

**MEMORANDUM**

DATE: March 4, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RGK*
Catherine Conlon, Acting Supervisor *CC*
Development Review Division

FROM: Dolores M. Kinney, Senior Planner *DK*
Development Review Division

REVIEW TYPE: Preliminary Plan Review (Reconsideration)

APPLYING FOR: Resubdivision of Existing Lot 21

PROJECT NAME: Longwood

CASE #: 1-04062

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

ZONE: R-200

LOCATION: Located on the west side of Armat Drive, at the southwest quadrant of the intersection of U.S. 495 and U.S. 270.

MASTER PLAN: Bethesda Chevy Chase

APPLICANT: Pollin Development

HEARING DATE: February 10, 2005, March 17, 2005

STAFF RECOMMENDATION: Approval, pursuant to Section 50-29 (b) (2), Montgomery County Subdivision Regulations subject to the following conditions:

- 1) Approval under this preliminary plan is limited to one (1) one-family dwelling unit.
- 2) 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.
- 3) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 4) Compliance with conditions of MCDPWT letter dated, August 12, 2004 unless otherwise amended.
- 5) Compliance with the conditions of approval of the MCDPS stormwater management approval.
- 6) Other necessary easements.

PRIOR PLANNING BOARD ACTION

On February 10, 2005, Preliminary Plan #1-04062 entitled Longwood was presented at the Planning Board. The plan proposed to create one (1) residential lot.

The Staff Report for this preliminary plan was forwarded to the Planning Board with a copy of the plan depicting a driveway, which encroached onto the adjacent property identified as Pt. 22 and Pt. 23. At the hearing, the applicant presented a plan depicting a relocated driveway entirely on the Subject Property. The owner of the adjacent property testified that he had only seen the original submission of the plan showing a driveway encroaching onto his property and had not seen the revised plan until the day of the Planning Board hearing, which did not provide ample time for his thorough review. The property owner requested additional time to review the changes to the plan. In light of the property owner's concern, the Board asked the applicant whether he wanted to request a deferral on the decision of the plan. The applicant chose not to request the deferral. Therefore, the decision of the Board was to deny the plan.

On February 17, 2005, the applicant requested the Board to reconsider the denial. The request explained that the revised plan depicting the relocated driveway was submitted to the M-NCPPC Environmental Planning, but a copy of the revised plan was not submitted to the Development Review Division. Based on the error in transmission of the revised plan, the Board granted the request for reconsideration.

The preliminary plan now being presented has not changed from the plan presented at the previous hearing, except Staff has made clarifications and corrections, which were discussed at the hearing. The adjacent property owner, who testified at the hearing with concerns pertaining to the driveway, was given appropriate notice and time to review the revised plan. Staff continues to recommend approval of the preliminary plan for the reasons stated below.

SITE DESCRIPTION:

Lot 21, referred to as the "Subject Property", is part of the Longwood Subdivision, which was originally recorded by plat in 1984. At the time, the property contained 75,987 square feet. Subsequently, a portion of the lot was conveyed by deed to the adjacent Lot 20, which left the remainder of the Subject Property in its current configuration (Attachment A). The Subject Property is located on the west side of Armat Drive, at the southwest quadrant of the intersection with U.S. 495 and U.S. 270. The property contains 1.24 acres and is zoned R-200.

PROJECT DESCRIPTION:

This is a preliminary plan of subdivision application to create one (1) buildable lot on the Subject Property, identified in the tax records as Part of Lot 21, for the construction of one one-family detached dwelling unit. The property contains a stream and associated stream valley buffer. Access to the site will be directly from a public cul-de-sac, Armat Drive.

DISCUSSION OF ISSUES

Master Plan Compliance

The Bethesda Chevy Chase Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations regarding zoning and land use. The plan recommends that this area maintain the existing zoning as adopted and maintain the residential land use consisting of one-family detached homes. The proposed resubdivision complies with the recommendations adopted in the sector plan in that it is a request for residential development.

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 the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application.

The applicant has proposed a neighborhood of seven (7) lots for analysis purposes. The neighborhood extends north and west to U.S. 495, north and east to Armat Drive and south one block above Bradley Boulevard. The neighborhood does not include parts of lots. The properties in the neighborhood range in frontage from 26 feet to 108 feet. Staff is of the opinion that the applicant's neighborhood delineation is appropriate because it provides an adequate sample that exemplifies the lot and development pattern of the area. The applicant has provided a tabular summary of the area based on the resubdivision criteria, which is included in the staff report.

REVISED ANALYSIS

The original Staff Report evaluated seven (7) lots. The analysis has been revised to evaluate five (5) lots. Two properties have been deleted from the evaluation of the neighborhood because they were identified as parts of a lot. Typically, parts of lots are not included in the neighborhood evaluation of resubdivisions.

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, Staff applied the resubdivision criteria to the delineated neighborhood. Based on the analysis, Staff finds that the proposed resubdivision will be of the same character as the existing lots in the neighborhood. As set forth below, the attached tabular summary and graphical documentation support this conclusion:

Frontage: In a neighborhood of five (5) lots, lot frontages range from 76 feet to 108 feet. One (1) lot has a frontage of 76 feet, one (1) at 95 feet, one (1) at 98 feet and one (1) at 108 feet. The proposed Lot 21 has a lot frontage of 26 feet, which is the narrowest lot frontage in the neighborhood and at the lowest end of the range. Although the Proposed Lot 21 falls at the lowest end of the range for lot frontages, it fronts on the bulb of a cul-de-sac and is a pre-existing condition. **Therefore, Staff finds that the proposed lot will be of the same character with other existing lots in the neighborhood.**

Area: In a neighborhood of five (5) lots, lots lot areas range from 7,000 square feet to 13,500 square feet. One (1) lot has an area of 7,000 square feet; one (1) lot has an area of 7,200 square feet, one (1) lot at 9,600 square feet and one (1) lot at 13,500 square feet. The proposed Lot 21 has an area of 33,000 square feet and will have the largest area of all of the lots in the neighborhood. Although the largest in the area, the proposed lot has been reduced considerably and better conforms to the existing lots as it pertains to area. Furthermore, approximately 63% of the site is occupied by stream valley buffer, which leaves a useable area of approximately 20,300 square feet. **As such, Staff finds that the**

proposed lot is of the same character with the existing lots in the neighborhood with respect to area.

Lot Size: The lot sizes in the delineated neighborhood range from 17,289 square feet to 26,994 square feet. The proposed Lot 21 will have a lot size of 54,192 square feet, which will fall at the highest end of the scale for lot sizes. Although the proposed lot will be the largest in size in the neighborhood, again, it is an existing condition. It has been reduced in size from 75,987 square feet and now better conforms to the sizes of the other lots in the neighborhood. Additionally, approximately 63% of the lot contains the stream valley buffer, which leaves a usable lot size of approximately 20,300 square feet. **As such, the size of the proposed lot is of the same character as the existing lots in the neighborhood.**

Lot Width: The lot widths range from 100 feet to 140 feet. Three (3) lots have lot widths of 100 feet and one (1) lot has a width of 140 feet. **The proposed Lot 21 will have a lot width of 160 feet, which is the largest in the neighborhood but is of the same character with the other lots in the neighborhood.**

Shape: There is one (1) pie shaped lot, two (2) rectangular lots and one (1) irregular lot in the neighborhood. **The proposed lot will be the second irregular shaped lot in the neighborhood, and will be of the same character with the overall pattern of differently shaped lots in the neighborhood.**

Alignment: There are two (2) radial lots and two (2) perpendicular lots in the neighborhood. **The proposed Lot 21 is also radial in alignment and will have a high correlation to, and be consistent in character with, the other radial lots.**

Residential Use: The existing lots and the proposed Lot 21 are residential in use.

Conclusion

Sections 50-29 (b)(2) of the Subdivision Regulations specify seven (7) criteria with which resubdivision lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. The proposed resubdivision will create a lot that will have a high correlation in character based on the resubdivision criteria with all of the lots in the existing neighborhood with the exception of lot frontage, area, and size. The property will have the smallest frontage, because it fronts on the bulb of a cul-de-sac. Furthermore, it is an existing condition, therefore conforms to the frontages of the existing neighborhood.

The Subject Property will also anchor the highest end of the scale as it pertains to lot size and area. Given that the proposed lot is reduced from its original size to be in greater conformance with the other lots in the neighborhood, Staff finds that the lot size of the proposed resubdivision is of the same character as existing lots in the

neighborhood. For the aforementioned reasons, Staff finds that the proposed lot complies with Section 59-29 (b) (2) of the Subdivision Regulations and recommends approval of the preliminary plan.

Attachments

- Attachment A Vicinity Development Map
- Attachment B Neighborhood Delineation Map
- Attachment C Proposed Development Plan
- Attachment D Tabular Summary