



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #
12/18/08

MEMORANDUM

DATE: July 7, 2008

TO: Montgomery County Planning Board

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

FROM: Richard A. Weaver, Coordinator (301) 495-4544 *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: Resubdivision of Part of Lot 2, Block B, Wildwood Hills to allow issuance of building permit for replacement of an existing one-family detached dwelling unit

PROJECT NAME: Wildwood Hills
CASE #: 120090030
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-200
LOCATION: On the south side of Bells Mill Road, approximately 500 feet east of Coventry Way
MASTER PLAN: Potomac

APPLICANT: Paul Tran
ENGINEER: Maddox, Inc.

FILING DATE: September 8, 2008
HEARING DATE: December 18, 2008



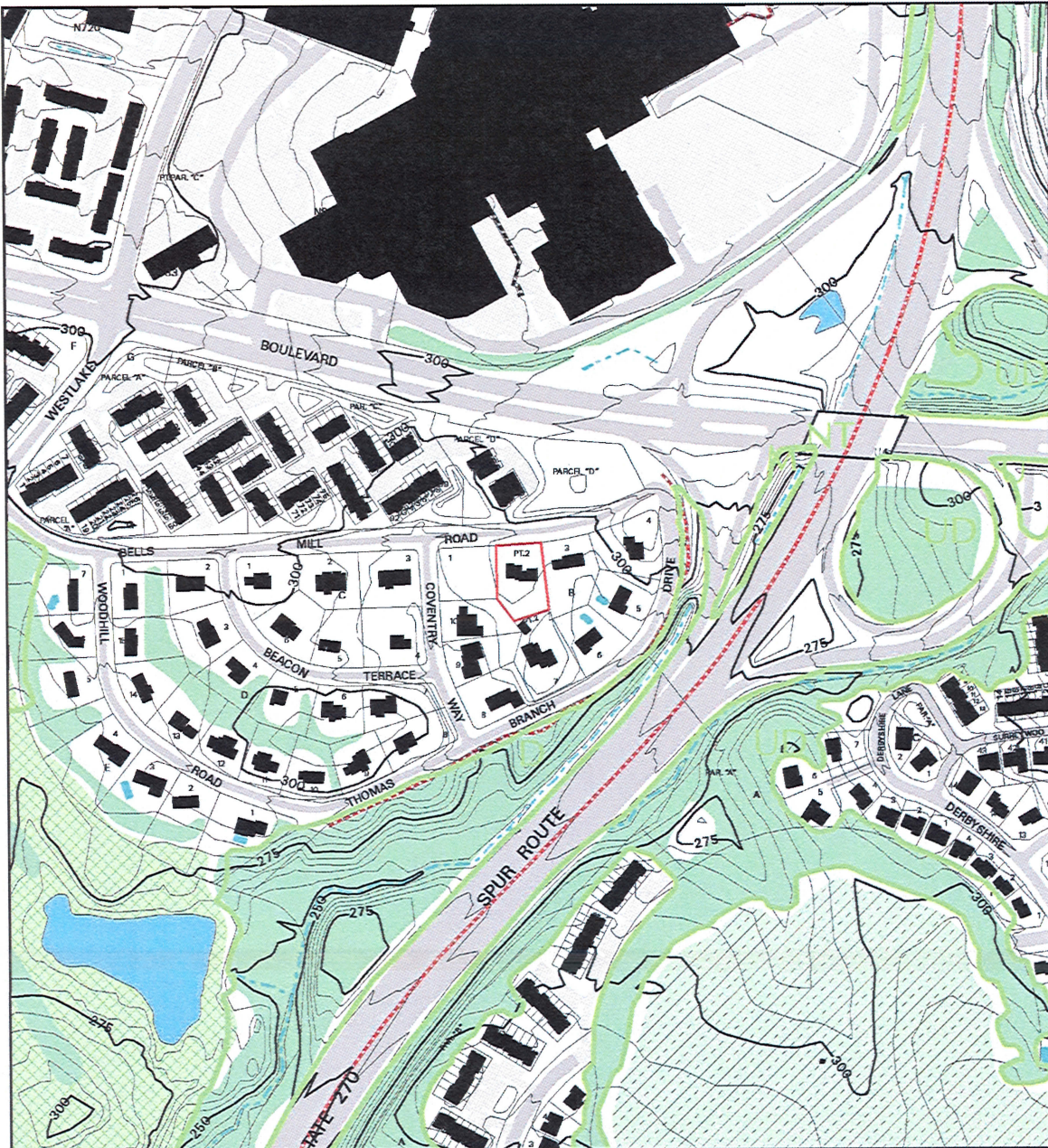
RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to one lot for a one-family residential dwelling unit.
- 2) Compliance with the approved Tree Save Plan dated October 23, 2008.
- 3) The applicant must comply with the conditions of the MCDPS stormwater management concept approval dated July 28, 2008.
- 4) The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation approval prior to recordation of plat..
- 5) 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 resolution.
- 6) Other necessary easements must be shown on the record plat.

SITE DESCRIPTION

The Subject Property, as shown below, is identified as Part of Lot 2, Block B, in the Wildwood Hills Subdivision. Lot 2 was originally recorded by plat in 1950 but a portion of the extreme rear, (southern property line) was severed by deed and apparently conveyed to an adjacent property owner, creating two parts of Lot 2. The larger portion is the subject of this preliminary plan and it consists of 26,204 square feet and is zoned R-200 zone. A one-family detached residential dwelling unit currently exists on the Property with driveway access from Bells Mill Road. The Property is surrounded to the east, south and west by one family detached dwellings and to the north by townhomes.

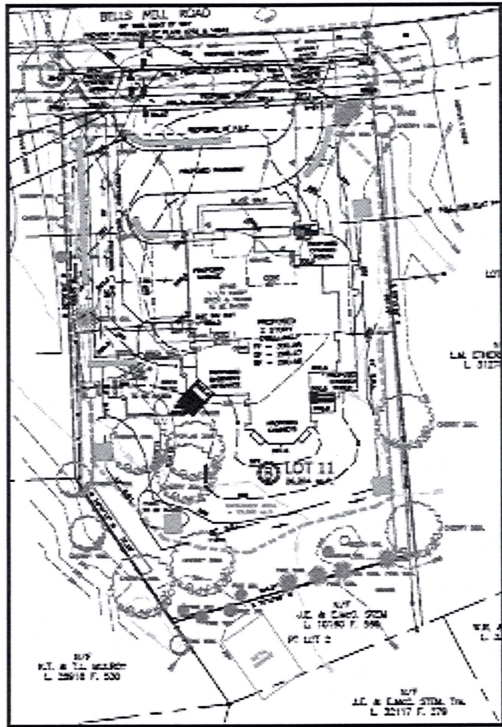
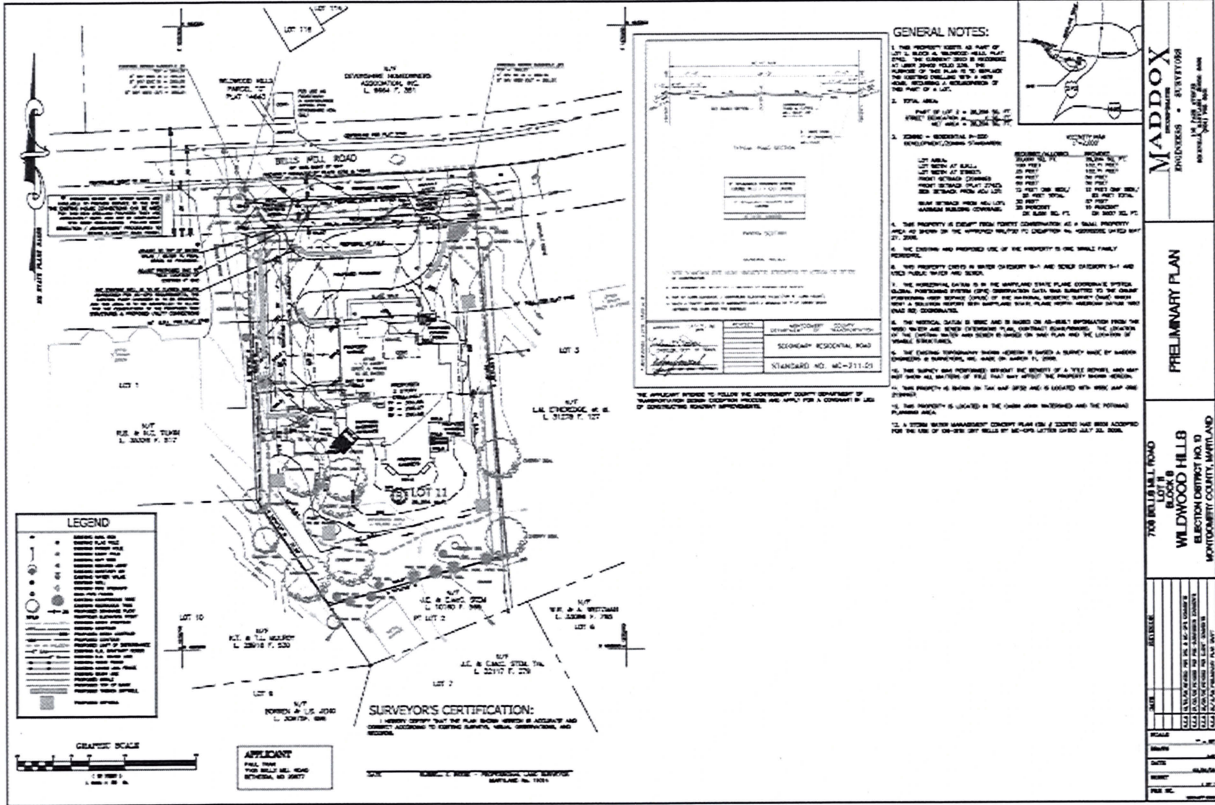
WILDWOOD HILLS



Map compiled on December 02, 2008 at 11:02 AM | Site located on base sheet no - 212NW07

PROJECT DESCRIPTION

As shown below on the preliminary plan drawing, the applicant proposes to resubdivide the Subject Property and to reestablish the Property as a record lot. The applicant then proposes to demolish the existing dwelling unit and rebuild on the property. The proposed lot is served by public water and sewer, gas, electric and telecommunication utilities.



ANALYSIS AND FINDINGS

Master Plan Compliance

The Potomac Subregion Master Plan supports the retention and reconfirmation of existing zoning for all developed, underdeveloped, and undeveloped land in the Subregion, except for those sites recommended for change in the Plan. The Plan does not specifically identify the subject property, and therefore suggests that R-200 zoning be maintained and is appropriate for the site. The proposed application involves part of a previously recorded lot that was created in conformance with the R-200 zone and the Master Plan. Although a small, unbuildable portion of that lot was deeded away, the remaining subject part will still fully meet the requirements of the R-200 zone and continue to contain a one-family residential dwelling as recommended by the Master Plan. The application has been reviewed by jurisdictional agencies, and it has been determined that the proposed redevelopment of the use will not adversely impact environmental, land use and zoning, transportation, or community facilities as identified by the Plan. The proposed application is consistent with the Potomac Subregion Master Plan in that it is consistent with residential development in the R-200 zone.

Public Facilities

Roads and Transportation Facilities

The proposed lot does not generate any additional vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation or Policy Area Mobility Reviews. Bells Mill Road is a secondary street, requiring 60 feet of right-of-way. Sixty feet of right-of-way currently exists, therefore, additional dedication is not required. The plan currently proposes a five foot sidewalk along the frontage although the Applicant has the option to pursue a waiver of sidewalks from the Montgomery County Department of Permitting Services. No sidewalks exist in the general area and the road could be safely used by pedestrians if a sidewalk waiver is granted. Bells Mill Road at this location is not a through street; therefore, traffic volume is much less than on other sections of Bells Mill Road where it serves as a primary street and commuter route. Therefore, vehicle and pedestrian access for the subdivision will be safe and adequate using the existing street network.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the redeveloped dwelling unit. The application meets the Montgomery County Fire and Rescue Service requirements for fire and rescue vehicle access. Since a dwelling already exists on the property, the proposed redevelopment will not affect other public facilities and services, such as schools, police stations, firehouses and health services which are currently operating within the standards set by the Growth Policy Resolution currently in effect. Electrical and telecommunications services are also available to serve the Property.

Environment

Stormwater Management & Sediment Control

The MCDPS, Stormwater Management Section approved a stormwater management concept for the project on July 28, 2008. The stormwater management concept includes on-site water quality control and recharge via drywells and infiltration trenches for the rooftop and paved area. Channel protection is not required because the one-year post-development peak discharge is less than two cubic feet per second.

Environmental Guidelines

There are no sensitive environmental features on the Property.

Forest Conservation

While the Property has received an exemption (#42008205E) from the requirement to submit a preliminary forest conservation plan, a condition of the exemption requires that a Tree Save Plan be submitted for review and approval. A Tree Save Plan was approved by staff on October 23, 2008. It proposes the removal of four large and/or specimen trees on-site, and the protection of two off-site trees in close proximity to the Property boundary.

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. The application meets all applicable sections, including the requirements for resubdivision as discussed below. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The proposed lot will meet the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

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 the proposed lot complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

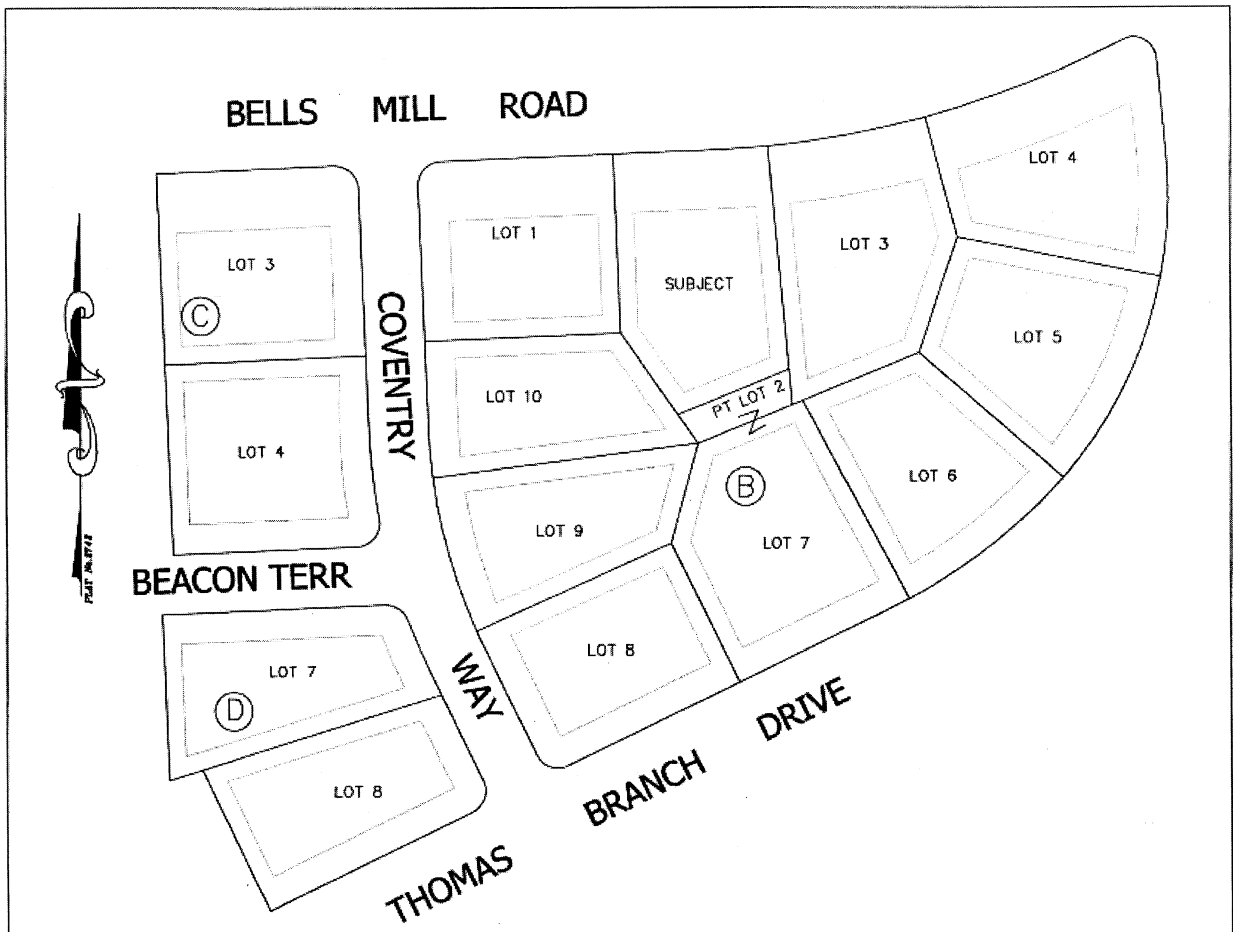
Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size,

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, as shown below, consists of 13 lots. The selected Neighborhood includes all existing R-200 zoned lots within the same block as the Subject Property and also includes the lots fronting on Coventry Way between Bells Mill Road and Thomas Branch Drive. The townhome lots to the north were excluded because they were developed under a different zone. The designated Neighborhood provides an adequate sample of the lot and development pattern of the area.

RESUBDIVISION NEIGHBORHOOD



C. Analysis

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, the above-noted resubdivision criteria were applied to the delineated Neighborhood. The proposed lots are of the same character with respect to the resubdivision criteria as other lots within the defined neighborhood. Therefore, the proposed resubdivision complies with the criteria of Section 50-2(b)(2) as set forth below and as shown in the tabular summary.

TABULAR SUMMARY

Data Table		Lot 11, Block B, Wildwood Hills					Mr. Paul Tran (owner) Applicant		
Subdivision Name	Lot/Block	Frontage	Alignment	Size (Ac.)	Shape	Width	Buildable Area	Suitability	
Wildwood Hills	1/B	306.4'	Perpendicular	0.57	Rectangle with Fillet	165'	0.24 AC	Ex. Residential	
Wildwood Hills	3/B	135.0'	Perpendicular	0.64	Irregular Rectangle	135'	0.34 AC	Ex. Residential	
Wildwood Hills	4/B	400.6'	Perpendicular	0.66	Irregular Rectangle	198'	0.28 AC	Ex. Residential	
Wildwood Hills	5/B	189.4'	Perpendicular	0.57	Irregular Rectangle	189'	0.34 AC	Ex. Residential	
Wildwood Hills	6/B	165.6'	Perpendicular	0.54	Irregular Rectangle	160'	0.32 AC	Ex. Residential	
Wildwood Hills	7&P12/B	160.0'	Perpendicular	0.71	Irregular Rectangle	160'	0.41 AC	Ex. Residential	
Wildwood Hills	8/B	293.8'	Perpendicular	0.55	Rectangle with Fillet	180'	0.30 AC	Ex. Residential	
Wildwood Hills	9/B	134.6'	Perpendicular	0.49	Irregular Rectangle	132'	0.27 AC	Ex. Residential	
Wildwood Hills	10/B	115.0'	Perpendicular	0.48	Irregular Rectangle	115'	0.27 AC	Ex. Residential	
Wildwood Hills	3/C	321.4'	Perpendicular	0.62	Rectangle with Fillet	170'	0.28 AC	Ex. Residential	
Wildwood Hills	4/C	326.9'	Perpendicular	0.63	Rectangle with Fillet	170'	0.36 AC	Ex. Residential	
Wildwood Hills	7/D	281.8'	Perpendicular	0.55	Irregular Rectangle	188'	0.29 AC	Ex. Residential	
Wildwood Hills	8/D	299.6'	Perpendicular	0.56	Irregular Rectangle	188'	0.30 AC	Ex. Residential	
Wildwood Hills	11/B	130.0'	Perpendicular	0.60	Irregular Rectangle	132'	0.33 AC	Prop. Residential	

Frontage:

In the designated Neighborhood, lot frontage ranges from 115 feet to 401 feet. The proposed lot has 130 feet of frontage on Bells Mill Road. The lot frontage will remain the same as that which was originally platted for Lot 2, Block B, Wildwood Hills. **Therefore, the lot will be of the same character as existing lots in the Neighborhood with respect to lot frontage.**

Alignment:

In terms of alignment, the road network is curvilinear and the lots in the Neighborhood are perpendicular to the street on which they front. The proposed lot is also perpendicular in alignment and again does not change from the alignment in which it was originally recorded by plat. **The proposed lot is of the same character as existing lots with respect to the alignment criterion.**

Size:

Lot sizes in the Neighborhood range from 0.48 acres to 0.71 acres representing a fairly tight range of lot sizes. The proposed lot will be 0.60 acres and falls within the range of lot sizes. **The proposed lot size is in character with the size of existing lots in the neighborhood.**

Shape:

With respect to shape, the applicant has identified the lot shapes as rectangular (with fillets, or corner curves) or as irregular rectangles. The proposed lot will be best described as an irregular rectangle which is essentially the same as what it was originally platted as. **The shape of the proposed lot will be in character with shapes of the existing lots.**

Width:

Lot widths in the Neighborhood range from 115 feet to 198 feet. The proposed lot has a lot width of 130 feet. While it will be the second narrowest lot at the building line within the Neighborhood, there are two other lots; one at 132 feet and the other at 135 feet in width which are essentially the same. Also, this resubdivision would not alter the width of the lot from its original platted dimension. **The proposed lot will be in character with existing lots in the neighborhood with respect to width.**

Area:

When evaluating buildable area, lots in the Neighborhood range from 0.24 acres to 0.41 acres. The proposed lot will have 0.33 acres of buildable area placing it in the middle of the range. **The proposed lot will be of the same character as other lots in the neighborhood with respect to buildable area.**

Suitability for Residential Use:

The existing and the proposed lots are zoned residential and all have existing one family structures on them.

Citizen Correspondence and Issues

A presubmission public meeting was held on June 3rd, 2008 in accordance with procedures established in the Development Manual. One citizen attended and while not opposing the plan did make the applicant aware of a possible abandoned septic tank on the rear of the property. He also expressed concerns about the aesthetics of the proposed structure, which are not under consideration as a part of this application. Subsequent to this meeting, adjacent and confronting property owners and local civic and homeowners associations did receive written notice that the application had been filed. The same individuals, and others who asked to become parties of

record during the review, also received written notice of the Planning Board hearing date. As of the date of this report, no written correspondence has been received.

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 proposed lot is of the same character as the existing lots in the defined neighborhood with respect to each of the resubdivision criteria, and therefore, complies with Section 50-29(b)(2) of the Subdivision Regulations. The proposed lot also meets all other requirements established in the Subdivision Regulations and the Zoning Ordinance, and the proposed lot complies with the recommendations of the Potomac Subregion Master Plan. Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Wildwood Hills				
Plan Number: 120090030				
Zoning: R-200				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: Standard				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	20,000 sq. ft.	26,204 sq. ft. is minimum proposed	RW	12/5/08
Lot Width	100 ft.	132 ft. is minimum proposed	RW	12/5/08
Lot Frontage	25 ft.	130 ft. is minimum proposed	RW	12/5/08
Setbacks			RW	12/5/08
Front	40 ft. Min.	Must meet minimum ¹	RW	12/5/08
Side	12 ft. Min./25 ft. total	Must meet minimum ¹	RW	12/5/08
Rear	30 ft. Min.	Must meet minimum ¹	RW	12/5/08
Height	50 ft. Max.	May not exceed maximum ¹	RW	12/5/08
Max Resid'l d.u. or Comm'l s.f. per Zoning	1 dwelling unit	1 dwelling unit	RW	12/5/08
MPDUs	No		RW	12/5/08
TDRs	No		RW	12/5/08
Site Plan Req'd?	No		RW	12/5/08
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	RW	12/5/08
Road dedication and frontage improvements		N/a	RW	12/5/08
Environmental Guidelines		No	Staff memo	11/20/08
Forest Conservation		Yes	Staff memo	11/20/08
Master Plan Compliance		Yes	RW	12/5/08
Other (i.e., parks, historic preservation)				
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	7/31/08
Water and Sewer (WSSC)		Yes	Agency comments	12/17/07
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	12/17/07
Well and Septic		N/a		5/2/08
Local Area Traffic Review		N/a	Staff memo	10/27/08
Policy Area Mobility Review		N/a	Staff memo	10/27/08
Transportation Management Agreement		No	Staff memo	10/27/08
School Cluster in Moratorium?		No	RW	12/5/08
School Facilities Payment		No	RW	12/5/08
Fire and Rescue		Yes	Agency letter	10/27/08

¹ As determined by MCDPS at the time of building permit.