

**MEMORANDUM**

DATE: October 31, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Cathy Conlon, Supervisor *CC*
Development Review Division

FROM: Richard Weaver, Planner Coordinator, (301) 495-4544 *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan Review (Resubdivision)
APPLYING FOR: Two (2) one-family detached dwelling units

PROJECT NAME: Bradley Hills Grove
CASE #: 120060090 (1-06009)
REVIEW BASIS: Chapter 50, Sec. 50-29 (b) (2), Montgomery County Subdivision Regulations

ZONE: R-200
LOCATION: On the south side of Blaisdell Road opposite the intersection with Chalon Drive

MASTER PLAN: Bethesda-Chevy Chase
APPLICANT: Hemingway Homes, L.L.C.
ENGINEER: P.G. Associates
ATTORNEY: None

FILING DATE: July 22, 2005
HEARING DATE: November 10, 2005

STAFF RECOMMENDATION: Approval, pursuant to Section 50-29 (b) (2) (Resubdivison), and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two (2) one-family detached dwelling units.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan, including final tree protection plan for onsite trees in accord with limit of disturbance as shown on approved PFCP. The applicant must satisfy all the following conditions prior to recording of plat(s), MCDPS issuance of sediment and erosion control and demolition permits. Final sediment control plan must be consistent with limits of disturbance as shown on final tree protection plan.
- 3) Compliance with the conditions of approval of the MCDPS stormwater management approval dated October 11, 2005.
- 4) Compliance with the conditions of approval of the MCDPWT memorandum dated October 2, 2005, unless otherwise amended.
- 5) Other necessary easements.

SITE DESCRIPTION:

The Subject Property consists of a lot, identified as Parcel A, Block P of the Bradley Hill Grove Subdivision, containing 1.24 acres in the R-200 zone. (Attachment 1) The lot is improved with a single family home which fronts on an un-built right-of-way for Blaisdell Road. Approximately 0.58 acre of the site is forested; the remainder is kept as manicured lawn around the house. The surrounding neighborhood is comprised of single family residences. Abutting the subject property to the east is a vacant lot.

PROJECT DESCRIPTION:

The application requests the resubdivision of the existing lot (parcel) into two lots for single family detached dwellings. (Attachment 2) The existing house on the property will be removed. Proposed Lot 7 will be 28,256 square feet in size, rectangular in shape and will have 128 feet of frontage on Blaisdell Road. Proposed Lot 8 will be 25,932 square feet in size, also rectangular in shape with 125 feet of frontage on Blaisdell Road.

The application is subject to the requirements of the Montgomery County forest conservation law. A preliminary forest conservation plan has been reviewed and approved by staff. The majority of tree save will occur to the rear of the new homes.

DISCUSSION

Improvements to Blaisdell Road

The right-of-way for Blaisdell Road in front of the subject property is unimproved. During plan review, there was discussion among the agencies regarding the possible need to

construct Blaisdell from its existing terminus at Chalon Drive to Burning Tree Road. There is considerable opposition from the local neighborhood to complete Blaisdell Road for this length. Although the right-of-way exists, neighbors believed that, if constructed, the point where Blaisdell Road intersects with Burning Tree Road would be an unsafe intersection and that the loss of the trees within the right-of-way would unacceptably change the character of the neighborhood.

The Department of Public Works and Transportation dictates the requirements for construction of roads within public rights-of-way. In their letter of approval dated October 2, 2005, DPWT determined that full width construction of Blaisdell Road across the frontage of the subject property from Chalon Drive and terminating in a hammerhead at the northeastern corner of the property is required for access to the subject property. The DPWT letter does not make a forecast on the future need to connect Blaisdell Road to Burning Tree Road. Neither does it preclude the possibility of eventually ending Blaisdell Road in a cul-de-sac if dedication or acquisition of the appropriate right-of-way could be achieved from affected property owners.

Forest Conservation

The property is subject to the Montgomery County Forest Conservation Law. A preliminary forest conservation plan has been reviewed and approved by staff. There are 0.58 acres of forest on the property. 0.39 acres will be retained in Category II forest conservation easement. 0.26 acres will be cleared for the new house and driveway on Lot 8. The applicant will minimize forest loss by restricting the limits of disturbance on both lots, however, the forest conservation requirements will need to be met off-site or by payment of a fee-in-lieu.

CONFORMANCE TO THE MASTER PLAN

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 (R-200) as adopted and maintain the residential land use consisting of single-family detached homes. This plan, if approved, is consistent with the recommendations of the master plan.

CONFORMANCE TO THE ZONING ORDINANCE

The lots proposed under this preliminary plan must comply with the dimensional requirements of the Zoning Ordinance, Section 59-C-1.32. Staff has determined that the lots proposed under this preliminary plan meet the dimensional requirements required by this section of the Zoning Ordinance. See the preliminary plan checklist for details on zoning compliance.

CONFORMANCE WITH THE SUBDIVISION REGULATIONS (50-29(b)(2))

A. Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that the proposed lots comply 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. For this application, the applicant has proposed a neighborhood of 12 lots for analysis purposes. The neighborhood generally includes all lots that have frontage on Blaisdell Road. The neighborhood as submitted by the applicant does, however, include one part of a lot which staff and the Planning Board have historically excluded from the neighborhood analysis because they were created by deed and not by plat. Thus, the part of a lot was excluded from the neighborhood. Staff believes that the 12 lot neighborhood as identified by staff is appropriate to evaluate this resubdivision. A tabular summary and neighborhood delineation are included in this report as attachments 3 and 4.

ANALYSIS

Resubdivision

Staff has reviewed the submitted application for compliance with the Resubdivision Criteria pursuant to Section 50-29 (b) (2) and has the following analysis:

Size: The proposed lots are of the same character with respect to size as all lots in the neighborhood.

Lots in the neighborhood range in size from 22,474 square feet to 40,007 square feet. The proposed lots are at 28,256 square feet and 25,932 square feet and are within the range of lot sizes and therefore, of the same character.

Area: The proposed lots are of the same character with respect area as the lots in the neighborhood.

The (buildable) area of lots in the neighborhood range from 7,296 square feet to 17,760 square feet. The proposed lots are at 16,940 and 11,980 square feet in area and are within the range. Staff believes that the proposed lots are of the same character with respect to area.

Shape: The proposed lots are of the same character with respect to the shape of lots in the neighborhood.

The shapes of lots in the existing neighborhood vary from irregular to rectangular. The proposed lots will be generally rectangular and will be of the same character as other lots in the neighborhood.

Width: The proposed lots are of the same character with respect to width as the other lots in the neighborhood.

The range of lot widths in the neighborhood, as measured at the building frontage line, range from 76 feet to 189 feet. Both of the proposed lots are within this range (125 ft. and 123ft.), and while they are at the lower end of the range for all lots in the neighborhood, there are five other lots that range from 76 feet to 135 feet. Staff believes that both proposed lots have a high correlation with these five lots and are of the same character with respect to width at the building line for all lots in the neighborhood.

Alignment: The proposed lots are of the same character with respect to alignment as all lots in the neighborhood.

All lots, including the proposed lots, are aligned generally in a perpendicular fashion to the street. The proposed lots are of the same character as compared to the existing lots in the neighborhood.

Frontage: The proposed lots are of the same character with respect to frontage as the lots in the neighborhood.

The ranges of lot frontages in the neighborhood are from 125 feet to 481 feet. The proposed lot frontages are 125 feet and 128 feet. While the proposed lots tend to be at the lower end of the range, there are five existing lots that range from 125 to 135 feet. The proposed lots represent a high correlation with these five lots and, therefore, staff believes that they are of the same character as the lots in the neighborhood.

Suitability: The proposed lots have been deemed suitable for residential development.

CONCLUSION

Staff believes that Preliminary Plan #1-06009 Bradley Hills Grove, meets all applicable requirements of the Subdivision Regulations, Bethesda-Chevy Chase Master Plan, and the Zoning Ordinance. Specifically, staff believes that the two lots proposed under this preliminary plan meet all seven of the resubdivision criteria defined in Section 50-29(b)(2) of the Subdivision Regulations. The lots are of the same character with respect to size, area, shape, width, alignment, frontage and suitability as the existing lots in the neighborhood. The lots are consistent with the recommendations of the Bethesda-Chevy Chase Master Plan and meet the minimum dimensional requirements of the Zoning Ordinance. As such, staff recommends approval of the preliminary plan, subject to compliance with the conditions cite above.

Attachments

- Attachment 1 Vicinity Development Map
- Attachment 2 Preliminary Plan
- Attachment 3 Tabular Summary
- Attachment 4 Neighborhood Delineation
- Attachment 5 Correspondence
- Attachment 6 Agency memos

Preliminary Plan Data Table and Checklist

Plan Name: Hills Grove				
Plan Number: 120060090 (1-06009)				
Zoning: R-200				
# of Lots: 2				
# of Outlots: 0				
Dev. Type: Single Family Residential				
PLAN DATA	Required/Permitted	Provided	Verified	Date
Minimum Lot Area	20,000 sq.ft.	26,216 sq. ft. is minimum proposed	RW	10/21/05
Lot Width	100 ft.	Must meet minimum	RW	10/21/05
Lot Frontage	25 ft.	Must meet minimum	RW	10/21/05
Setbacks				
Front	40 ft. Min.	Must meet minimum	RW	10/21/05
Side	12/25 ft. Min./ ft. total	Must meet minimum	RW	10/21/05
Rear	30 ft. Min.	Must meet minimum	RW	10/21/05
Height	50 ft. Max.	May not exceed maximum	RW	10/21/05
Max Resid'l d.u.. per Zoning	2 units	2 units	RW	10/21/05
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	no			
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes	Yes	RW	10/21/05
Road dedication and frontage improvements	Dedication and construction of internal public roads	Yes	DPWT memo	10/2/05
Environmental Guidelines	No Buffers	No Buffers		
Forest Conservation	Yes	Yes	EP memo	10/21/05
Master Plan Compliance	Yes	Yes	RW	10/21/05
Other				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes	Yes	DPS memo	10/11/05
Water and Sewer (WSSC)	Yes	Yes	WSSC comments	9/12/05
10-yr Water and Sewer Plan Compliance	W-1/S-1	Yes	Water and Sewer map	10/21/05
Local Area Traffic Review	Not required			
Fire and Rescue	No comments ¹			

¹ Per Section 50-35(c) of the Subdivision Regulations, each agency to which a plan is referred has 30 days to return recommendations. If a recommendation is not made within the 30-day review period by any agency to whom referred, the plan is deemed to be approved by the agency.