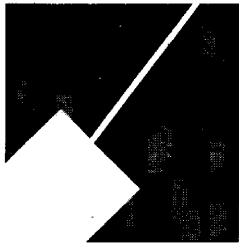


M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, www.mncppc.org

**MCPB AGENDA  
ITEM # 13  
DATE: 12/23/04**



**MEMORANDUM**

**DATE:** December 17, 2004

**TO:** Montgomery County Planning Board

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

**FROM:** Richard Weaver, Planner Coordinator (301) 495-4544 *RAW*

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Resubdivision of Lots 1 and 2, Harry M. Martin Tract

**PROJECT NAME:** Atwood Road Property

**CASE #:** 1-04056

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

**ZONE:** R-200 (Cluster)

**LOCATION:** Located in the northeast corner of the intersection of Atwood Road  
and Alderton Road

**MASTER PLAN:** Kensington Wheaton

**APPLICANT:** Elm Street Development

**HEARING DATE:** December 23, 2004

**STAFF RECOMMENDATION:** Approval, pursuant to Section 50-29 (b)(2), Montgomery County Subdivision Regulations, including a reduced width tertiary road, and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to eleven (11) one family detached residential lots.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan, including an invasive species management 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, unless otherwise approved by the Planning Board.
- 5) Conveyance of Parcel "C" as shown on the approved plan to MNCPPC at the time of plat recordation. Property to be conveyed free of trash and unnatural debris with property corners staked and boundaries signed identifying it as parkland.
- 6) Prior to purchase, applicant to disclose to prospective home purchasers the future construction of the Matthew Henson trail in the adjacent parkland.
- 7) Provide the MCDPWT with a recorded covenant whereby said owner agrees to pay a prorated share of funding for the future construction of the Alderton Road extension, whether built as a public project or by a private developer. The applicant will post cash or letter of credit (at their discretion) in the amount of \$25,000. The covenant will be in effect for five years from the time of plat recordation in the event another developer constructs the extension, and ten years if Montgomery County builds the extension, upon which time the security will be released, if the road is not constructed.
- 8) Front building line setback to be established on the plat(s) no closer than 20 ft. from back edge of sidewalk.
- 9) Record Plat shall reflect all areas under Homeowners Association ownership and stormwater management areas.
- 10) Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 11) Compliance with the conditions of approval of the MCDPS stormwater management approval dated May 12, 2004.
- 12) Compliance with conditions of MCDPWT letter dated October 7, 2004, or as amended.
- 13) Other necessary easements.

## **SITE DESCRIPTION:**

The Subject Property consists of two lots totaling 6.07 acres. The high point of the property is along Atwood Road dropping sharply off towards the northeast corner and to a lesser degree towards the northwest corner. Approximately two acres of the site is forested with a predominance of Maple and Poplar trees. A one family detached home currently is situated in the middle of the property.

The property has frontage on Atwood Road and Alderton Road. Immediately to the north of the site is the Matthew Henson State Park, formerly the Rockville Facility right-of-way. Alderton Road is not constructed through the Mathew Henson Park and only half of the required right-of-way needed for the completion of the road has been dedicated. All dedications required of this applicant along the frontage of the subject property were made when the lots were originally recorded in 1954.

## **PROJECT DESCRIPTION:**

This application requests resubdivision of the subject property into eleven (11) residential lots. The existing one-family home will be removed. To accommodate the development of the property a number of access alternatives were considered to provide frontage for the internal lots. The review determined that a reduced width tertiary cul-de-sac is the preferred method of access for six of the eleven lots. The remainder of lots will have frontage and access to either Alderton or Atwood Road.

The application uses the cluster option of development in the R-200 zone, which is consistent with the development of the lots in the surrounding neighborhood. Under the optional (cluster) method the applicant is required to meet the forest conservation requirements on the subject property. The reduced width tertiary road that is requested under this application helps the applicant meet the forest conservation requirements on site and as such, staff supports the reduced width road. The applicant has agreed to dedicate the 60,821 square foot open space parcel to MNCPPC for park purposes.

The applicant is also required to construct five foot sidewalks along the entire frontage of the site and has agreed to provide a six foot sidewalk through the Matthew Henson Park to provide a formal connection between the two terminuses of Alderton Road.

## **DISCUSSION OF ISSUES**

### **Master Plan Compliance**

The Kensington Wheaton Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations regarding zoning and land uses. The plan recommends that this area maintain existing zoning as adopted and maintain the residential land use consisting of one-family detached homes.

The proposed resubdivision complies with the recommendations adopted in the master plan in that it is a request for development of one-family detached residential units.

## **Conformance with Section 50-29(b)(2)**

### **A. Statutory Review Criteria**

This application involves the resubdivision of two platted lots and is therefore subject to the resubdivision 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 state:

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**

The delineated neighborhood contains 26 lots, which are illustrated in the "Neighborhood Delineation" (attachment C), and includes all lots in the block immediately to the south of the subject property (Block 12, Layhill View) plus those confronting on Alderton Lane. The "Data Table" (attachment D) illustrates the variation in lot shapes, sizes, areas, frontages, widths and alignments for the lots in the neighborhood delineation.

## **ANALYSIS**

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

Determinations regarding resubdivision applications are subject to Section 50-29(b)(2) of the Subdivision Regulations. The proposed subdivision and resulting lots must be of the same character as the lots in the delineated neighborhood with respect to the seven resubdivision characteristics: shape, size, alignment, width, frontage, area and suitability for residential use. After review of the application, staff concludes that the proposed resubdivision complies with the criteria. As set forth below, the attached tabular summary supports this conclusion:

**Area:** In the 26 lot neighborhood the existing lot areas range from 5,675 square feet to 36,645 square feet. The proposed lots have useable areas ranging from 5,955 square feet to 9,677 square feet. **The square footage of the useable area for the proposed lots is within the range of the areas for the existing lots in**

the neighborhood. Staff finds that with respect to area, the proposed lots are of the same character as the existing lots in the neighborhood.

**Lot Size:** The lots in the neighborhood range in total size from 11,035 square feet to 56,086 square feet. The proposed lots range from 12,154 square feet to 17,049 square feet. **The sizes of the proposed lots are within the range of the existing lots and are of the same character.**

**Alignment:** The lots within the neighborhood are all either aligned perpendicularly or at an angle to the right-of-way, as are the proposed lots. **Staff finds the proposed lots to be of the same character as the existing lots.**

**Lot Frontage:** The lot frontages in the existing neighborhood range from 88 feet to 320 feet. The proposed resubdivision will have lots with frontages that range from 75 to 165 feet. Three of the proposed lots (7, 8, 9) do not fall within the range of frontages for the neighborhood lots. As stated above, the preferred access to the internal lots for this subdivision is by use of a reduced width cul-de-sac. In general, frontages of lots on a cul-de-sac bulb are typically narrower than a lot with frontage on a straight portion of roadway due to curvature of the bulb. While no cul-de-sacs are found within staff's delineated neighborhood, they are found in the overall neighborhood and are, in fact, commonplace. Proposed lots 7, 8, and 9 have frontages of 75, 72 and 85 feet respectively. Lot 6, Block 10 in the defined neighborhood has the least frontage at 88 feet. **While three of the proposed lots fall outside of the range with respect to frontage, it is staff's finding that they are of the same character as they do not vary widely from the existing range of lot frontages found in the delineated neighborhood.**

**Shape:** The existing neighborhood is comprised of lots that are either rectangular or irregular. **All proposed lots share one of these characteristics and are, therefore, found to be of the same character with respect to shape.**

**Width:** The neighborhood consists of lots that range from 70 feet to 175 feet. The proposed lots range in width from 88 feet to 120 feet. **The width of the proposed lots fall within the width ranges of the existing lots. Consequently staff finds that the width of each of the proposed lots is of the same character as the existing lots in the neighborhood.**

**Suitability for Residential Use:** The proposed lots in the neighborhood are zoned for residential use, and staff finds they are suitable for residential use.

## **CONCLUSION:**

Section 50-29 (b) (2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply: street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. Based on the review performed on this application including the information in the Data

Table, staff finds that all the proposed lots are of the same character to the lots in the delineated neighborhood with respect to the seven resubdivision criteria and comply with Section 50-29(b)(2) of the Subdivision Regulations. As such, staff recommends approval of the preliminary plan with the conditions cited above.

**Attachments**

- Attachment A Vicinity Development Map
- Attachment B Proposed Development Plan
- Attachment C Neighborhood Delineation Map
- Attachment D Tabular Summary