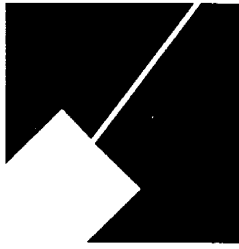


M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

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Silver Spring, Maryland 20910-3760  
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**MCPB**  
**Item #4**  
**6/9/05**



**MEMORANDUM**

**DATE:** June 3, 2005

**TO:** Montgomery County Planning Board

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

**FROM:** Catherine Conlon, Acting Supervisor *CAC* (301) 495-4542

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Resubdivision of Existing Lot 1, Block H, Allanwood Subdivision  
Subdivision for Two Lots

**PROJECT NAME:** Allanwood

**CASE #:** 1-05080

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

**ZONE:** R-200

**LOCATION:** On the west side of Allanwood Drive, approximately 1,200 feet south of  
Chapel Hill Road

**MASTER PLAN:** Aspen Hill

**APPLICANT:** Mr. David A. Urovsky

**ENGINEER:** Madox Engineering & Surveyors, Inc.

**FILING DATE:** March 21, 2005

**HEARING DATE:** June 9, 2005

**STAFF RECOMMENDATION:** Approval Pursuant to Section 50-29(b)(2), subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two (2) residential dwelling units.
- 2) Compliance with the conditions of the MCDPS stormwater management approval dated April 20, 2005.
- 3) Compliance with the conditions of approval for the preliminary forest conservation plan, including: submittal of final forest conservation and sediment control plans that include a limit of disturbance, grading, and tree protection measures for on-site trees consistent with the preliminary forest conservation plan; and submittal of a Reforestation Planting Plan for 0.68 acre of offsite reforestation or purchase of equivalent offsite forest bank credit. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 4) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 5) Prior to plat recordation, the applicant shall enter into a covenant to participate in the future construction costs for road improvements on Allanwood Court and for a sidewalk along Allanwood Drive. The covenant shall be recorded and the deed reference noted on the record plat for the proposed lots.
- 6) Other necessary easements.

## **SITE DESCRIPTION**

The subject property consists of 1.29 acres (56,363 square feet) of land comprised of one existing lot, which was originally approved in 1955. The property is located on the west side of Allanwood Drive and is zoned R-200 (Attachment A). A residential dwelling exists on the property.

The property lies within the Northwest Branch watershed (Use Classification IV-P). About 0.90 acres of forest exists on the site. There is one specimen tulip poplar on the site and one adjacent to the property. There are no streams, wetlands, floodplains, or environmental buffers on the property.

## **PROJECT DESCRIPTION**

This is an application to resubdivide the 1.29 acre subject property into two residential lots. The proposal will create a 30,056 square foot lot (Lot 12) and a 26,136 square foot lot (Lot 13). A one-family dwelling currently exists on the property. The applicant proposes to retain the existing dwelling and construct one new one-family detached dwelling (Attachment B).

## **DISCUSSION OF ISSUES**

### **Master Plan Compliance**

The Aspen Hill 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 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 R-200 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**

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 selected by the applicant and agreed to by Staff consists of 26 lots (Attachment C). The neighborhood includes all lots that abut or confront the proposed lots, as well as the lots along the same blocks on the frontage streets. In addition, it includes the lots on Allanwood Place and Allanwood Court. All the lots share the same R-200 zoning. Staff believes the designated neighborhood provides an adequate sample of the lot and development pattern of the area. A tabular summary of the area based on the resubdivision criteria is included in Attachment D.

#### **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. Staff concludes that the proposed lots fall within the neighborhood ranges for the resubdivision criteria and are of the same character with respect to the resubdivision criteria as other lots within the defined neighborhood. Therefore, Staff concludes

that the proposed resubdivision complies with the criteria of Section 50-2(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:

**Frontage:** The existing lots range in frontage from 25.8 feet to 604.7 feet. Proposed Lot 12 has a lot frontage of 165 feet, and proposed Lot 13 has a frontage of 280 feet. The proposed lots are within the range of lot frontages in the neighborhood. **In Staff's opinion, the proposed lot will be of the same character as existing lots in the neighborhood with respect to lot frontage.**

**Alignment:** There are 17 perpendicular, 3 parallel, and 6 radial lots in the designated neighborhood. Proposed Lots 12 and 13 will be perpendicular. **The proposed lots will be in character with the existing lots with respect to the alignment criterion.**

**Size:** The existing lots range in size from 0.30 acres (13,068 square feet) to 3.43 acres, with the majority being less than one acre in size. Proposed Lot 12 will be 0.69 acres (30,056 square feet) and Lot 13 will be 0.60 acres (26,136 square feet). **The proposed lots will be in character with the existing lots in the neighborhood with respect to size.**

**Shape:** Proposed Lot 12 will be rectangular in shape and Lot 13 will be wedge shaped. The neighborhood lot shapes consist of 1 irregular, 18 rectangular, 5 wedge shaped lots, and 2 flag 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 100 feet to 518 feet. Proposed Lots 12 and 13 will have lot widths of 165 feet and 226.3 feet, respectively. **In Staff's opinion, the proposed lots will be in character with existing lots in the neighborhood with respect to width.**

**Area:** Lot areas in the neighborhood range from 0.1 acre (4,356 square feet) to 1.6 acres. Proposed Lots 12 and 13 will have areas of 0.35 acres (15,246 square feet) and 0.26 acres (11,325 square feet), respectively. **Therefore, staff finds the proposed lots to be of the same character as other lots in the neighborhood with respect to area.**

**Suitability for Residential Use:** The existing and the proposed lots are zoned residential and the land is suitable for residential use.

### **Forest Conservation**

The applicant proposes to clear some, but not all, forest on the site. However, the remaining trees do not cover a large or wide enough area to be considered retained forest. Therefore, forest retention credit is not given. Reforestation of 0.68 acres is required at an offsite location, or equivalent credits may be purchased in an offsite forest conservation bank. Tree protection measures will be required during construction to protect onsite specimen and other saved trees.

## **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 two 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 – Vicinity Development Map  
Attachment B – Proposed Development Plan  
Attachment C – Neighborhood Delineation Map  
Attachment D – Tabular Summary

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