



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item #'s 839
MCPB

MEMORANDUM

DATE:

TO:

VIA:

FROM:

Montgomery County Planning Board
Joseph R. Davis, Chief, *JRD*
Development Review Division
A. Malcolm Shaneman, Supervisor *AMS*
Development Review Division
(301) 495-4587



REVIEW TYPE:

Preliminary Plan and Site Plan Review

APPLYING FOR:

Five (5) One Family Detached Dwelling Units

PROJECT NAME:

Homecrest

CASE #'s:

1-03087 and 8-03031

REVIEW BASIS:

Chapter 50 Montgomery County Subdivision Regulations and Sec. 59-D-3,
Montgomery County Zoning Ordinance

ZONE:

RE-2/ TDR-2

LOCATION:

Northwest of the Intersection of Homecrest Court and Homcrest Road

MASTER PLAN:

Aspen Hill

APPLICANT:

Smart Development

FILING DATE:

April 10, 2003

HEARING DATE:

June 19, 2003

STAFF RECOMMENDATION: 1) Approval of Preliminary Plan with conditions, Under the DeMinimis Provisions of the FY 2003 Annual Growth Policy and, 2) Approval of Site Plan with the following conditions as described on pages 2 - 3

1) Preliminary Plan Conditions of Approval:

- (1) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording of plat or MCDPS issuance of the sediment and erosion control permit, as appropriate
- (2) Access and improvements as approved by MCDPW&T letter dated, June 13, 2003, or as otherwise amended
- (3) Record plat to reflect that a minimum of four (4) TDR easements have been recorded in the land records
- (4) Conditions of MCDPS stormwater management approval, including engineered sediment control
- (5) Record plat to reflect all common ingress/egress and utility easements
- (6) No clearing, grading or recording of plats prior to site plan signature set approval
- (7) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed
- (8) The Adequate Public Facilities (APF) review for this preliminary plan remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- (9) Other necessary easements

2) Site Plan Conditions of Approval:

- (1) Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Street tree planting must progress, as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
 - 2) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 - 3) Clearing and grading to correspond to the construction phasing to minimize soil erosion.
 - 4) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
- (2) Signature set of site plan to include, landscape/lighting, forest conservation and sediment and erosion control plans for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):

- a. Limits of disturbance.
 - b. Methods and locations of tree protection.
 - c. Forest Conservation areas.
 - d. Relocation of stormwater facility outfalls from pond away from forest preservation or other environmentally sensitive areas.
 - e. Conditions of DPS Stormwater Management Concept approval
 - f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - g. The development program inspection schedule.
 - h. Conservation easement boundary.
- (3) Applicant shall satisfy all conditions of approval of forest conservation plan prior to recording of plat and DPS issuance of sediment and erosion control permit.
 - (4) No clearing or grading or recording of plats prior to M-NCPPC approval of signature set of plans

DISCUSSION OF PRELIMINARY PLAN ISSUES

Conformance with Chapter 50, Subdivision Regulations

Resubdivision Criteria - § 50-29(b)(2)

In order to approve an application for resubdivision, the Planning Board must find that the proposed lot(s) meet 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, shape, width area and suitability for residential use as other lots within the existing neighborhood, block or subdivision."

In administering the Resubdivision section, the Planning Board must first determine the appropriate "neighborhood" for evaluating the application. For the purpose of this application, staff recommends the defining the neighborhood as the properties located directly across from the subject property on Homecrest Court as outlined on the attached Neighborhood Delineation.

Staff delineated this area based on the Planning Board's prior discussions during the pre-preliminary plan hearing for the same property on April 3, 2003. The area immediately across from the subject site is zoned R-200 and approved for seven (7) lots. The subject site is zoned RE-2/TDR. The subject property, together with other properties in the immediate area, was discussed in the master plan as potential areas for redevelopment and was therefore designated as TDR receiving areas. At the pre-preliminary plan hearing, the Board discussed the issue of determining the appropriate neighborhood for comparison purposes and the lack of criteria for this determination in § 50-29(b)(2). The Board found that the application of its usual agency practice of only including those lots with the same zoning classification and developed under the same development standards to be impracticable in the instant case. The Board discussed the possibility of expanding its criteria for determining "neighborhood" under the resubdivision criteria in instances in which application of its agency practice would be impracticable. The Board noted that the intent behind the resubdivision criteria was to find that the proposed development would be compatible and in character with the existing surrounding neighborhood. In addition, the Board noted that the master plan recommended the type of development proposed and that strict application of the Board's practice for defining the appropriate neighborhood would effectively preclude the implementation of the master plan's recommendation for TDRs in the instant case. The master plan recommended this area as a TDR receiving area with a potential yield of 56 units with an estimated 42 TDR's.

Based on the Planning Board's discussions, Staff is recommending that the Board define the neighborhood as the lots on Homecrest Court for purposes of application of the resubdivision criteria. The development standards of the R-200 and the RE-2/TDR-2

zones are quite similar. Moreover, in satisfying the intent of § 50-29(b)(2), this development, which is immediately to the south of the subject property, is the only development currently existing in the area that may be considered in making the determination as to whether the proposed development is compatible and in character with existing surrounding development. As such, Staff's recommendation is that the Board considers this existing development as the appropriate neighborhood for application of § 50-29(b)(2).

Utilizing the recommended neighborhood for comparison purposes, staff finds that the proposed development is of the same character as all seven resubdivision criteria, as further supported by the information provided on the attached tabular summary of characteristics of both the proposed and existing lots, with the exception of the frontage for proposed Lot 25 which is the subject of a § 50-38 waiver request as discussed more fully below.

Request for Use of a Private Driveway - §50-29(a)(2)

The applicant has requested that the Planning Board consider approving one lot for use of a private driveway, which would eliminate frontage on a public street for that lot, pursuant to Section 50-29 (a)(2). The subject lot is Lot 25 and located on the far west end of Homecrest Court. Section 50-29(a)(2) of the Subdivision Regulations states:

"Lots to abut on Public Street. Except as otherwise provided in the zoning ordinance, every lot shall abut a street or 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 for future subdivision of adjacent lands...."

It is possible to provide at least 25 feet of frontage for this Lot 25. But by eliminating the pipestem configuration that would result by providing the frontage, it will provide for more tree preservation and landscaped area. To require the 25 feet of frontage for Lot 25 would push back the building setback for both Lots 25 and 26. In reducing the distance from the house to the roadway by the 25 feet also provides a greater distance from the rear of the property, which in turn provides a larger forested area. As such, Staff recommends that the Planning Board approve usage of a private driveway for this lot.

Waiver Request - § 50-38

Pursuant to § 50-38, the applicant has requested a waiver of the resubdivision criteria related to frontage for proposed Lot 25. Staff recommends granting this waiver request. As stated above, this lot could be configured to provide the necessary frontage to find conformity with the resubdivision criteria; however, it is Staff's opinion that the waiver of this frontage provides a better configuration of the lots and provides for more tree preservation and landscaped area. Staff finds that the provision of the additional tree

preservation and landscaped area supports the finding that this is an unusual circumstance as required by § 50-38. Moreover, the requested waiver is the minimum necessary; is not inconsistent with the purposes and objectives of the General Plan; and is not adverse to the public interest. With the granting of this waiver, Staff finds that all proposed lots are of the same character as to all seven resubdivision criteria and recommends that the Planning Board approve the subject application with conditions.

CONCLUSION

With approval of the use of a private driveway and approval of a waiver of the frontage requirement for Lot 25, staff concludes that the proposed resubdivision substantially complies with the criteria set forth in Section 50-29(b)(2) in comparison with the delineated neighborhood as illustrated by the characteristics on the attached tabular summary. Staff feels that the lack of frontage for Lot 25, as proposed, provides benefits gained by the elimination of the pipestem with regards to forest conservation. Based on the development pattern within the defined neighborhood staff finds that this resubdivision is consistent with what has occurred over the past years. As is clearly reflected in the table and through staff analysis, the lot characteristics of the proposed resubdivision fall well within the character of the lots within the defined neighborhood. Staff finds that the proposed lot configuration is in keeping with the resubdivision regulations and consistent with the development pattern throughout the defined neighborhood.

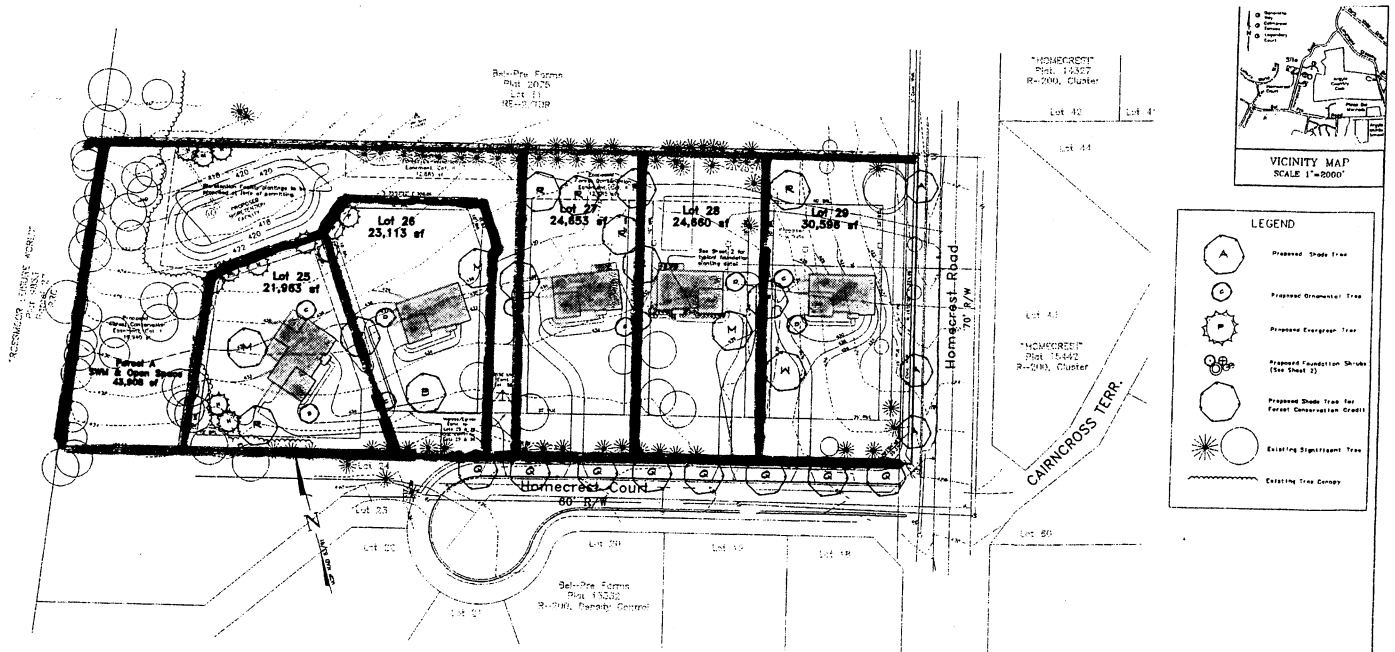
PROJECT DESCRIPTION: Proposal

The subject applications propose development of the 3.90 acre tract into five (5) one family detached dwelling units. The proposed units would front on and have direct access to Homcrest Court. Two (2) of the proposed units would share a common driveway to Homcrest Court. The roadway is an existing 50 foot wide right of way that currently services six (6) one family detached homes.

Landscaping on the site consists of existing evergreen screening in the rear of the lots to the north of the property with shade trees proposed in the rear of the houses as well. Proposed ornamental and shade trees will accent between the proposed houses and proposed evergreen screening will be placed in the rear of lots 25 and 26 to provide a visual buffer to the stormwater management facility. Additional screening will also be provided in the rear of the stormwater management area to provide screening the adjacent Bel Pre Farms subdivision. Foundation planting is provided for each proposed house to provide for accent and seasonal color. Street trees are proposed on Homcrest Road and Homcrest Court to match the existing trees within the public right of way.

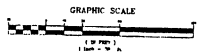
A Category I Forest Conservation easement will be placed over the open space parcel. A category II Forest Conservation easement will be placed over the existing evergreen screen in the rear of Lots 27 and 28, extending into the open space

A 43,000 square foot parcel is located on the northwest side of the property. The parcel will be dedicated to the Home Owners Association and will accommodate open space and the stormwater management facility.



LANDSCAPE PLANT LIST

KEY	QTY	BOTANICAL NAME	COMMON NAME	CAL.	HGT.	ROOT
SHADE TREES						
A	3	Acer buergerianum	Indiant Maple	24'-3"		BBB
B	1	Fagus sylvatica	European Beech	24'-3"		BBB
F	3	Fragaria pennsylvanica 'Summit'	Southern Ash	24'-3"		BBB
M	2	Acer saccharum 'Lacey'	Lacey Sugar Maple	24'-3"		BBB
O	8	Quercus phellos	Willow Oak	24'-3"		BBB
R	7	Quercus rubra	Red Oak	24'-3"		BBB
W	1	Quercus alba	White Oak	24'-3"		BBB
EVERGREEN TREES						
H	2	Ilex opaca	American Holly		8-10'	BBB
N	5	Picea abies	Norway Spruce		8-10'	BBB
P	5	Picea nigra	Austrian Pine		8-10'	BBB
ORNAMENTAL TREES						
C	4	Prunus serotina	Sargent Cherry		8-10'	BBB
D	3	Cornus 'Castalis' (Rudger)	Common Dogwood		8-10'	BBB
S	3	Magnolia scouleriana	Southern Magnolia		8-10'	BBB



Call 'Miss Upply' at 1-800-257-7777. 48 hours prior to the start of work. All other work is subject to change without notice. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for protecting all existing utilities and structures. The contractor shall be responsible for maintaining access to all adjacent properties. The contractor shall be responsible for cleaning up the site after completion of work. The contractor shall be responsible for providing a safe work environment for all workers. The contractor shall be responsible for providing a safe work environment for all workers.

PREPARED FOR:
SMART DEVELOPMENT
 2401 Research Blvd.
 Rockville, MD 20850
 PHONE: 301-975-0165
 FAX: 301-975-9626
 ATTN: Mr. Kevin Smart

LANDSCAPE PLAN
HOMECREST
 Lots 25-29 & Parcel A
 15TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

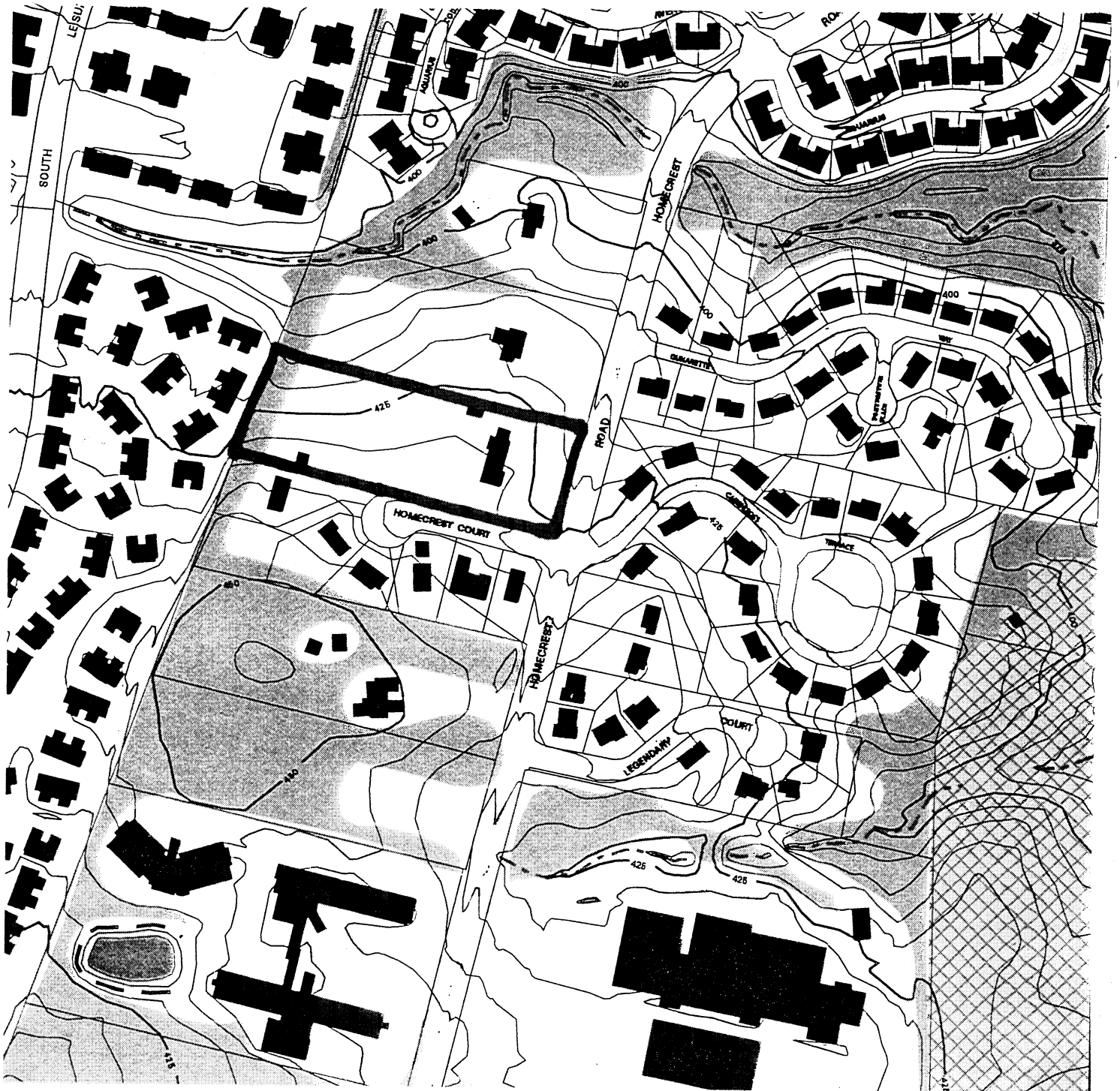
DATE: 02/21/03
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO.: [Number]
 SHEET NO.: [Number]

Scale: 1" = 20'-0"

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PROJECT DESCRIPTION: Vicinity

The subject property is located on the northwest corner of Homecrest Road and Homecrest Court. One family detached homes are located north south and east of the property. Located to the west of the property is the Leisure World development. Further south of the subject property, along Homecrest Road, is the Aspen Wood Retirement Center and Meridian Nursing and Rehabilitation Center.



PROJECT DESCRIPTION: Prior Reviews

The Planning Board reviewed a pre-preliminary plan application of April 3, 2003. The focus at that hearing was the resubdivision analysis and the appropriate neighborhood in which to review the seven characteristics found under 50-29(b)(2) of the Subdivision Regulations. The preliminary plan and site plan application, apart from site-specific details, is the same development lay out as was reviewed as part of the pre-preliminary plan.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>Proposed</u>
Lot Area (ac.):		3.90
Density (dwelling/acre):	2.0	1.3
Dwelling Units:		
One-family detached	5	5
Transferable Development Rights incl.	7	4
Green area (%):	35	75
Building Coverage (%):	25	25
Building Height (ft.):	50	50
Setbacks (ft.):		
Front yard	10	10
Side yard	10	10
Rear yard	40	40
Parking:		
Total	10	10