



MEMORANDUM

DATE: February 17, 2005

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Preliminary Plan of Subdivision, Resubdivision of 2 Lots and 1 Part of Lot

APPLYING FOR: 2 Single-Family Detached Residential Lots

PROJECT NAME: Garrett Park

CASE #: 1-06016

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

ZONE: R-90

LOCATION: Located in the northwest corner of the intersection of Oxford Street and Clermont Avenue

MASTER PLAN: North Bethesda/Garrett Park

APPLICANT: Christine Shreves

ENGINEER: CAS Engineering

DATE FILED: August 10, 2005

HEARING DATE: March 2, 2006



Staff Recommendation: Approval pursuant to Section 50-29 (b) (2) of the Montgomery County Zoning Ordinance, and subject to the following conditions:

- 1) Approval under this preliminary plan application is limited to two (2) one-family detached residential lots.
- 2) Prior to any demolition, clearing, or grading of the site, MNCPPC technical staff must approve a Final Tree Save Plan to protect trees outside the limit of disturbance shown on approved Preliminary Tree Save Plan and staff memo dated February 15, 2006. An ISA Certified Arborist must prepare the Final Tree Save Plan, with particular focus on further evaluation of specimen Trees # 9 and #16, and all trees 6" and greater on adjoining lots.
 - a. The limit of disturbance on the Preliminary Tree Save Plan may be amended on the Final Tree Save Plan only with staff confirmation that trees identified for save can be equally protected through implementation of additional tress reduction measures as recommended by an ISA Certified Arborist.
 - b. Final sediment control plan must be consistent with final limit of disturbance as approved by MNCPPC staff.
- 3) Compliance with the conditions of approval of the MCDPS stormwater management approval letter dated July 27, 2005.
- 4) Compliance with the conditions of approval for the MCDPWT approval letter dated October 25, 2005, unless otherwise amended.
- 5) Other necessary easements.

SITE DESCRIPTION (Attachment1)

The 0.52-acre property is zoned R-90 and is located at the corner of Oxford Street and Clermont Avenue in the North Bethesda-Garrett Park Master Plan. Currently the property has one existing single-family house. The site is located in the Garrett Park Overlay Zone and is surrounded by single-family residential. There are no environmental features on the property except for specimen trees. The property is within the Lower Rock Creek watershed.

The existing house straddles two lot lines, Lots 17 and 18, Block 53, Garrett Park. The application also includes a portion of Lot 16, which was created by deed. The existing house fronts on, and has access via driveway to, Oxford Street.

PROJECT DESCRIPTION (Attachment 2)

This application proposes to resubdivide the existing two lots and part of lot into two new lots. The plan proposes the ultimate removal of the existing house located on the western portion of the property, although there are no immediate plans to remove it. At its core, the plan requests a realignment of the lot orientation from where they front now, to Clermont Avenue, and to rotate them to front on Oxford Street. While not the primary objective, approval of this application results in the existing house being situated entirely on one of the new lots, whereas today the house crosses a lot line. Approval of this request would also create a vacant lot for a

new home. Both existing lots are now encumbered by portions of the house and cannot receive additional building permits for new structures.

The house footprints shown on the plan are typical, rather than a true footprint since the owner of the property has not selected a builder, nor as staff understands, have they established intent to sell the property at this time. This is important in this discussion for tree save issues as detailed in the environmental section.

ISSUES (Attachment 6)

A letter dated September 29, 2005 was submitted from the adjacent neighbor at 10808 Clermont Avenue. The letter questions the accuracy of the common lot boundaries and tree locations shown on the plan, and suggests the plan does not meet subdivision requirements. In staff's opinion these issues have been addressed. Surveyors, hired by the applicant and the affected property owner have agreed that the disputed property line is accurately reflected on the plan. Although off-site tree locations were not surveyed, Environmental Planning staff has made numerous visits to the site and feel that the Preliminary Tree Save Plan protects all off-site trees adequately. The letter suggests the plan is not consistent with the Subdivision Regulations, Resubdivision Standards and the Garrett Park Overlay Zone. This report addresses conformance with the requirements found in these documents.

A second letter dated 10/3/05 from another neighbor requests noise and light buffering between the proposed homes and their existing house. These measures cannot be required under preliminary plan review.

CONFORMANCE TO THE MASTER PLAN

The 1992 *North Bethesda-Garrett Park Master Plan* applied an Overlay Zone to the Town of Garrett Park to preserve the "unique park-like setting of the 19th century garden suburb. The Plan recommends maintaining "the prevailing pattern of houses and open spaces by retaining the maximum amount of green area around new or expanded houses." (p. 87)

Open Space

The Master Plan calls for the retention of the "maximum amount of green area around new and expanded houses." (p.87)

- Preserve the greatest amount of trees on both proposed lots to meet the Plan's objective of retaining the maximum amount of green area surrounding new or expanded houses.

Development Standards and Compatibility

The Plan also "encourages a compatible relationship between new and expanded houses and neighboring structures in scale, siting, and orientation on the lot." (p. 87) For this reason, development standards are identified in the Plan for the lots in the overlay zone. The Plan confirms "A" zoning for the lots 17 and 18, Block 53, however, because this is a resubdivision,

the grandfathered right for "A" zoning disappears with recording of a new plat and the lots must conform to the new R-90 Overlay Zone. Under the R-90 Overlay Zone, the following development standards are the same for those in the R-90 zone except that the Overlay Zone has tighter restrictions on setbacks and building coverage, and establishes a floor area ratio, all of which are enforced at the time of building permit by the Montgomery County Department of Permitting Services.

The standards of the overlay zone in Garrett Park seek to limit the size of a house that can be built and reduce the percentage of the lot that can be covered by the building. Thus, the Overlay Zone has the potential for helping the Town "preserve some of the unique relationships of building scale and open space that makes Garrett Park visually distinct." (p.90)

Community Based Planning staff support the preliminary plan with a specific comment to preserve the maximum amount of green area around the proposed two new lots for Master Plan consistency.

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

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.

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 twenty lots for analysis purposes (Attachment 3). The neighborhood generally includes all lots that are contiguous to the subject property, that are in the same block as the subject property, and those lots along the typical travel routes to the subject property. A number of deed lots are not included in the neighborhood for comparison since they were not subjected to subdivision approval or record plat.

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 6,500 square feet to 22,500 square feet. This application proposes lots at 10,570 square feet (Lot 24) and 11,624 square feet (Lot 25). This resubdivision creates two lots that are right at the average lot size for the defined neighborhood. The proposed lots are consistent with the neighborhood lots with respect to size.

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

The buildable areas of lots in the defined neighborhood range from 1,563 square feet to 12,500 square feet and average 4,151 square feet. The resubdivision proposes two lots at 4,161 and 4,021 square feet for Lot 24 and 25, respectively. Similar to the finding for size, the two proposed lots are right at the average lot area for the overall neighborhood and are, therefore, of the same character.

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

Except for one lot, the neighborhood is characterized by rectangular lots. The two proposed lots are rectangular and are of the same character.

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 at the front building line in the neighborhood range from 50 feet to 125 feet and average 70.5 feet. Both of the proposed lots are within this range at 85 and 96 feet and are close to the average. Both lots are of the same character with respect to width at the building line.

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, align perpendicularly 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 range of lot frontages in the neighborhood are from 50 feet to 199 feet with an average frontage of 91.4 feet. The proposed lot frontages are 85 and 124 feet for lot 24 and 25, respectively. They are well within the range and very close to the average for all lot frontages in the neighborhood. Therefore, the proposed lots of the same character as the lots in the neighborhood with respect to frontage.

Suitability: The proposed lots are suitable for residential development as are all other lots in the neighborhood.

ENVIRONMENTAL

Forest Conservation

There is no forest on this property and this site is exempt from Forest Conservation Law as per 4-04249E, as a Small Property. The exemption letter noted that a Tree Save Plan may be required at Preliminary Plan and Environmental Planning staff confirmed this upon receipt of the Preliminary Plan.

This property and adjoining ROW has approximately 8 specimen trees with numerous other mature trees and shrubs, typical of the Garrett Park neighborhood. Additionally, there are large trees located on neighboring properties with critical root zones that extend on to the subject property. The Limit of Disturbance (LOD) originally proposed by the applicant was deemed inadequate by staff to address the tree save issues for this site. The applicant contended that, without a known house footprint, there was both reluctance and inability to provide the kind of detail needed to show individual tree save measures. The applicant proposed leaving essential details of a Tree Save Plan until building permit.

Environmental Planning staff disagreed with this approach and feels that it is important at the Planning Board hearing to have an understanding of which trees likely can and should be saved, and also to recognize the potential impact to significant trees on and near the subject property as reflected on the applicant's original plan. Therefore, staff proposed revisions to the original plan to expand the LOD to both identify and better protect trees to be saved, setting the LOD such that no more than a 1/3 of the critical root zones would be impacted, except for specific trees needing further evaluation.

Staff understands that "street trees" are of significant importance to the Town of Garrett Park and made efforts to preserve the trees along the street frontages for both lots. The Preliminary Tree Save Plan (Attachment 4) also places a priority on off-site trees by establishing the LOD so that a minimum of two-thirds of the critical root zones for large off-site trees are unaffected. The Plan also attempts to preserve as much of the critical root zone as possible for two on-site Tulip Poplars, identified as trees #9 and #16 on the Preliminary Tree Save Plan. While it is unknown at this time exactly where the house locations will be, staff believes that the two Poplars can be saved, subject to further evaluation by the certified arborist. If staff is not convinced that the trees can be saved with all reasonable efforts, they will recommend that the Poplars be removed.

The Final Tree Save Plan shall include the following elements:

- Proposed final grading and topography, limits of disturbance (LOD), structures, detailed tree protection and sediment and erosion control measures;
- Onsite trees 6" and greater to be saved, and all offsite trees 24" and greater on adjoining lots, must be shown individually (species, size, location, condition) with protection measures;

- An edge determination to include all trees larger than 6" dbh per the Trees Technical Manual. Shared trees may only be removed with adequate notification requesting concurrence of the adjoining homeowner and an arborist's negative prognosis of the viability of tree save.

Environmental Buffers

The site does not include any streams, wetlands, or floodplains and there are no environmental buffers on the property.

Stormwater Management Concept and Sediment Control

The applicant has secured a stormwater management concept approval from the Montgomery County Department of Permitting Services. The concept requires water quality control through the use of dry wells. One additional requirement is the installation of a large dry well that captures off-site drainage coming through the subject property. The intent of this device is to take the first one inch of runoff coming to this property and put it into the dry well where it can dissipate back into the ground. Channel protection volume is not required since the one-year post development peak discharge is less than or equal to 2.0 cubic feet per second. A detailed review of the stormwater computations and an engineered sediment control plan will be required at the time of building permit.

CONCLUSION

Staff believes that Preliminary Plan #1-06016, Garrett Park, meets all applicable requirements of the Subdivision Regulations, North Bethesda Garrett Park Master Plan, and the Zoning Ordinance, including the Garrett Park Overlay Zone. 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 have a high correlation with the characteristics of the comparable neighborhood, namely: size, area, shape, width, alignment, frontage and suitability. The lots are consistent with the recommendations of the North Bethesda Garrett Park 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 cited above.

Attachments:

- Attachment 1 – Vicinity Map
- Attachment 2 – Preliminary Plan
- Attachment 3 – Neighborhood Delineation and Summary Table
- Attachment 4 – Preliminary Tree Save Plan
- Attachment 5 – Agency Approvals
- Attachment 6 - Correspondence

Plan Name: Garrett Park				
Plan Number: 120060160 (formerly 1-06016)				
Zoning: R-90 Overlay				
# of Lots: 2				
# of Outlots: 0				
Dev. Type: Residential one-family				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	9,000 s.f..	10,569 s.f. and 11,623 s.f.	RW	2/17/06
Lot Width	75 ft.	Must meet minimum	RW	2/2/06
Lot Frontage	25 ft.	Must meet minimum	RW	2/2/06
Setbacks				
Overlay Zone: Front	30 ft. Min. <i>or E.B.L.</i>	Must meet minimum	RW	2/2/06
Overlay Zone: Side	10ft. Min./ 25 ft. total	Must meet minimum	RW	2/2/06
Overlay Zone: Rear	25 ft. Min.	Must meet minimum	RW	2/2/06
Height	35 ft. Max.	May not exceed maximum	RW	2/2/06
Max F.A. R. per Overlay Zone	0.375	May not exceed maximum	RW	2/2/06
Overlay Zone: Building Coverage	20%	May not exceed maximum	RW	2/2/06
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	N/A			
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes	Yes	RW	2/17/06
Road dedication and frontage improvements	Dedication along frontage of public roads	Yes	DPWT letter	10/25/05
Environmental Guidelines	N/A			
Forest Conservation	Yes	Yes	Staff memo	2/15/06
Master Plan Compliance	Yes	Yes	CPB Letter	2/13/06
Other				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes	Yes	DPS Letter	7/24/05
Water and Sewer (WSSC)	Yes	Yes	WSSC memo	9/12/05
Well and Septic	N/A			
Local Area Traffic Review	Not required	N/A		
Fire and Rescue	Yes	Yes	RW	2/17/05