



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item _____
March 1, 2007



MEMORANDUM

DATE: August 23, 2006

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Preliminary Plan of Subdivision, Parcel 477

APPLYING FOR: Two one-family residential lots

PROJECT NAME: Jackson's Acres Property

CASE #: 120061110

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-90

LOCATION: Located on the south side of Smith Village Road, approximately
800 feet northeast of the intersection with Cabinwood Drive

MASTER PLAN: White Oak

APPLICANT: Ms. Stacy Jackson

ENGINEER: Landmark Engineering, Inc.

FILING DATE: May 2, 2006

HEARING DATE: March 1, 2007

STAFF RECOMMENDATION: Approval, pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) Limit the preliminary plan to two single-family detached residential lots.
- 2) Prior to the start of clearing and grading, applicant will
 - a) Submit final tree save plan showing limits of disturbance that are no closer to the rear and eastern property lines for proposed Lot 25 than those shown on the tree save plan dated May 1, 2006.
 - b) Final tree save plan must also show root pruning along the limits of disturbance where necessary and details for removing the identified trees without adversely affecting other trees to be retained.
 - c) Final tree save plan to be prepared, signed, stamped, and dated by a certified arborist.
- 3) Compliance with the conditions of approval of the MCDPS stormwater management approval dated July 18, 2006.
- 4) Compliance with conditions of MCDPWT letter dated June 13, 2006, unless otherwise amended.
- 5) The Applicant will dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 6) 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.
- 7) Other necessary easements.

SITE DESCRIPTION:

The Subject Property, identified as Parcel 477 ("Subject Property"), is located in the Paint Branch Watershed, on the south side of Smith Village Road, approximately 800 feet northeast of the intersection with Cabinwood Drive (Attachment A). The property contains 0.62 acres and is zoned R-90. The property contains no forests, streams or stream valley buffers.

PROJECT DESCRIPTION:

This is an application to subdivide the Subject Property into two (2) lots for two (2) one-family detached dwellings, one of which exists and will remain. Access to the proposed lots will be via a shared driveway from Smith Village Road. The Subject Property is exempt from Forest Conservation, but a tree save plan is required.

ANALYSIS AND FINDINGS

Master Plan Compliance

The White Oak Master Plan did not specifically address the Subject Property but did provide general guidance and recommendations for development patterns and density. The plan reconfirms the residential land use and the one-family zoning in the area. The preliminary plan complies with the master plan goal in that it proposes one-family residential lots.

Transportation

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review.

Environment

There are individual trees along the rear property line. A 30" tulip popular tree is located on the adjacent property near its northwestern corner. No forest, streams, wetlands, floodplains, or environmental buffers exist on the site.

The property is exempt from forest conservation requirements pursuant to the provisions of the small property exemption (4-06180E). Under these provisions, the property is exempt from a forest conservation plan because activity is occurring on a tract less than or equal to 1 acre in size where activity will not result in the clearing of more than 30,000 square feet of existing forest, or any specimen or champion trees, and reforestation requirements would be less than 10,000 square feet.

A tree save plan has been submitted showing three trees that are in poor condition or dead that will be removed along the rear of the property. Four other onsite trees and the offsite tulip popular are proposed to be protected. The Environmental Planning Staff recommends that a final tree save plan, including additional tree protection measures as applicable, be submitted for review and approval prior to clearing and grading.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision, as discussed in greater detail below.

The lots were reviewed for compliance with the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, width, and setbacks in that zone. As noted below, a

reduced frontage is requested. A summary of the review of development standards is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan.

Lot Location and Orientation - Section 50-29(a) (1)

The proposed preliminary plan creates two (2) lots from a parcel. Section 50-29 (a)(1) of the Subdivision Regulations requires that the lot dimension, size, width, shape and orientation be appropriate for the subdivision. The subject application includes a pipestem that results in a lot orientation of one lot behind the other. Although such an orientation is not always recommended, the pattern has already been established in the existing neighborhood. As shown in Attachment A, there are three other similarly oriented lots in the same block as the proposed subdivision, and at least six on other adjacent neighborhood streets. As such, staff finds that the proposed orientation of the lots is appropriate for the subdivision pursuant to Section 50-29(a)(1).

Lots Without Frontage on a Public Street – Section 50-29 (a) (2)

The preliminary plan proposes to create one lot with less than the typically required frontage on a public street. Proposed Lot 25 will have a frontage of 20, rather than 25 feet. Pursuant to Section 50-29 (a)(2) of the Subdivision Regulations, the Board may approve up to two (2) lots without the required frontage. The section states:

“Except as otherwise provided in the zoning ordinance, every lot shall abut on a street or road which has been dedicated to public use or which has acquired the status of a public road which has been dedicated to public use or which has acquired the status of a public road. In exceptional circumstances, the board may approve not more than two (2) lots on a private driveway or private right-of-way; provided, that proper showing is made that such access is adequate to serve the lots for emergency vehicles, for installation of public utilities, is accessible for other public services, and is not detrimental to future subdivision of adjacent lands.”

Based on the approval from the Department of Fire and Rescue dated June 5, 2006, the proposed private driveway will be adequate for emergency vehicles. Other public services will also be able to utilize the driveway. Furthermore, the 20-foot wide pipestem will be adequate for the installation of public utilities next to the proposed driveway. Finally, creating a lot without frontage will not inhibit further subdivision since surrounding properties are already developed. The proposed development does not exceed the creation of two (2) lots without frontage, therefore, the preliminary plan complies with Section 50-29 (a)(2) of the Subdivision Regulations.

Citizen Correspondence

This plan submittal pre-dated new requirements for a pre-submission meeting with neighboring residents, however, written notice was given by the applicant and staff

of the plan submittal and the public hearing. As of the date of this report, no citizen correspondence has been received.

CONCLUSION:

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the White Oak Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

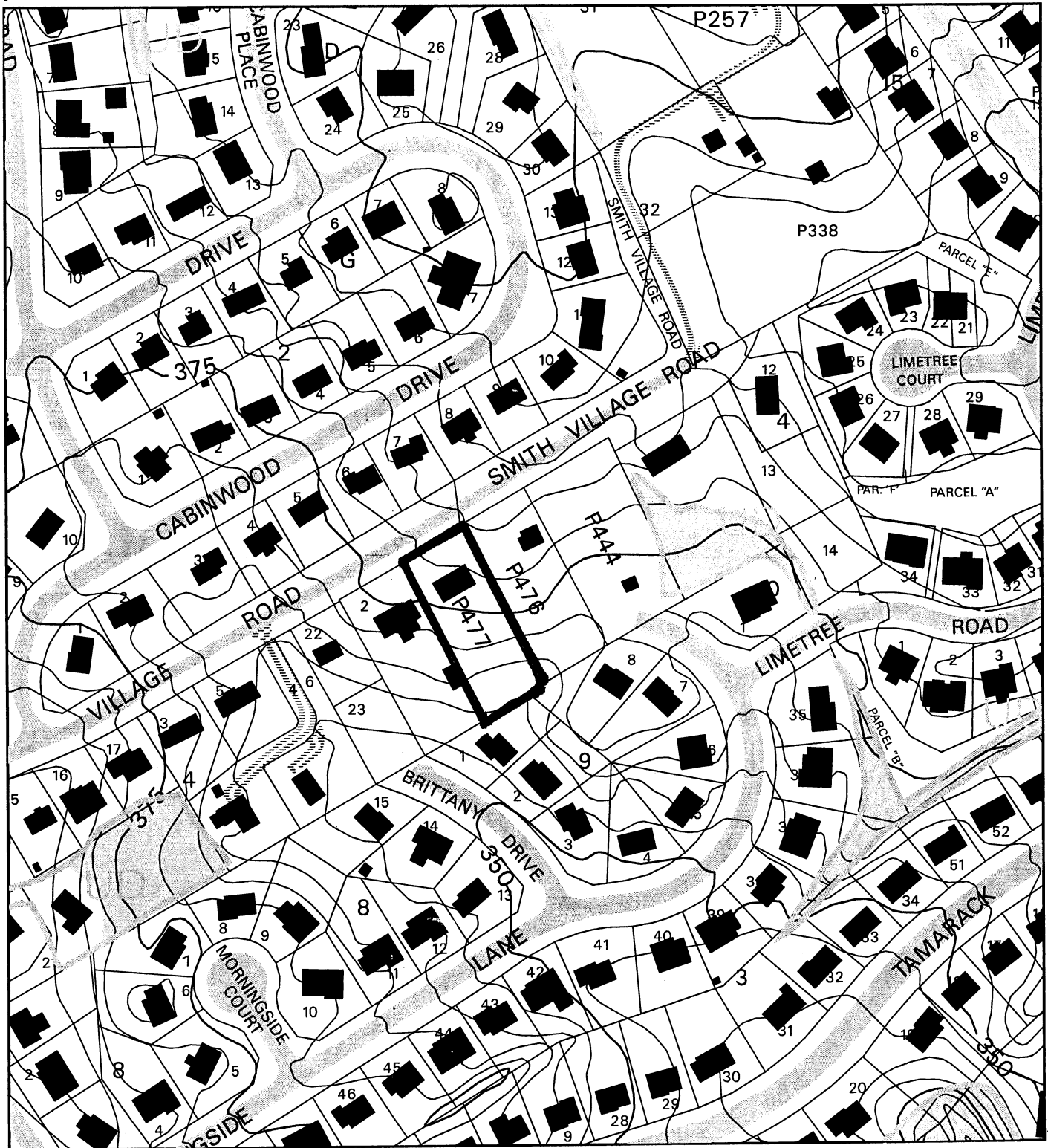
ATTACHMENTS:

Attachment A	Vicinity Map
Attachment B	Preliminary Plan

Table 1. Preliminary Plan Data Table and Checklist

Plan Name: Jackson's Acres				
Plan Number: 120061110				
Zoning: R-90				
# of Lots: 2				
# of Outlots: 0				
Dev. Type: 2 one-family detached dwelling units				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	9,000 sq.ft.	12,425 sq.ft. is minimum proposed	<i>Duke</i>	August 23, 2006
Lot Width	75 ft.	Must meet minimum	<i>Duke</i>	August 23, 2006
Lot Frontage	25 ft.	Waiver requested for one lot	<i>Duke</i>	August 23, 2006
Setbacks				
Front	30 ft. Min.	Must meet minimum	<i>Duke</i>	August 23, 2006
Side	8 ft. Min./ 25 ft. total	Must meet minimum	<i>Duke</i>	August 23, 2006
Rear	25 ft. Min.	Must meet minimum	<i>Duke</i>	August 23, 2006
Height	35 ft. Max.	May not exceed maximum	<i>Duke</i>	August 23, 2006
Max Resid'l d.u. per Zoning	2 dwelling units	2 dwelling units	<i>Duke</i>	August 23, 2006
Site Plan Req'd?	No	No		August 23, 2006
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes		<i>Duke</i>	August 23, 2006
Road dedication and frontage improvements	Yes		DPWT	June 13 2006
Environmental Guidelines	Yes		Environmental memo	June 2, 2006
Forest Conservation	Yes		Environmental memo	June 2, 2006)
Master Plan Compliance	Yes		<i>Duke</i>	August 23, 2006
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		DPS memo	July 18, 2006
Water and Sewer (WSSC)	Yes		WSSC memo	June 5, 2006
Local Area Traffic Review	N/A		N/A	
Fire and Rescue	Yes		MCDFRS memo	June 5, 2006

JACKSON'S ACRES (120061110)



Map compiled on February 09, 2007 at 1:05 PM | Site located on base sheet no - 217NE02

NOTICE

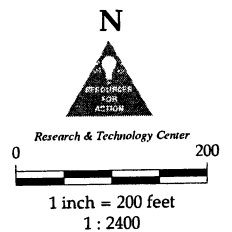
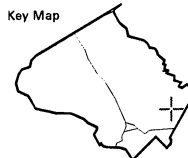
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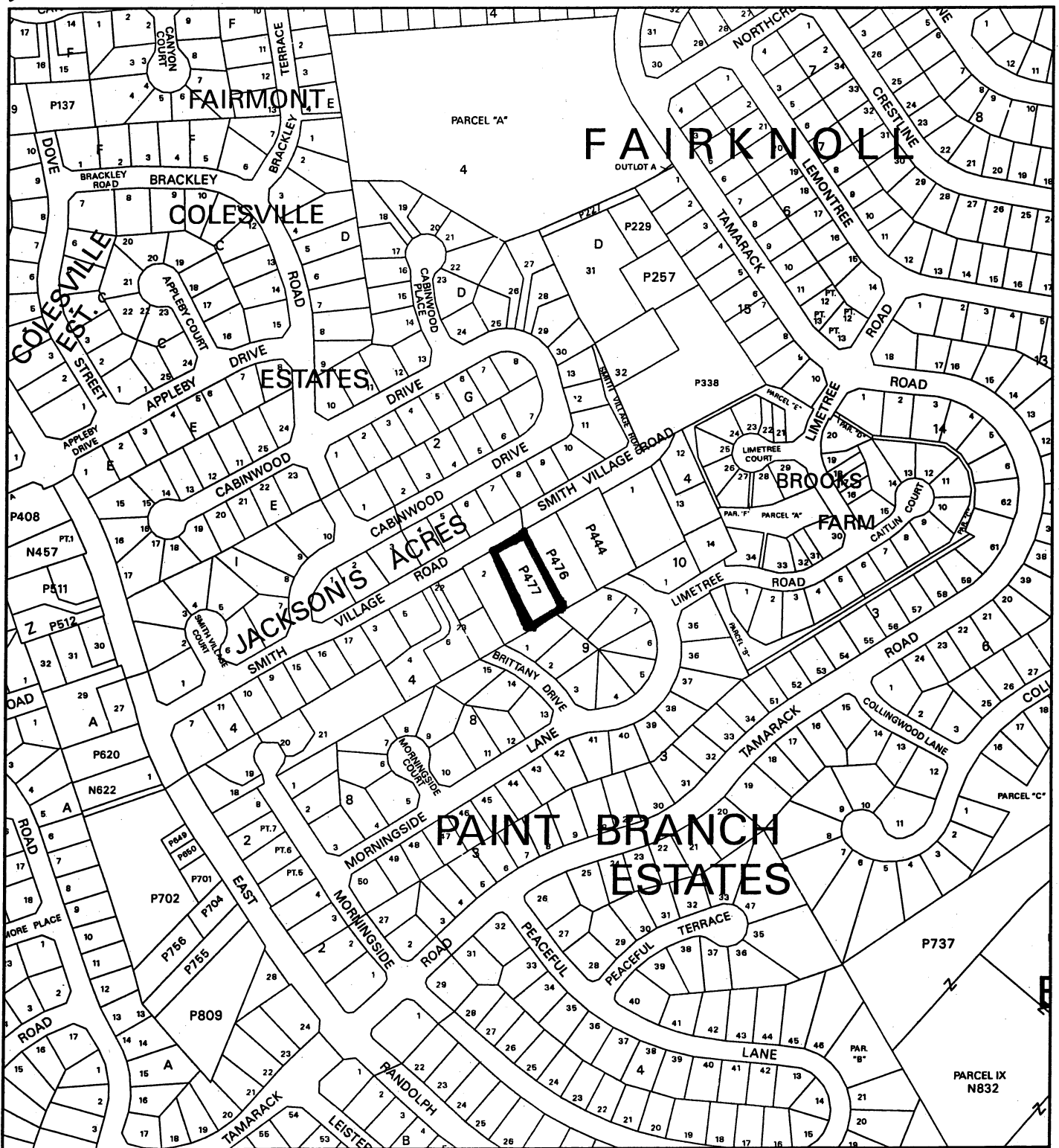
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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

Key Map



JACKSON'S ACRES (120061110)



Map compiled on May 25, 2006 at 11:02 AM | Site located on base sheet no - 217NE02

NOTICE

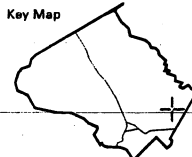
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Key Map



Research & Technology Center

0 400

1 inch = 400 feet
1:4800

