

Item #8

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

M E M O R A N D U M

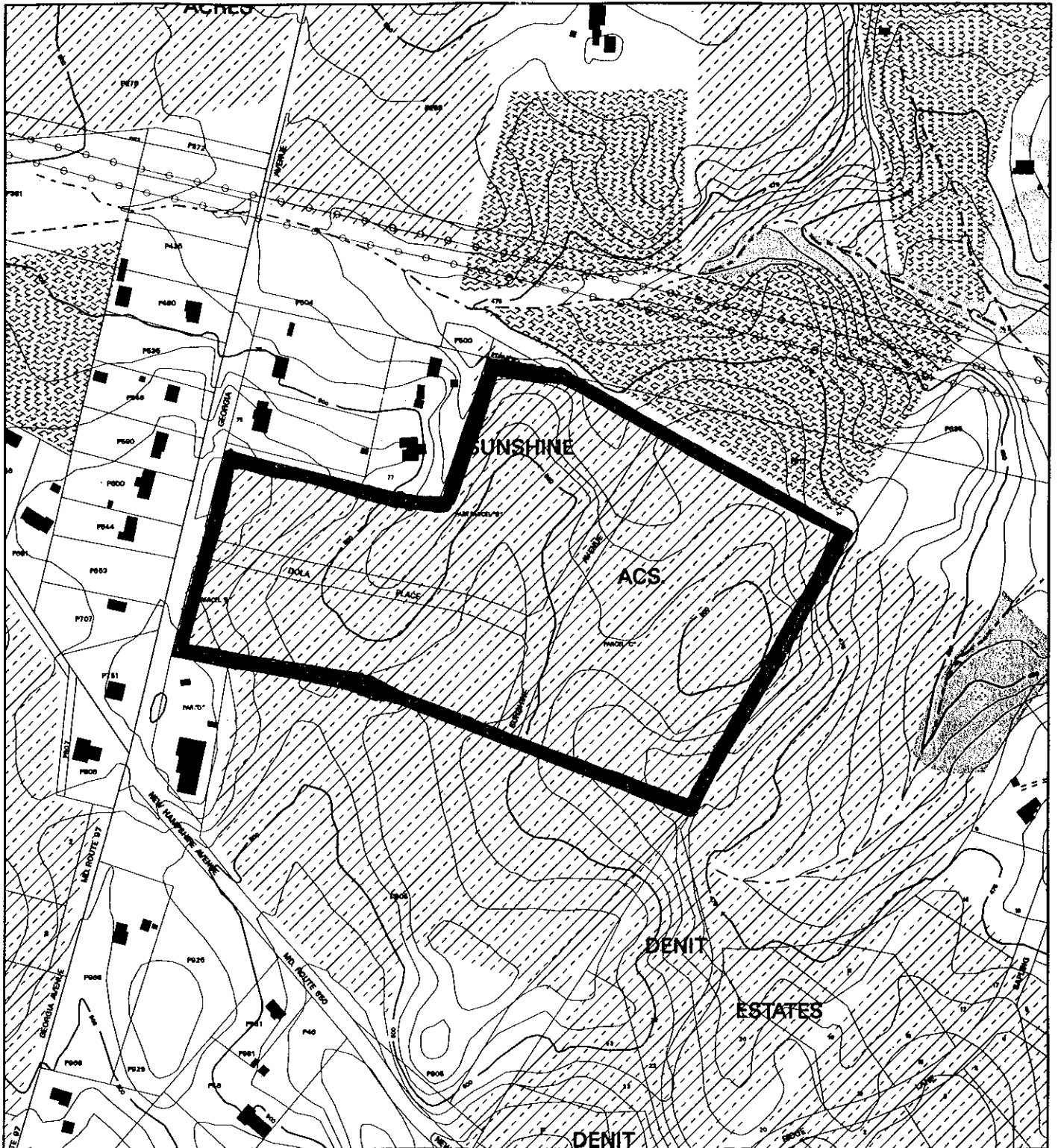
DATE: November 26, 2001
TO: Montgomery County Planning Board
FROM: A. Malcolm Shaneman
Planning Department
(301) 495-4587
SUBJECT: Informational Maps for Subdivision Items on the
Planning Board's Agenda for November 29, 2001.

Attached are copies of plan drawings for Items #08, #09, #10, #11, #12. These subdivision items are scheduled for Planning Board consideration on November 29, 2001. The items are further identified as follows:

- Agenda Item #08 - Preliminary Plan 1-01029
Sunshine Acres
- Agenda Item #09 - Preliminary Plan 1-01087
Gateway Park
- Agenda Item #10 - Preliminary Plan 1-02002
Dorsett Property
- Agenda Item #11 - Preliminary Plan 1-01058
Johnson Property
- Agenda Item #12 - Preliminary Plan 1-94002
Cramer Property

Attachment

VICINITY MAP FOR
SUNSHINE ACRES, LOTS 85-90 (1-02029)



Map compiled on October 11, 2001 at 1:18 PM | Site located on base sheet no - 231NW03

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Key Map



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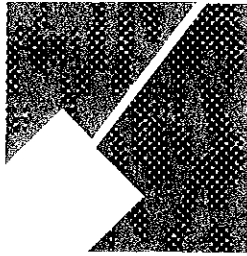


Research & Technology Center



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MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

MCPB ITEM# 8
DATE: 11/29/01

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MEMORANDUM

DATE: November 21, 2001

TO: Montgomery County Planning Board

VIA: Joseph R. Davis, Chief *JRD*
Development Review Division

FROM: A. Malcolm Shaneman, Supervisor (301) 495-4587
Richard A. Weaver, Senior Planner (301) 495-4544 *RAW*
Planning Department Staff

REVIEW TYPE: Preliminary Plan Review
APPLYING FOR: Resubdivision of Existing Parcels A, B, and C -- Sunshine Acres
PROJECT NAME: Sunshine Acres
CASE #: 1-02029
REVIEW BASIS: Chapter 50, Sec. 50-38 (Waiver Provisions) and Sec. 50-29 (b)(2), Montgomery County Subdivision Regulations, and Resubdivision Criteria

ZONE: RC

LOCATION: East Side of Georgia Avenue (MD 97) 400 Feet North of New Hampshire Avenue (MD 650)

MASTER PLAN: Olney and Vicinity
APPLICANT: Tamara Corporation
FILING DATE: September 26, 2001
HEARING DATE: November 29, 2001



STAFF RECOMMENDATION: Approval of the Preliminary Plan, Including (Pursuant to Section 50-38) the Granting of a Waiver From the Requirements of Section 50-29 (b)(2); and Granting of an Abandonment of Dola Place and Sunshine Avenue Pursuant to Section 49-67A of the Montgomery County Code; and Subject to the Following Conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 2) All road(s) shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Olney Master Plan
- 3) All road rights-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Olney Master Plan, and to the design standards imposed by all applicable road codes, or as otherwise stipulated by MCDPW&T
- 4) Record plat to show delineation of a Category I conservation easement over the area of forest conservation
- 5) Compliance with conditions of approval of MCDPS (Health Dept.) letter dated, November 6, 2001
- 6) Access and improvements as required to be approved by MDSHA prior to issuance of access permits
- 7) Record plat to reference proposed lot 90 as a farmette
- 8) Record plat to reference common ingress/egress easement over shared driveway
- 9) Record plat to include note, "any further subdivision under current RC zone is prohibited"
- 10) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 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) Necessary easements

PROJECT DESCRIPTION:

This is a request to resubdivide three existing recorded parcels into six (6) single-family residential lots. The proposal requires the partial abandonment of two paper streets, Dona Place and Sunshine Avenue. Access to the proposed lots will be provided through a portion of the previously dedicated roadway that will then terminate in a new cul-de-sac. The total tract area is 30.45 acres with a net tract area of 30.05 after road dedication. The property is zoned Rural Cluster (RC - 1 unit per 5 acres, 40,000 square foot minimum lot size using cluster) which allows six lots on the subject site, with a sixty (60) percent open space requirement. The open space can either be an outlot or open space parcel or it can be included in a farmette to be used for continuation of agricultural purposes. Proposed lot 90 at 18.36 acres satisfies the sixty percent opens space requirement and is designated as a farmette on the preliminary plan drawings.

DISCUSSION OF ISSUES

Request for Waiver from Requirements of Chapter 50, Subdivision Regulations

Pursuant to Section 50-38 of the Subdivision Regulations, the Applicant requests a waiver from the requirements of Section 50-29 (b)(2) (Resubdivision) on the grounds that, as set forth below, unusual circumstances exist, which restrict the application from meeting Section 50-29 (b)(2) and, therefore, prevent full compliance with the requirements of that section from being achieved.

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, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision."

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. In this unusual case, Staff finds that there is no existing subdivision, block or defined neighborhood with which to compare the proposed subdivision.

The adjoining three (3) lots to the north of the subject property are zoned R-200 and cannot be considered for comparison. Historically, Staff has never crossed zoning boundaries for the purpose of comparing lot similarities. No other recorded lots or recorded parcels within the RC zone exist with frontage along Georgia Avenue (MD 97) in the immediate area that abut or confront the property. The RC-zoned, Denit Property subdivision, (previously approved by Planning Board - 1-92004) to the south and east of the subject property with access on New Hampshire Avenue (MD 650) is not, in Staff's determination, within the defined neighborhood of the subject property. The Denit Property's residential element is removed from the subject property, with access to a different road network and separated from the subject property by a large expanse of HOA open space. In this instance, Staff has performed its review as if this application were a standard preliminary plan due to the lack of recorded lots with which to compare the proposal.

CONCLUSION:

For the reasons set forth above, unusual circumstances do exist that warrant the granting of a waiver of Section 50-29 (b)(2) of the Subdivision Regulations. Specifically, the unusual circumstance in this instance is that there are no other lots within the existing block, neighborhood, or subdivision with which to compare the proposed lots. Staff finds that a waiver is the minimum necessary to provide relief from the requirements; is not inconsistent with the purposes and objectives of the General Plan; and is not adverse to the public interest. Additionally, Staff has determined that the request for abandonment of Dola Place and Sunshine Avenue is appropriate. Staff finds, pursuant to Section 49-67A of the County Code, that the current right-of-ways are not necessary for anticipated future public use and the alternative alignment or location, as shown on the proposed plan, will not adversely affect the public interest. Staff further finds that the proposed lots meet the requirements of the Montgomery County Zoning Ordinance, Sections 59-C-9.4 and 59-C-9.5 and applicable sections of Chapter 50, the Montgomery County Subdivision Regulations, and recommend approval subject to the conditions referenced herein.

Attachments

Waiver Request Letter Pg. 4

Vicinity Development Map Pg. 5

Lot and Block Designation Map Pg. 6

Proposed Development Plan Pg. 7

**TAMARA CORPORATION
11709 ROBERTS GLEN COURT
POTOMAC, MARYLAND 20854**

PHONE: 301-294-9599

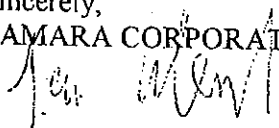
FAX: 301-762-9092

Richard Weaver
Development Review Division
MNCP&PC
8787 Georgia Avenue
Silver Spring, MD 20910

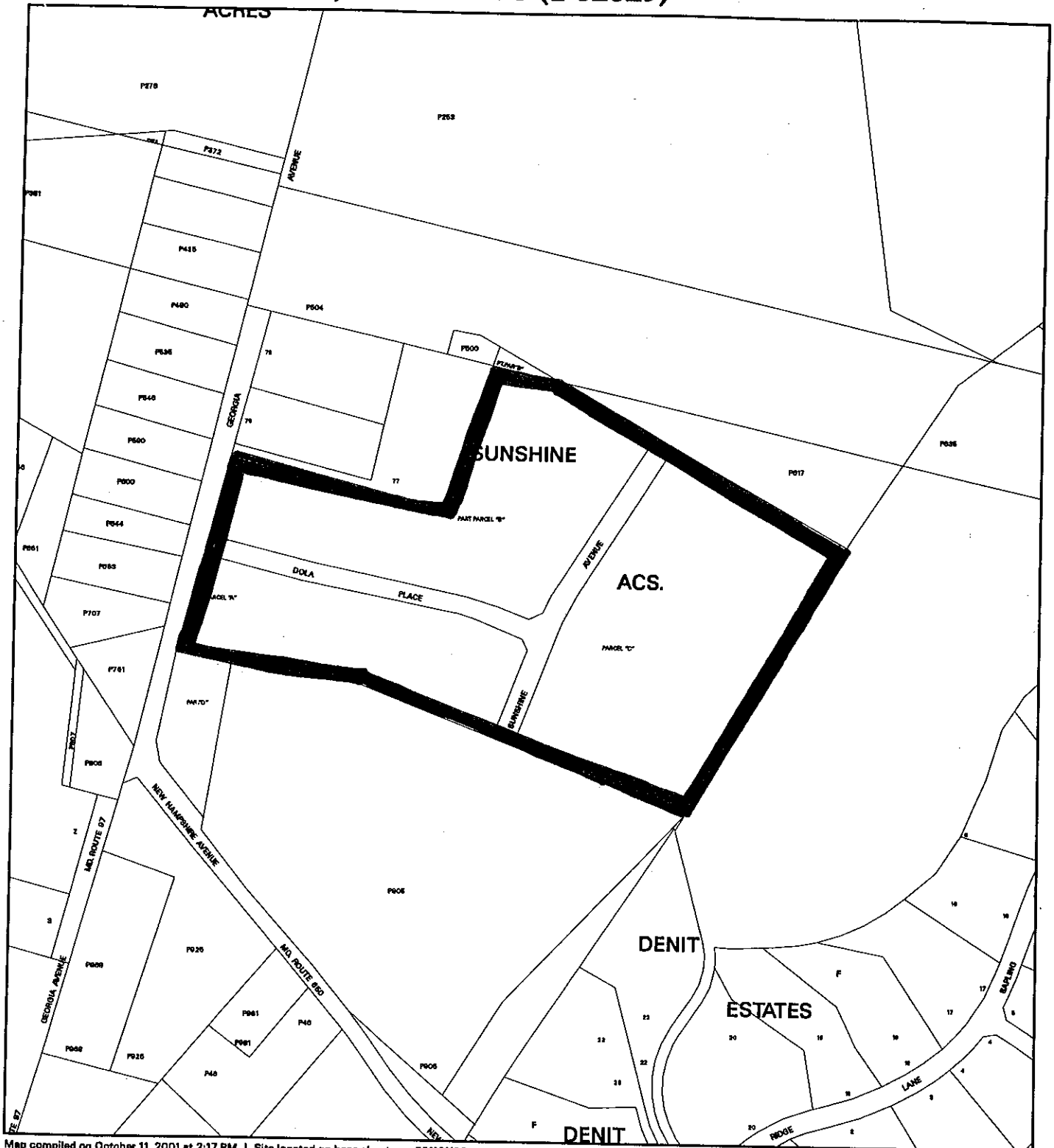
RE: Sunshine Acres
Plan # 1-02029

Dear Mr. Weaver,

Due to the unusual circumstances of not having, by regulation, a neighborhood for the subject subdivision, we hereby request the Planning Board to waive Section 50-29B2 which comes under Section 50-38 and treat the new subdivision as a standard subdivision.

Sincerely,
TAMARA CORPORATION

Joav Steinbach
President

VICINITY MAP FOR
SUNSHINE ACRES, LOTS 85-90 (1-02029)



Map compiled on October 11, 2001 at 2:17 PM | Site located on base sheet no - 231NW03

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