



ITEM# 9

DATE: 10/10/02

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



MEMORANDUM

DATE: October 4, 2002

TO: Montgomery County Planning Board

FROM: A. Malcolm Shaneman, Supervisor (301) 495-4587
Richard A. Weaver, Senior Planner (301) 499-4544
Planning Department Staff

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Resubdivision of Lot 90, Block 1 – Quince Orchard Estates

PROJECT NAME: Quince Orchard Estates

CASE #: 1-02107

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

ZONE: R-200

LOCATION: On the West Side of Quince Orchard Road, Approximately 200 Feet South of Quince Valley Drive

MASTER PLAN: Potomac (Darnestown)

APPLICANT: Martin and Patricia Kelly

FILING DATE: May 17, 2002

HEARING DATE: October 10, 2002

STAFF RECOMMENDATION: Approval of One (1) Lot Only Pursuant to Section 50-29 (b)(2), Montgomery County Subdivision Regulations, Subject to the Following Conditions:

- 1) Applicant to submit a complete record plat application to combine both properties into one (1) lot of record
- 2) Necessary easements

(Conditions Continued)

- 3) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the preliminary plan opinion. Prior to this date, a final record plat must be recorded for all the property delineated on the approved preliminary plan, or a request for an extension must be filed

CONFORMANCE TO CHAPTER 50-29(b)(2)

In order to approve an application for Resubdivision, the Planning Board must find that the proposed lot(s) substantially meet all seven of the "Resubdivision Criteria" as 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."

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. In this case, staff has provided a description of the area analyzed under the resubdivision criteria and has also provided an illustration that delineates the neighborhood.

Under the resubdivision criteria the neighborhood used to evaluate the application can only include lots within the same zoning (R-200) classification as the subject property. Therefore, staff excluded from consideration those lots abutting the subject property to the west that were developed using the cluster method of development under the R-200 zone. Similarly, those lots fronting on Peach Leaf Drive (east side of Quince Orchard Road) were also excluded as they were developed using the cluster method. Lots 191, 192 and 193 immediately confronting the subject property, across Quince Orchard Road in the Orchard Knolls Subdivision were included in the neighborhood as they were developed under the standard R-200 method. The defined neighborhood is therefore limited to the three lots immediately confronting the subject property on the opposite side of Quince Orchard Road and as depicted on the neighborhood delineation map.

MASTER PLAN COMPLIANCE

The property is located within the *Approved and Adopted 2002 Potomac Master Plan*. The master plan does not contain specific recommendations applicable to this property but does give general guidance and recommendations regarding zoning and land use. The master plan recommends that this area to maintain the residential R-200 zoning as adopted and maintain the single family dwelling unit style of development.

PROJECT AND SITE DESCRIPTION

The subject property is located within Block 1 of the Quince Orchard Estates Subdivision and is comprised of a lot (Lot 90) recorded in 1987. The southern portion of the subject property is an unplatted parcel. The lots across Quince Orchard Road, within the defined neighborhood, were recorded in 1999. The application proposes the creation of two lots, one with an existing house on the northern portion of the site and 24,770 square feet in size. The second lot would be 26,034 square feet.

Staff has determined that the proposed lots do not meet all seven of the resubdivision criteria as would be required to make a recommendation to approve the application. The proposed lots do meet the criteria for size, shape, width, and suitability. The proposed lots fail to meet the alignment, area and frontage criteria. Proposed Lot 2 is aligned to the street in a parallel fashion as opposed to the perpendicular alignment of all other lots within the neighborhood. The area within the building restriction lines of Lot 2 is also out of character with the neighborhood. Proposed Lot 2 has the smallest useable area at 5,784 square feet due in large part to its elongated, irregular shape. And, also due to the elongated shape, the frontage of Lot 2 is also the longest of all lots and out of character with the neighborhood. A tabular summary of the characteristic is attached to this memorandum which compares the lots within the defined neighborhood.

CONCLUSION

In applying the resubdivision criteria to the analysis area delineated by staff, staff concludes that the proposed resubdivision does not satisfy all seven of the criteria set forth in Section 50-29(b)(2) as illustrated by the characteristics set forth on the attached tabular summary. Based on the development pattern within the defined neighborhood staff finds that this resubdivision is not consistent with the development pattern that has occurred within the neighborhood over the past years. The recommendation to deny the application is based on failure to meet the alignment, frontage and area criteria pursuant to Section 50-29 (b)(2).

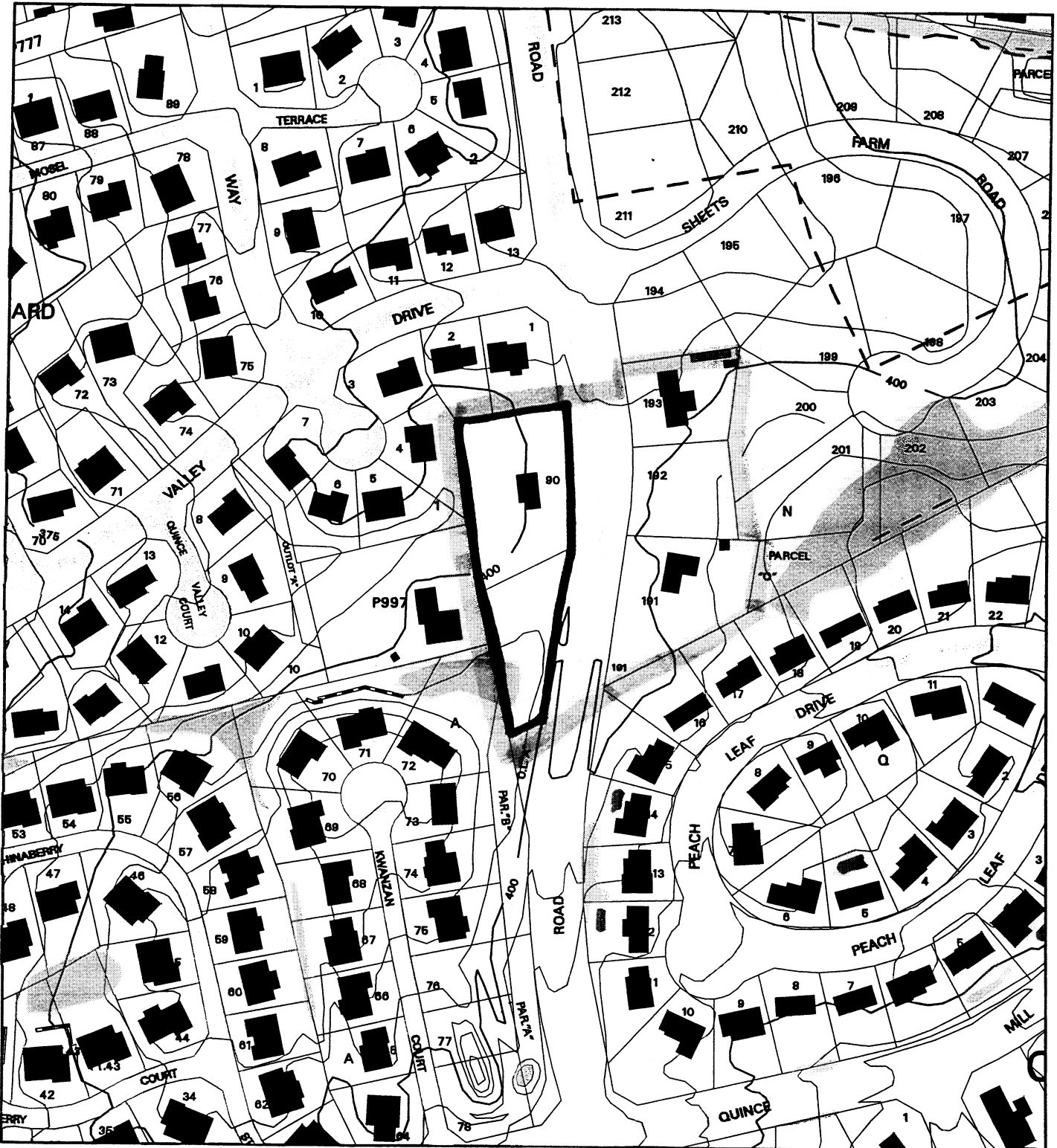
Attachments

Vicinity and Neighborhood Delineation Map	4
Proposed Resubdivision Plan	5
Tabular Summary	6

To date no citizen correspondence has been submitted to the file

n:/divdr/quinceorchardstatesresub

VICINITY MAP FOR
QUINCE ORCHARD ESTATES (1-02107)



Map compiled on June 06, 2002 at 3:13 PM | Site located on base sheet no - 221NW12

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland - National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

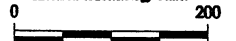
Key Map



N



Research & Technology Center



1 : 2400

NOTES:

1. AREA OF PROPERTY - 53,254 SF
2. AREA DEDICATED TO PUBLIC STREET - 1,989.5 SF
3. EXISTING ZONING - R-200
4. MINIMUM LOT SIZE PERMITTED - 20,000 SF
5. NUMBER OF LOTS SHOWN - 2
6. SITE TO BE SERVED BY PUBLIC WATER AND SEWER
7. EXISTING SEWER & WATER SERVICE CATEGORIES: S-3, W-1
8. LOCATED IN GREAT SENECA CREEK WATERSHED (CLASS I-P)
9. REQUIRED SETBACKS:
 Frontyard - 40'
 Sideyards - 12' min., 25' total
 Rearyard - 30'
10. UTILITY SERVICE BY: PEPCO, BELL ATLANTIC, W. GAS
11. STORMWATER MANAGEMENT WAIVER REQUESTED

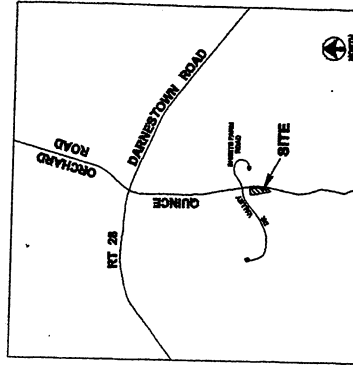


Surveyor's Certificate:

I hereby certify that the boundary shown herein is correct to my best knowledge and belief based upon existing records and field observations.

Robert J. Kelly
 Date: 5/15/02
 Signature

VICINITY MAP
 SCALE: 1" = 2,000'

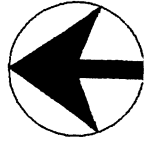


OWNER:
MARTIN T. & PATRICIA M. KELLY
 15429 QUINCE ORCHARD ROAD
 GAITHERSBURG, MARYLAND 20878-4736
 301-674-6216

Reaning & Associates, Inc.
 Land Planning Consultants
 8933 Shady Grove Court
 Gaithersburg, MD 20877
 (301) 948-0248

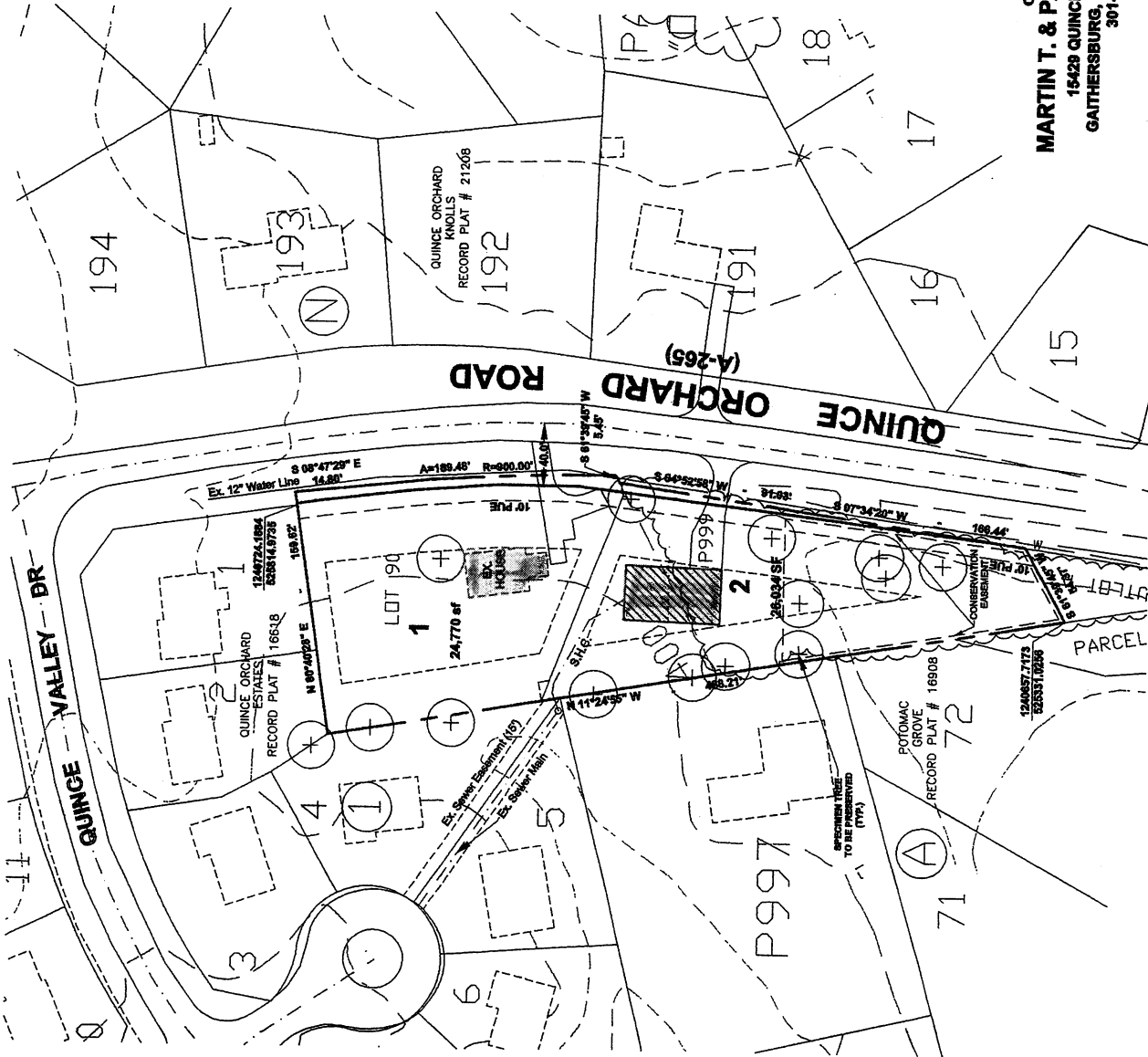


PRELIMINARY PLAN
QUINCE ORCHARD ESTATES
 Montgomery County, Maryland




date: APRIL 2002

scale: 1"=60'



**Comparable Lot Data Table
Quince Orchard Estates**

Lot #	Block	Frontage	Alignment	Size sq. ft.	Shape	Width*	Area**
1	1	207'	perpendicular	24,770	Irregular	145'	10,616
2	1	253'	parallel	26,034	Irregular	180'	5,784
191	N	218'	perpendicular	30,076	Irregular	187'	14,758
192	N	125'	perpendicular	20,381	Rectangular	140'	7,899
193	N	119'	perpendicular	20,256	Rectangular	143'	7,710

 Proposed Lots

* Denotes width at the front building line

** Denotes area with in the building envelope

Item #19



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: October 04, 2002
TO: Montgomery County Planning Board
FROM: A. Malcolm Shaneman
Development Review Division
(301) 495-4587
SUBJECT: Informational Maps for Subdivision Items on the
Planning Board's Agenda for October 10, 2002.

Attached are copies of plan drawings for Items #06, #07, #08, #09. These subdivision items are scheduled for Planning Board consideration on October 10, 2002. The items are further identified as follows:

Agenda Item #06 - Subdivision Regulation Waiver SRW-03000
Arcola

Agenda Item #07 - Preliminary Plan 1-02116
Hillandale

Agenda Item #08 - Preliminary Plan 1-02033
Greenway Village at Clarksburg

Agenda Item #09 - Preliminary Plan 1-02107
Quince Orchard Estates

Attachment

VICINITY MAP FOR

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Map compiled on June 06, 2002 at 3:13 PM | Site located on base sheet no - 221NW12

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Key Map



N



1 : 2400

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

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

VICINITY MAP FOR

QUINCE ORCHARD ESTATES (1-02107)



Map compiled on June 06, 2002 at 2:41 PM | Site located on base sheet no - 221NW12

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Key Map



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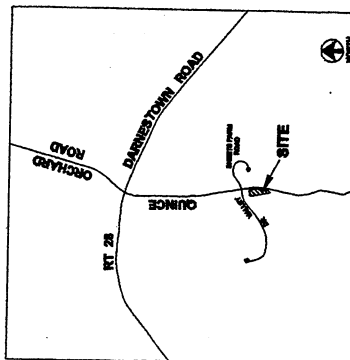
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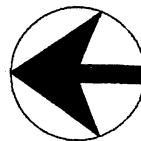


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 Montgomery County, Maryland



date: APRIL 2002

scale: 1"=40'

