

MCPB Item No. Date: 5/16 /13

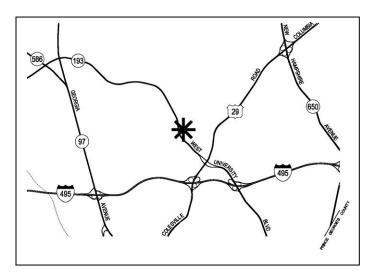
Pre-Preliminary Plan No. 720130010, Northwood Knolls

990K [KA] /4K Renee Kamen, AICP, Planner, Area 2 Division, <u>Renee.Kamen@montgomeryplanning.org</u>, 301-495-4723 Khalid Afzal, Planner Supervisor, Area 2 Division, <u>Khalid.Afzal@montgomeryplanning.org</u>, 301-495-4650 Glenn Kreger, Chief, Area 2 Division <u>Glenn.Kreger@montgomeryplanning.org</u>, 301-495-4653

Completed: 5/2/13

Description

- Request for Planning Board advice for a proposed three-lot resubdivision;
- 503 Dennis Avenue, approximately 500 feet east of the intersection of Dennis Avenue and University Boulevard West;
- Zoned R-60; 33,354 square feet;
- Currently one single-family detached dwelling on one lot with multiple accessory structures, used as a residence and landscape company;
- 1996 Four Corners Master Plan;
- Applicant Charles Clements
- Filing date: 10/10/2012



Summary

- Staff recommends submitting a two-lot resubdivision instead of the proposed three-lot resubdivision.
- The Applicant is seeking non-binding advice on the following two issues in regards to the proposed three-lot resubdivision:
 - Approval of two of the three proposed lots on a private driveway (since they do not have frontage on a public or private street) pursuant to Section 50-29(a)(2) of the Montgomery County Subdivision Regulations, which allows the Board to approve up to two lots on a private driveway if access is adequate to serve the lots for emergency vehicles and other public services, and is not detrimental to future subdivision of adjacent lands.
 - Approval of a waiver of the resubdivision criteria, as required by Section 50-29(b)(2) of the Montgomery County Subdivision Regulations, which requires all resubdivided lots to be of the same character regarding street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision. The proposed resubdivision does not meet the frontage and shape criteria.

SITE DESCRIPTION

The Subject Property ("Property") is located on the north side of Dennis Avenue, approximately 500 feet east of its intersection with University Boulevard West, and within the boundary of the 1996 *Four Corners Master Plan* ("Master Plan"). It is approximately 33,354 square feet in size and in the R-60 Zone. Currently, the Property is improved with a one-family home and multiple accessory structures used for supporting the on-site Clements Landscaping Company. Access to the Property is via the adjacent Lot 17, also owned by the Applicant. The surrounding land uses are one-family detached houses on lots ranging from 5,500 to 12,100 square feet, also in the R-60 Zone.



Figure 1: Surrounding Area

The Property, located in the Northwest Branch Watershed, contains several trees along the Dennis Avenue frontage, and contains no known streams or wetlands. It is approximately 10-feet higher in grade than Dennis Avenue, and slightly higher compared to the adjacent lots to the east and west. Otherwise, the Property is relatively flat and well landscaped.

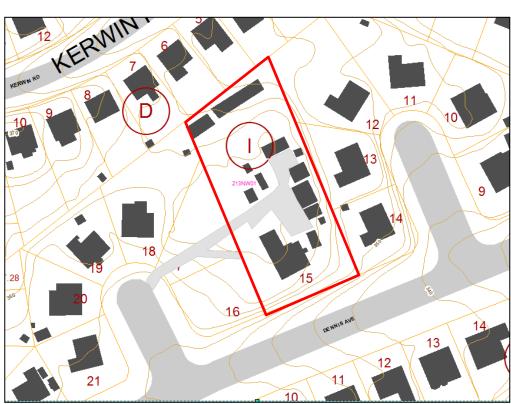
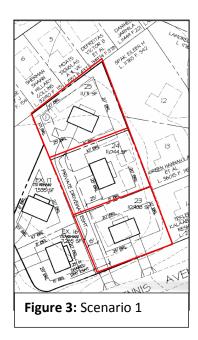
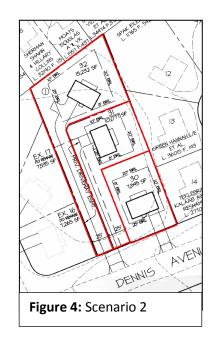


Figure 2: Subject Property

PROPOSAL

The Applicant is seeking non-binding advice from the Planning Board for the proposed resubdivision of a 33,354 square-foot lot into three lots. Under the R-60 Zone, the Property could have a maximum of five lots based on its size; however, the Applicant is proposing a three-lot resubdivision. The Applicant has put forth two, three-lot resubdivision options. Scenario 1 contains three lots with the two back lots having no street frontage, but with street access from a shared private driveway (See Figure 3). Scenario 2 also creates three lots, two of which are flag lots with 25 feet of street frontage each, and a shared private driveway (see Figure 4).





DISCUSSION

Lots to Abut on Public Street (Lot Design)

Section 50-29(a)(2) of the Subdivision Regulations requires lots to abut on a street that has been dedicated to public use or that has acquired the status of a public road. However, the Subdivision Regulations authorize the Planning Board to allow up to two lots on a private driveway in exceptional circumstances. Scenario 1 requires this type of determination, as its two rear lots do not abut a street. Scenario 2 shows that there is enough street frontage to meet this requirement.

Resubdivision Criteria (Lot Character)

Section 50-29(b)(2) of the Subdivision Regulations requires the Planning Board to find that the proposed resubdivided lots are similar in character to existing lots in the same neighborhood with respect to street frontage, alignment, size, shape, width, and suitability for residential use.

Both scenarios will require a waiver for one or more of the resubdivision criteria under Section 50-38(a)(1), which allows the Planning Board to grant a waiver from the requirements of Chapter 50, Subdivision Regulations, if the Board determines that a practical difficulty or unusual circumstances exist that prevents full compliance with these requirements. And if granted, the waiver is: 1) the minimum necessary; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest" to warrant deviation from the resubdivision criteria.

ANALYSIS

In administering §50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate "neighborhood" for evaluating an application. In this instance, the neighborhood defined by the applicant, and agreed to by staff, consists of 52 lots and includes all lots fronting on Dennis Avenue from University Boulevard West to Edgewood Avenue, as well as those properties fronting, Kerwin Road, Edgewood Avenue and University Boulevard West (see Figure 5).

All the lots in the defined neighborhood share the same zoning classification as the Property (R-60), and provide an adequate sample and development pattern of the area.



Figure 5: Surrounding Neighborhood

For the purposes of this analysis, staff applied the resubdivision criteria for frontage, size, shape and area to the proposed three-lot resubdivision and compared it to the delineated neighborhood. Staff found the following characteristics of the lots in the defined neighborhood:

Frontage: Street frontages of the existing lots range from 30 feet to 120 feet. Seventeen of the existing lots have frontage of 60 feet or less, while the remaining 34 of the existing lots have frontage of 62 feet or more.

Size: Lot sizes range from 5,500 to 11,345 square feet. Five lots are less than 6,000 square feet; thirty-three lots range between 6,099 and 7,894 square feet, and the remaining fourteen lots range between 8,563 and 11,345 square feet.

Shape: The defined neighborhood consists of several different lot shapes- rectangular, rectangular/angled, square, square/angled, wedge and irregular. The dominant shape in the neighborhood is rectangular (30 lots, or 58% of the lots). Of the remaining 22 lots, there are no other dominant shapes.

Area: The buildable area of lots in the defined neighborhood ranges from 1,746 square feet to 5,896 square feet.

Scenario 1 (Figure 3)

Scenario 1 does not meet the Lot Design criteria, as required under Section 50-29(a)(2) of the Subdivision Regulations (lots to abut on a public street), nor does it meet the resubdivision criteria with regards to consistency of the character of the proposed lots with existing lots in the defined neighborhood (under Section 50-29(b)(2)) since two of the three proposed lots would have no street frontage. Additionally, the lot fronting on Dennis Avenue would be traversed by two driveways, only one of which will serve the front lot.

There is no exceptional circumstance to support the proposed three-lot resubdivision with two of the lots accessing the street via a private driveway. Scenario 2 shows that the Property can be resubdivided into three lots without the need for a determination of exceptional circumstance to support a waiver for this requirement. The Subject Property was intentionally left larger and surrounded by smaller residential lots (see Attachment 1) and was created initially by the subdivision of land in 1950. Therefore, staff does not recommend further consideration of this alternative.

Scenario 2 (Figure 4)

Scenario 2 meets the Lot Design criteria, under Section 50-29(a)(2) of the Subdivision Regulations in that the rear two lots will abut the public road via pipestems. However, this proposal needs a waiver from the resubdivision criteria under Section 50-29(b)(2) regarding frontage, and shape for the two flag lots. The proposed flag lots will have the smallest frontages and no flag lots currently exist in the defined neighborhood. The rear lot also needs a waiver for lot size and lot area since it will be the largest in the defined neighborhood.

The Board would need to determine that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements of Section 50-29(b)(2). The Applicant states that:

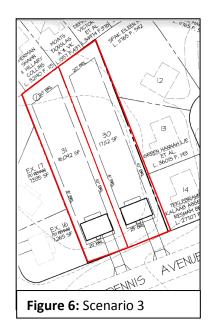
"The existing Property has a large lot area, its 121 feet of street frontage. As the R-60 Zone requires 60' minimum at the building restriction line, the limited lot frontage creates a practical difficulty in developing the Subject Property in accordance with the Master Plan recommendation and R-60 zoning."

Staff disagrees. The R-60 Zone does not guarantee three lots for the Property, which can be developed with two lots in accordance with the applicable Master Plan and R-60 Zone requirements without the need for a waiver and determination of exceptional circumstance, as demonstrated by Scenario 3 below.

Scenario 3 (Figure 6)

During the review of this Pre-Preliminary Plan, staff requested the Applicant to provide a twolot scenario. The two-lot scenario prepared by the Applicant meets the resubdivision criteria discussed above and does not need any waivers under Section 50-38(a)(1).

While staff understands the subdivided lots in Scenario 3 will be the "deepest" lots in the defined neighborhood, lot depth is not a primary consideration of the resubdivision criteria, and the rectangular configuration of the proposed lots would be more consistent with the majority of the existing lots in the neighborhood than the Applicant's three-lot configurations. Even though the proposed two lots would be the largest in the neighborhood, they would be closer to the typical neighborhood lots sizes than the current lot.



COMMUNITY OUTREACH

The Applicant has met all required signage, noticing, and pre-submission meeting requirements. Staff met with a neighbor of the Property who raised several issues including increased traffic and cut-through traffic, lack of available driveway spaces, access to the proposed lots via shared driveway, grading, site distances of the proposed driveways and speeding vehicles.

CONCLUSION

Staff does not support either of the proposed three-lot resubdivision scenarios for reasons stated in the staff's analysis above. Further, the proposed three-lot layouts will create a lot access pattern not found in the neighborhood—all other existing lots are accessed directly from streets or "courts." The Applicant's proposed three-lot layouts will "stack" the lots and provide access from a single driveway from the street. In both cases, two of the three lots will be "interior" lots unlike any in the defined neighborhood and introduce houses in the backyards with the fronts of the proposed homes facing the rear of existing homes.

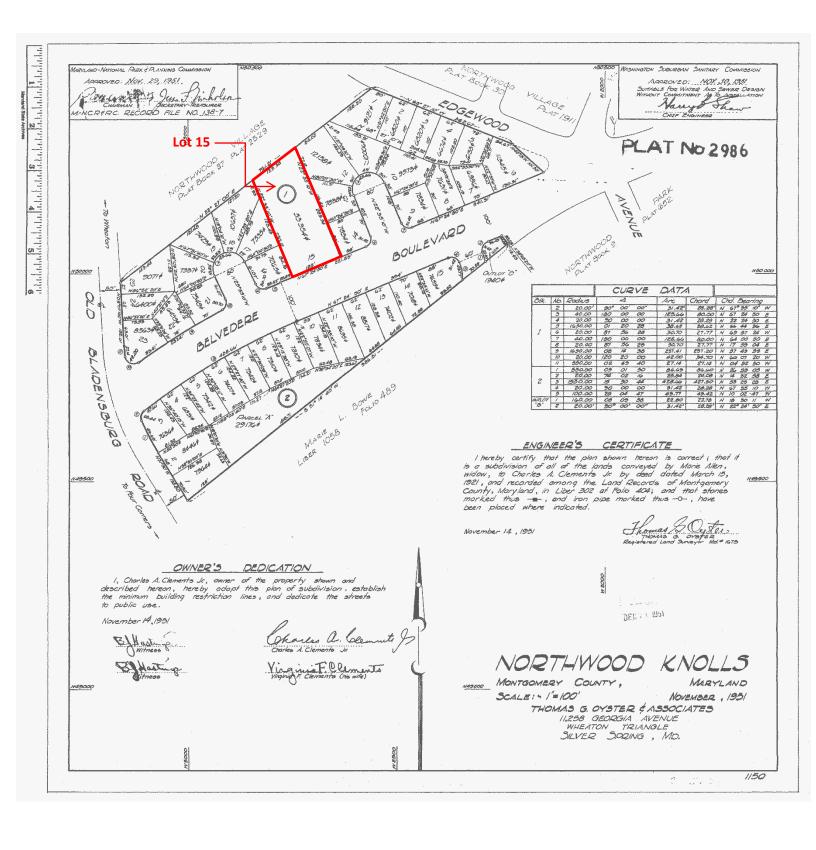
Instead, staff would support a two-lot subdivision, which will be more consistent with the character of lots and pattern of the defined neighborhood, and will require no waivers from Subdivision Regulations. Therefore, staff does not object to the Applicant submitting a Preliminary Plan of resubdivision for two lots.

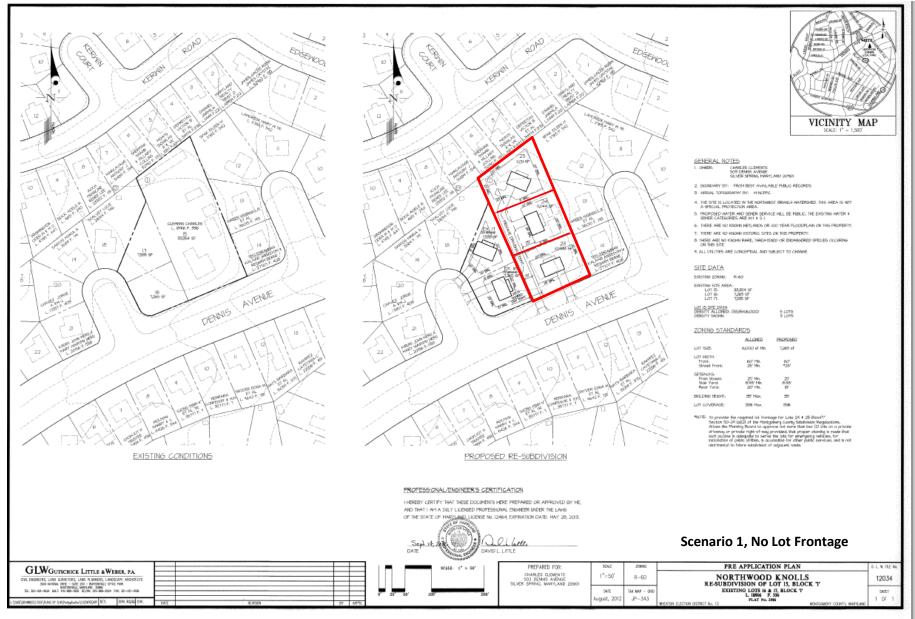
ATTACHMENTS:

- 1. Original Northwood Knolls Subdivision, as recorded in 1951
- 2. Proposed Re-subdivision
- 3. Neighborhood Comparison

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ATTACHMENT 1: Northwood Knolls (original subdivision)







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ATTACHMENT 3: Neighborhood Comparison

Re-Subdivision Criteria (Section 50-29 (b))	(Section 50-29 (b))	ALICNINGENT	SITE	SHAPF	WIDTH (@BRL)	AREA (BLDG. envelope)	SUITABILITY
LOT/BLUCK	SIREEL FRUNIAGE			WEDGE	+/- 79 LF	4,423 SF	SUITABLE
10/1	+/- b3 LF · · · · -		l u	WEDGE	+/- 67 LF	4,669 SF	SUITABLE
11/1	+/- 43 LF		_	WENGE	+/- 50 I F	6.787 SF	SUITABLE
12/1	+/- 30 LF	ANGLEU			-/- 77 IF	2 786 SF	SUITABLE
13/1	+/- 63 LF			WEDGE	-/-// CI	1 008 SF	SUITABLE
14/1	+/- 87 LF	CORNER, STRAIGHT		SQUAKE	+/- 64 LF / =0.15	1,000 J	SUITARI F
16/1	+/- 88 LF	CORNER, STRAIGHT		SQUARE	+/- 78 LF	2,700 SF	
17/1	+/- 29 LF	ANGLED	7,535 SF	WEDGE	+/- 46 LF	3,181 SF	
10/1	-/- 361F	ANGLED	ц.	WEDGE	+/- 55 LF	5,896 SF	SUITABLE
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1/51	-/	ANGLED	7 337 SF	WEDGE	+/- 56 LF	2,732 SF	SUITABLE
20/1	+/- 34 LF	CODNED ANGLED	7 EAR CE	SOLIARF	+/- 89 LF	2,237 SF	SUITABLE
21/1	+/- 83 LF	CUNINEN, ANGLED		SOLIARE /ANGLED	+/- 791F	1.592 SF	SUITABLE
22/1	+/- 78 LF		0 523 05		·/- 106 LF	2.450 SF	SUITABLE
26/1	+/- 105 LF	CURNER, ANGLED	0,000 05		-/- 69 I F	2.583 SF	SUITABLE
27/1	+/- 71 LF	ANGLED	6,400 Sr		·/	A 048 CE	SUITABLE
29/1	+/- 60 LF	STRAIGHT	9,071 SF	RECIANGULAR	+/- 02 LF	4,0403	CI ITARI F
14/3	+/- 97 LF	CORNER, ANGLED	8,118 SF	IRREGULAR	+/- 63 LF	3,224 SF	
0.00	, ±/_ 861E	STRAIGHT	9,905 SF	RECTANGULAR	+/- 76 LF	4,343 SF	SUITABLE
03	1 00 15	STRAIGHT	10.095 SF		+/- 86 LF	5,244 SF	SUITABLE
0/	+/- 00 LF		11 227 SE		+/- 91 LF	4,438 SF	SUITABLE
71	+/- 92 LF	LURINER, SI MAIGUI	10 / 77/77				
EXISTING LOT 1				_			CULTARIE
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30/1	+/- 121 LF	INDIANIC	IC ODC'DT		-/ 0016	2 703 SF	SUITABLE
31/1	+/- 90 LF (PRIVATE)	STRAIGHT	11,044 SF	RECIANGULAR	+/- 30 LF	5 0C7 CE	SUITABLE
32/1	+/- 73 LF (PRIVATE)	ANGLED	11,171 SF	11,171 SF SQUARE/ANGLED	+/- 89 LF	0,007 35	
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+/- 71 LF STRAIGHT 7,895 SF RECTANGULAR +/- /1 LF +/- 25 LF (PIPESTEM) STRAIGHT 10,077 SF PIPESTEM/SQUARE +/- 75 LF -/- 21 LF -/- 21 LF 15,332 SF PIPESTEM/SQUARE +/- 71 LF	3 LUIS (FLAG LUIS)				L		2 407 65	SUITARI F
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Re-Subdivision Criteria (Section 50-29 (b))	(Section 50-29 (b))						
LOT/BLOCK	STREET FRONTAGE	ALIGNMENT	SIZE	SHAPE	WIDTH (@BRL)	AREA (BLDG. envelope)	SUITABILITY

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2 LOTS							
30/1	+/- 61 LF	STRAIGHT	17,112 SF	17,112 SF RECTANGULAR	+/- 61 LF	9,958 SF	SUITABLE
31/1	+/- 61 LF	STRAIGHT	16,092 SF	16,092 SF RECTANGULAR	+/- 61 LF	9,385 SF	SUITABLE