



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

MCPB No. 16-092
Preliminary Plan No. AB2016001
Green Acres
Date of Hearing: September 8, 2016

SEP 19 2016

RESOLUTION

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

WHEREAS, on June 24, 2016, Robert M. and Lynn M. Gottschalk ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 0.22 acres of land in the R-60 zone, located in the southern quadrant of the intersection of River Road and Little Falls Parkway ("Subject Property"), in the Bethesda/Chevy Chase Master Plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. AB2016001, Green Acres ("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 August 19, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 8, 2016, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board 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. AB2016001 to create one lot on the Subject Property, subject to

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 200, Spring, Maryland, 20910

MNCPPC Legal Department

www.MCParkandPlanning.org

Chairman's Office: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chairman@mncppc.org

the following conditions:¹

- 1) This Preliminary Plan Amendment is limited to the abandonment of the existing Greenway Drive and creation of one lot for one dwelling unit.
- 2) The Applicant must dedicate to M-NCPPC the 1,171-square-foot portion of the Subject Property identified as "Outlot A" on the approved Preliminary Plan for use as an addition to Little Falls Stream Valley Unit 1. The land must be dedicated to the Commission through notation on the plat and by conveyance at the time of record plat in a form of deed approved by the Office of General Counsel. At the time of conveyance, the property must be free of any trash and unnatural debris.
- 3) The record plat must show necessary easements.
- 4) Include the forest conservation exemption letter and Preliminary Plan Resolution on the approval or cover sheet(s).

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, 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 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 Master Plan, the Subject Property and surrounding development are identified as suitable for one-family detached housing. The Application conforms to the recommendations adopted in the Master Plan in that it provides one-family detached housing consistent with the current density of the neighborhood and the current zoning designation. The approved lot will be similar to surrounding existing lots with respect to dimensions, orientation, and shape, and will have a similar relationship to the public street and surrounding residences as do existing residences in the area. The Application will not alter the existing pattern of development or land use, which

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.

is in substantial conformance with the Master Plan recommendation to maintain the existing residential land use.

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

The Application does not add any additional lots or dwelling units and will not increase demand for public facilities. There will be no new burdens on schools, roads, or emergency services; therefore, no new impacts to public facilities will occur.

- 3. The size, width, shape, and orientation of the approved 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 size, width, shape, and orientation of the approved lot is appropriate for the location of the subdivision.

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, frontage, width, and setbacks in that zone. The Application has been reviewed by other applicable county agencies, none of which raised concerns regarding approval of the Preliminary Plan.

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

The Applicant was granted an exemption from submitting a forest conservation plan under Chapter 22A-5(s)(2) for an activity on a tract of land less than one acre that will not result in the clearing of more than a total of 20,000 square feet of forest.

- 5. 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).*

Size: The lots in the delineated neighborhood range from 5,072 square feet to 14,960 square feet. Seventy-four of the lots are smaller than 6,000 square feet, 15 are between 6,000 and 9,000 square feet, and three are larger than 9,000 square feet. The approved lot will be 9,881 square feet in size. The approved lot size is in character with the size of existing lots in the neighborhood.

Frontage: In a neighborhood of 92 lots, lot frontages range from 42 feet to 145 feet. All of the lots within the designated neighborhood have frontages measuring less than the 150 feet of the approved lot, and the approved lot will have the largest frontage in the neighborhood.

Lot 3 as approved is a perpendicular lot that incorporates a portion of right-of-way abandoned as part of the Subject Property. Half the land from the abandonment of Greenway Drive is being conveyed to Lot 3 by the owner of Lot 1, Block 14 (5330 Allandale Road) through a quit-claim deed because that property owner does not wish to take control of the land underlying the right-of-way adjacent to her property. As a result of the quit-claim deed, the approved lot is 25-feet wider than it would be if the owner of 5330 Allandale Road took possession of the right-of-way adjacent to her property. If approved Lot 3 were created with only the portion of abandoned right-of-way adjacent to existing Lot 1, the lot would measure 125 feet wide, which would be within the range of existing lots. Even at the approved 150-foot width, approved Lot 3 will have a frontage of only roughly five feet longer than the largest existing frontage in the neighborhood. The approximately five-foot difference between the largest existing frontage (145 feet) and the approved frontage of approved Lot 3 (150 feet) would be insignificant and unnoticeable in comparison to the overall frontage of the property. In addition, no physical change will be made to the Subject Property. The area of the street abandonment currently appears as though it is a part of the Subject Property, and no difference will be perceivable after the abandoned area is added to the Subject Property. The approved lot 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 1,062 square feet to 7,456 square feet in buildable area. Seventy-six of the lots have a buildable area less than 2,000 square feet, eleven are between 2,000 and 3,000 square feet, and five are larger than 3,000 square feet. The approved lot has a buildable area of 2,756 square feet, making it the seventh-largest by buildable area. The approved lot will be of the same character as existing lots in the neighborhood with respect to buildable area.

Alignment: Seventy-seven of the 92 existing lots in the neighborhood are perpendicular in alignment, and the remaining 15 are corner lots. The approved lot is perpendicular in alignment. The approved lot is of the same character as existing lots in the neighborhood with respect to the alignment criterion.

Shape: Seventy-six of the 92 existing lots in the neighborhood are rectangular, as is the approved lot. The shape of the approved lot will be in character with shapes of the existing lots in the neighborhood.

Suitability for Residential Use: The existing and the approved 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)), 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 SEP 19 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 the original mailing date, or, if the appeal relates to the corrected portions of this resolution, 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).

* * * * *

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 Cichy, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Cichy voting in favor, and Commissioners Dreyfuss and Fani-González absent at its regular meeting held on Thursday, September 8, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board