



MCPB No. 10-173
Preliminary Plan No. 120080330
6214 Verne Street
Date of Hearing: December 9, 2010

JAN 19 2011

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board (“Planning Board” or “Board”) is vested with the authority to review preliminary plan applications; and

WHEREAS, on July 16, 2008, the estate of Elizabeth S. Goodwin (“Applicant”), filed an application for approval of a preliminary plan of subdivision of property that would create three lots on 0.67 acres of land in the R-60 zone, located on the south side of Verne Street, 600 feet west of River Road (MD 190) (“Property” or “Subject Property”), in the Bethesda/Chevy Chase Master Plan area (“Master Plan”); and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120080330, 6214 Verne Street (“Preliminary Plan” or “Application”); and

WHEREAS, Planning Board staff (“Staff”) issued a memorandum to the Planning Board, dated September 18, 2009, setting forth its analysis, and recommendation for denial, of the Application (“Staff Report”); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on October 1, 2009, the Planning Board held a public hearing on the Application (the “Hearing”); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 1, 2009, upon Applicant’s request, the Planning Board deferred taking any action on the Application and scheduled it to be heard at a later date; and

WHEREAS, on January 19, 2010, Applicant filed a revision to the Application for approval of a Preliminary Plan of subdivision of property that would create two lots on 0.67 acres of land in the R-60 zone on the Subject Property; and

Approved as to
 Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman’s Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, Staff issued a memorandum to the Planning Board, dated November 24, 2010, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions (“Revised Staff Report”); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on December 9, 2010, the Planning Board held a public hearing on the Application (the “Second Hearing”); and

WHEREAS, at the Second Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on December 9, 2010, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Presley; seconded by Commissioner Alfandre; with a vote of 4-0, Commissioners Alfandre, Carrier, Presley, and Wells-Harley voting in favor, Commissioner Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120080330 to create two lots on 0.67 acres of land in the R-60 zone, located on the south side of Verne Street, 600 feet west of River Road (MD 190), in the Bethesda/Chevy Chase Master Plan area, subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to two lots for two one-family detached dwelling units.
- 2) The Applicant must comply with the certified tree save plan.
- 3) The Applicant must dedicate and the record plat must show dedication of approximately 2,454 square feet of right-of-way along the Property frontage, as shown on the Preliminary Plan, for the cul-de-sac of Verne Street.
- 4) The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the Master Plan and to the design standards imposed by all applicable road codes.
- 5) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated March 12, 2010. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 6) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated May 26, 2009. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 7) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).

- 8) Before any building permit is issued, the Applicant must make the applicable school facilities payment at the middle school level to MCDPS.
- 9) The certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined during the building permit process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
- 10) The record plat must show necessary easements.
- 11) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and Second Hearing and as set forth in the Staff Report and Revised Staff Report, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The Bethesda/Chevy Chase Master Plan does not specifically address the Subject Property. The Master Plan recommends retention of existing zoning throughout the Master Plan area in the absence of a specific recommendation for change on a particular property. Thus, in the case of the Subject Property, the Master Plan calls for retention of the existing R-60 zoning. In the Land Use and Zoning section of the plan, the Property and surrounding development is identified as suitable for one-family detached housing. The Application complies with the recommendations of the Bethesda/Chevy Chase Master Plan in that it proposes one-family detached housing consistent with the current density of the neighborhood and the current zoning designation. The proposed lots will be similar to surrounding lots with respect to dimensions, orientation, and shape, and the proposed residences will have a similar relationship to the public street and surrounding residences as existing residences in the area. The proposed subdivision will not alter the existing pattern of development or land use, which is in substantial conformance with the Master Plan recommendation to maintain the existing land use.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

Roads and Transportation Facilities

Access to the proposed lots is proposed via individual driveways from Verne Street. The cul-de-sac at the terminus of Verne Street is proposed to be expanded in order to provide a turnaround that meets the standards of Montgomery County Fire and Rescue Service (MCFRS) and MCDOT.

The proposed subdivision does not generate 30 or more vehicle trips during the morning or evening peak hours. Therefore, the Application is not subject to Local Area Transportation Review. In addition, the proposed subdivision does not generate more than three new vehicle trips in the morning or evening peak hours. Therefore, the Application is also not subject to Policy Area Mobility Review.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the Property. The Application is within the Whitman High School cluster area which is currently operating between 105-120% of capacity at the middle school level. A school facilities payment is required at the middle school level, but only for one dwelling unit since the second proposed dwelling will replace an existing unit. Electrical, telecommunications, and gas services are also available to serve the Property.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections, including the requirements for resubdivision as discussed below.

The lots were reviewed for compliance with the dimensional requirements for the R-60 zone as specified in the Zoning Ordinance. The lots as proposed

will meet all of the dimensional requirements for area, frontage, width, and setbacks in that zone. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The Property contains 0.1 acres of forest, located along the western property boundary. In addition, there are six specimen trees (30 inches or greater in diameter for most common species) and two significant trees (24-inch or greater diameter) onsite. The proposed plan shows that approximately half of the 0.1-acre forest would be cleared by the development.

Staff approved a request for an exemption from submitting a forest conservation plan on September 28, 2010 under Section 22A-5(s)(2) (small property).

As the Applicant does propose to remove specimen trees, the Application is subject to the Section 22A-6(b) tree save plan provision. A tree save plan with detailed and specific tree protection measures was prepared by an ISA-certified arborist and submitted with the Preliminary Plan. The plan shows the removal of one specimen (30" white oak) and one significant (24" white oak) tree. The other significant and specimen trees will be protected through a combination of restricted LOD and tree protection measures. Because the Application is exempt from forest conservation requirements, removal of the specimen trees does not require approval of a forest conservation variance.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by MCDPS that the Stormwater Management Concept Plan meets MCDPS standards.*

The MCDPS Stormwater Management Section approved the stormwater management concept on March 12, 2010. The stormwater management concept includes water quality control and recharge via drywells for the roof areas and non-rooftop disconnect for the driveways. Channel protection is not required because the one-year post-development peak discharge is less than 2 cubic feet per second.

6. *The proposed lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood (as delineated by Staff in the Revised Staff Report) ("Neighborhood"), as analyzed below.*

Size: The lots in the delineated Neighborhood range from 6,447 square feet to 15,213 square feet. Five of the lots are smaller than 7,000 square feet, 25 are between 7,000 and 10,000 square feet, and eight are between 10,000 and 15,300 square feet. Proposed Lot A is 13,390 square feet in size and proposed Lot B is 13,382 square feet in size. The proposed lot sizes are in character with the size of existing lots in the Neighborhood.

Width: The lots in the delineated Neighborhood range from 50 feet to 106 feet in width. Three of the lots have widths of less than 60 feet, 28 lots have widths between 60 and 80 feet, and the remaining seven lots have widths of more than 80 feet. The two proposed lots have widths of 60 feet. The proposed lots will be in character with existing lots in the Neighborhood with respect to width.

Frontage: In a Neighborhood of 38 lots, lot frontages range from 40 feet to 129 feet. Six of the lots have frontages of less than 60 feet, 27 lots have frontages between 60 and 100 feet, and the remaining five lots have frontages of 100 feet or more. Proposed Lot A has a frontage of 50 feet and proposed Lot B has a frontage of 71 feet. The proposed lots will be of the same character as existing lots in the Neighborhood with respect to lot frontage.

Area: The lots in the delineated Neighborhood range from 2,207 square feet to 8,492 square feet in buildable area. Nine of the lots have a buildable area less than 3,000 square feet, 19 are between 3,000 and 5,000 square feet, and ten are between 5,000 and 8,500 square feet. Proposed Lot A has a buildable area of 6,950 square feet and proposed Lot B has a buildable area of 5,816 square feet. The proposed lots will be of the same character as other lots in the Neighborhood with respect to buildable area.

Alignment: Thirty-five of the 38 existing lots in the Neighborhood are perpendicular in alignment, two are radial, and the remaining one is a corner lot. The two proposed lots are radial in alignment. While there would be only four radial lots in the Neighborhood with approval of this Application, the radial alignment is a necessary consequence of the lots fronting onto a cul-de-sac. The two existing radial lots are also located on the cul-de-sac, and the proposed lots would be similar in character to those. The proposed lots are of the same character as existing lots in the same circumstance with respect to the alignment criterion.

Shape: Sixteen of the existing lots in the Neighborhood are rectangular, fourteen are trapezoidal, and the remaining eight are irregularly shaped lots.

The two proposed lots are irregularly shaped. The shapes of the proposed lots will be in character with shapes of the existing lots.

Suitability for Residential Use: The existing and the proposed lots are zoned residential and the land is suitable for residential use.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

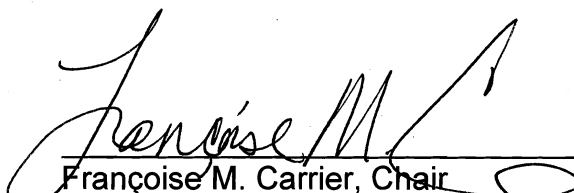
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~JAN 19 2011~~ (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion, at its regular meeting held on Thursday, January 6, 2011, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board