**MEMORANDUM**

DATE: December 10, 2004
 TO: Montgomery County Planning Board
 VIA: Rose Krasnow, Chief *R&K*
 Development Review Division
 FROM: Michael Ma *Ma*
 Planning Department Staff
 (301) 495-4523



REVIEW TYPE: **Site Plan Amendment Review**
 PROJECT NAME: **Brookdale**
 CASE #: **8-96026A**
 APPLYING FOR: Approval of one one-family detached
 home, one lot
 REVIEW BASIS: Required by Preliminary Plan 1-92091 approval condition # 4
 ZONE: R-60
 LOCATION: Southwest side of the intersection of Harrison Street and Murray Road,
 approximately 500 feet north of Western Avenue, in Brookdale subdivision
 MASTER PLAN: Bethesda-Chevy Chase
 APPLICANT: Dale Shields
 FILING DATE: September 10, 2004
 HEARING DATE: December 16, 2004

STAFF RECOMMENDATION: Approval of the proposed one-family detached dwelling unit on 0.2 acres, with the following conditions:

1. Preliminary Plan Conformance
 The proposed development shall comply with the conditions of approval for Preliminary Plan 1-92091 as listed in the Planning Board opinion dated January 4, 1994.
2. Architectural Compatibility
 To be architecturally compatible with the existing homes in the neighborhood, the proposed house shall be constructed in accordance with the proposed architectural elevations with the following modifications:
 - a. Use slate, or other products mimicking the appearance of slate, as the roof material.
 - b. Use painted brick as the exterior wall material.

3. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated September 25, 1996.

4. Development Program

Applicant shall construct the proposed development in accordance with a Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. Development Program shall include a phasing schedule as follows:

- a. Landscaping associated with the proposed house shall be planted as construction of the building is completed. The planting may be delayed to the next planting season, but no later than six months after completion of the house.
- b. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- c. Phasing of stormwater management, sediment/erosion control and other features.

5. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of signature set of plans.

6. Signature Set

Prior to signature set approval of site and landscape plan, the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Opinion.
- b. Limits of disturbance.
- c. Methods and locations of tree protection.
- d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- e. Additional architectural features listed under condition 2 above.

BACKGROUND

Approved Plan

Site Plan 8-96026 was approved by the Planning Board with conditions in November 1997 for a one-family detached home on a R-60 zoned lot. The Brookdale community expressed a great deal of concern regarding the proposed house when the proposal was reviewed by the Planning Board in 1997. They were concerned that the proposed house would not be compatible with the existing character of the neighborhood. The Planning Board determined that the compatibility issue was adequately addressed by the placement and size of the house.

The site plan approval requires a site plan amendment for any changes to the approved house location, building footprint, and setbacks. The approved site plan does not include architectural elevations. A copy of the approved plan and Planning Board opinion for site Plan 8-96026 are attached (Appendix A).

Proposed Changes

The applicant acquired the property in July of this year and filed the subject site plan amendment application in September proposing a larger house with the following changes to the approved site plan:

	Approved Plan	Proposed Amendment	Code Requirements
Building Coverage	1,320 square feet 15% of the lot	1,720 square feet 19.7%	Up to 35% allowed
Building Height (ft.)	35 (max.)	26.21	35 (max.)
Building Width (ft.)	36 (max.)	31	N/A
Front Setback (ft.)	50	37 to the house 31 to the front porch	25 - R-60 zone 28 - established building line
Side Yards (ft.)	12 – one side yard 33 – two sides total	13.5 31	8 18
Rear Yard (ft.)	20	25	20
Parking	one-car garage + driveway	driveway for 2 spaces, no garage	2 parking spaces
Tree Protection	a 42-inch oak tree to be protected	The tree fell in 2003	N/A

SITE PLAN REVIEW ISSUES

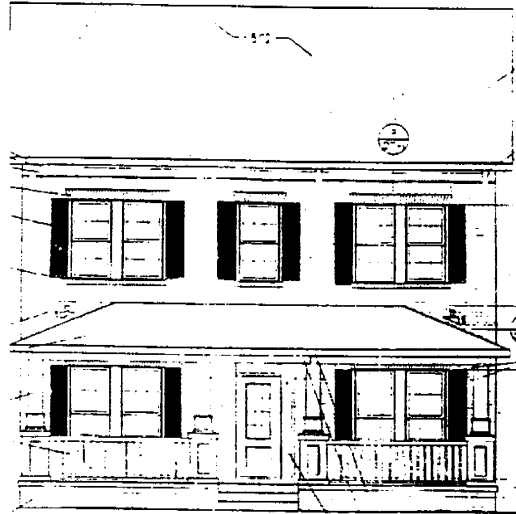
I. Compatibility with Adjacent Homes

The neighbors are concerned about the amended proposal, especially the modified location of the house as well as the architectural design of the building in terms of building height, exterior materials, and style. Letters and e-mails staff received from concerned homeowners are attached (Appendix B).

Applicant's Position

The applicant met with the neighbors four times over the past three months to discuss the proposed house. In response to the neighbors' concerns, the applicant made the following changes to the proposed building design:

- a. Eliminated dormers from the building elevations.
- b. Reduced the building height by changing the roof pitch from 8-12 to 5-12.
- c. Use painted brick instead of siding as exterior wall material.
- d. Use slate, or a similar product, instead of asphalt shingle as roof material.



The applicant believes that the reduced front building setback (37 feet to the house or 31 feet to the front porch) will reduce the impact of the proposed development on the adjacent home to the west, allow the existing terraced garden in the rear yard to remain, and minimize disturbance of steep slopes.

Community Position

- a. Via a letter to staff, Mr. Dave Montgomery, president of Brookdale Citizens' Association, indicates that there is no community objection to the proposed development.
- b. Via a letter to staff, the owners of the adjacent home to the west of the site, Mr. And Mrs. Menefee, support the revised plan, which moves the proposed house closer to Harrison Street and further away from their property.
- c. Mr. Raskauskas, who represents the owner of the adjacent home to the south of the site at 4616 Harrison Street, sent staff a letter expressing concerns about the proposed house, especially about the impact of the reduced front building setback on his client's home. Staff has had a number of discussions with Mr. Raskauskas regarding his concerns. However, as of writing of this report, staff has not heard from Mr. Raskauskas regarding his client's final position on the revised plan.

Staff Position

- a. Although the revised plan proposes a larger house than that shown on the approved site plan, the proposed house is still compatible with existing homes in the neighborhood in terms of building

height (26.21 feet), width (31 feet), exterior materials (painted brick), and roof material (slate or similar material).

- b. Staff agrees with the applicant on the advantages of moving the proposed house closer to the street. Although the revised front setback is less than that (50 feet) shown on the approved plan, it is still greater than the average setback (28 feet) of the existing homes along the same street. The impact of the reduced front setback on the adjacent home to the south, which has a side entrance facing the proposed house, can be addressed by the proposed landscaping along the south property line.

II. Legacy Open Space Request

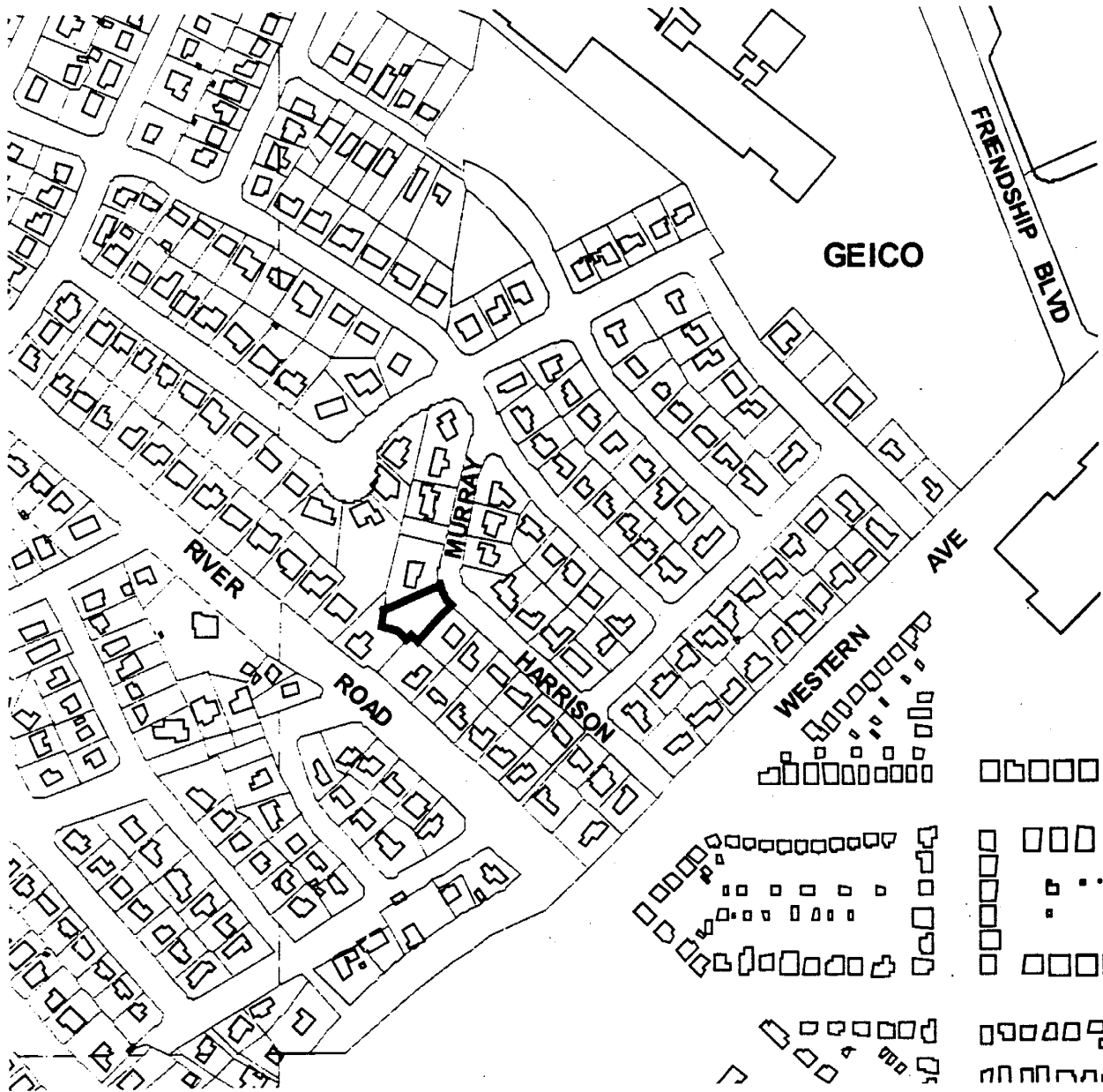
One of the neighbors, Mr. Norton, believes that the subject property should not be developed and nominates it as a Legacy Open Space site.

Staff Analysis/Position

Staff evaluated the site as a potential heritage resource and as a possible urban open space. Staff found no documented historic resources on the site that would make the site a significant, countywide heritage resource. The site at 8,731 square feet is also considerably smaller than the urban open spaces identified in the Legacy plan and the two preserved to date, which are 2- to 4-acre sites. Based on the lack of historic resources and the small size of the site, staff does not recommend adding the property to the Legacy Open Space program.

PROJECT DESCRIPTION: Surrounding Vicinity

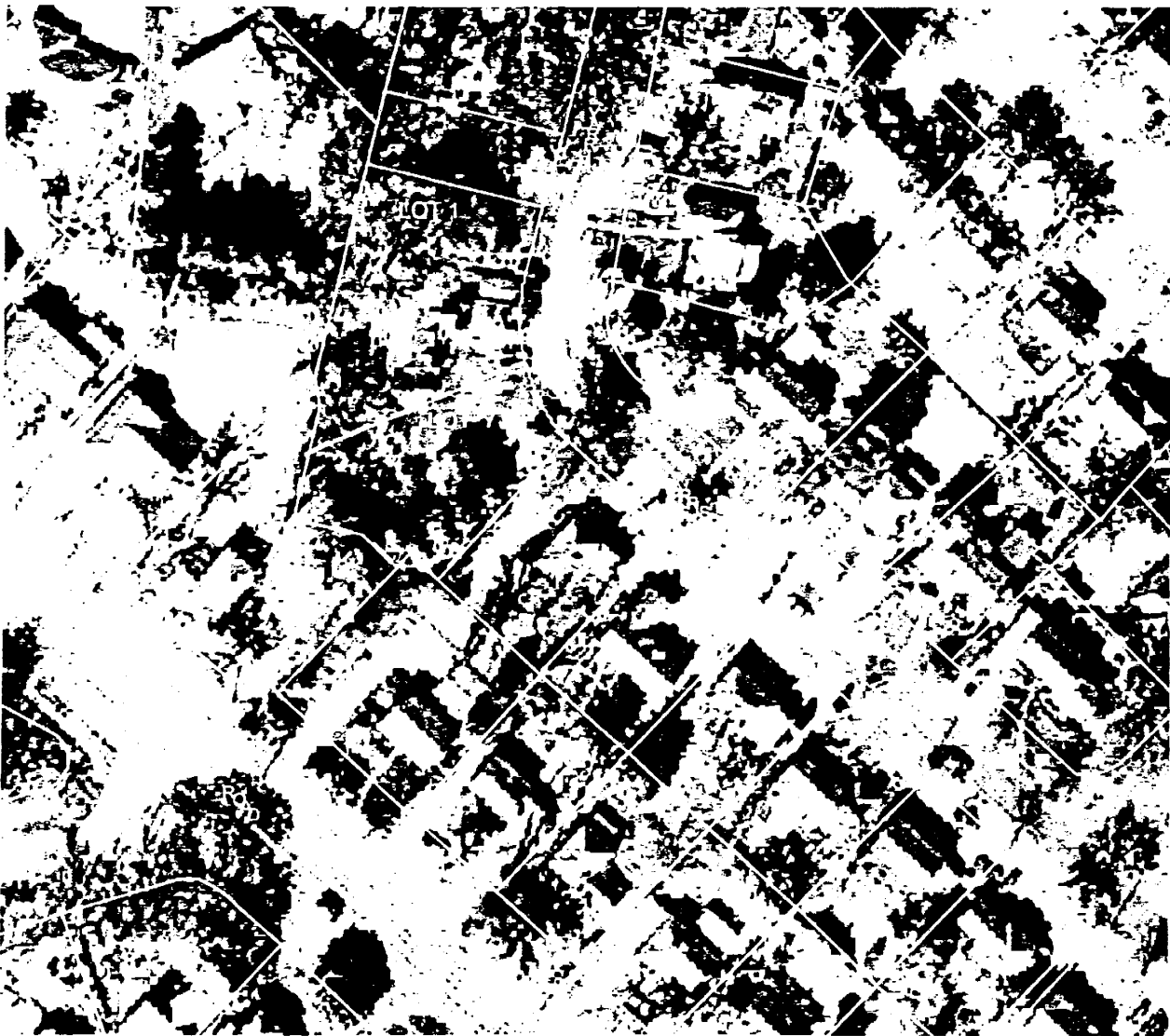
The subject property is located in the Brookdale neighborhood of Chevy Chase, approximately 500 feet north of Western Avenue and 110 feet east of River Road. It is served by Murray Road and Harrison Street, which form the east boundary of the site. The site is surrounded by a number of R-60 zoned single-family detached homes.



PROJECT DESCRIPTION: Site Description

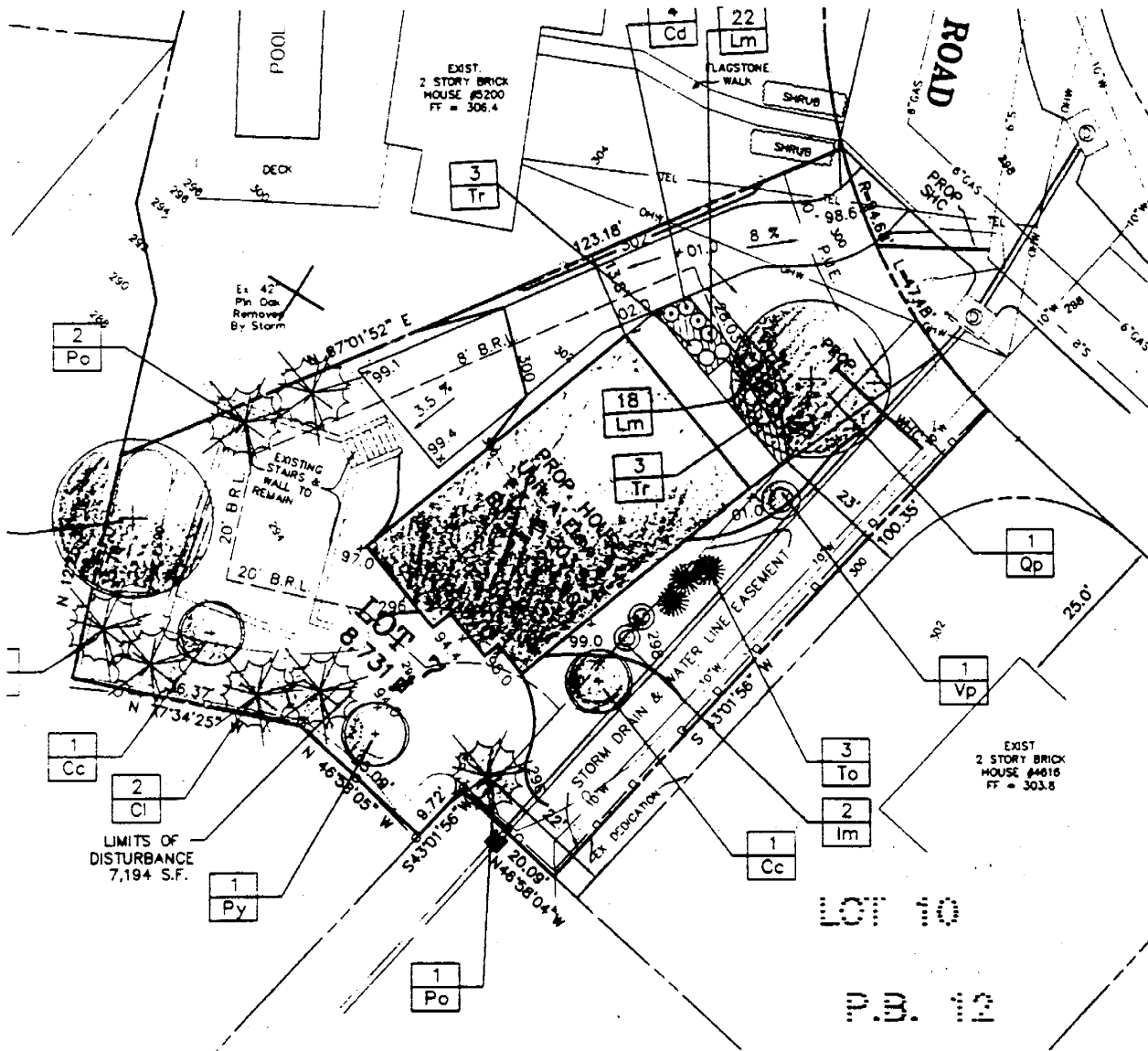
The property is zoned R-60. It was part of a 20,678-square-foot lot, which was re-subdivided into two lots: Lots 1 and 7. Lot 1 is for the existing house at 5200 Murray Road. The subject site, Lot 7, includes 8,731 square feet of vacant land. There are trees along the south and west property lines.

The topography of the site slopes up about 2 to 3 feet from Murray Road and drops about 12 feet toward the rear of the property with steep slopes in the southwestern corner. Sections of retaining walls and steps are located in the rear portion of the site. A storm drain and water line easement is located along the south property line. An overhead power line runs across the northeastern corner of the site, between the existing house on Lot 1 and Harrison Street.



PROJECT DESCRIPTION: Proposal

The proposed development consists of one one-family detached house with a driveway off Murray Road. The house is sited in the middle of the property with a front setback from the street varying from 31 to 36 feet. The proposed house is a two-story structure with a front porch. No garage is proposed. To be compatible with adjacent homes in the neighborhood, the proposed house will have painted brick exterior walls and slate roof. The existing retaining wall and steps in the rear portion of the site will remain. A number of shade, ornamental and evergreen trees will be planted near the property lines and in the front yard.



PROJECT DESCRIPTION: Prior Approvals

Preliminary Plan 1-92091

Mr. Roy Betteley submitted a Preliminary Plan application 1-92091 in December 1992 to re-subdivide his 20.678-square-foot property into two lots. On September 30, 1993, the Planning Board approved the Preliminary Plan of subdivision 1-92091 with the following conditions:

1. *Compliance with the Environmental Planning Division approval regarding the requirements of the forest conservation legislation. Applicants shall satisfy all conditions prior to recording of plats or MCDEP issuance of the sediment and erosion control permit, as appropriate.*
2. *Conditions of MCDEP stormwater management approval.*
3. *Access and improvements as required to be approved by MCDOT.*
4. *No clearing, grading or recording of plats prior to site plan approval. Final location to be determined at site plan.*
5. *Necessary easements.*

A copy of the Planning Board opinion and hearing minutes for Preliminary Plan 1-92091 are attached (Appendix C).

Site Plan 8-96026

Per Preliminary Plan 1-92091 approval condition 4, Mr. Betteley filed a site plan application in June 1996 to build a house on Lot 7. The application was approved by the Planning Board on November 14, 1997, with conditions.

ANALYSIS: Conformance to Master Plan

This R-60 zoned property is located in the Brookdale neighborhood. The approved 1990 Bethesda-Chevy Chase Master Plan recommends reconfirmation of the existing R-60 zoning for this area (3.3 Mid-Bethesda-Northern B-CC, Page 51). The Master Plan does not include any specific design guidelines that would be applicable to the subject development.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE (R-60 Zone)

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>Proposed</u>
Lot Area (sq. ft.):	6,000	8,731
Dwelling Units:		
One-family detached	1	1
Green Space (%):	--	69.2
Building Coverage (%):	35	19.7
Building Height (ft.):	35	26.21
Setbacks (ft.):		
front yard	25	31
side yard	8/18	13.5/31
rear yard	20	25
Parking:		
standard space	2	2

FINDINGS for Site Plan Review:

1. *The site plan is consistent with an approved development plan or a project plan for the optional method of development, if required.*

An approved development plan or a project plan is not required for the subject R-60 zoned development.

2. *The site plan meets all of the requirements of the R-60 zone in which it is located.*

If amended in accordance with recommended conditions, the Site Plan meets all of the requirements of the R-60 zone as demonstrated in the project Data Table above.

3. *The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

a. Location of Buildings

To minimize the visual impact of the proposed house on Murray Street and the existing houses to the west and south, the proposed house will be located in the middle of the site with building setbacks deeper than the minimum yards required by the Zoning Ordinance. The house will be located outside of the storm drain and water easement along the south property line.

b. Open Spaces

There will be approximately 6,000 square feet of open space provided on the site around the proposed house.

Based upon Section 2.A.2.e (1) of Executive Regulation 5-90, a conditional waiver of on-site water quantity and water quality control was granted by the Montgomery County Department of Permitting Services (MCDPS) on September 25, 1996. The waiver is subject to the following conditions:

1. All roof drains shall be directed to the adjacent underground storm drain system.
2. A berm or a swale at the edge of the disturbed area is needed to direct overland flow to the existing storm drain inlet.
3. An engineered sediment control plan will be required.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is required. A copy of the approval letter is attached (Appendix D).

c. Landscaping and Lighting

The proposed landscaping consists of a mix of shade, ornamental, and evergreen trees in the front yard and along the property lines. Foundation planting is also proposed along the front porch.

d. Recreation

No recreation facility is required for this one-dwelling-unit development.

e. Vehicular and Pedestrian Circulation

Vehicular access to the house will be via a proposed driveway along the north property line off Murray Road. The required two parking spaces will be accommodated by the proposed driveway. There is no sidewalk along Murray Road and Harrison Street.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposed two-story house and use will be compatible with other homes in the neighborhood in terms of building height, exterior materials, and setbacks.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The proposed development on this site is qualified for a small property exemption for the following reasons:

- a. There is no existing forest, and afforestation requirements would be less than 10,000 square feet; and
- b. Activity will not result in the clearing of more than 30,000 square feet of existing forest and reforestation requirements would be less than 10,000 square feet.

There was a 42-inch pin oak on the adjacent property to the north near the common property line. The approved site plan 8-96026 requires special provisions to save and protect this tree. According to the applicant, however, this tree fell as a result of Hurricane Isabel in the fall of 2003.

APPENDIX

- A. Approved plan and Planning Board opinion for site Plan 8-96026
- B. Letters and e-mails staff received from concerned homeowners
- C. Planning Board opinion and hearing minutes for Preliminary Plan 1-92091.
- D. Stormwater Management Concept approval letter dated 09/25/96 from MCDPS