley buffer, will be protected with a Category I forest conservation easement.

CONFORMANCE TO THE MASTER PLAN

Master Plan Compliance

The Agricultural and Rural Open Space (AROS) 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 promote the continuation of agricultural practices. Staff believes that this plan does support the vision of the AROS master plan.

CONFORMANCE TO THE ZONING ORDINANCE

The lots proposed under this preliminary plan must comply with the dimensional requirements of the Zoning Ordinance Section 59-C-1.32. Staff finds that the lots proposed under this preliminary plan meet the minimal dimensional requirements required by this section of the Zoning Ordinance for the RDT zone. Please refer to the attached checklist (Table 1) for staff verification of the zoning requirements.

CONFORMANCE WITH THE SUBDIVISION REGULATIONS (50-29(b) (2))

A. Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that the proposed lots comply 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. For this application, the applicant has

proposed a neighborhood of eleven lots for analysis purposes (Attachment B). The neighborhood includes one lot that is contiguous to the subject property and lots that are in relatively close proximity to the subject property. Given the scarcity of recorded lots in the area, the neighborhood was expanded for some distance east and west on Bethesda Church Road to draw in a sample of lots which to compare to the proposed lot. The neighborhood is reflected on the submitted "neighborhood map". Staff concurs with the applicant's neighborhood.

ANALYSIS

Resubdivision

Staff has reviewed the submitted application for compliance with the Resubdivision Criteria pursuant to Section 50-29 (b) (2) and has the following analysis:

Size: The proposed lots are of the same character with respect to size as all lots in the neighborhood.

Lots in the neighborhood range in size from 3.2 acres to 27.1 acres. The proposed lot is at 10.2 acres, thereby falling within the range of lots sizes. Staff believes that the proposed lot is in character with the neighborhood defined by the applicant.

Area: The proposed lots are of the same character with respect area as the lots in the neighborhood.

The area of lot in the proposed resubdivision is at 7.3 acres. The range of lot areas in the defined neighborhood are from 2.2 to 22.8 acres. The proposed lot is within the range of lot areas for the defined neighborhood and is, therefore, of the same character with respect to area.

Shape: The proposed lots are similar in character to the shape of lots in the neighborhood.

The resubdivision proposes a pipestem (flag) shaped lot similar in shape to the existing Lot 2. Of the eleven lots in the defined neighborhood, two are pipestem, or flag lots. Staff believes that the proposed lot is similar in shape to two other lots in the neighborhood and therefore, it is of the same character.

Width: The proposed lots are of the same character with respect to width as the other lots in the neighborhood.

The proposed lot widths in the neighborhood, as measured at the building frontage line, range from 149 feet to 900 feet. The proposed lot will be 788 feet wide at the building frontage line and within the range for lots in the neighborhood. Staff believes it is, therefore, of the same character with respect to width.

Alignment: The proposed lots are of the same character with respect to alignment as all lots in the neighborhood.

Lot alignments in the neighborhood are defined as regular in the attached tabular summary. This denotes that the lots allow a house location that fronts to the street. This will continue to be true for the proposed lot. No changes to the existing house on the lot are proposed. The proposed lot is therefore of the same character with respect to alignment.

Frontage: The proposed lots are of the same character with respect to frontage as the lots in the neighborhood.

The range of lot frontages in the neighborhood are from 25 feet to 1646 feet. The proposed lot will be a pipestem with a 25 foot frontage. It is consistent and of the same character with the other lots in the neighborhood.

Suitability: The proposed lots are suitable for residential development.

No new development is proposed. Suitability for development was determined when building permits were issued.

CONCLUSION:

Staff believes that Preliminary Plan #1-06007, Sun Kissed Farm, meets all applicable requirements of the Subdivision Regulations, the AROS Master Plan, and the Zoning Ordinance. Specifically, staff believes that the lot proposed under this preliminary plan meets all seven of the resubdivision criteria defined in Section 50-29(b) (2) of the Subdivision Regulations. The lots are of the same character with respect to size, area, shape, width, alignment, frontage and suitability as the existing lots in the neighborhood. The lots are consistent with the recommendations of the AROS Master Plan and meet the minimum dimensional requirements of the Zoning Ordinance. As such, Staff recommends approval of the preliminary plan, subject to compliance with the conditions cite above.

Attachments

Attachment A Vicinity Development Map
Attachment B Neighborhood Delineation Map
Attachment C Tabular Summary
Attachment E Preliminary Plan
Attachment F Agency Approvals

No Correspondence has been received to date

Preliminary Plan Data Table and Checklist

Plan Name: Sun Kissed Farm				
Plan Number: 12006007 (1-06007)				
PLAN DATA	Required	Provided	Verified	Date
Zoning	RDT	RDT	<i>RW</i>	9/23/05
# of Lots	N/A	1	<i>RW</i>	9/23/05
# of Outlots	N/A	1	<i>RW</i>	9/23/05
Tract Area	N/A	24.99 acres	<i>RW</i>	<i>9/23/05</i>
Minimum Lot Area	40,000	10.22	<i>RW</i>	9/23/05
Lot Width	125 ft. at building line	788 ft. at building line	<i>RW</i>	9/23/05
Lot Frontage	25 ft. min	25 ft.	<i>RW</i>	9/23/05
Setbacks				
Front	50 ft. Min.	1,830 ft.	<i>RW</i>	9/23/05
Side	20/20 ft. Min.	530/150 ft.	<i>RW</i>	9/23/05
Rear	35 ft. Min.	540 ft.	<i>RW</i>	9/23/05
Height	50 ft. Max.	Existing house is less than max.	See engineer letter	9/20/05
Max Resid'l d.u	One house per 25 acres	One house existing		
Dev. Type				
Resid'l d.u.	One house	One House		
Comm'l s.f.				
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	No			
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street	Yes	25 ft.	<i>RW</i>	9/23/05
Road dedication and frontage improvements	None required		<i>RW</i>	
Environmental Guidelines	Required	Stream buffers shown	EP memo attached	9/9/05
Forest Conservation	Required	Met on site and off site	EP memo attached	9/9/05
Master Plan Compliance	Yes	Conforms	<i>RW</i>	9/23/05
Other				
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management	Exempt	No new development		
Water and Sewer or Well and Septic	Existing	No new development		
Local Area Traffic Review	None required	No new development		
Fire and Rescue	No comments ¹			

¹ Agency received 30-day opportunity to review plans. No comments received within the review period is understood as acceptance of the plan.