



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

ITEM# 8

DATE: 03/20/03



**MEMORANDUM**

**DATE:** March 20, 2003

**TO:** Montgomery County Planning Board

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

**FROM:** A. Malcolm Shaneman, Supervisor (301) 495-4587  
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Development Review Division

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Resubdivision of Part of Lot 93, Section 1 – Cabin John Park

**PROJECT NAME:** Cabin John Park

**CASE #:** 1-03031

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

**ZONE:** R-90

**LOCATION:** On the eastside of 75<sup>th</sup> Street, Approximately 100 Feet North of Arden Road

**MASTER PLAN:** Bethesda - Chevy Chase

**APPLICANT:** Hemingway Homes, L.L.C.

**FILING DATE:** October 30, 2002

**HEARING DATE:** March 27, 2003

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**STAFF RECOMMENDATION:** Approval, Pursuant to Section 50-29 (b)(2), the Resubdivision Criteria, and Subject to the Following Conditions:

- 1) Applicant to submit a detailed tree save and grading plan to MNCPPC technical for review and approval, prior to submission of building permits
- 2) Prior to issuance of building permits, applicant to submit an engineered sediment and erosion control plan to MCDPS for review and approval

- 3) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Bethesda - Chevy Chase Master Plan unless otherwise designated on the preliminary plan
- 4) Record plat to provide for dedication of 50 feet of right-of-way for 75<sup>th</sup> Street
- 5) Compliance with the conditions of approval of the MCDPS stormwater management approval
- 6) Access and improvements as required to be approved by MCDPWT prior to recordation of plat
- 7) No clearing or grading prior to approval by MNCPPC site inspector of on-site tree save measures in concert with approved tree save and grading plan
- 8) 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
- 9) 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
- 10) Other necessary easements

## **DISCUSSION OF ISSUES**

### **Conformance to Chapter 50-29(b)(2)**

In order to approve an application for Resubdivision, the Planning Board must find that the proposed lot(s) comply with all seven of 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."

### **Neighborhood Delineation**

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. In this case, staff has provided a description of the area analyzed under the resubdivision criteria and has also provided an illustration that delineates the neighborhood. (See attached neighborhood map)

The neighborhood defined by staff includes all whole lots, (zoned R-90), that abut 75<sup>th</sup> Street south and west of the subject property. This neighborhood was chosen because 75<sup>th</sup> Street provides the main point of access to the subject property from MacArthur Boulevard and thereby provides a good representation of lots as you enter this portion of the greater Cabin John Park subdivision.

### **Master Plan Compliance**

The property is located within the Approved and Adopted 1990 Bethesda – Chevy Chase Master Plan. The Master Plan does not specifically identify this property but does give general guidance and recommendations regarding zoning and land use. The master plan recommends that this area maintain the R-90 zoning as adopted and to maintain the medium residential density consisting of one-family detached

homes. This application, if approved, is consistent with the recommendation of the Bethesda – Chevy Chase Master Plan.

## **DESCRIPTION**

### **Vicinity**

The subject property is located within Section 1, of Cabin John Park. The original lots within this subdivision and the defined neighborhood were all recorded in 1914. Numerous resubdivisions have occurred through the years that have altered the original lot pattern with the exception of Lots 8, 9 and 10, which remain in their original configuration. The attached tabular summary enumerates the dates of the resubdivisions as they have occurred. The most recent resubdivision occurred in 1979-1980 and created Lots 134, 135 137 and 138, confronting the subject property across 75<sup>th</sup> Street.

### **Proposal**

This application for resubdivision proposes to create two lots: Lot 214 at 12,227 square feet and Lot 215 at 13,912 square feet. The subject lot (pt. of lot 93) in its present configuration is the largest in the defined neighborhood at 26,875 square feet and does have an existing single-family residence located in the middle of the lot. The house will need to be removed to accommodate the two new single-family structures.

The house located on the northernmost lot (Lot 214) is being portrayed askew of parallel with the front property line. This to accommodate saving several specimen trees that Environmental Planning have found to be worthy of saving. While this project is exempt from the County's Forest Conservation Law; staff will require a detailed tree save and grading plan to maximize the potential of saving the specimen trees. The applicant will be required to use the existing driveway alignment to minimize grading on the site.

It should be noted that staff and the applicant have met local residents at the subject property on several occasions to discuss the development process, details of the preliminary plan and tree save issues. The configuration of the lots and house locations have been adjusted to address the concerns raised as part of the review process.

## **ANALYSIS**

In applying the resubdivision criteria to the analysis area delineated by staff, staff concludes that the proposed resubdivision complies with all seven of the criteria set forth in Section 50-29(b)(2) and as illustrated by the characteristics on the attached tabular summary. Based on the development pattern within the defined neighborhood staff finds that this resubdivision is consistent with what has occurred over the past years with respect to size, shape, area, width, frontage, alignment and suitability.

Staff finds there to be some potential for future resubdivisions in the greater Cabin John Park Subdivision. Staff will review any future applications on a case-by-case basis under 50-29 (b)(2).

## **CONCLUSION**

The characteristics of the proposed lots have a high correlation to the characteristics of the existing lots in the defined neighborhood. Staff is of the opinion that the application complies with all seven of the resubdivision criteria pursuant to Section 50-29 9b)(2) of the Montgomery County Subdivision Regulation. Staff recommends approval subject to the conditions enumerated above.

**Attachments**

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