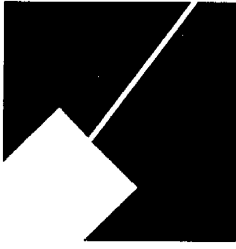


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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**MCPB
ITEM #4
2/16/06**



MEMORANDUM

DATE: February 3, 2006

TO: Montgomery County Planning Board

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

FROM: Richard Weaver, Planner Coordinator *RW* (301) 495-4544

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: Resubdivision of Lot 21, and Part of Lots 19 and 20 – Block “A”, Piney Glen Farms

PROJECT NAME: Piney Glen Farms

CASE #: 120050310 (formerly 1-05031)

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

ZONE: RE-2

LOCATION: Located on the east side of Piney Meetinghouse Road opposite the intersection with Albermyrtle Road.

MASTER PLAN: Potomac

APPLICANT: Potomac Heritage Homes

FILING DATE: August 20, 2004

HEARING DATE: February 16, 2006

STAFF RECOMMENDATION: Approval of five lots pursuant to Section 50-29(b)(2), including a preliminary/final water quality plan, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to five, one family residential lots.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan per Environmental Planning memo dated February 2, 2006. The applicant must satisfy all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permits.
- 3) Record plat to reflect a Category I easement over all stream valley buffers and forest conservation areas.
- 4) Compliance with water quality plan requirements for the Piney Branch Special Protection Area, including afforestation of all unforested areas within the stream valley buffer.
- 5) The applicant shall dedicate road rights-of-way shown on the approved preliminary plan to the following widths:
 - a. 40 ft. from centerline of Piney Meetinghouse Road
 - b. 30 ft. from centerline of Piney Glen LaneDedications to be shown on record plat.
- 6) Record plat to reflect common ingress/egress and utility easements over shared driveway.
- 7) Compliance with the conditions of approval of the MCDPS stormwater management approval dated February 28, 2005.
- 8) Compliance with the conditions of the MCDPS, Well and Septic approval dated September 23, 2005, unless otherwise amended.
- 9) Compliance with the conditions of the MCDPWT approval dated January 30, 2005, unless otherwise amended.
- 10) Record plat to reflect a 10 ft. easement to be labeled as a "Public Use Trail Easement" along eastern and southern boundary of site in the location shown on the preliminary plan.
- 11) Applicant to establish a 25' wide Public Use Trail Easement along the entire east and southernmost sides of the property. Easements to be adequately marked and signed to identify them for public use.
- 12) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 13) Other necessary easements.

SITE DESCRIPTION:

The Subject Property consists of two lots and one part of lot located in the Piney Glen Subdivision on 12.4 acres of land. The subject property has frontage on both Piney Meetinghouse Road and Piney Glen Lane (Attachment A). Most of the immediate surrounding neighborhood has been subdivided and is shown on record plats. The Subject Property currently contains an existing single family house that fronts on Piney Glen Lane. A small stream bisects the southern portion of the site; the stream is a tributary to the Piney Branch which is in a special protection area. A tennis court presently exists in close proximity to the stream. The

northernmost portions of the property are forested with some additional forested areas in and along the aforementioned stream.

PROJECT DESCRIPTION:

This application requests resubdivision of the subject property into 5 residential lots. Two of the proposed lots are accessed from Piney Meetinghouse Road and the remaining three from Piney Glen Lane (Attachment B). All the lots are served by private driveways. The lots on Piney Meetinghouse Road will be served by public water and sewer, and the lots on Piney Glen Lane by public water and private septic systems.

The plan proposes protection of the existing stream buffer area and a portion of the existing forest in conservation easements. Several existing specimen trees will also be retained.

DISCUSSION

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 uses. The plan recommends that this area maintain 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 development of one-family detached residential units.

Conformance with Section 50-29(b)(2)

A. Statutory Review Criteria

This application involves the subdivision of two lots and one part of a lot into five residential lots. 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 identified by the applicant contains 50 lots, which are illustrated in the "Neighborhood Delineation" (Attachment C), and include all platted lots within the same block as the Subject Property and along the most commonly traveled routes to and from the site by

vehicle. The “Data Table” (attachment D) illustrates the variation in lot shapes, sizes, areas, frontages, widths and alignments for the lots in the neighborhood delineation.

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 between the characteristics of the proposed lots and the existing lots in the delineated neighborhood. Specifically, these characteristics are shape, size, alignment, width, frontage, buildable area and suitability for residential use. Based on the analysis of the tabular summaries for these characteristics as discussed below, staff concludes that the proposed resubdivision complies with all seven resubdivision criteria.

Area: During the staff review of the application it was noted that buildable area for proposed lots 38 and 41 would be limited by conservation easements which are required for protection of forest and stream buffers. Staff called into question whether these limitations would produce lots which were in character with the existing neighborhood. To support their observation that many existing lots in the defined neighborhood have similar conditions, the applicant submitted two separate tabular summary tables: one that includes stream buffers and forest in the buildable area and one that excludes them and uses setbacks per the zone to define buildable area. A review of the data tables provides evidence that many other lots in the neighborhood are, in fact, encumbered by environmental limitations. Thus the smaller “actual” buildable area for proposed lots 38 and 41 are not out of character with the neighborhood. The tabular summaries support this finding as follows:

Buildable area including stream buffers and protected forest – In the 50 lot neighborhood, the existing lot areas range from 0.35 acres to 3.50 acres. The proposed lots have useable areas ranging from 1.58 acres to 1.76 acres. **The square footage of the useable areas for the proposed lots are within the range of the existing neighborhood and are therefore of the same character.**

Buildable area excluding stream buffers and protected forest – In the 50 lot neighborhood, the existing lot areas range from 0.24 acres to 2.90 acres. The proposed lots have useable areas ranging from 0.55 acres to 1.57 acres. **The square footage of the useable areas for the proposed lots are within the range of the existing neighborhood and are therefore of the same character.**

Lot Size: The lots range in total size from 2.0 acres to 5.31 acres. The proposed lots range from 2.42 acres to 2.5 acres. **Staff finds the proposed lots to be of the same character with regard to size as those existing in the neighborhood.**

Alignment: The lots within the defined neighborhood vary as to how they align to the street frontage. Most are described as perpendicular, one is radial and five are described

as parallel. The proposed lots are best described as perpendicular and are similar to the majority of lots in the neighborhood. **The alignments of the proposed lots are of the same character as the lots in the defined neighborhood.**

Lot Frontage: There is one pipestem lot in the neighborhood with a frontage of 25 ft. and one large lot with 1,035 ft. of frontage. The remaining 48 lots range from 120 ft. to 507 ft. The proposed lots range from 185 ft. to 289 ft. **Staff believes that the lots are of the same character as all lots in the defined neighborhood with respect to frontage.**

Shape: The existing neighborhood has a variation in lots shapes, including rectangular, irregular and radial shapes. **All five proposed lots will be rectangular-shaped and, therefore, of the same character as the existing lots in the neighborhood.**

Width: The neighborhood consists of lots which range in width at the building line from 130 ft. to 940 ft. The proposed lots range from 185 ft. to 280 ft. **All the proposed lots are within the range for the overall neighborhood and are of the same character with respect to width.**

Suitability: **All the proposed lots are suitable for residential use.**

ENVIRONMENTAL:

Review for Conformance to the Special Protection Area Requirements

As part of the requirements of the Special Protection Area law, a preliminary and final water quality plan must be reviewed in conjunction with a preliminary subdivision plan¹. Under the provision of the law, the Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of a water quality plan. DPS reviews and acts on those elements of the water quality plan that relate to water quality protection performance goals, stormwater management, sediment and erosion control, and monitoring of best management practices. **DPS has reviewed and approved the elements of the preliminary water quality plan under its purview.** The Planning Board's responsibility is to determine if environmental buffer protection and SPA forest conservation and planting requirements have been satisfied.

Environmental Buffers

There environmental buffers on the site will be protected within Category I conservation easements and reforested as part of forest conservation and SPA planting requirements.

Forest Conservation

¹ Section 19-62 (b) of the Montgomery County Code states that "except as otherwise expressly provided in this Chapter, the requirements for a water quality inventory and a preliminary and final water quality plan apply in any area designated as a special protection area to a person proposing a land disturbing activity on privately owned property:...who is seeking approval of an amendment to an approved development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan.

The plan proposes forest retention in the rear of proposed Lot 38 and meets the 0.94 acre reforestation requirement by planting along the rear portion of proposed Lot 37 and behind the barn on proposed Lot 39. Such planting will provide larger areas of contiguous forest, and contribute to meeting the intent of the Piney Branch Special Protection Area to provide multiple protections for water resources.

CONCLUSION:

Section 50-29 (b) (2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. These criteria are: street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. Staff finds that the proposed application complies with all seven criteria.

Staff also believes the proposed plan complies with other requirements of Chapter 50, the Subdivision Regulations, and Chapter 59, the Zoning Ordinance, as summarized in attached Table 1. Therefore, Staff recommends approval of the proposed application.

Attachments

- Attachment A Vicinity Development Map
- Attachment B Proposed Development Plan
- Attachment C Neighborhood Delineation Map
- Attachment D Tabular Summary
- Attachment E Agency Letters