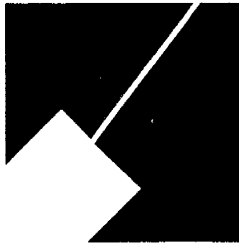


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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MCPB
Item #7
10/20/05



MEMORANDUM

DATE: October 13, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

FROM: Catherine Conlon, Subdivision Supervisor (301-495-4542) *CC*

REVIEW TYPE: Pre- Preliminary Plan Review

APPLYING FOR: Resubdivision of Existing Lot 7, Block 4, Bannockburn Heights

PROJECT NAME: Bannockburn Heights

CASE #: 720060030 (formerly 7-06003)

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

ZONE: R-200

LOCATION: On the west side of River Road (MD 190), approximately 1,000 feet east of Wilson Lane (MD 188)

MASTER PLAN: Bethesda/Chevy Chase

APPLICANT: Al S. Khalatbari

FILING DATE: July 18, 2005

HEARING DATE: October 20, 2005

STAFF RECOMMENDATION: Objection to the submittal of a preliminary plan.

SITE DESCRIPTION

The subject property is a 1.5 acre existing lot located on the southwest side of River Road between Orkney Parkway and Braeburn Parkway (Attachment A). The lot is identified as Lot 7, Block 4 and was recorded by record plat in 1939, as were the rest of the lots within the same block. The lots surrounding the subject property are developed with one-family dwelling units. The block in which the subject site is located has remained virtually unchanged since its original recordation except for one resubdivision which occurred between Lots 13 and 14 for the purpose of adjusting the property boundaries. The subject property contains an existing one-family detached dwelling unit which was recently constructed after the removal of the original house that was located on the property.

PROPOSED DEVELOPMENT

The subject application requests the resubdivision of the subject property into two (2) one-family residential lots. The proposed lots would contain approximately 32,000 square feet and 25,750 square feet, respectively (Attachment B). The lots would have direct access to River Road (MD 190), via a service road. A portion of the subject property would be dedicated to the State Highway Administration (SHA) for construction of a cul-de-sac or T-turnaround by the applicant.

BACKGROUND - PREVIOUS PLANNING BOARD REVIEW

The subject property has been reviewed by the Planning Board for resubdivision on two previous occasions. The original application, which was designated Preliminary Plan No. 1-03051, Bannockburn Heights was reviewed on March 13, 2003. The Staff memorandum prepared for the hearing is attached (Attachment C). Staff found that a high correlation did not exist between the frontage and widths of the proposed lots and existing lots within the delineated neighborhood. Per Opinion dated September 18, 2003 (Attachment D), the Planning Board found that the proposed lots were not of the same character as to size, width, shape and alignment as other lots within the existing neighborhood, and denied the application.

Subsequent to that action the applicant requested reconsideration of the preliminary plan to allow submission of additional information. The Planning Board granted the reconsideration and a second hearing was held on the plan on April 22, 2004. The second Staff memorandum is also attached (Attachment E). In the revised proposal, the applicant proposed dedication of a portion of the property to construct a cul-de-sac for service vehicle turnaround along the frontage of the property. In addition, the applicant proposed a larger neighborhood for comparison of the proposed lots. Staff recommended against expansion of the previously delineated neighborhood and found that a high correlation did not exist between the lots in this neighborhood and the proposed lots with respect to the size, width, shape and alignment criterion. Per Opinion dated May 25, 2004 (Attachment F), the Planning Board supported the previously delineated

neighborhood and again found that the proposed lots were not of the same character as to size, width, shape and alignment as other lots within the existing neighborhood, and denied the application.

DISCUSSION OF CURRENT PROPOSAL

The subject Pre-Preliminary Plan application requests the Planning Board's advice on the feasibility of a third proposal for resubdivision of the subject property. The resubdivision creates two lots for two one-family detached dwelling units. A recently constructed existing dwelling which replaced a previous dwelling on the property will remain. In the current proposal, the applicant continues to propose right-of-way dedication along the frontage of the property, but in a different configuration. In a letter dated June 10, 2005 (Attachment G), SHA states that they agree with the Department of Public Works and Transportation's (DPWT) previous acceptance of a dedication area because it would provide a turnaround for service vehicles that would be a public benefit¹. However, Staff notes that like DPWT, SHA does not consider the dedication to be necessary for the subdivision.

ANALYSIS

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

A. Statutory Review Criteria

In order to approve an application for Resubdivision, the Planning Board must find the proposed lot(s) have a high correlation to lots within a designated neighborhood with regard to the seven "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."

B. Neighborhood Delineation

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. In the previous two reviews of this property, Staff and the Planning Board supported a neighborhood consisting of the 11 lots located in the same block (Block 4) as the subject property (Attachment H). The applicant proposes an expanded neighborhood consisting of an additional 20 lots located in the block (Block 2) on the other side of Orkney Parkway (Attachment I).

¹ See page 4 of the April 16, 2004 Staff memorandum in attachment C.

The applicant's neighborhood consists of the 31 lots included in Blocks 2 and 4. Staff continues to believe that this neighborhood expansion is not justified. The subject property lies squarely in the center of Block 4 and the adjacent lots in the block would be the most impacted by the proposed resubdivision. The lots in Block 2 are not impacted by the proposed resubdivision and are not located on the most likely travel path leading to the subject property. The applicant believes Block 2 is on a travel path to the subject property from Wilson Lane via Selkirk Drive and should be included.

C. Comparison of the Character of Proposed Lots to Existing

In performing the analysis, Staff applied the above-noted resubdivision criteria to the Staff delineated neighborhood (Attachment H). Staff concludes that the proposed resubdivision does not comply with the width and shape criteria of Section 50-2(b)(2). As set forth below, the attached tabular summary (Attachment J) supports this conclusion.

Street Frontage: Lot frontage in the delineated neighborhood ranges from 116 feet to 275 feet. The lot configuration created by the right-of-way dedication proposed as part of the current proposal results in lot frontages of 125 feet. This "created" frontage falls within the range of existing lots in the neighborhood. **The proposed lots would be of the same character as existing lots in the neighborhood with regard to street frontage.**

Width: Lot widths in the delineated neighborhood measured at the forty-foot front building restriction line range from 105 feet to 260 feet. Information provided on the applicant's tabular summary indicates lot widths of 110 feet for both proposed lots, however, direct measurement from the scaled drawing does not support this width. Based on measurement at the forty-foot front building line from the most restrictive point of the dedicated right-of-way between the two proposed lots, proposed Lot 18 has a lot frontage of 104 feet and Lot 19 has a lot frontage of 100 feet. Measured at the building location shown on the applicant's proposal, proposed Lot 18 has frontage of 107 feet and proposed Lot 19 has frontage of 105 feet.

Staff believes width at the forty-foot front building restriction line should be used for comparison to the existing lots and finds that the proposed lots would be the narrowest in the designated neighborhood. Even if the measurement at the proposed building location is used, proposed Lot 19 would have the narrowest width in the neighborhood. **Therefore, staff does not find that the proposed lots are in character with existing lots in the delineated neighborhood with respect to width.**

Shape: If this application were approved as proposed, both lots would become irregular in shape due to the configuration of the front lot line. The other lots in the neighborhood are generally straight and parallel to the road edge. **Staff does**

not believe the proposed lots are of the same character as existing lots in the delineated neighborhood with respect to shape.

Alignment: All existing lots within the delineated neighborhood are perpendicular in alignment. The proposed triangular shaped right-of-way dedication area creates a center lot line which is not perpendicular from the new right-of-way line, but the overall alignment of the two proposed lots is still closer to perpendicular than angled. **The proposed lots are of the same character with respect to alignment as other lots in the neighborhood.**

Size: The neighborhood lots range in size from 23,727 square feet to 69,208 square feet. The proposed lots are 25,750 square feet and 32,000 square feet in size, respectively. **The proposed lots fall within the size range of existing lots in the neighborhood and would be of the same character with respect to size.**

Area: Buildable area of the existing lots within the delineated neighborhood ranges from 11,700 square feet to 39,400 square feet. Proposed Lot 18 would have 14,500 square feet of buildable area and Proposed Lot 19 would have 20,700 square feet. **The proposed lots would be of the same character as existing lots with regard to lot area.**

Suitability for residential use: The proposed lots are suitable for residential use.

The above analysis demonstrates that the proposed resubdivision does not have a high correlation in character as it pertains to lot width and lot shape. As such, staff believes the proposed resubdivision does not meet the provisions of Section 50-29(b)(2) of the Subdivision Regulations.

Master Plan Compliance

The property is located within the Approved and Adopted 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 residential zoning as adopted. The proposed resubdivision complies with the recommendations adopted in the master plan.

CONCLUSION

In applying the resubdivision criteria to the neighborhood, staff finds that the proposed resubdivision does not comply with all seven criteria set forth in Section 50-29(b)(2). Staff finds that a high correlation does not exist between the width and shape of the proposed lots and existing lots within the delineated neighborhood. As such, staff does not recommend the submission of a preliminary plan for the proposed resubdivision.

Attachments

Attachment A – Vicinity Map

Attachment B – Proposed Development Plan

Attachment C – February 14, 2003 Staff Memo

Attachment D – September 18, 2003 Board Opinion

Attachment E – April 16, 2004 Staff Memo

Attachment F – May 25, 2004 Board Opinion

Attachment G – June 10, 2005 SHA Letter

Attachment H – Staff Neighborhood Delineation

Attachment I – Applicant's Neighborhood Delineation

Attachment J – Tabular Summary