

MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

JAN 12 2016

MCPB No. 15-157
Preliminary Plan No. 120140110
Country Club Hills
Date of Hearing: January 7, 2016

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on June 24, 2014, Nick Bauman ("Applicant") filed an application for approval of a preliminary plan of subdivision that would create 1 lot on 0.19 acres of land in the R-60 zone, located at 5712 River Road, approximately 600 feet west of the intersection of Springfield Drive and Ridgefield Road ("Subject Property"), in the Bethesda-Chevy Chase Policy Area and Bethesda-Chevy Chase Master Plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120140110, Country Club Hills ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 18, 2015, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on January 7, 2016, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120140110 to create 1 lot on the Subject Property, subject to the following conditions:¹

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

Approved as to
Legal Sufficiency:

M-NCPPC Legal Department
www.montgomeryplanningboard.org

- 1) Approval under this Preliminary Plan is limited to 1 lot for 1 one-family dwelling unit.
- 2) 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 at the time of issuance of building permit(s). 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.
- 3) The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated March 4, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 4) The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated August 14, 2014, and does hereby incorporate them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 5) Prior to recordation of plat, the Applicant must satisfy the provisions for access and improvements, as required by MCDOT.
- 6) Prior to any clearing and grading the Applicant must notify by certified mail, the property owners to the east and west of the anticipated construction activity and related tree impacts. The Applicant must implement the off-site portions of the the Tree Save Plan to mitigate these impacts, unless the affected property owners do not grant permission to enter their properties.
- 7) Record Plat must reflect a common ingress/egress easement over the shared driveway through Lot 21, Block 22 that will provide access for the new lot form Ridgefield Road and show other necessary easements.
- 8) The Subject Property is within the Walt Whitman School Cluster area. The Applicant must make a school facility payment to MCDPS at the middle and high school levels at the single-family detached unit rate for the one unit for which a building permit is issued. The timing and amount

of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

- 9) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Resolution.
- 10) Prior to approval of the certified Preliminary Plan, the Applicant must undertake the following revisions to the submitted Preliminary Plan:
 - a. Correct Note #10 regarding Building Setbacks to show correction dimensions for Proposed Lot 29 as front yard: - 25 feet; and rear yard: - at 20 feet.
 - b. Correct Note #14 to read: "Access for the new lot will be off Ridgefield Road via a 10-foot access easement through Lot 21, Block 22."

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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

The Master Plan does not specifically address the Property, but recommends retention of existing zoning throughout the Plan area in the absence of a specific recommendation for change on a particular property. In the case of this Property, the Master Plan calls for retaining the existing R-60 zoning, endorsing a moderate level of new housing development, identifying possible ways to achieve a greater housing supply and supporting increased housing densities and types, where compatible with nearby properties.

The Application complies with the recommendations adopted in the Master Plan as it proposes a one-family residential development consistent with surrounding development patterns, conforms to current zoning designation and promotes the vision and goal of the Master Plan to provide for additional housing, where possible. The one residential lot will be similar to surrounding lots with respect to dimensions, alignment, orientation, and shape. This subdivision will not alter the existing pattern of development or land use and is in substantial conformance with the Plan recommendation to maintain the existing land use.

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

Roadways and Transportation Facilities

There are no specific transportation recommendations for Ridgefield Road included in either the Master Plan or the 2005 Countywide Bikeways Functional Master Plan.

Access to the Property will be from Ridgefield Road via an easement over the existing driveway which also provides access for Lot 21, Block 22, located at 5703 Ridgefield Road. Ridgefield Road accommodates both pedestrian travel via sidewalks varying in width from 4-foot to 5-foot and on-street bicycle travel as a low speed, low volume shared roadway. Transit service is provided via two WMATA Metrobus stops located approximately 0.20 miles from the Property which represent a pedestrian travel time of approximately five minutes. A Montgomery County Ride-On is also available approximately 0.6 miles from the Property which represents a pedestrian travel time of approximately 15 minutes.

The traffic impact for one new single family dwelling unit is one (1) AM peak-hour trip and one (1) PM peak-hour vehicular trip. Because of this *de minimis* impact, the subdivision is exempt from the Local Area Transportation Policy Review (LATR) and Transportation Policy Area Review (TPAR) and satisfies the Adequate Public Facilities (APF) transportation requirements and does not necessitate further traffic analysis. Thus, the Planning Board finds that this subdivision satisfies the LATR and TPAR requirements of the APF review.

Other Public Facilities and Services

The Property is located in the Walt Whitman School Cluster, which is presently operating over capacity at the middle and high school levels. A school facility payment will be required on the one new residential unit at the middle and high school levels.

The Property will be served by public water and sewer systems. Electrical, gas, and telecommunications services are also available to serve the property. The application has been reviewed by the Montgomery County Fire and Rescue Service which has determined that the Property has appropriate access for fire and rescue vehicles.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application meets all applicable

sections, including the requirements for resubdivision as discussed below. The lot size, shape, orientation, alignment, width, and area are appropriate for the location of the subdivision given the recommendations of the Master Plan for retention of the existing R-60 zoning and one-family residential development consistent with surrounding development patterns. The lot was reviewed for compliance with the dimensional requirements for the R-60 zone as specified in the Zoning Ordinance. The lot will meet all the dimensional requirements for area, width, coverage, and setbacks in that zone.

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

A. Forest Conservation

The Property contains approximately 3,500 square feet of forest which is connected to a larger, linear forest setting along River Road. The Property is not within a Special Protection Area and does not contain any environmentally sensitive features. There are a number of significant and specimen trees located on and near the Property. A Forest Conservation exemption ([#42014022E](#)) was approved for this Application on September 9, 2013, under Sec. 22A-5 (s)(2) of the Forest Conservation Law for an activity occurring on a tract less than 1 acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree, and reforestation requirements that would not exceed 10,000 square feet. The Application includes the removal of specimen trees, therefore the requirements for a Tree Save Plan were triggered under Sec. 22A-6 of the Forest Conservation Law.

Most of the Property is within the Limits of Disturbance (LOD) shown on the Tree Save Plan to accommodate the building envelope, grading, and stormwater management. There are no significant trees preserved on-site, however the LOD has been restricted where possible to avoid excessive damage to the off-site trees nearby. The Tree Save Plan also includes the replanting of two native oak trees and one understory tree on the Property. The Tree Save Plan specifies tree protection and stress reduction measures for off-site trees impacted by this project. As a condition of approval, the Applicant will need to coordinate and receive permission from the adjacent property owners to the east and west to implement off-site tree protection measures.

5. *All storm water management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

MCDPS approved a stormwater management concept plan (#259995) for this project on March 4, 2015. The concept plan meets the required stormwater

management goals via environmentally sensitive design through the use of a drywell and landscape infiltration.

6. *The approved lot is 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 in the Staff Report.*

Frontage: Within the delineated neighborhood, lot frontages range from 25 feet to 125 feet: two lots have frontage from 25 feet to 50 feet, fourteen lots have frontage from 50 feet and 75 feet, nine lots have frontage from 75 and 100 feet; and three lots have frontage greater than 100 feet. Lot 29 will have frontage of 70 feet and will be of the same character as other lots in the neighborhood with respect to frontage.

Alignment: Of the 28 lots in the neighborhood, nineteen are perpendicular and nine are corner lots. Lot 29 will be perpendicular in alignment. This lot is of the same character as existing lots with respect to the alignment criteria.

Size: Lot sizes in this neighborhood of 28 lots ranges from 7,595 square feet to 15,164 square feet. Sixteen lots range from 7,500 square feet to 9,000 square feet, four lots range from 9,000 square feet to 10,500 square feet, three lots range from 10,500 square feet to 12,000 square feet, and four lots range from 12,000 square feet to 13,500 square feet. One lot is in excess of 13,500 square feet. Lot 29 will be 8,750 square feet. The lot size is in character with the size of existing lots in the neighborhood.

Shape: The lots in the neighborhood consist of the following shapes: sixteen lots are rectangular, ten lots are irregular; and two lots are flag-shaped. Lot 29 will be rectangular in shape. This lot is in character with the shapes of the existing lots.

Width: Lots in the neighborhood range from approximately 60 feet to 125 feet in width at the building line. Eighteen lots have lot widths that range from 60 feet to 80 feet, seven of the lots have widths between 81 feet and 100 feet; and three lots are in excess of 101 feet in width. Lot 29 has a width of 70 feet and will fall within the range that contains the largest number of lots in the neighborhood. Lot 29 will be in character with existing lots in the neighborhood with respect to width.

Area: The buildable area for lots in the delineated neighborhood range from 2,469 square feet to 7,730 square feet. Four lots have buildable areas from 2,400 to 3,400 square feet, eighteen lots have buildable areas that range from 3,400 square feet and 4,400 square feet, five lots are between 5,400 square feet to 7,400 square feet of buildable area, and one lot has a buildable area in excess of 7,400 square feet. The buildable area for Lot 29 is 2,633 square feet which will fall within the 2,400 to 3,400 square foot range for buildable area. Lot 29 will be

of the same character as other lots in the neighborhood with respect to buildable area.

Suitability for Residential Use: The existing lots are zoned residential. The Property is undeveloped and contains trees and vegetation. Lot 29 will be in character with the existing lots in the neighborhood with respect to suitability for residential uses.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 85 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), 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 in the Montgomery County Land Records, 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 12 2016 (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 Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, January 7, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board