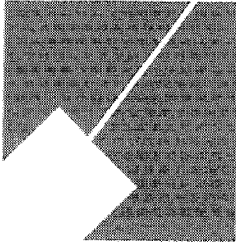


M-NCPPC



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
ITEM # 7
5/4/06**



MEMORANDUM

DATE: April 21, 2006

TO: Montgomery County Planning Board

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

FROM: Catherine Conlon, Supervisor (301-495-4542) *OK*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: 3 lots for 3 one-family detached residential dwelling units

PROJECT NAME: Qureshi Property

CASE NO. 120060050 (formerly 1-06005)

REVIEW BASIS: Pursuant to Chapter 50, the Subdivision Regulations
and Chapter 59, the Zoning Ordinance

ZONE: RE-2

LOCATION: On the northeast side of Norwood Road approximately 200 feet southeast
of Holly Grove Road

MASTER PLAN: Cloverly

APPLICANT: Arshad H. Qureshi

ENGINEER: Morris & Ritchie Associates

FILING DATE: July 8, 2005

HEARING DATE: May 4, 2006

Staff Recommendation: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to three (3) lots for three (3) residential dwelling units.
- 2) The applicant shall comply with the conditions of approval for the preliminary forest conservation plan, including, but not limited to:
 - a) Revise the preliminary forest conservation plan to remove a Category I conservation easement from 0.35 acres of forest that lies on proposed Lots 1 and 2; and
 - b) Final forest conservation plan to include permanent markers (such as permanent fences or signs) to clearly identify boundaries of the Category I conservation easements.

The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.

- 3) The applicant shall dedicate right-of-way for as shown on the preliminary plan for a total of 40 feet of right of way from the center line or 80 feet from the opposite right of way line of Norwood Road along the property frontage.
- 4) The applicant shall provide within the dedicated right-of-way along the Norwood Road frontage: a) a 5-foot-wide sidewalk set back 2 feet from the property line; and b) a 4-foot-wide Class II on-road bikeway.
- 5) Compliance with the conditions of approval of the MCDPS stormwater management concept approval dated March 25, 2005.
- 6) Compliance with conditions of MCDPWT letter dated October 25, 2005, unless otherwise amended.
- 7) Compliance with the MCDPS Well and Septic approval dated March 29, 2006.
- 8) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 9) Record plat to reflect a common ingress/egress and utility easement over shared driveway, with a note that this easement could be used for access to a future residential dwelling on existing parcel P 824 in the event that it ever develops.
- 10) Record plat to reflect a Category I easement over all areas of stream valley buffer and forest conservation.
- 11) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 12) Other necessary easements

SITE DESCRIPTION

The subject property is an unusually long and narrow, 9.93-acre area of land located on Norwood Road in Cloverly (Attachment A). The property consists of an unrecorded parcel, P 717, and half of an abandoned public street right-of-way (former Highridge Drive). The property is zoned RE-2 and abuts several similarly zoned, unsubdivided parcels in the vicinity. Surrounding land use is mostly residential, but there are several existing or proposed churches on Norwood to the southeast of the property and along New Hampshire Avenue.

The property is within the Northwest Branch watershed (Use Classification IV-P). The rear (northeastern) portion of the property is bisected by an existing stream. The designated stream valley buffer for this stream encompasses approximately 2.3 acres of the site, making it un-buildable. More than half of the property is currently forested.

PROJECT DESCRIPTION

This application proposes to create three residential lots containing three one-family detached dwelling units (see Attachment B). Two of the lots will have frontage on Norwood Road and the applicant is requesting a waiver of frontage for the third lot. Access for all the proposed dwellings will be via a shared, private driveway from Norwood Road. The plan will preserve the existing stream valley and the majority of the onsite forest. The lots will be served by public water and private septic systems.

PREVIOUS PLANNING BOARD REVIEW

A pre-application plan for this proposed subdivision was submitted by the applicant in March, 2005. At the applicant's request, that plan was presented to the Planning Board for review on May 19, 2005. The applicant requested a Board hearing to obtain an opinion on the three lots and on the creation of one of these lots without frontage on a public road. Staff expressed support for a three-lot plan provided septic approval could be granted. Prior to this plan, two previous plan submissions had been made trying to achieve a fourth lot on the property. In both instances, staff found that a dwelling, appropriate yard, and necessary septic field could not be located on a fourth lot without encroachment into the stream buffer. The three lot plan adequately protected environmentally sensitive areas. Staff also supported the applicant's request for one lot without frontage.

The Board reviewed the plan and commented that the proposed three lot layout was generally acceptable. The Board also considered the request for one lot without frontage. After exploring the adjacent land uses and site limitations, the Board also generally supported the lot without frontage. The Board concluded that they did not object to the submission of a preliminary plan of subdivision for three lots.

ANALYSIS OF THE CURRENT PROPOSAL

Master Plan Compliance

The Cloverly 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 subdivision 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.

Transportation

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. The proposed right-of-way dedication and access via private driveway has been determined to be adequate to serve the proposed lots.

Environment

Environmental Guidelines

The property is within the Northwest Branch watershed (Use Classification IV-P). Two forest stands exist on the site covering a total of 6.82 acres. The northeastern third of the site lies within an environmental buffer area, most of which is forested. A tributary of Northwest Branch flows through this environmental buffer. There are seven trees that are 24" or greater in diameter at breast height (dbh). Six of these trees lie within the environmental buffer and will be preserved. The entire stream buffer will be protected within a Category I conservation easement.

Forest Conservation

The preliminary forest conservation plan proposes to retain a total of 4.46 acres of forest which would be placed in Category I conservation easements. The largest forest retention area is on proposed Lot 3 in and around the environmental buffer area. Lots 1 and 2 also have forest retention areas. In staff's opinion, a 0.35-acre forest retention area that straddles Lots 1 and 2 should not be counted as forest retention because it is relatively small and close to proposed houses on both lots. There are no specimen or significant trees within this retention area. Therefore, staff recommends that the preliminary forest conservation plan be revised to remove the conservation easement from this small forest retention area. With this change, the forest conservation plan would have 4.11 acres of forest retention, which still exceeds the break-even point of 3.35 acres. No reforestation is required.

In general, staff is satisfied the forest retention areas are configured so that there is enough separation between the proposed houses and conservation easements to allow for usable yard areas on each lot. Staff recommends that permanent markers, such as permanent fences or signs, be installed along the conservation easement boundaries so that future lot owners are aware of their locations. In staff's opinion, the preliminary forest conservation plan, with staff's recommended conditions, meets the requirements of the County Forest Conservation Law.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. In staff's opinion, the application meets all applicable sections. In addition, staff has determined that access and public facilities will be adequate to support the three lots as requested. Staff has also reviewed the application for compliance with the dimensional requirements for RE-2 zoned land as specified in the Zoning Ordinance. The

lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1.

Lot without frontage

The proposed plan includes one lot without frontage on a public street. Per Section 50-29(a)(2) of the Subdivision Regulations, lots must abut a public street or road which has been dedicated to public use, however:

“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 to future subdivision of adjacent lands.”

The proposed preliminary plan includes appropriate public utility and ingress/egress easements to serve the three lots, including the lot without frontage. The proposed driveway meets county standards for emergency vehicle access and has been approved by the County Fire and Rescue Service. In staff’s opinion, the proposed subdivision will not be detrimental to future subdivision of adjacent lands. Since a previously recorded public road right-of-way that provided access to an adjacent, undeveloped parcel was abandoned, this property is being required to provide an ingress/egress easement which could be used for future shared driveway access if the parcel ever develops. Staff finds that the proposed lot without frontage on a public street is acceptable.

Citizen Correspondence

No written correspondence has been received for the application as of the date of this report.

CONCLUSION

Staff finds the lots as proposed meet all requirements as established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the Cloverly Master Plan. Staff also finds that access and public facilities will be adequate to serve the proposed lots. The lots have been reviewed by other applicable county agencies, all of whom have recommended approval of the plan (Attachment C). Therefore, staff recommends approval of the application with the conditions cited above

Attachments:

- Attachment A – Vicinity Map
- Attachment B – Preliminary Plan
- Attachment C – Agency Correspondence

TABLE 1. Preliminary Plan Data Table and Checklist

Plan Name: Qureshi Property				
Plan Number: 120060050 (formerly 1-06005)				
Zoning: RE-2				
# of Lots: 3				
# of Outlots: 0				
Dev. Type: One-family detached residential dwellings				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	87,120s.f.	91,534s.f. is minimum proposed	CAC	4/17/06
Lot Width	150ft.	Must meet minimum	CAC	4/17/06
Lot Frontage	25ft.	Must meet minimum	CAC	4/17/06
Setbacks				
Front	50 ft. Min.	Must meet minimum	CAC	4/17/06
Side	17ft. Min./35ft. total	Must meet minimum	CAC	4/17/06
Rear	35ft. Min.	Must meet minimum	CAC	4/17/06
Height	50ft. Max.	May not exceed maximum	CAC	4/17/06
Max Resid'l d.u. or Comm'l s.f. per Zoning	15 dwelling units	7 dwelling units	CAC	4/17/06
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	No		CAC	4/17/06
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	2 lots w/frontage, 1 lot without frontage ¹		CAC	4/17/06
Road dedication and frontage improvements	Dedication and road termination		Agency letter	10/25/05
Environmental Guidelines	Yes		Staff memo	4/19/06
Forest Conservation	Yes		Staff memo	4/19/06
Master Plan Compliance	Yes		CAC	4/17/06
Other				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		Agency letter	3/25/06
Water (WSSC)	Yes		Agency comment	3/8/06
10-yr Water and Sewer Plan Compliance	Yes		Agency comment	12/15/97
Septic	Yes		Agency letter	3/29/06
Local Area Traffic Review	N/A			
Fire and Rescue	Yes		Agency letter	3/10/06

¹ Based on Section 50-29(a)(2) finding by the Planning Board.

QURESHI PROPERTY (1-06005)



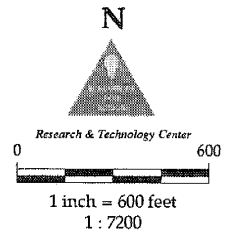
Map compiled on August 22, 2005 at 9:31 AM | Site located on base sheet no - 221NE01

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QURESHI PROPERTY (1-06005)



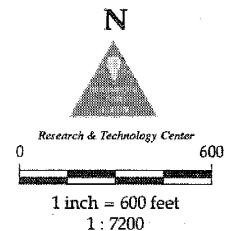
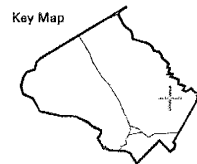
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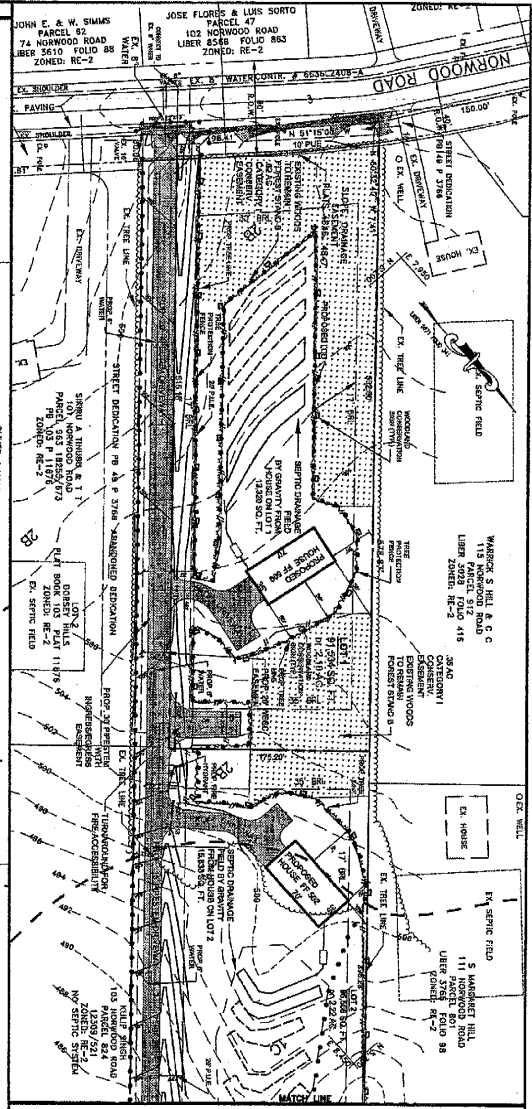
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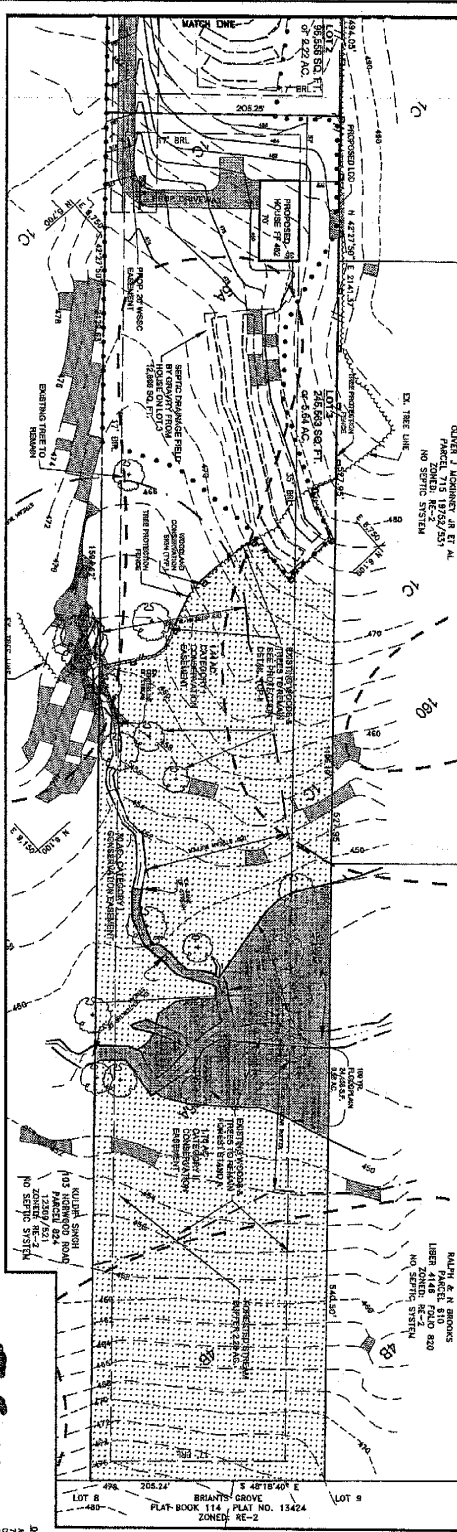
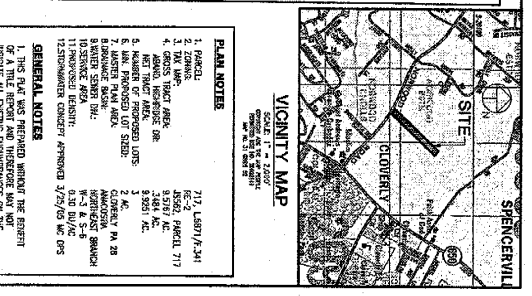
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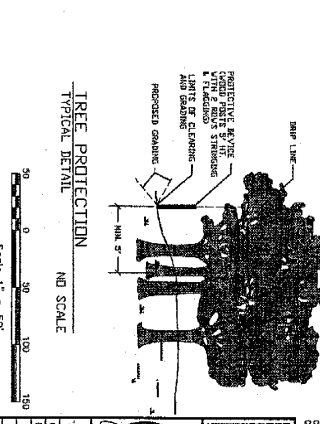
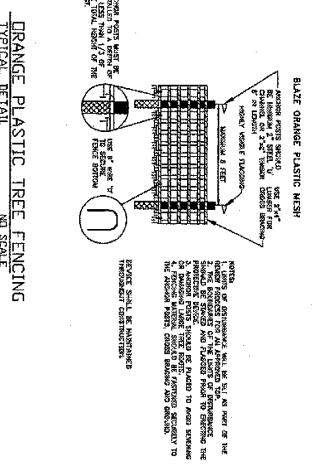
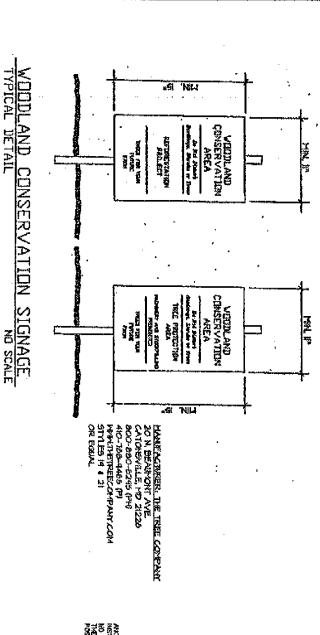


NO.	DESCRIPTION	ACRES
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2	WOODLAND CONSERVATION	0.24
3	WOODLAND CONSERVATION	0.00
4	WOODLAND CONSERVATION	4.82
5	WOODLAND CONSERVATION	4.85
6	WOODLAND CONSERVATION	1.87
7	WOODLAND CONSERVATION	2.35
8	WOODLAND CONSERVATION	2.00
9	WOODLAND CONSERVATION	0.50
10	WOODLAND CONSERVATION	0.20
11	WOODLAND CONSERVATION	0.20
12	WOODLAND CONSERVATION	2.18
13	WOODLAND CONSERVATION	4.46
14	WOODLAND CONSERVATION	0.20
15	WOODLAND CONSERVATION	1.15

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15	WOODLAND CONSERVATION	1.15



DATE	REVISIONS	BY	APP'D
11-14-05	REVISED CONSERVATION AREAS STUDIED FOR DEER, CO. CHAIRMAN	WJH	WJH
01-14-06	REVISED WOODLAND CONSERVATION AREAS FOR DEER COMMENTS	WJH	WJH
01-17-06	REVISED WOODLAND CONSERVATION AREAS FOR DEER COMMENTS	WJH	WJH
01-17-06	REVISED WOODLAND CONSERVATION AREAS FOR DEER COMMENTS	WJH	WJH
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01-17-06	REVISED WOODLAND CONSERVATION AREAS FOR DEER COMMENTS	WJH	WJH
01-17-06	REVISED WOODLAND CONSERVATION AREAS FOR DEER COMMENTS	WJH	WJH

MORRIS & RITCHIE ASSOCIATES, INC.
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 1480 PARK CENTER DRIVE, SUITE A
 WASHINGTON, DC 20004
 TEL: (410) 782-7950
 FAX: (410) 782-7956

PRELIMINARY PLAN
 QUINSH PROPERTY
 FOREST CONSERVATION PLAN
 MONTGOMERY COUNTY
 CONSERVATION PLAN NO. 1474
 DATE: 11/14/05
 DRAWN BY: WJH
 CHECKED BY: WJH
 APPROVED BY: WJH

AGENCY CORRESPONDENCE