



MEMORANDUM

DATE: October 7, 2005

TO: Montgomery County Planning Board

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

FROM: Dolores Kinney, Senior Planner (301) 495-1321 *DK*
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Resubdivision of Parcel N952 and Parcel N35

PROJECT NAME: Travilah Acres

CASE #: 120040630 (Formerly 1-04063)

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

ZONE: RE-2

LOCATION: Located on the east side of Turkey Foot Road, immediately east of the terminus of Crossland Lane

MASTER PLAN: Potomac

APPLICANTS: Barry Schimel and Richard Heald

FILING DATE: February 17, 2004

HEARING DATE: October 10, 2005

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

- 1) Approval under this preliminary plan is limited to six (6) one-family residential lots.
- 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 common ingress/egress and utility easements over shared driveway.
- 4) Compliance with the conditions of approval of the MCDPS stormwater management approval dated August 29, 2005. (Attachment C)
- 5) Compliance with conditions of MCDPS (Health Dept.) septic approval dated September 13, 2005. (Attachment C)
- 6) Compliance with conditions of MCDPWT letter dated, December 16, 2004, unless otherwise amended. (Attachment C)
- 7) At plat recordation, Applicant shall dedicate to M-NCPPC the 4.75 acres of land (designated "Park Dedication Area" on the Preliminary Plan) located on the eastern side of the property, which includes the stream buffer areas and land between the buffers. Applicant shall stake and sign the boundaries that separate parkland from private properties, identifying the dedicated land as parkland.
- 8) Applicant shall provide a 25 ft. wide Public Use Trail Easement along the entire west side of the property adjacent to the Turkey Foot Road right-of-way. Applicant shall install adequate signage to identify the easement public use.
- 9) Driveway cross-section up to the eastern edge of Lots 3 and 8 shall be a minimum 12 ft. of pavement with 2 ft. minimum gravel shoulders on both sides. The driveway and proposed turn-around shall be constructed to standards which will support up to 80,000-lb. emergency vehicles.
- 10) Applicant to provide necessary easements on the northern and southern boundaries of the property (as delineated on the preliminary plan) for proposed lots to access adjacent parkland.
- 11) Access and improvements as required to be approved by MCFRS prior to recordation of plats.
- 12) Other necessary easements.

SITE DESCRIPTION:

Parcel N882 and Parcel N85 ("Subject Property"), are part of the Travilah Acres Subdivision and were recorded in 1976. The Subject Property is located on the east side of Turkey Foot Road, immediately east of the terminus of Crossland Lane and is presently developed with two single-family detached dwellings, which will remain. The property contains 17.92 acres and is zoned RE-2.

PROJECT DESCRIPTION:

This is an application to resubdivide the 17.92-acre Subject Property into six (6) residential lots. Access to the proposed lots will be via a private driveway. A portion of the site is located within a stream valley buffer.

DISCUSSION OF ISSUES

Master Plan Compliance

The Potomac 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 single-family detached homes. The proposed resubdivision complies with the recommendations adopted in the master plan in that it is a request for residential development and consistent with the zone.

Environment

The site is located in within the Muddy Branch Watershed, and contains two Use 1-P streams. The streams and their accompanying stream buffers run along the eastern portion of the property. There is no existing forest on-site. Most of the site is rolling hills with mild to moderate slopes. The plan will meet the afforestation threshold by planting 3.65 acres of forest, on site, within the currently unforested buffer. This forest will be permanently protected by dedicating, the area of the site from the environmental buffer to the western boundary of the site, approximately 4.75 acres, to M-NCPPC parkland.

Private Driveway

The proposed subdivision includes six lots, all of which have frontage on Turkey Foot Road with access via a shared driveway. It has been the longstanding policy of the Department of Public Works and Transportation (DPWT) to permit a maximum of four lots on a private driveway, or five lots with proper environmental justification. In most instances where more than four lots are proposed, dedication would be required and construction of a public street. A public street is specifically not recommended by DPWT in this location because it requires grading which would have a significant impact on Turkey Foot Road. Turkey Foot Road is classified as a rustic road. The Turkey Foot Road shoulder is heavily vegetated and curves across the frontage of the Subject Property. The property is also elevated above the road. DPWT has determined that grading for a public road would cause excessive disturbance to the character of the rustic road, and that having multiple driveways onto the road is also undesirable for safety and rustic road reasons. DPWT has determined through site distance analysis that the proposed driveway location is adequate and safe.

Section 59-C-1.34.1 of the Zoning Ordinance provides the ability for lots in the RE-2 zone to have frontage and access on a private cul-de-sac. Per this section, the road and cul-de-sac must be built to tertiary street standards. Staff suggested the use of a private cul-de-sac for access on this property. However, the applicant demonstrated to staff's satisfaction that the desired cul-de-sac, which was recommended to extend to the point at which proposed lots 4, 5, 6 and 7 come together, was not feasible. At this location, proposed septic drainfields, wells, and stormwater management facilities prevent the construction of the desired cul-de-sac bulb. Relocation of these facilities is inhibited by soils and stream buffer limitations on the site.

Staff had the applicant forward the plan to MCFRS to ensure that the driveway is acceptable. Because of the unique attributes of this site, Staff supports the shared private driveway without a cul-de-sac. Pursuant to MCFRS' recommendations, construction standards and a sufficient turn-around, which will support 80,000-pound emergency vehicles, are required for the driveway. In addition, the pavement width is required to be a minimum of 12 feet with 2 feet of gravel on each side. The plat will reference a recorded ingress/egress/utility easement for the shared driveway.

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 each of the proposed lots 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

The neighborhood ("Neighborhood") proposed by the Applicant for analysis purposes contains 12 contiguous lots and two recorded parcels. The boundary of the neighborhood extends to the north of Parcel N882, west to Crossland Lane, east to Muddy Branch Park and south to the southern boundary of Parcel N85. The parcels north and east of Parcel N882 were not included in the Neighborhood. Typically, unrecorded parcels are not included in the Neighborhood for analysis purposes because no previous evaluation has been made to determine compliance to zoning regulations. Therefore, such parcels have no measurable standards for comparison. With the exclusion of these parcels, any lots further north are not contiguous and therefore not included in the Neighborhood. Staff concurs with the Neighborhood proposed by the

applicant because it provides an adequate sample that exemplifies the lot and development pattern of the area.

ANALYSIS

Comparison of the Character of Proposed Lots to Existing

Determinations regarding resubdivision applications are subject to Section 50-29(b)(2) of the Subdivision Regulations. The application must demonstrate a high correlation in characteristics between the characteristics of the proposed lot and the existing lots in the delineated neighborhood. Specifically, these characteristics are shape, size, alignment, width, frontage, area and suitability for residential use. Staff concludes that the proposed resubdivision complies with the area, size, frontage, alignment, width, shape and suitability criteria of Section 50-29(b) (2). As set forth below, the attached tabular summary supports this conclusion:

Area: In a Neighborhood of 11 lots, the existing lot areas range from 43,124 square feet to 174,240 square feet. **All of the proposed lots fall within that range (from 53,579 square feet to 153,767 square feet) and therefore, staff finds that the proposed lots are of the same character with respect to area as the existing lots in the Neighborhood.**

Lot Size: The Neighborhood consists of 11 lots, which range in size from 87,120 square feet to 625,086 square feet. **Staff finds that the proposed lots, which range from 91,476 square feet, to 217,800 square feet, have a high correlation to and consequently Staff finds that the proposed lots will be of the same character with regard to size as the other lots in the Neighborhood.**

Alignment: The Neighborhood contains two (2) corner lots, five (5) perpendicular lots, and three (3) radial lots and one (1) pipestem lot in the neighborhood. The proposed resubdivision application will create all perpendicular lots. **Because the alignments of the proposed lots reflect lot alignments existing in the Neighborhood, Staff concludes that the resubdivision is of the same character as the existing lots in the Neighborhood, with respect to lot alignment.**

Lot Frontage: The lot frontages in the Neighborhood range from 25 feet to 762 feet. The proposed resubdivision will have lots with frontages that are approximately 25 to 360 feet. **Staff, therefore concludes that the proposed lots will be of the same character as the other lots in the Neighborhood with respect to lot frontage.**

Shape: The Neighborhood consists of two (2) corner lots, eight (8) irregular lots and one (1) pipestem lot. The proposed resubdivision creates two (2) irregular lots, and four (4) pipestem lots. **Because the shapes of the lots in the proposed resubdivision reflect lot shapes existing in the Neighborhood, Staff concludes**

that the resubdivision will be of the same character, with the existing lots in the Neighborhood with respect to shape.

Width: The Neighborhood consists of lots, that range from 260 feet wide to 500 feet wide. The proposed lots range in width from 270 feet to 300 feet. **Falling within that range, the proposed lots will be of the same character as the existing lots in the Neighborhood with respect to width.**

Suitability for Residential Use: The proposed lots in the Neighborhood are zoned residential and 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. Staff finds that the lots in the proposed resubdivision are of the same character for reasons stated above as the existing lots in the neighborhood with respect to the seven (7) resubdivision criteria and complies with Section 50-29(b)(2) of the Subdivision Regulations. Staff also concludes that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the proposed lots as demonstrated on the Data Table shown in Attachment 5. As such, Staff recommends approval of the preliminary plan, subject to the above conditions.

Attachments

- Attachment 1 Vicinity Development Map
- Attachment 2 Neighborhood Delineation Map
- Attachment 3 Proposed Development Plan
- Attachment 4 Tabular Summary
- Attachment 5 Data Table