



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB  
Item # 11  
5/19/05



**MEMORANDUM**

**DATE:** May 13, 2005

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Development Review Division

Catherine Conlon, Acting Supervisor *CC*  
Development Review Division

**FROM:** Richard A. Weaver, Coordinator *RAW*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Resubdivision of Parcel "A", Yinger's Addition to Woodfield

**PROJECT NAME:** Yinger's Addition to Woodfield

**CASE #:** 1-03090

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

**ZONE:** RE-2

**LOCATION:** At the southern terminus of Kimblehunt Place

**MASTER PLAN:** Damascus – Goshen/Woodfield

**APPLICANT:** George Hunt

**ENGINEER:** Dewberry Design

**FILING DATE:** April 15, 2003

**HEARING DATE:** May 19, 2005

**STAFF RECOMMENDATION:** Approval of five lots pursuant to Section 50-29(b)(2), subject to the following conditions:

- 1) Approval under this preliminary plan is limited to five (5) 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) The applicant shall 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.
- 4) The applicant shall construct all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition.
- 5) Record plat to reflect a Category I easement over all areas of forest conservation.
- 6) Compliance with the conditions of approval of the MCDPS stormwater management approval dated, April 10, 2003.
- 7) Access and improvements as required by MCDPWT prior to recordation of plat(s).
- 8) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 9) Record Plat shall reflect all areas under stormwater management parcels.
- 10) Compliance with conditions of MCDPS (Health Dept.) septic approval dated February 7, 2005.
- 11) Other necessary easements.

## **SITE DESCRIPTION**

The subject property consists of 14.48 acres of land, zoned RE-2 and identified as Parcel "A", Yinger's Addition to Woodfield, on a plat recorded in 1993. The property is located on the west side of Woodfield Road (MD 124) at the southern terminus of Kimblehunt Place. An existing single-family home, barn and associated agricultural outbuildings are located on the parcel. The majority of the property appears to have been in some type of agricultural production in the recent past. A small area of forest exists on the westernmost portion of the site.

## **PROJECT DESCRIPTION (Attachment A)**

This is an application to resubdivide the 14.48 acre subject property into five residential lots, one of which will include the existing house, barn and agricultural buildings. Access to all proposed lots will be from an extension of Kimblehunt Place that is to be built as part of this application as a full cul-de-sac. The existing access for the subject property from Woodfield Road (MD 124) will be terminated, although a neighboring house (not part of this subdivision) will continue to use the current access drive.

## **DISCUSSION OF ISSUES**

### **Master Plan Compliance**

The Damascus 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 low density one-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 is consistent with the Zoning Ordinance development standards for the RE-2 zone.

### **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 (Attachment B)**

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. In this instance, the Neighborhood submitted by the applicant and agreed upon by staff consists of 15 lots. The neighborhood includes all lots to the north of the subject property that are in the existing Yinger's Addition to Woodfield subdivision (plat) and those lots that front on the west side of Woodfield Road in the immediate area of the subject property. Lots on the eastern side of Woodfield Road are in the RE-2C zone and were excluded from the neighborhood. There are many deed parcels in this area that were excluded from the defined neighborhood as has been staff and Planning Board practice.

#### **C. Analysis**

##### **Comparison of the Character of Proposed Lots to Existing**

In performing the analysis, Staff applied the above-noted resubdivision criteria to the delineated neighborhood. As set forth below and as shown in the attached tabular summary (Attachment C) staff believes that the proposed lots are consistent with the character of the existing lots in the defined neighborhood.

**Frontage:** The existing lots range in frontage from 25 feet to 316 feet. The proposed lots range from 25 feet to 97 feet and are, therefore, within the range of lot frontages in the neighborhood. **In Staff's opinion, the proposed lots will be of the same character as the existing lots in the neighborhood with respect to lot frontage.**

**Alignment:** All existing lots in the neighborhood generally align perpendicularly to the street line. There is some variation in the neighborhood with respect to the pipestem lots at the terminus of Kimblehunt Drive that meander somewhat back to the buildable area of the lots. Two of the proposed lots will have rather long pipestems that meander back to the buildable portions of the lots and are, therefore, consistent with the character of existing lots in the neighborhood. **All proposed lots will be in character with the existing lots with respect to the alignment criterion.**

**Size:** The existing lots range in size from 21,780 square feet to 90,986 square feet. One lot falls within the range for the defined neighborhood. Four of the five proposed lots do not fall within the range of lot sizes as they are larger in size than the largest existing lot. Proposed Lots 16, 17, 18, and 20 are at 91,625 square feet, 157,046 square feet, 95,800 square feet, and 146,109 square feet respectively. The configuration of the parent parcel dictates the lot layout as shown on the plan. The subject property is rather narrow making use of the westernmost and easternmost portions difficult and this has resulted in large lots with large rear yards. The Planning Board has historically recognized that creating the largest size lots in the neighborhood does not necessarily mean they are out of character. This property is located in a large lot zone (RE-2) which has a minimum lot size requirement of 87,120 square feet. Staff, in this instance believes that Lots 16, 17, 18 and 20 are of the same character as the other lots in the neighborhood. **Therefore, all of the proposed lots will be in character with the existing lots in the neighborhood with respect to size.**

**Shape:** The existing neighborhood generally has a rectangular lots pattern. The proposed lots are visually very similar in shape to the existing lots. **Staff finds the shapes of the proposed lots to be in character with shapes of the existing lots.**

**Width:** The existing lots range in width from 106 feet to 339 feet. **All of the proposed lots fall within the range of the existing lots and are of the same character with existing lots in the neighborhood with respect to width.**

**Area:** Lot areas in the neighborhood range from 12,981 square feet to 59,483 square feet. While four of the five lots are within the range of lot area for the defined neighborhood, proposed lot 20 at 80,287 square feet, exceeds the buildable area range of the existing lots. However, similar to the discussion above about size, the large buildable area of Lot 20 is a function of the subject property's shape. Staff does not believe the area of Lot 20 to be out of character with all other lots in the neighborhood. In fact, the large rear yard on Lot 20 provides a decent setback from the house to Woodfield Road maintaining a nice scenic vista. **Therefore, staff finds all of the proposed lots to be of the same character as other lots in the neighborhood with respect to area.**

**Suitability for Residential Use:** The proposed lots are deemed suitable for residential use.

### **Forest Conservation**

The property is subject to the forest conservation law. All forest conservation requirements are being met on site through preservation of existing forest and afforestation.

### **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. As set forth above, the Staff finds that the five proposed lots are of the same character as the existing lots in the defined neighborhood with respect to each of the resubdivision criteria. Therefore, Staff believes the proposed resubdivision complies with Section 50-29(b)(2) of the Subdivision Regulations. Staff also believes the proposed subdivision meets all other requirements of the Subdivision Regulations (Chapter 50). Therefore, Staff recommends approval of the preliminary plan with the specified conditions.

### **Attachments**

Attachment A – Proposed Development Plan  
Attachment B – Neighborhood Delineation  
Attachment C – Tabular Summary

*No citizen correspondence has been received up to this point.*