



Sonoma, Preliminary Plan, 120130040



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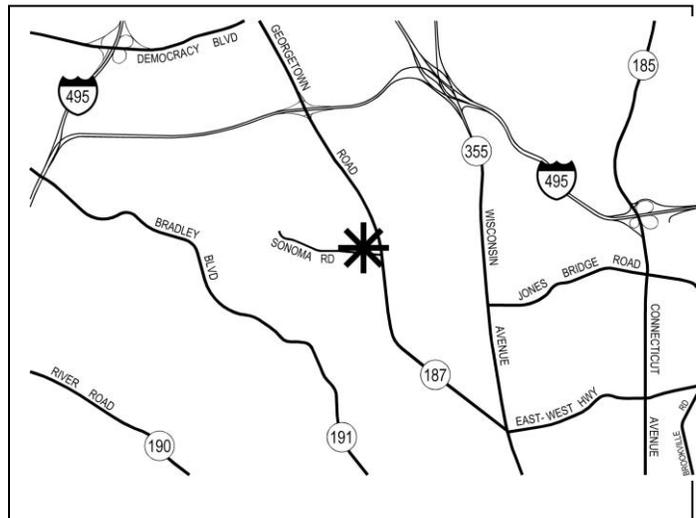
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Date of Report: 02/01/2013

Description

- Located at 5511 Sonoma Road
- R-60 Zone, Bethesda-Chevy Chase Master Plan , .42 acres
- Resubdivision of a part of Lot 5 and Lot 6, Block 7 Sonoma
- Applicant - 5511 Sonoma Road, LLC
- Date Filed - September 21, 2012



Summary

- Staff recommends approval of Preliminary Plan 120130040
- The Applicant requests the consolidation of a part of lot 5 and lot 6 in Block 7 of Sonoma into two single family lots. The necessary re-subdivision criteria have been satisfied.
- As part of the review of this preliminary plan, the Planning Board is also reviewing a tree save plan.

RECOMMENDATION: Approval subject to the following conditions:

1. This Preliminary Plan is limited to 2 lots for one- family dwelling units (one on each lot).
2. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter February 22, 2013 and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
4. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated October 31, 2012, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Stormwater Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of a (5) five-foot wide sidewalk along the property frontage on Sonoma Road to the south side connecting to an existing sidewalk and extending the sidewalk to the east side of Seneca Lane. The Applicant must construct this off-site extension in-lieu of constructing a sidewalk along the Seneca Lane site frontage. This is required unless construction is waived by MCDPS.
6. The record plat must reflect common ingress/egress and utility easements
7. The record plat must show necessary easements.
8. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

9. The Applicant must plant six (6) 4-5" caliper trees on the lots six (6) months of the final use and occupancy permit for the proposed lots. The planting locations to be determined in the field by the forest conservation inspector working with the applicant. The location of the trees must be shown on the tree save plan.

10. The Applicant is subject to a school facilities payment at the high school level. The Bethesda – Chevy Chase school cluster which is currently operating above capacity at high school levels.

SITE DESCRIPTION

The subject property is located at 5511 Sonoma Road, at the intersection with Seneca Lane. It is comprised of and identified as the following property with a gross tract area of 18,090 square feet or 0.42 acres:

- Part of Lot 5 in the Sonoma Subdivision
- Lot 6 in the Sonoma Subdivision

An existing one-story, one- family detached residence is located on Lot Six. The current driveway is accessed from Sonoma Road – west of the intersection with Seneca Lane. The site has limited sidewalks and is not served by transit. There is no forest on-site however; four specimen trees are situated throughout the property. There are no known rare, threatened or endangered plants or animals or critical habitat documented in the field or by the Maryland Department of Natural Resources. The site is served by public water and sewer.

SONOMA (120130040)



Vicinity

The surrounding area is a mature, stable community, predominantly zoned R-60 and R-90. The western most are zoned R-200. The Sonoma neighborhood is largely built out and does not contain any commercial properties. Suburban Hospital, Old Georgetown Road, National Institutes of Health and the YMCA are located in the vicinity of the project area.

SONOMA (120130040)

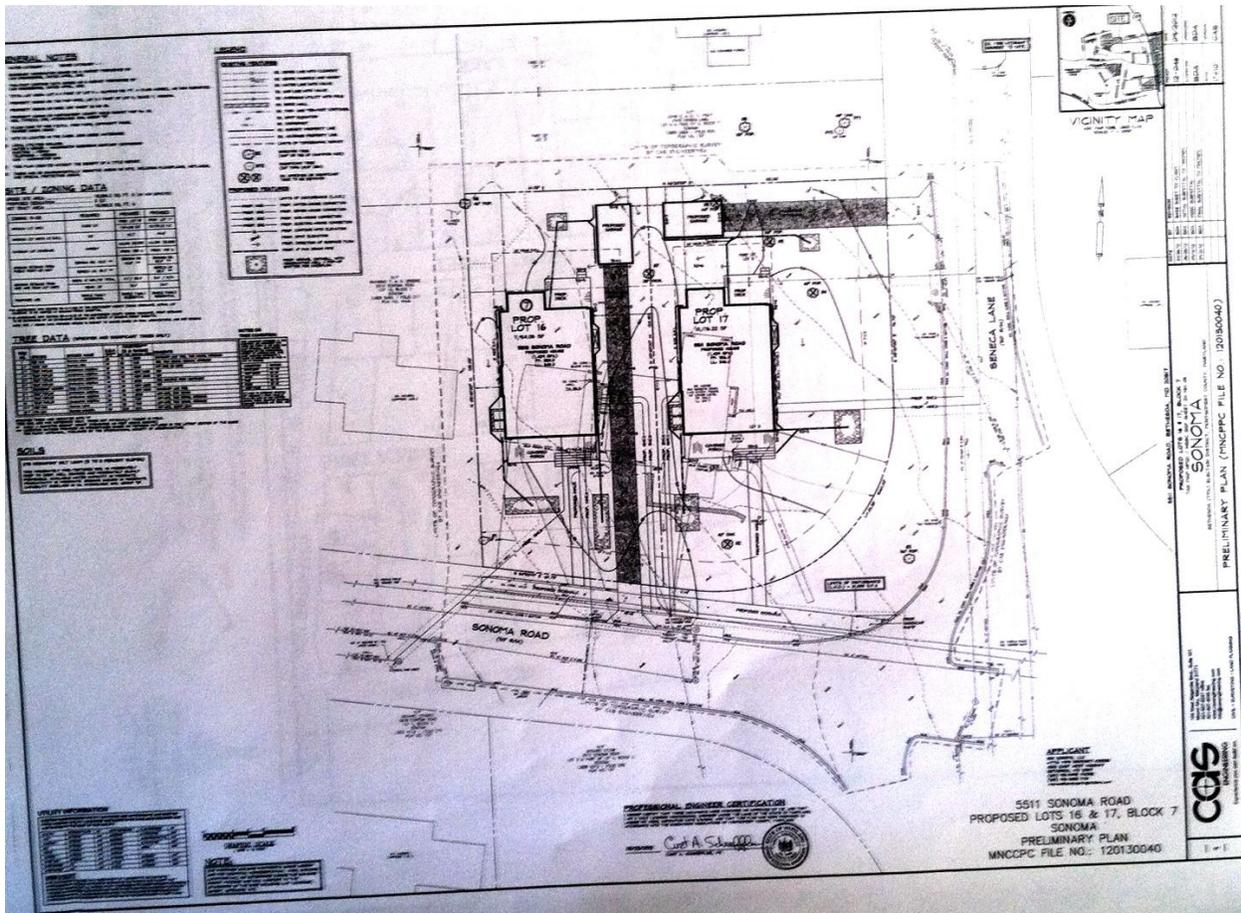


PROJECT DESCRIPTION

The application proposes to re-subdivide Part of Lot 5 and Lot 6 into two (2) one-family recorded lots. The existing one-family residence will be removed and two (2) one-family residences will be constructed.

The two lots are subject to an established building line (EBL), based on the existing building line on either side of the site. There will be a driveway and detached garage for each house, with a detached garage. Access would be provided from both Sonoma Road and Seneca Lane.

SONOMA (120130040)



ANALYSIS AND FINDINGS

Conformance to the Master Plan

The Property is located in Bethesda- Chevy Chase Master Plan area.

The Bethesda-Chevy Chase Master Plan (the Plan) does not specifically address this site but does make a general recommendation (p.51) reconfirming the existing zoning throughout the Plan area. This application is for a one-family detached use and is consistent with the existing

residential character and land use patterns described in the Plan area. Additionally, the Plan aims to “protect the high quality residential communities throughout the Planning area, as well as the services and the environmental qualities that enhance the area”.

This property is within the area addressed by “The Old Georgetown Road Plan” Fig 9, on page 57 of the Plan. The objectives for Old Georgetown Road and adjacent communities that are relevant to this property are:

- Maintain residential character
- Preserve neighborhood stability

This proposal substantially conforms to the master plan recommendations since it is compatible with the existing neighborhood in terms of use and building type, and meets the requirements and development standards of the R-60 zone. Additionally, the proposal furthers the Plan’s general guidance with respect to maintaining the residential character.

Public Facilities

Roads and Transportation Facilities

The Application does 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.

Additionally, the applicant is not proposing any new roads, drainage structures or pavement widening. Existing conditions will be maintained as much as possible resulting in very little impact on the capacity and/or operation of roads, intersections and drainage systems at/near the property. The applicant will be required to construct a 5 foot sidewalk along the property frontage, connecting to the existing sidewalk along Sonoma Road and provide for safer pedestrian mobility.

Other Public Facilities and Services

The Application has been reviewed by all public utilities including: Washington Gas, PEPCO, Verizon and WSSC. All agencies have found that their respective utilities are adequate to serve the proposed development. The Department of Fire and Rescue Services has approved a Fire Access Plan that assures emergency vehicles can access the site. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Resolution currently in effect.

The Property is within the Bethesda – Chevy Chase school cluster which is currently operating above capacity at high school levels. The plan results in new dwelling unit that will be subject to a school facilities payment at the high school level.

SONOMA (120130040)



Environment

ENVIRONMENTAL GUIDELINES

A Simplified Natural Resources Inventory, Forest Stand Delineation, and Forest Conservation

Exemption (42012183E) (Attachment A) was granted for the subject property on June 15, 2012. No forest, streams, wetlands or associated buffers exist on or adjacent to the subject property. There are five (5) onsite specimen trees ($\geq 30''$ DBH), three (3) offsite specimen trees, and two onsite significant trees ($\leq 30''$ DBH) associated with this property.

Stormwater Management Concept

The MCDPS Stormwater Management Section conditionally approved the Stormwater Management Concept for the Applicant on October 31, 2012. The Applicant will meet the required stormwater goals via the installation of six large gravel drywells.

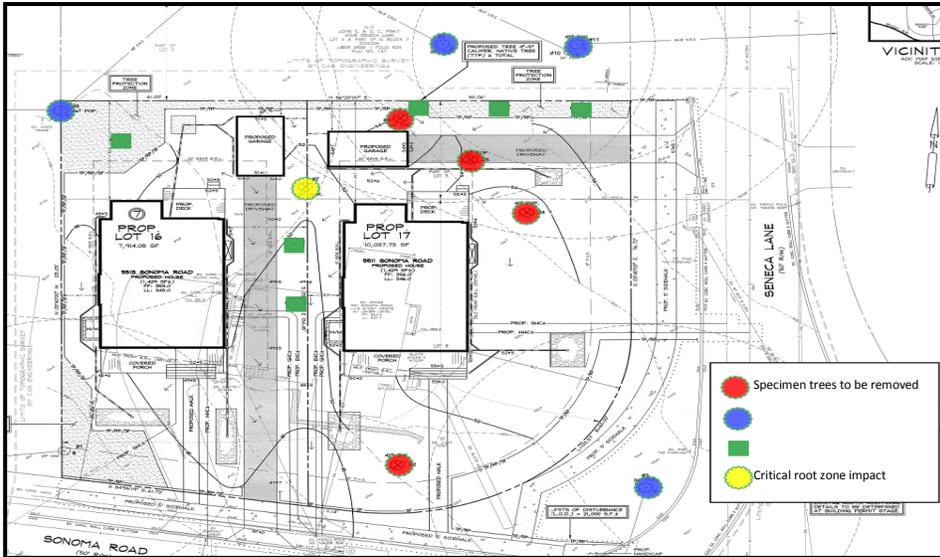
Forest Conservation

This Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) but was granted an Exemption from submitting a forest conversation plan under section 22(A)-5(s) [2] for an activity on a tract of land less than 1-acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree...". A tree variance is also not required. However, under Section 22A-6(b), Exemptions-Special Provisions, a Tree Save Plan is required for activity involving the clearing of a specimen or champion tree.

Tree Save Plan

If specimen or champion trees are proposed for removal a tree save plan is required. The Applicant submitted a tree save plan (Attachment B) with the application that proposed the removal of four onsite specimen trees, and one significant tree, with impacts to the critical root zones (CRZ) of two onsite and three offsite specimen trees. Staff made several requests to the Applicant to preserve onsite specimen trees and decrease the size of the proposed extensive driveways that lead to detached garages. A reduction in the size or relocation of the driveways would minimize grading as well as reduce the size requirements of the drywells. This potentially allows the protection of trees #2 and #6 along with decreases in impacts to the CRZ of two offsite specimen trees. The applicant has elected to have the ability to remove all on-site trees but is providing tree protection measures for tree #2 and tree #6 located on the adjoining properties.

SONOMA (120130040)



MITIGATION for TREES SUBJECT to the VARIANCE PROVISIONS

Since the Applicant has opted to remove all onsite specimen trees with the exception of one that straddles the property line, under Section 22A-6(b) Exemptions-Special Provisions staff requests full mitigation for loss of specimen trees. The rate is based on the size and character of the trees to be cleared as per the regulation.

There will be four specimen trees lost with a total DBH of 156-inches. At M-NCPPC’s standard variance mitigation rate the replacement ratio is 1” DBH for every 4” DBH removed, with a minimum replacement tree size of 3” DBH. This means that for the 156 diameter inches of trees removed, 39” caliper replacement is required ($156 \div 4 = 39$ ” caliper replacement). Therefore, full mitigation will require the planting of 13 trees with a minimum 3” caliper ($39 \div 3$ ” caliper = 13 trees).

In recognition of the limited planting area due to the small lot size, the planting of 13 trees would be difficult and not practical. Therefore, staff requested that the Applicant plant fewer trees with a larger diameter at breast height. The planting of six 4-5” caliper trees onsite as mitigation to reestablish the “size and character of the trees to be cleared” has been suggested and supported by the Applicant. Staff is recommending approval of the tree save plan with the associated mitigation.

Compliance with the Subdivision Regulations and Zoning Ordinance

The lots were reviewed for compliance with the dimensional requirements for the R-60 zone as specified within the Montgomery County Code Zoning Ordinance; the application meets all applicable sections and as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in the R-60 Z. A summary of this review is included in attached Table 1.

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 thirty-eight lots (Attachment C). The neighborhood does not contain any commercial uses and all residential lots share similar configurations, shape and size. 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 (Attachment D.)

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 50-29(b) (2). As set forth below, the attached summary and graphical documentation support this conclusion:

Frontage:

The delineated neighborhood has a range of frontages measuring 50 feet to 159 feet. Twenty-one of the existing lots have frontages ranging from 50 feet to 70 feet. The remaining seventeen lots have frontages ranging from 71 feet to 159 feet. Of the delineated neighborhood, thirty-one of the thirty-eight lots have singular frontage. There are seven properties fronting on two or more rights-of-way.

Of the proposed lots, one will front solely onto Sonoma Road with a proposed frontage of 62 feet and will be of the same character as existing lots in the neighborhood with respect to lot frontage whereas the other will be a corner lot that fronts onto Sonoma Road and Seneca Lane with a frontage of 129 feet. The two proposed lots will be consistent with the frontage identified in the neighborhood lots.

Alignment:

Thirty-one of the thirty-eight existing lots in the neighborhood are perpendicular in alignment, and the remaining seven are corner lots. The proposed lots include a perpendicular and a corner alignment and are of the same character as existing lots with respect to the alignment criterion.

Size:

The thirty-eight existing lots in the delineated neighborhood range from 5,003 square feet to 15,986 square feet. Ten of the lots are smaller than 9,000 square feet, twenty are between 9,000 and 10,000 square feet, and eight are larger than 10,000 square feet. The approved lots will be 7,914 and 10,176 square feet in size.

At 7,914 and 10,716 square feet, the approved lots will fall within the range of the existing lots in the delineated neighborhood. The approved lots size will be in character with the size of existing lots in the neighborhood.

Shape:

Four of the thirty-eight existing lots in the neighborhood are irregular and thirty-four are regular. There will be one irregular and one rectangular proposed lot. The shapes of the proposed lots will be in character with shapes of the existing lots.

Width:

The thirty-eight existing lots in the delineated neighborhood range in width from 50 feet to 144 feet (at building restriction line). Eighteen of the thirty-eight lots range from 50–65 feet and twenty range from 70 feet to 132 feet. The proposed lots will fall within the range of the delineated neighborhood with the seventh smallest (62 feet) and the seventh largest (95 feet) widths.

Area:

The thirty-eight existing lots in the delineated neighborhood range from 1,932 square feet to 8,984 square feet in buildable area. Fifteen of the existing lots have a buildable area less than 4,500 square feet, ten are between 4,500 and 5,000 square feet, and thirteen are larger than 5,000 square feet. The buildable area of the proposed lots is restricted by the established building line (EBL). However, the buildable area of Lot 17 (2,359 s.f.) and Lot 16 (2,854 s.f.) is consistent with the buildable area of the lots within the neighborhood.

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

Citizen Correspondence and Issues

A notice of pre-application and pre-submission was placed on the subject property and meetings were held on March 26, 2012 and July 30, 2012, at the 5511 Sonoma Road property. The purpose of the meetings was to explain the project, address community concerns and to notify and educate attendees about the review process and their right to participate. The plan was noticed in accordance with the current submittal procedures and the meetings were attended by 19 individuals.

A variety of issues were discussed:

- Number of homes, type of home and length of construction
- Requirement and extent of tree loss/protection
- Sidewalk installation
- Preliminary Plan process
- Garage design
- Stormwater management

Since the pre-submission meeting, Staff has been contacted by residents of the Sonoma community via a letter and a signed petition. Residents also requested a meeting with Staff and participated in a tour of the site. The following issues were raised by a resident in a letter dated

October 23, 2012 and in a letter (petition included) from the Sonoma Citizens Association dated October 26, 2012:

- Degradation of gateway to Sonoma Neighborhood
- Change from large plats to smaller plats
- Loss of specimen trees and impact to environment
- Increased traffic (i.e. parking and maneuverability)
- Negative safety and noise conditions (construction related)

Staff reviewed these concerns and believes that the application as proposed dealt with the many of the issues that were raised during the pre-submission meeting and the subsequent community participation. While the project increases the lots in the neighborhood by one, the density does not exceed that allowed in the zone and the proposed lots meet the standards of the R-60 Zone.

The lots are located at the entry into the Sonoma community, (replacement of existing one-family detached residence and construction of an additional one-family residence) but the size, character and alignment of the lots is still within the character of the delineated neighborhood. The resubdivision provides for off-street parking via two driveways and detached parking structures. This should limit negative impacts to parking and/or maneuverability within the neighborhood. Neighborhood impacts including noise, traffic, hours of operation resulting from construction activity are monitored through the permit process by Montgomery County. Sidewalk must be consistent with MCDOT and MCDPS standards.

The submitted Tree Save Plan will result in the loss of numerous specimen trees so Staff has recommended full mitigation as a condition. Overall, Staff believes that many of the community concerns have been addressed with respect to this redevelopment of this site.

CONCLUSION

Section 50-29(b) (2) of the Subdivision Regulations specifies seven criteria with which re-subdivided 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 lot is of the same character as the existing lots in the defined neighborhood with respect to each of the resubdivision criteria, and therefore, comply with Section 50-29(b)(2) of the Subdivision Regulations. The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the Bethesda – Chevy Chase 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.

Attachments

Attachment A – Forest Conservation Exemption

Attachment B – Tree Save Plan

Attachment C – Neighborhood Delineation

Attachment D – Tabular Summary

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: 5511 Sonoma Road				
Plan Number: 120130040				
Zoning: R-60				
# of Lots:2				
# of Out lots: 0				
Dev. Type: Single Family Detached				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	6,000sq. ft.	Lot 16 – 7, 914.08 s.f. Lot 17 – 10, 176.22 s.f.	mrw	02-01-2013
Lot Width	60 ft.	Lot 16 – 61.7 ft. Lot 17 – 94.8 ft.	mrw	02-01-2013
Lot Frontage	Varies *	25 ft. minimum	mrw	02-01-2013
Setbacks				
Front	Sonoma Rd: 43 ft. **	Lot 16 - Sonoma Road, 43.8 ft. ** Lot 17 – Sonoma Road, 52.0 ft. Seneca LN, 39.3 ft.	mrw	02-01-2013
	Seneca LN: 39.2 ft **			02-01-2013
Side	8 ft. Min./ 18 ft. total	Lot 16 - 9.1ft. /20.4 ft. Lot 17 – 8.4 / n/a	mrw	02-01-2013
Rear	20 ft. Min.	Lot 16 - 33.1 ft. Lot 17 – 34.1 ft.		02-01-2013
Height	50 ft. Max.	May not exceed maximum ¹	mrw	02-01-2013
Max Res. D.U. units or Com. s.f. per Zoning			n/a	
MPDUs	0	0	n/a	
TDRs	0	0	n/a	
Site Plan Req'd?	n/a		n/a	
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes or No	mrw	02-01-2013
Road dedication and frontage improvements		Yes or N/a	Agency letter	01-14-2013
Environmental Guidelines		Yes or N/a	Staff memo	02-01-2013
Forest Conservation		Yes or Exempt	Planning Board	06-15-2012
Master Plan Compliance		Yes	Staff memo	02-01-2013
Other (i.e., parks, historic preservation)			n/a	
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes or exempt	Agency letter	10-31-2013

Water and Sewer (WSSC)	Yes or N/a	Agency comments	10-24-2012
10-yr Water and Sewer Plan Compliance	Yes or N/a		
Well and Septic	Yes or N/a		
Local Area Traffic Review	Yes or N/a	Staff memo	02-01-2013
Policy Area Mobility Review	Yes or N/a	Staff memo	02-01-2013
Transportation Management Agreement	Yes or No	Staff memo	02-01-2013
School Cluster in Moratorium?	Yes or No	mrw	02-01-2013
School Facilities Payment	Yes or No	mrw	02-01-2013
Fire and Rescue	Yes or No	Agency letter	
Other (i.e., schools)		mrw	02-01-2013

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