



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

MCPB
Item #
7/28/07



MEMORANDUM

DATE: April 20, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *R.K.*
Catherine Conlon, Supervisor *OK*
Development Review Division

FROM: Erin Grayson (301-495-4598) *EG*
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Resubdivision of Existing Lot 7, Block 4, Bannockburn Heights

PROJECT NAME: Bannockburn Heights
CASE #: 120070390
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-200
LOCATION: On the west side of River Road (MD 190), approximately 1,000 feet east of Wilson Lane (MD 188)

MASTER PLAN: Bethesda/Chevy Chase

APPLICANT: Allen Khalatbari
ENGINEER: Witmer Associates, LLC
ATTORNEY: Stephen J. Orens

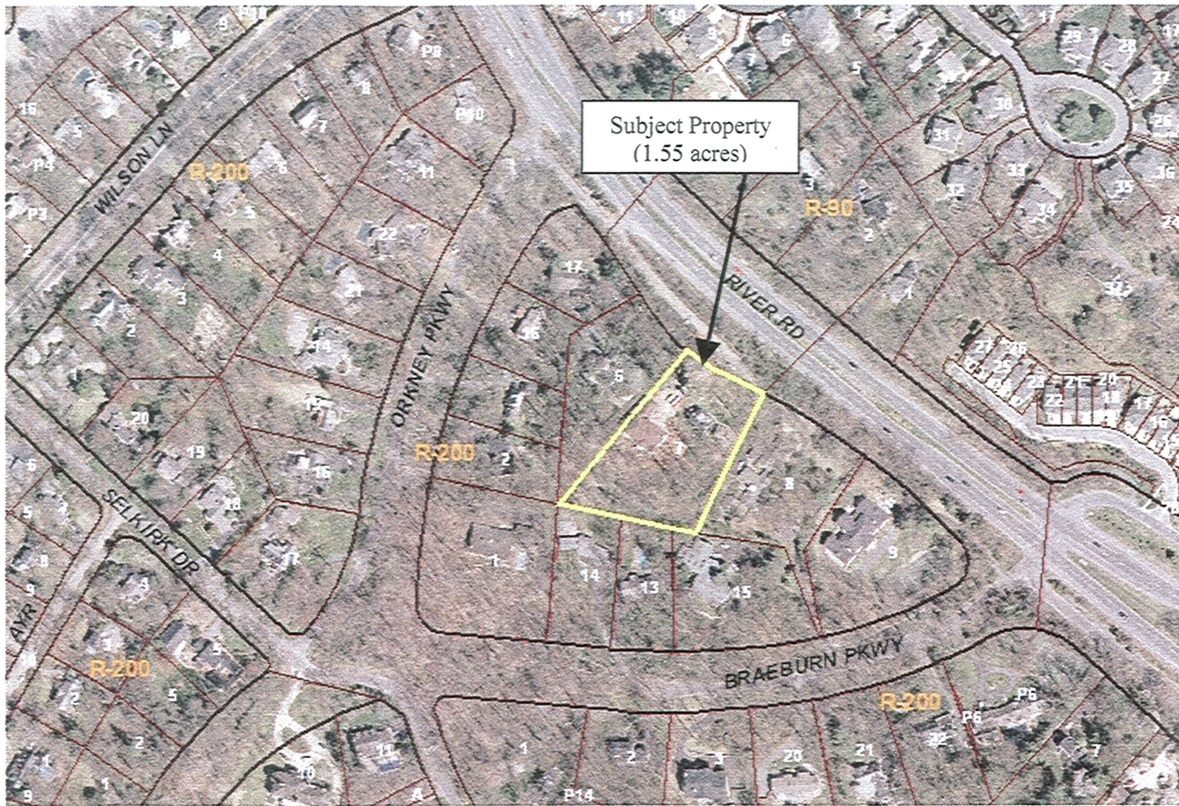
FILING DATE: January 2, 2007
HEARING DATE: June 28, 2007

RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 2 lots for 2 one-family detached residential dwelling units.
- 2) The applicant shall comply with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
- 3) The applicant must revise the submitted preliminary forest conservation plan prior to approval of the record plat to count all onsite existing forest as cleared and meet the forest conservation requirements generated for the property off site.
- 4) Applicant must incorporate a tree protection plan into the final forest conservation that shows and describes the methods that will be used to protect onsite trees.
- 5) The applicant must comply with the conditions of the MCDPS stormwater management approval dated August 3, 2006.
- 6) The applicant must comply with conditions of MCDPWT letter dated March 6, 2007, unless otherwise amended by MCDPWT.
- 7) The Applicant must construct a four-foot-wide sidewalk along the proposed cul-de-sac as required by MCDPWT letter dated August 3, 2006, unless otherwise amended.
- 8) Access and improvements as required to be approved by MCDPWT prior to recordation of plat and MDSHA prior to issuance of access permits.
- 9) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 10) Other necessary easements must be shown on the record plat.

SITE DESCRIPTION

The subject property, pictured on the following page and in Attachment A (Vicinity Map) is located in the Bethesda/Chevy Chase Master Plan area on the southwest side of River Road (MD 190) between Orkney Parkway and Braeburn Parkway. The property has frontage on a River Road Service Road with direct access to River Road. The property is a 1.55 acre recorded lot identified as Lot 7, Block 4 and was recorded by record plat in 1939. The property is surrounded by developed, recorded lots also zoned R-200. A one-family detached dwelling unit constructed after the removal of an original house currently exists on the property. There are 0.63 acres of existing forest on the subject property. There are no streams, stream buffers, wetlands, steep slopes, or highly erodible soils onsite.



PROJECT DESCRIPTION

The applicant proposes to resubdivide the subject property to create 2 lots for 2 one-family detached residential dwelling units. Proposed Lot 18 is 33,662 square feet in size and proposed Lot 19 is 29,178 square feet in size. The existing house and driveway, located on proposed Lot 18, are to remain. The applicant proposes to construct a standard 110 foot diameter tertiary cul-de-sac at the end of the River Road Service Road in order to create required frontage for the proposed lots and provide a turn-around for fire department access. Access to Lot 19 is proposed via a separate driveway extending from the proposed cul-de-sac bulb. The lots will be served by public water and sewer.

(Attachment B – proposed plan)

SUMMARY OF PREVIOUS CASES

The Planning Board has previously heard 3 cases concerning resubdivision of the subject property. Preliminary Plan application #120030510 for two lots was reviewed on March 13, 2003. The Staff memorandum prepared for the hearing is attached (Attachment D). Staff found that a high correlation did not exist between the frontage and widths of the proposed lots and existing lots within the delineated neighborhood. The delineated neighborhood included 11 lots in Block 4. Per the Opinion dated September 18, 2003, the Planning Board found that the proposed lots were not of the same character as to size, width, shape and alignment as other lots within the existing neighborhood, and denied the application.

Following denial of the application, the applicant requested reconsideration of the preliminary plan to allow submission of additional information. The Planning Board granted the reconsideration and a second hearing was held on the plan on April 22, 2004. The second Staff memorandum is also attached (Attachment E). In the revised proposal, the applicant proposed dedication of a portion of the property to construct a cul-de-sac for service vehicle turnaround in front of the property, and to create lot frontage needed to bring the proposed lots into conformance with the delineated neighborhood. In addition, the applicant proposed a larger neighborhood for comparison of the proposed lots, consisting of the original 11 lots in Block 4 and an additional 20 lots located in Block 2 on the other side of Orkney Parkway. Staff recommended against expansion of the previously delineated neighborhood and found that a high correlation did not exist between the lots in this neighborhood and the proposed lots with respect to the size, width, shape and alignment criterion. Per Opinion dated May 25, 2004 (Attachment F), the Planning Board supported the previously delineated neighborhood and again found that the proposed lots were not of the same character as to size, width, shape and alignment as other lots within the existing neighborhood, and denied the application.

On October 13, 2005, another revision to the plan submitted as Pre-Preliminary Plan application #720060030 was reviewed by the Planning Board. The staff memorandum for the case is included in Attachment G. The applicant once again presented the larger neighborhood in which to compare the proposed lots while staff used the original neighborhood consisting of lots only in Block 4. The applicant again proposed right-of-way dedication along the frontage of the property, this time in a different configuration, to allow for construction of a T-turn-around or cul-de-sac. DPWT and SHA did not consider the dedication to be necessary for the subdivision. MCFRS was not involved in preliminary plan review at this time. The proposed resubdivision failed to comply with Section 50-29(b)(2) of the subdivision regulations with regards to width and shape and the Planning Board denied the application.

ANALYSIS AND FINDINGS FOR THE CURRENT PROPOSAL

Master Plan Compliance

The subject property is located within the Approved and Adopted Bethesda/Chevy Chase Master Plan area. The master plan does not specifically identify this property but does give general guidance and recommendations regarding zoning and land use. The plan recommends that this area maintain the residential zoning as adopted. The proposed resubdivision complies with the recommendations adopted in the master plan.

Transportation

The proposed lots do 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. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

Proposed Cul-de-sac

As previously mentioned, the applicant proposes to construct a cul-de-sac to terminate the River Road Service Road. The current design, however, has been modified from the April, 2004 version. Whereas specific termination of the service road was not required during earlier agency reviews of this resubdivision, that has now changed given Montgomery County Department of Fire and Rescue Services (MCFRS) active participation in the review, and their requirements for a turn-around for fire department access whenever there is a dead-end street longer than 150 feet, serving more than one house. Although such a turn-around could be provided by other non-public means, all staff agree that the proposed public cul-de-sac is probably the best option. The proposed dedication and design for the proposed cul-de-sac have been approved by the Department of Public Works and Transportation (DPWT), State Highway Administration (SHA) and MCFRS as shown on the plan.

A four-foot wide sidewalk around the cul-de-sac bulb in the right-of-way is required by DPWT as part of construction of the standard street section. They also recommended that the Planning Board require this applicant to construct an off-site sidewalk to connect the service road to Braeburn Parkway and River Road to the southeast. Staff determined that such an off-site improvement exceeded what could reasonably be required of this particular application given its size and scope.

Environment

There are no environmentally sensitive areas or buffers on the subject site.

Forest Conservation

The applicant previously submitted a request to be exempt from submitting a Forest Conservation Plan in September 2003 for an existing single-family lot. There is a Declaration of Intent (DOI) on file, signed by the applicant, dated September 23, 2003 affirming the exemption from submitting a forest conservation plan. In the DOI, the applicant guarantees that the property will conform to the approved plan for five years upon approval of the exemption. Under this exemption the applicant demolished the existing house, constructed a new one, and removed 0.21-acres of forest.

Since the completion of the new house the applicant submitted a new natural resource inventory/forest stand delineation. NRI/FSD 420070520 was approved on November 3, 2006. This NRI/FSD indicates 0.61-acres of existing forest and 0.21 acres of forest previously removed under the exemption. Since the DOI is still valid, the total amount of forest identified on the approved NRI/FSD is 0.82-acres. This is also the same amount of forest used in the preliminary forest conservation plan.

The applicant submitted a preliminary forest conservation plan with the preliminary plan of subdivision. The applicant proposes to retain 0.59-acres of forest onsite, but shows the footprint of a new house to be 17 feet, and the existing house 30 feet, from the proposed conservation easement. Environmental Planning disagrees with the on lot conservation

easements. Not only is the edge of the conservation easement too close to the proposed house location creating an unusable rear yard for future homeowners, but the proximity of the retained forest to the house site will also negatively impact the retained forest. The proposed conservation easement is not within a high priority area (environmental buffer), is not adjacent to protected forest, and the forest is not of high quality.

The NRI/FSD indicates 25 trees that are 24 inches and greater on the subject site. The existing forest is an even-aged stand, influenced by humans, and contains many invasive species. Seventeen of these 25 trees large trees are in fair to poor condition and the remaining 8 are in good condition. One tree in good condition is proposed for removal as part of the development. Two trees in good condition will have more than 1/3 of their critical root zone impacted. Both of these trees are yellow poplars or tulip trees that are highly susceptible to construction impacts.

Staff recommends conditional approval of the preliminary forest conservation plan that includes requiring the applicant to count all onsite forest as cleared, and meeting all planting requirements offsite. Only then will the resubdivision provide sufficient space for future homeowners to have a usable back yards. The 0.80-acre forest-planting requirement must be met off-site in a forest conservation bank or with a payment in-lieu.

Noise

At the request of Environmental Planning, a noise analysis was prepared for the preliminary plan of subdivision. The noise analysis indicates an existing noise level of 60.2 dBA Ldn and a 2025 projected noise level of 60.4 dBA Ldn for the front of the proposed house locations. Both levels are below the 65 dBA Ldn noise level criterion for exterior noise mitigation. Standard construction practices will reduce the interior noise levels to below the 45 dBA Ldn interior noise level. Therefore, no additional noise mitigation measures are required.

Having no on-lot conservation easements also provides the potential to locate the proposed house deeper into the lot and away from River Road to lessen the noise impact in the front of the house. The proposed house site is at the front building restriction line. By eliminating the conservation easement, the proposed house can be sited deeper into the lot.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on August 3, 2006 which includes on-site water quality control and onsite recharge through the use of drywells.

Compliance with the Subdivision Regulations and Zoning Ordinance

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. Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan (see Attachment H for agency correspondence).

Conformance with Section 50-29(b)(2)

A. Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that each of the proposed lots complies 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 Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. In this instance, the Neighborhood selected by the applicant, and agreed to by staff, consists of 11 lots, excluding the subject property. The Neighborhood, pictured on the following page, includes all lots within the same block (Block 4) as the subject property. All lots in the Neighborhood share the same zoning classification and are recorded. In previous reviews for resubdivision of this property, Staff and the Planning Board supported a neighborhood consisting of the 11 lots located in the same block as the subject property. The designated neighborhood provides an adequate sample

of the lot and development pattern of the area. A tabular summary of the area based on the resubdivision criteria is included in Attachment C.

C. Analysis

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, the above-noted resubdivision criteria were applied to the delineated neighborhood. The proposed lots are of the same character with respect to the resubdivision criteria as other lots within the defined neighborhood. Therefore, the proposed resubdivision complies with the criteria of Section 50-2(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:



Frontage:

In a Neighborhood of 11 lots, lot frontages range from 116 feet to 275 feet. The proposed lots fall within this range, at 123 feet and 120 feet measured along the curve of the cul-de-sac. **As a result, the proposed lots will be of the same character as existing lots in the Neighborhood with respect to lot frontage.**

Alignment:

Every lot in the delineated neighborhood is perpendicular in terms of alignment. The 2 proposed lots are also perpendicular given the way the proposed cul-de-sac is oriented along the front of the property. **The proposed lots are of the same character as existing lots with respect to the alignment criterion.**

Size:

In a Neighborhood of 11 lots, overall lot sizes range from 23,727 square feet to 69,208 square feet. **The two proposed lots are 29,178 and 33,662 square feet in size. The proposed lot sizes are in character with the size of existing lots in the Neighborhood.**

Shape:

Four lots in the Neighborhood are fairly rectangular in shape and the rest are irregular. Both the proposed lots will be irregular in shape, but in a unique way due to the configuration of the front lot line around the proposed cul-de-sac. The other lots in the neighborhood are generally straight and parallel to the road edge. The proposed lots will not be in character with shapes of the existing lots along the road frontage, however, it is staff's opinion that this characteristic alone does not render the lots unapprovable. If the Planning Board accepts the premise that it is desirable to terminate the existing service road in a cul-de-sac, the resulting shape is unavoidable.

Width:

The lot widths at the front building restriction line in the Neighborhood range from 105 feet to 275 feet. Lot widths for improved lots were measured at the front building line. For Proposed Lot 19, which does not contain a structure, the lot width was measured at the Established Building Line. Both proposed Lot 18 and Lot 19 now have widths of 108 feet. This measurement varies from those taken as part of previous reviews because MCDPS has now confirmed the precise measuring point for the established building restriction line, and determined that the width measurement may be taken at an angle that corresponds to the frontage being created around the cul-de-sac. When the width is measured in this revised location and manner, the proposed lots will be the 2nd smallest widths in the delineated Neighborhood, but they now fall within the range of existing lots. The smallest lot width in the neighborhood is 105 feet, followed by the two proposed lots at 108 feet. The next smallest lot widths are 110 and 115 feet, respectively. **The proposed lots will be of the same character as existing lots in the Neighborhood with respect to the width criterion.**

Area:

In a Neighborhood of 11 lots, buildable areas range from 7,000 square feet to 30,700 square feet. The proposed lots have buildable areas of 14,500 and 12,300 square feet. **The proposed lots will be of the same character as other lots in the Neighborhood with respect to buildable area.**

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

Citizen Correspondence and Issues

Although written notice of the original application was sent to local civic and homeowners associations by MNCPPC on December 8, 2006, when staff began preparing this report we found no indication in the file that the applicant had notified adjacent and confronting property owners. To address this deficiency staff required the applicant to send another notice prior to our scheduling a Planning Board date. On May 15, 2007, the applicant sent that notice to both adjacent and confronting property owners and the local citizens associations. Written notice of the scheduled hearing was sent by MNCPPC to all parties on June 8, 2007.

On May 21, 2007, staff received a letter from Theodore and Marjorie Peysers, property owners of Lot 13 on Braeburn Parkway directly south of the subject property. In their letter, the Peysers expressed concern over the preliminary plan and the resubdivision criteria. More specifically, the Peysers raised questions over the width, frontage, shape and size of the proposed lots. Insufficient drainage for stormwater was another concern included in the letter. On May 22, 2007, C.M. Aubinoe, the property owner of Lot 8 directly East of the subject property, also sent a letter of concern. This letter included concerns over the proposed cul-de-sac, including potential relocation of utilities, tree removal and maintenance of the cul-de-sac. On May 29, 2007 an additional letter was received by staff from Don Jodrey, who also expressed concern over compatibility and drainage for stormwater. Citizen correspondence is included in Attachment I.

Detailed review of the resubdivision criteria is included in the previous section of this report. The proposed lots fall within the neighborhood range of all 7 resubdivision criteria. It is true that the frontage and width measurements are greater than in previous preliminary plan applications for the subject property as a result of the proposed cul-de-sac. Both proposed lots would fall below the neighborhood ranges for width and frontage without the cul-de-sac. In particular for width, the way the measurement is taken around a cul-de-sac makes a big difference because the lots now fall within the neighborhood range, although they are the narrowest when measured across the front of the existing and proposed houses. This does concern staff, but MCDPS has confirmed that the measurement is being taken correctly, and staff does agree that a public cul-de-sac provides the most efficient turn-around for fire and rescue vehicles. It should be noted, however, that while MCFRS supports the installation of the cul-de-sac, it would not be a priority for them if the proposed application were not being reviewed. With regard to shape, the proposed lots are irregular (see Attachment C for resubdivision data table) because of the proposed cul-de-sac, but that is unavoidable.

In regards to tree removal, the applicant's plan shows a limit of disturbance that follows the edge of the existing service road to the northeast, and the edge of the proposed right-of-way line to the south. There may be existing trees that will be impacted, but staff is recommending as condition of approval for this application, that a tree protection plan be incorporated into the final forest conservation that shows and describes the methods that will be used to protect as many trees as possible. Maintenance of the cul-de-sac will be the responsibility of the Montgomery County Department of Public Works and Transportation (DPWT) once the road is constructed by

the applicant and dedicated. Any costs for relocation of utilities will be the responsibility of the developer.

As previously noted, the stormwater management concept for this application includes the installation of dry wells at each roof drain. Although water will still flow from the proposed lots to the low point of the topography along the rear property line, the dry wells will hold runoff from the proposed rooftop during the most frequent storms, and significantly reduce the overall stormwater runoff from the proposed structure in bigger storms. The Montgomery County Department of Permitting Services (MCDPS) review of the stormwater management plan also ensures that the drainage flowing from the site will occur at non-erosive rates.

CONCLUSION

Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. As set forth above, the two proposed lots are of the same character as the existing lots in the defined neighborhood with respect to all of the resubdivision criteria except shape. The two proposed lots are more irregular in shape than lots in the existing neighborhood because of their location on the proposed cul-de-sac, however, the cul-de-sac has been determined to be the appropriate way to terminate the existing road and the resulting shape is unavoidable. Staff, therefore, finds that the application complies with Section 50-29(b)(2) of the Subdivision Regulations. The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the Bethesda-Chevy Chase Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

- Attachment A – Vicinity Development Map
- Attachment B – Proposed Development Plan
- Attachment C – Neighborhood Tabular Summary
- Attachment D – March 13, 2003 Staff Report
(includes Proposed Development Plan & Neighborhood Map)
- Attachment E – April 16, 2004 Staff Report
(includes Proposed Development Plan & Neighborhood Map)
- Attachment F – May 25, 2004 Opinion
- Attachment G – October 13, 2005 Staff Report
(includes Proposed Development Plan & Neighborhood Map)
- Attachment H – Agency Correspondence
- Attachment I – Citizen Correspondence

TABLE 1: Plan Checklist and Data Table

Plan Name: Bannockburn Heights				
Plan Number: 120070390				
Zoning: R-200				
# of Lots: 2				
# of Outlots: 0				
Dev. Type: Standard				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	20,000 sq. ft.	29,178 sq. ft. is minimum proposed	EA	5/14/07
Lot Width	100 ft.	Must meet minimum	EA	5/14/07
Lot Frontage	25 ft.	Must meet minimum	EA	5/14/07
Setbacks				
Front	15 ft. Min.	Must meet minimum	EA	5/14/07
Side	12 ft. Min./25 ft. total	Must meet minimum	EA	5/14/07
Rear	30 ft. Min.	Must meet minimum	EA	5/14/07
Height	50 ft. Max.	May not exceed maximum	EA	5/14/07
Max Resid'l d.u. or Comm'l s.f. per Zoning	2 dwelling units	2 dwelling units	EA	5/14/07
MPDUs	No		EA	5/14/07
TDRs	No		EA	5/14/07
Site Plan Req'd?	No		EA	5/14/07
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes		EA	5/14/07
Road dedication and frontage improvements	Yes		Agency letters	3/6/07-DPWT 1/5/07-SHA
Environmental Guidelines	Yes		Staff memo	5/10/07
Forest Conservation	Yes		Staff memo	5/10/07
Master Plan Compliance	Yes		EA	5/14/07
Other (open space, etc.)				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		Agency letter	8/3/06
Water and Sewer (WSSC)	Yes		Agency Comments	3/12/07
Well and Septic	N/A			
Local Area Traffic Review	N/A		Staff memo	1/2/07
Fire and Rescue	Yes		Agency letter	1/2/07

BANNOCKBURN HEIGHTS (120070390)



Map compiled on December 14, 2006 at 9:45 AM | Site located on base sheet no - 209NW07

NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



N

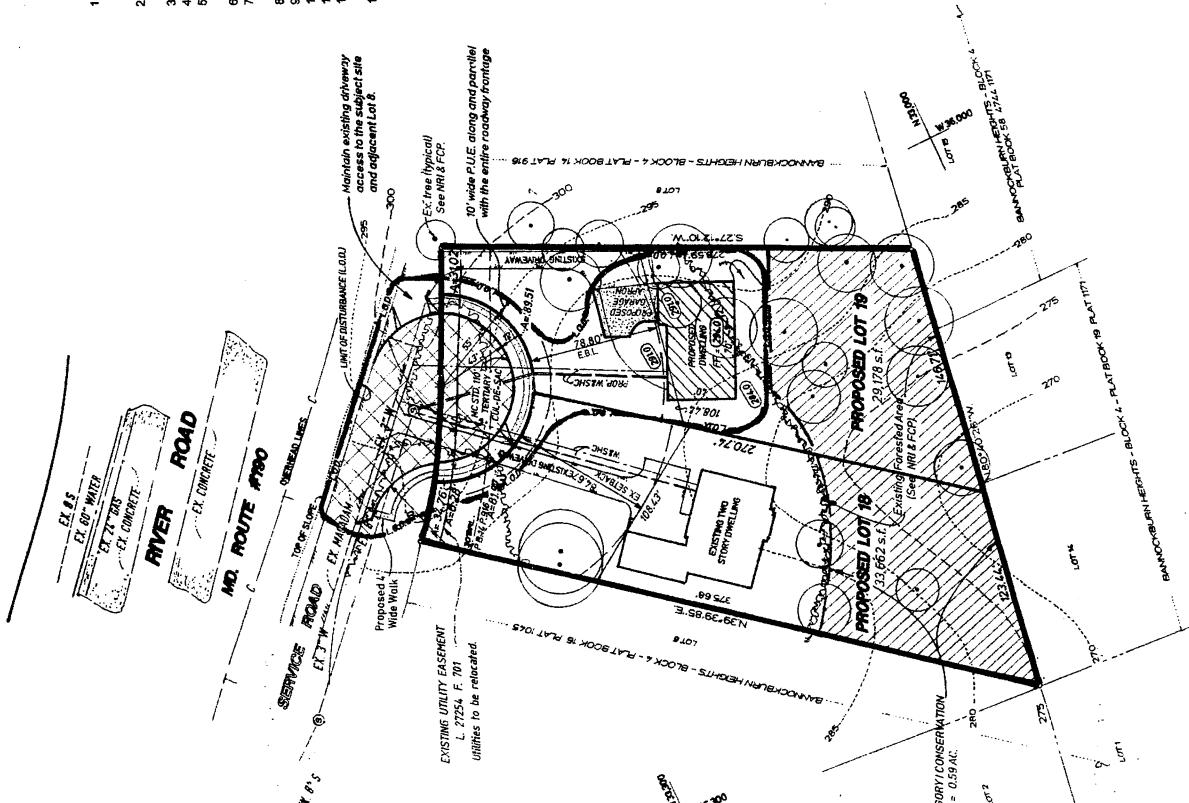
Resources for Action
 Research & Technology Center

0 600

1 inch = 600 feet
 1 : 7200

GENERAL NOTES

1. Lot 7 Block 4, the property subject of this plan, is included on a Subdivision Record Plan entitled "Remainder of Block 4, Bannockburn Heights", recorded among the Land Records of Montgomery County, Maryland in PLAT BOOK 16, at Plat 1045.
2. The proposed subdivision shown is from MNCPR&PC aerial photogrammetric mapping, MCMAPS Series 200NW 7 and 200 NW 8.
3. Existing easels, house and established building line from field surveys by this office.
4. Site is located in Planning Area 35 - Bethesda Chevy Chase.
5. Site is served by public water and sewer.
6. Sewer Category - S-1, Water Category W-1.
7. Drainage Watershed = Potomac River.
8. Soils identified on this site from Montgomery County Soils Survey, Sheet 28.
9. 2C Glenelg soil team - 8 - 15% slopes - type B.
10. There are no flood plains, streams, non-tidal wetlands on or within 200' of the site.
11. There are no historic or cultural features on this site.
12. Tax I.D. No. - 10-00881920.
13. Street Address = 6620 River Road.
14. This plan has been compiled from available public records, except as otherwise noted herein, and is subject to full boundary and topography surveys.
15. For approved Natural Resources Inventory see MNCPR&PC File #4-20070052.



TAX MAP GM 342, 562
 REVISIONS:
 2/16/07 Change one parcel
 2-24-11 E.L. Correction with 2004
 1/3/10 - limited lot widths w/

PREPARED FOR:
ALAN KALINAR
 620 RIVER ROAD
 BETHESDA MD
 20817
 301-320-4884

DATE: 04/11/2006
 SCALE: 1" = 50'

PRELIMINARY SUBDIVISION PLAN

PROPOSED RESUBDIVISION OF
LOT 7 - BLOCK 4
BANNOCKBURN HEIGHTS
 BETHESDA ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

WTMFR ASSOCIATES, LLC
 Land Surveying, Land Planning & Design
 154-A Hagerstown Drive - Rowville, MD 20880
 Tel: (301) 300-1000 Fax: (301) 300-1001

DATE: 04/11/2006
 SHEET NO: 1 of 1

**DEVELOPMENT TABULATION
 R-200 ZONING STANDARD METHOD**

ELEMENT	REQUIRED/PERMITTED	PROPOSED
Lot size	20,000 s.f. min.	29,000 + s.f.*
Area of Site	-	67,665 s.f.*
Number of Lots	-	2
Area of Street Dedication	-	4,925 s.f.*
Lot Width	100' min. @ B.R.L.	108' + @ B.R.L.*
Lot Frontage	28' min.	121.77'
Front Setback	40' min or E.B.L.	78.8' (E.B.L.)*
Side yard setback	12' min., 25' total of both	12' + 25' +
Rear yard setback	30' min.	100' +
Building coverage	30% max.	<15%
Building height	50' max.	50' max.
Off street parking	2 spaces min.	>2 spaces

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE BOUNDARY AND TOPOGRAPHIC INFORMATION AS SHOWN HEREON, ARE CORRECT AS NOTED.

John R. Wtmfr
 JOHN R. WTMFR
 Professional Land Surveyor
 Maryland No. 10668

*Computed, subject to full boundary survey.

**RESUBDIVISION LOT DATA COMPARISON TABLE
BANNOCKBURN HEIGHTS SUBDIVISION**

Lots Ranked by Lot Area						
Lot & Blk	Frontage	Alignment	Lot Area (s.f.)	Shape	Width	Size (s. f.)
8,4	224	perpendicular	30,700	rectangular	220	49,100
15,4	275	perpendicular	26,500	rectangular	265	53,040
6,4	135	perpendicular	19,800	trapezoid	170	45,044
1, 4	225	perpendicular	18,300	corner rectangular	255	69,208
9,4	270	perpendicular	14,900	corner rectangular	275	63,980
18,4	123	perpendicular	14,500	rectangular	108	33,662
19,4	120	perpendicular	12,300	rectangular	108	29,178
17,4	212	perpendicular	10,500	corner rectangular	225	33,871
13,4	116	perpendicular	10,500	rectangular	105	25,658
2, 4	120	perpendicular	10,200	rectangular	115	25,589
14,4	125	perpendicular	10,100	rectangular	125	31,767
16,4	155	perpendicular	9,200	trapezoid	150	25,599
3,4	120	perpendicular	7,000	rectangular	110	23,727

**Proposed
Lots**

revised 3/30/2007

revised 4/03/2007

revised 5/01/2007



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

ITEM # 7

DATE: 03-13-03



MEMORANDUM

DATE: February 14, 2003

TO: Montgomery County Planning Board

VIA: Joseph R. Davis, Chief Development Review Division

FROM: A. Malcolm Shaneman, Supervisor (301) 495-4587
Richard A. Weaver, Senior Planner (301) 495-4544
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Two Single Family Lots

PROJECT NAME: Bannockburn Heights

CASE #: 1-03051

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

ZONE: R-200

LOCATION: Southwest Side of River Road (MD 190), Between Orkney Parkway and Braeburn Parkway

MASTER PLAN: Bethesda – Chevy Chase

APPLICANT: Al S. KhalatBari

FILING DATE: January 9, 2003

HEARING DATE: March 13, 2003

STAFF RECOMMENDATION: Disapproval, Pursuant to Section 50-29 (b)(2), Montgomery County Subdivision Regulations

PROJECT DESCRIPTION: Proposal

The subject application requests the resubdivision of a 1.5 acre site, identified as Lot 7, into two (2) single-family residential lots. The proposed lots numbered 18 and 19 are proposed to be 36,230 square feet and 31,465 square feet respectively. A single-family dwelling exists on the property and is proposed for removal. The lots will have direct access to River Road (MD190).

PROJECT DESCRIPTION: Vicinity

The subject property is located on the southwest side of River Road between Orkney Parkway and Braeburn Parkway. The site identified as Lot 7 in Block 4 was recorded by record plat in 1939 as were the rest of the lots within the same block. The lots surrounding the subject property are developed with single-family dwelling units. The block in which the subject site is located has remained virtually unchanged since its original recordation except for one resubdivision which occurred between Lots 13 and 14 for the purpose of adjusting the property boundaries.

ISSUES TO DATE

Conformance to Chapter 50-29(b)(2)

In order to approve an application for Resubdivision, the Planning Board must find that the proposed lot(s) complies with all seven of the "Resubdivision Criteria" as 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."

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. In this case, staff has provided a description of the area analyzed under the resubdivision criteria and has also provided an illustration that delineates the neighborhood.

Under the resubdivision criteria the neighborhood used to evaluate the application can only include lots within the same zoning (R-200) classification as the subject property. The lots surrounding the subject property on the southwest side of River Road are all zoned all R-200. Staff has elected to limit the proposed neighborhood to those lots located in the same block as the subject property. Since the subject property fronts River Road staff does not feel that the lots on the other side of Orkney Parkway nor the other side of Braeburn Parkway should be included in the neighborhood.

Master Plan Compliance

The property is located within the Approved and Adopted Bethesda Chevy Chase Master Plan area. The master plan does not make specific recommendations for this property but does give general

guidance and recommendations regarding zoning and land use. The master plan recommends that the area including this property be maintained as a medium density (R-200) residential area. The lot pattern, discussed previously, has evolved into lots that range from the minimum required under the R-200 zone (20,000 sq.ft.) to lots that are twice that size (1 acre plus). Since the proposed lots meet the requirements for the R-200 zone, it is staff's conclusion that they comply with the general guidelines adopted in the master plan. Staff's final conclusion with regard to the resubdivision criteria is discussed below.

Analysis and Conclusion

In applying the resubdivision criteria to the neighborhood delineated by staff, staff finds that the proposed resubdivision does not comply with all seven of the criteria set forth in Section 50-29(b)(2) as illustrated by the characteristics set forth on the attached tabular summary. Staff finds that a high correlation does not exist between the frontage and widths of the proposed lots and existing lots within the delineated neighborhood.

As the tabular summary depicts the smallest lot frontages found in the defined neighborhood are those of the proposed lots. Indicative of smaller lot frontages are the smaller lot widths. As in this proposal, the proposed lots widths are amongst the smallest within the defined neighborhood.

The application, as proposed, clearly fails when applying the resubdivision criteria. Staff finds that the frontage and width of the proposed lots do not have a high correlation to those criteria of existing lots in the delineated neighborhood and therefore recommend disapproval of this proposed resubdivision.

Attachments

Vicinity Map	4
Development and Neighborhood Map	5 - 6
Proposed Resubdivision Plan	7
Tabular Summary	8

NOTES

- Lot 7 is included on a record plat entitled "Remainder of Block 4, Bannockburn Heights" as recorded in Plat Book 16 as Plat 1043 from which the boundary as shown was graphically reproduced.
- Topography, as shown, from MNC&P aerial photography, 200 scale, 5' contour interval, MCMAPS Sheets 209 NW 7 and 209 NW 6.
- Existing zoning = R-200; 20,000 sq. ft. min. lot size.
- A-va included in plan = 67,695 sq. ft.
- Number of lots included in plan = 2.
- Planning area 35; Beltside-Chevy Chase
- Potomac River Watershed
- Sewer Category: S-1; Water Category: W-1
- Soils, from the Montgomery County Soils Survey Sheet 26,
2C - Glaciel silt loam - 8-15 % slopes
- There are no flood plains, streams or non-tidal wetlands on or within 200' of site.
- There are no historic or cultural features on site.
- Tax Account No. 07-00686505
- Street Address: 6620 River Road
- Certain elements shown on this plan are sealed and subject to change at time of record plat or field survey.
- BUILDING SETBACKS (R-200)**
FRONT : 40' (OR ESTABLISHED BUILDING LINE)
REAR : 30'
SIDE : 25' TOTAL (MINIMUM ONE SIDE = 12')
- NATURAL RESOURCES INVENTORY No. 4-03044.



200 SHEET 209 NW 7.6
JAN 2007
SCALE 1" = 200'

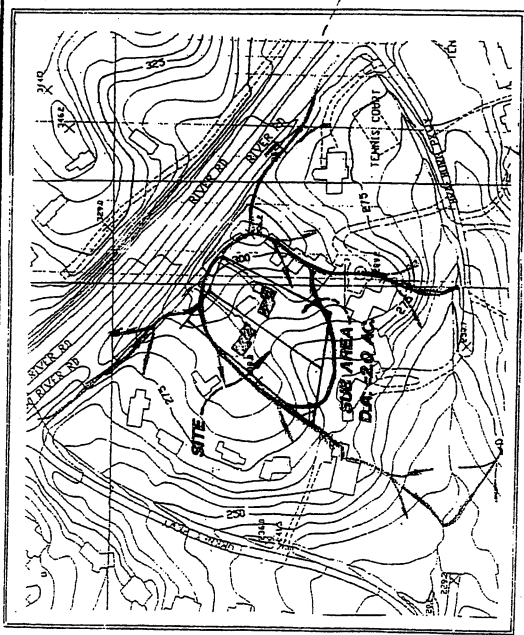
PREPARED FOR
ALLEN S. HOALTRAM
7113 NEVENS ROAD
BETHESDA, MD
20814
301-380-4884

PRELIMINARY PLAN

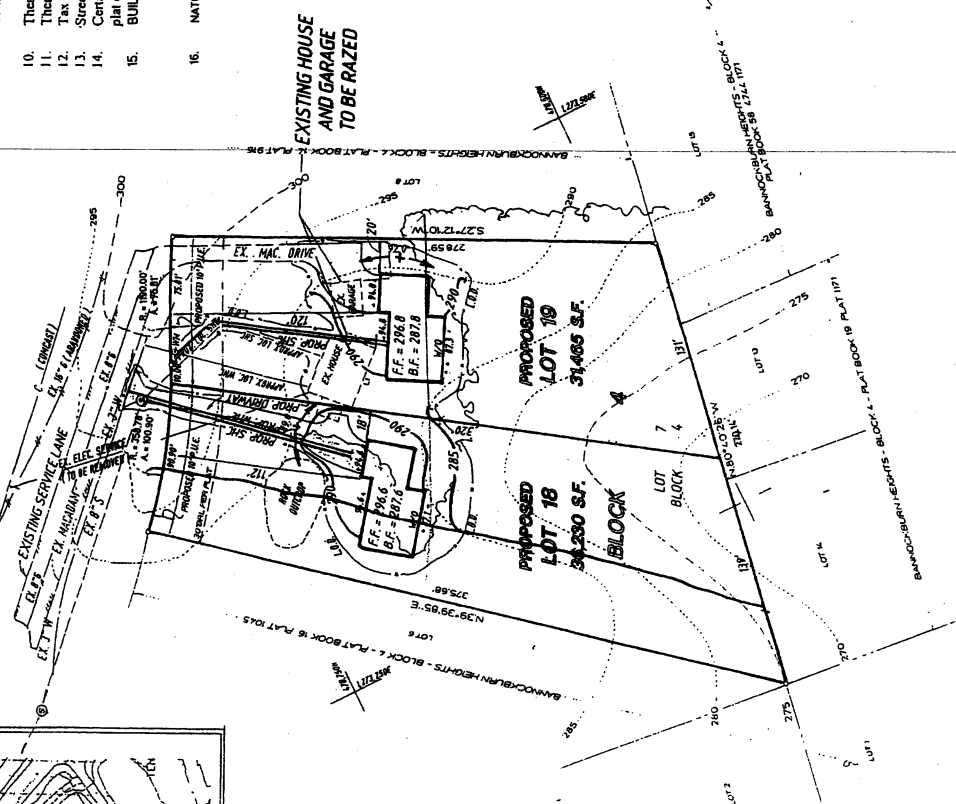
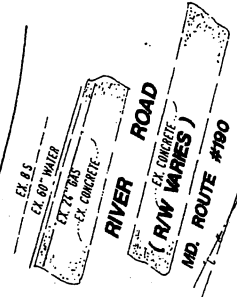
PROPOSED LOTS 18 & 19 BLOCK 4
A RESUBDIVISION OF LOT 7, BLOCK 4
BANNOCKBURN HEIGHTS
BETHESDA, ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

WITMER ASSOCIATES, LLC.
Land Surveying, Land Planning & Design
35-A Hagerstown Drive, Suite 201, Mt. Airy, MD 20894
Tel: 301-380-4884 Fax: 301-380-4884

DATE: NOVEMBER, 2002
NO. NO: 98195 G
SHEET NO: 1 of 1



DRAINAGE AREA MAP
SCALE: 1" = 200'



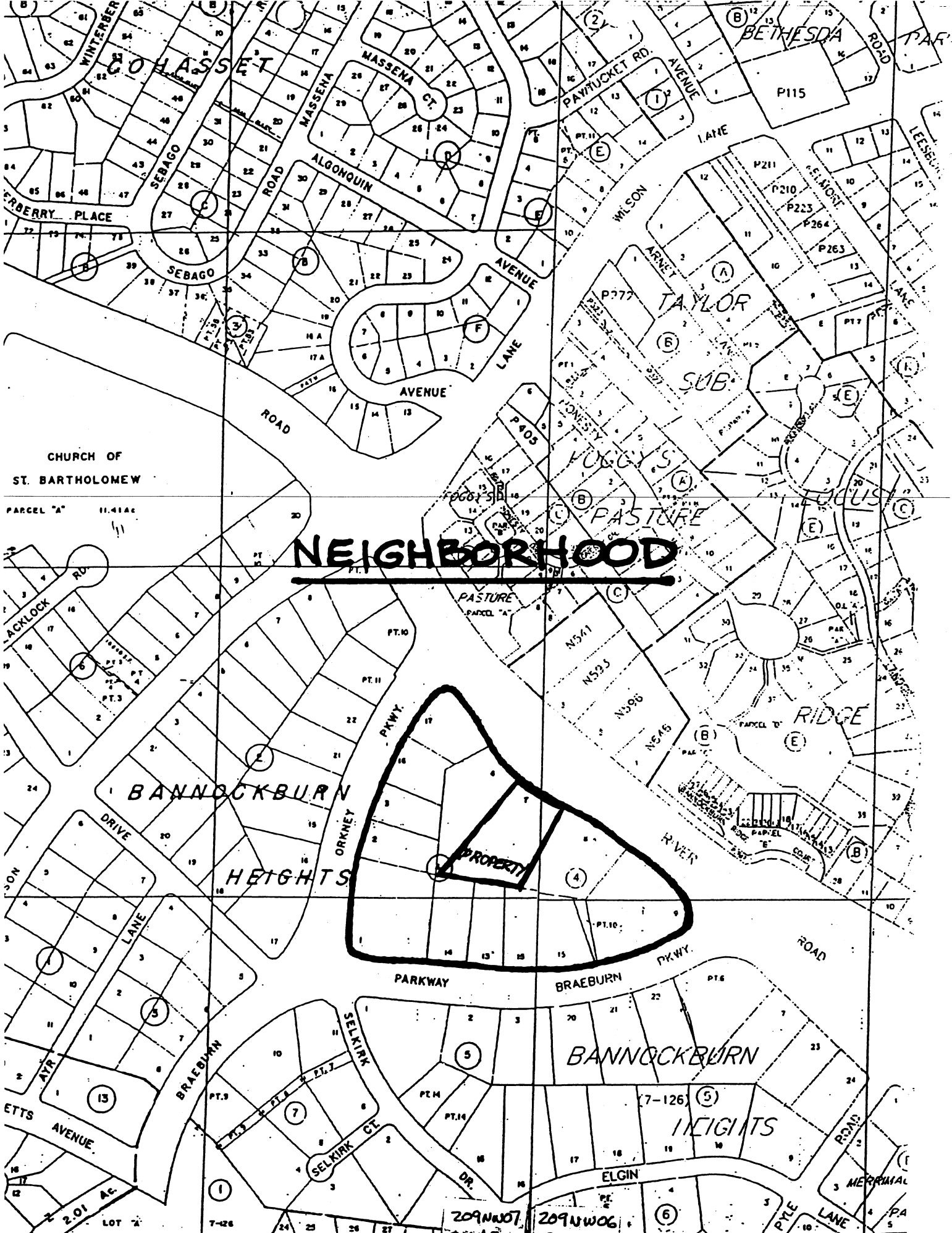
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE INFORMATION SHOWN
HEREON IS CORRECT AS NOTED.

NOV. 05, 2002
John R. Witmer
JOHN R. WITMER
PROFESSIONAL LAND SURVEYOR
MARYLAND NO. 10668

PLAN
SCALE: 1" = 50'

DEVELOPMENT TABULATION

ZONING	REQUIRED	PROVIDED
	R-200 EXISTING	R-200 PROPOSED
TOTAL AREA OF THE PLAN		67,695 S.F.
AREA OF STREET TIED	0 S.F.	0 S.F.
NET AREA OF LOTS		67,695 S.F.
NUMBER OF LOTS		2
LOT AREA	20,000 S.F.	36,130 S.F. / 31,465 S.F.
LOT WIDTH @ B.P.L.	100'	100'

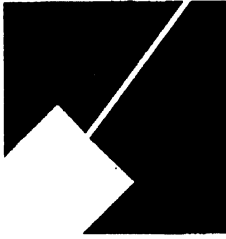


NEIGHBORHOOD

209NW07 GN42
 209NW06 GN62
 GN342 GN567

#2

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.orgMEMORANDUM

DATE: April 16, 2004

TO: Montgomery County Planning Board

VIA: Richard Hawthorne, Acting Chief *mail for Richard Hawthorne*
Development Review Division

FROM: Richard Weaver, Senior Planner (301) 495-4544 *SAW*
Dolores Kinney, Senior Planner (301) 495-1321 *DK*

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Resubdivision of Existing Lot 7, Block 4, Bannockburn Heights

PROJECT NAME: Bannockburn Heights, Lots 18 & 19

CASE #: 1-03051

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

ZONE: R-200

LOCATION: On the west side of River Road (MD 190), approximately 1,000 feet east of Wilson Lane (MD 188)

MASTER PLAN: Bethesda/Chevy Chase

APPLICANT: Al S. Khalatbari

FILING DATE: January 9, 2003

HEARING DATE: April 22, 2004

STAFF RECOMMENDATION: Denial, Pursuant to Section 50-29 (b) (2), Montgomery County Subdivision Regulations.

PROJECT DESCRIPTION: Proposal

The subject application requests the resubdivision of a 1.5 acre site identified as Lot 7, into two (2) single-family residential lots. The proposed lots, Lot 18 and Lot 19 will contain 36,150 square feet and 25,575 square feet respectively. An existing single-family dwelling is proposed for removal. The lots will have direct access to River Road (MD 190), via a service road. The applicant proposes to dedicate approximately 5,970 square feet of frontage to construct a cul-de-sac at the termination of the service road.

VICINITY

The subject property, Lot 7, Block 4, of the Bannockburn Heights subdivision ("Subject Property"), is located on the southwest side of River Road between Orkney Parkway and Braeburn Parkway. The Subject Property was recorded by record plat in 1939, as were the rest of the lots within the same block. The lots surrounding the subject property are developed with single-family dwelling units. The block in which the subject site is located has remained virtually unchanged since its original recordation except for one resubdivision which occurred between Lots 13 and 14 for the purpose of adjusting the property boundaries.

BACKGROUND

On March 13, 2003, Preliminary Plan No. 1-03051, Bannockburn Heights, was considered by the Board. The application proposed the resubdivision of one (1) lot into two (2) with a neighborhood of eleven (11) surrounding properties. The application was denied for non-compliance with the resubdivision criteria. Specifically, the Planning Board found that the proposed lots were not of the same character with respect to frontage and width as other lots within the existing neighborhood. (See attached Planning Board opinion, dated September 18, 2003).

Subsequent to the Board's decision, the applicant submitted a request for reconsideration to allow submission of additional information, which the applicant believes might influence the Board to approve the proposed resubdivision. The additional information concerned the applicant's proposal to construct a cul-de-sac at the frontage of the properties. On October 16, 2003, the Planning Board voted to grant the request for reconsideration and the subject application is now presented for re-review and action by the Board. Attached, is a copy of the applicant's request for reconsideration and supporting documentation and a copy of the Legal Department memorandum concerning the reconsideration request.

DISCUSSION OF ISSUES

Master Plan Compliance

The property is located within the Approved and Adopted Bethesda Chevy Chase Master Plan ("Master Plan"). The Master Plan does not specifically identify this property but does give general guidance and recommendations regarding zoning and land use.

The Master Plan recommends that this area maintain the residential zoning as adopted. The proposed resubdivision conforms with the recommendations adopted in the Master Plan in that it is a request for residential development.

Conformance to Chapter 50-29(b)(2)

A. Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that each of 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. At the March 13, 2003 hearing, the Planning Board agreed with the Staff's proposed neighborhood delineation. The applicant did not offer an alternative neighborhood delineation. In its analysis of the revised proposal, Staff has used the same neighborhood delineation. However, as described below, the applicant now seeks to expand the neighborhood for analysis purposes. Below, Staff describes the respective neighborhoods proposed by Staff and the Applicant; and, attached to this Staff Report are vicinity maps that graphically portray the two proposed neighborhood delineations.

1. Applicant's Neighborhood

The applicant proposes an expanded neighborhood, consisting of a total of thirty-two (32) lots. As shown on the attached vicinity map and tabular summary, applicant's proposed neighborhood includes all lots in blocks 2 and 4. It is Staff's opinion that this expansion of the neighborhood cannot be justified because those lots in Block 2 are not impacted by the proposed resubdivision and are not located on a travel path leading to the Subject Property.

2. Staff's Neighborhood

The neighborhood used by Staff for analysis purposes includes all lots located in Block 4. As stated above, Staff continues to support the previously delineated and approved neighborhood since the Subject Property lies squarely in the center of that Block and the proposed resubdivision would impact most, if not all, of those lots.

C. Cul-de-sac

The applicant has proposed to dedicate approximately 5,970 square feet of frontage of the property for a cul-de-sac. The Department of Public Works and Transportation (DPWT) feels that this dedication will provide a turn-around for service vehicles, therefore a public benefit and accepts the dedication. It is important to note however, that DPWT does not consider the dedication to be necessary for those subdivision approvals.

ANALYSIS

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, Staff applied the above-noted resubdivision criteria to the delineated neighborhood. Staff concludes that the proposed resubdivision does not comply with the width, shape, alignment and size criteria of Section 50-2(b)(2). As set forth below, the attached tabular summary supports this conclusion:

Width: In the neighborhood, which consists of 11 lots, lot widths range from 105 feet to 260 feet. It is the well established practice of the Planning Board to measure the width of a lot at its building line. Based on a measurement at the building line, proposed Lots 18 and 19 both have lot frontages equal to 100 feet.¹ Therefore, both lots would be the narrowest in the neighborhood with respect to width. As such, the high correlation required between the width of each of the proposed lots and the widths of the existing lots does not exist.

Shape: The two proposed lots are irregular in shape due to the curvature of the front lot line. None of the other lots in the neighborhood are located on a cul-de-sac and are either rectangular or trapezoidal in shape. Consequently, the high correlation required between the shape of each of the proposed lots and the shapes of the existing lots does not exist.

Alignment: The side lot lines for proposed lot 19 and one lot line of lot 18 are not perpendicular with the proposed cul-de-sac right-of-way. The remainder of the lots in the neighborhood are aligned perpendicular to their respective rights-of-way. As such, the high correlation required between the alignment of each of the proposed lots and the alignments of the existing lots does not exist.

Size: In Staff's neighborhood, which, again, consists of 11 lots, lot sizes range from a low of 23,727 square feet to a high of 69,208 square feet. As is shown on the attached tabular summary, Proposed Lot 19 has a size of 25,575 square feet, which is a smaller size than all but one of the existing lots. As such, proposed lot 19 has a size that falls at the bottom of the range of lot sizes in the neighborhood.

¹ The Staff Report for the March 13, 2003 hearing erroneously listed proposed lot 18 and 19 as having widths of 105 and 110 feet respectively. Staff has verified that the proposed lots, in fact, have widths of 100 feet.

Consequently, the high correlation required between the size of proposed lot 19 and the size of the existing lots does not exist.

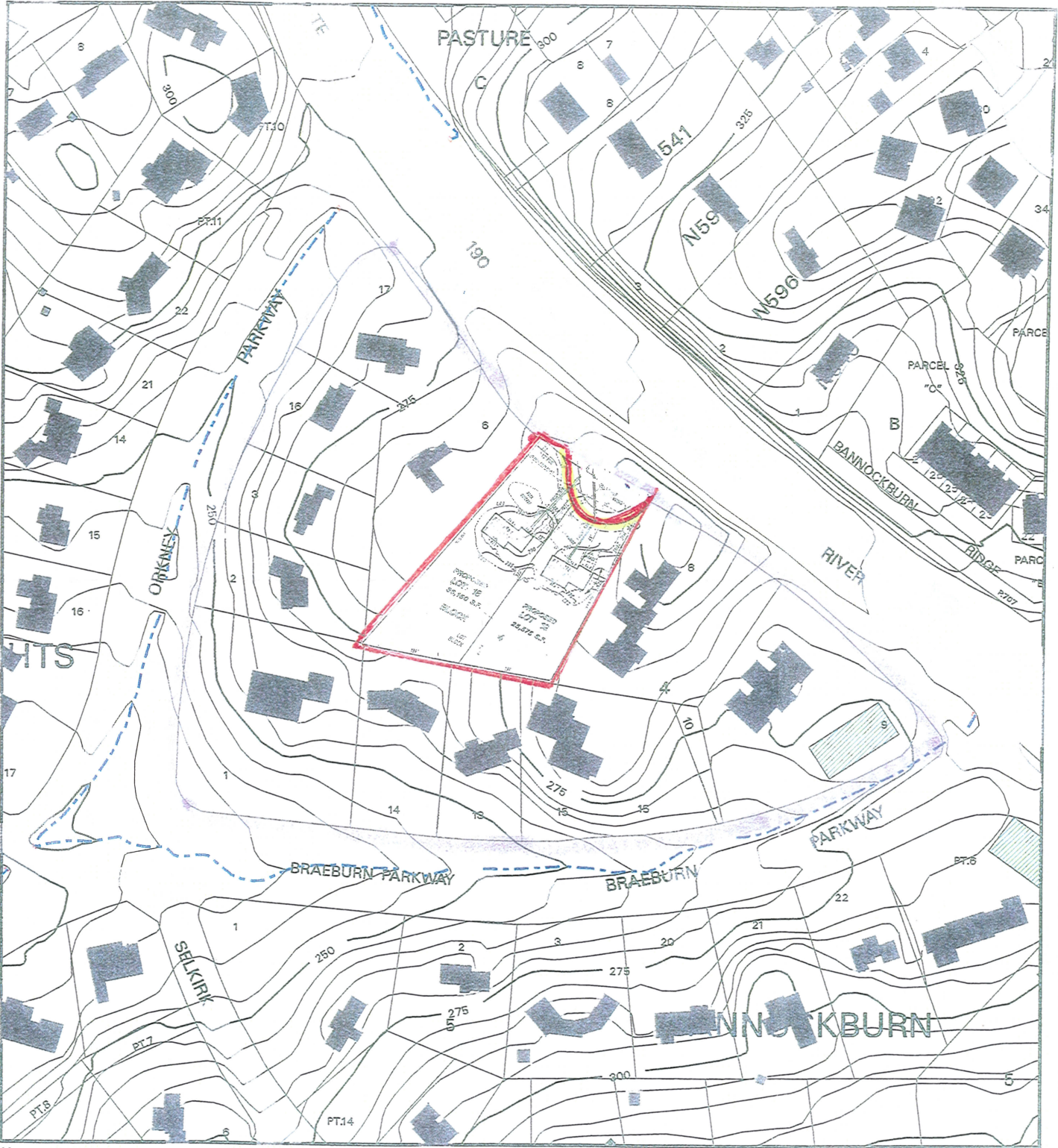
The above analysis demonstrates that the proposed lots do not have a high correlation to existing lots with respect to the lot characteristics of size, width, shape and alignment. As such, the proposed resubdivision does not comply with Section 50-29(b)(2) of the Subdivision Regulations.

CONCLUSION

In applying the resubdivision criteria to the neighborhood, staff finds that the proposed resubdivision does not comply with all seven criteria set forth in Section 50-29(b)(2) as illustrated by the characteristics set forth on the attached tabular summary and graphics. Staff finds that a high correlation does not exist between the size, width, shape, and alignment of the proposed lots and existing lots within the delineated neighborhood. As such, staff recommends denial of the proposed resubdivision application.

Attachments

- Attachment 1 Vicinity Development Map
- Attachment 2 Neighborhood Delineation Maps
- Attachment 3 Proposed Development Plan
- Attachment 4 Tabular Summary
- Attachment 5 Request for reconsideration and supporting documents
- Attachment 6 Planning Board Opinion dated September 18, 2003.
- Attachment 7 Citizen Correspondence



Map compiled on January 28, 2003 at 2:30 PM | Site located on base sheet no - 209NW06

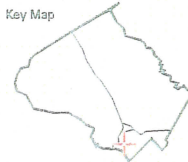
NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map

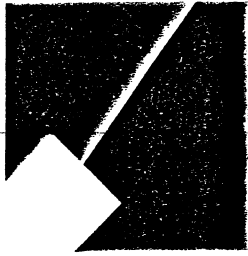


Research & Technology Center



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M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760**Date Mailed: May 25, 2004****Action:** Approved Staff Recommendation
~~Motion~~ of Comm. Wellington, seconded by
Comm. Bryant with a vote of 4-0;
Comms. Berlage, Bryant, Robinson and
Wellington voting in favor with Comms.
Perdue absent**MONTGOMERY COUNTY PLANNING BOARD****OPINION**

Preliminary Plan 1-03051

NAME OF PLAN: BANNOCKBURN HEIGHTS (RESUBDIVISION)

On 01/16/04, AL S. KHALATBARI resubmitted an application for the approval of a preliminary plan of subdivision of property in the R-200 zone. The application proposed to create 2 lots on 1.55 acres of land. The application was designated Preliminary Plan 1-03051. On 04/22/04, Preliminary Plan 1-03051 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

In order to approve the application for resubdivision, the Planning Board must find among other things, that the proposed lot(s) comply with all seven characteristics of the "Resubdivision Criteria" as set forth in Section 50-29 (b)(2) of the Subdivision Regulations:

The Planning Board supports the previously delineated and approved neighborhood, as set forth in the Staff Report dated April 16, 2004, for comparisons purposes in analyzing the Resubdivision Criteria. With respect to the Resubdivision Criteria, the Planning Board finds that, based upon the testimony and evidence in the record, the proposed lots are not of the same character as to size, width, shape and alignment as other lots within the existing neighborhood. Therefore, the Planning Board **denies** this application based on its failure to comply with all seven of the criteria of Section 50-29 (b)(2) of the Subdivision Regulation.

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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MCPB
Item #7
10/20/05



MEMORANDUM

DATE: October 13, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RYC*
Development Review Division

FROM: Catherine Conlon, Subdivision Supervisor (301-495-4542) *CAC*

REVIEW TYPE: Pre- Preliminary Plan Review

APPLYING FOR: Resubdivision of Existing Lot 7, Block 4, Bannockburn Heights

PROJECT NAME: Bannockburn Heights

CASE #: 720060030 (formerly 7-06003)

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

ZONE: R-200

LOCATION: On the west side of River Road (MD 190), approximately 1,000 feet east of Wilson Lane (MD 188)

MASTER PLAN: Bethesda/Chevy Chase

APPLICANT: Al S. Khalatbari

FILING DATE: July 18, 2005

HEARING DATE: October 20, 2005

STAFF RECOMMENDATION: Objection to the submittal of a preliminary plan.

SITE DESCRIPTION

The subject property is a 1.5 acre existing lot located on the southwest side of River Road between Orkney Parkway and Braeburn Parkway (Attachment A). The lot is identified as Lot 7, Block 4 and was recorded by record plat in 1939, as were the rest of the lots within the same block. The lots surrounding the subject property are developed with one-family dwelling units. The block in which the subject site is located has remained virtually unchanged since its original recordation except for one resubdivision, which occurred between Lots 13 and 14 for the purpose of adjusting the property boundaries. The subject property contains an existing one-family detached dwelling unit which was recently constructed after the removal of the original house that was located on the property.

PROPOSED DEVELOPMENT

The subject application requests the resubdivision of the subject property into two (2) one-family residential lots. The proposed lots would contain approximately 32,000 square feet and 25,750 square feet, respectively (Attachment B). The lots would have direct access to River Road (MD 190), via a service road. A portion of the subject property would be dedicated to the State Highway Administration (SHA) for construction of a cul-de-sac or T-turnaround by the applicant.

BACKGROUND - PREVIOUS PLANNING BOARD REVIEW

The subject property has been reviewed by the Planning Board for resubdivision on two previous occasions. The original application, which was designated Preliminary Plan No. 1-03051, Bannockburn Heights was reviewed on March 13, 2003. The Staff memorandum prepared for the hearing is attached (Attachment C). Staff found that a high correlation did not exist between the frontage and widths of the proposed lots and existing lots within the delineated neighborhood. Per Opinion dated September 18, 2003 (Attachment D), the Planning Board found that the proposed lots were not of the same character as to size, width, shape and alignment as other lots within the existing neighborhood, and denied the application.

Subsequent to that action the applicant requested reconsideration of the preliminary plan to allow submission of additional information. The Planning Board granted the reconsideration and a second hearing was held on the plan on April 22, 2004. The second Staff memorandum is also attached (Attachment E). In the revised proposal, the applicant proposed dedication of a portion of the property to construct a cul-de-sac for service vehicle turnaround along the frontage of the property. In addition, the applicant proposed a larger neighborhood for comparison of the proposed lots. Staff recommended against expansion of the previously delineated neighborhood and found that a high correlation did not exist between the lots in this neighborhood and the proposed lots with respect to the size, width, shape and alignment criterion. Per Opinion dated May 25, 2004 (Attachment F), the Planning Board supported the previously delineated

neighborhood and again found that the proposed lots were not of the same character as to size, width, shape and alignment as other lots within the existing neighborhood, and denied the application.

DISCUSSION OF CURRENT PROPOSAL

The subject Pre-Preliminary Plan application requests the Planning Board's advice on the feasibility of a third proposal for resubdivision of the subject property. The resubdivision creates two lots for two one-family detached dwelling units. A recently constructed existing dwelling which replaced a previous dwelling on the property will remain. In the current proposal, the applicant continues to propose right-of-way dedication along the frontage of the property, but in a different configuration. In a letter dated June 10, 2005 (Attachment G), SHA states that they agree with the Department of Public Works and Transportation's (DPWT) previous acceptance of a dedication area because it would provide a turnaround for service vehicles that would be a public benefit¹. However, Staff notes that like DPWT, SHA does not consider the dedication to be necessary for the subdivision.

ANALYSIS

Conformance to Chapter 50-29(b)(2)

A. Statutory Review Criteria

In order to approve an application for Resubdivision, the Planning Board must find the proposed lot(s) have a high correlation to lots within a designated neighborhood with regard to the seven "Resubdivision Criteria" as 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. In the previous two reviews of this property, Staff and the Planning Board supported a neighborhood consisting of the 11 lots located in the same block (Block 4) as the subject property (Attachment H). The applicant proposes an expanded neighborhood consisting of an additional 20 lots located in the block (Block 2) on the other side of Orkney Parkway (Attachment I).

¹ See page 4 of the April 16, 2004 Staff memorandum in attachment C.

The applicant's neighborhood consists of the 31 lots included in Blocks 2 and 4. Staff continues to believe that this neighborhood expansion is not justified. The subject property lies squarely in the center of Block 4 and the adjacent lots in the block would be the most impacted by the proposed resubdivision. The lots in Block 2 are not impacted by the proposed resubdivision and are not located on the most likely travel path leading to the subject property. The applicant believes Block 2 is on a travel path to the subject property from Wilson Lane via Selkirk Drive and should be included.

C. Comparison of the Character of Proposed Lots to Existing

In performing the analysis, Staff applied the above-noted resubdivision criteria to the Staff delineated neighborhood (Attachment H). Staff concludes that the proposed resubdivision does not comply with the width and shape criteria of Section 50-2(b)(2). As set forth below, the attached tabular summary (Attachment J) supports this conclusion.

Street Frontage: Lot frontage in the delineated neighborhood ranges from 116 feet to 275 feet. The lot configuration created by the right-of-way dedication proposed as part of the current proposal results in lot frontages of 125 feet. This "created" frontage falls within the range of existing lots in the neighborhood. **The proposed lots would be of the same character as existing lots in the neighborhood with regard to street frontage.**

Width: Lot widths in the delineated neighborhood measured at the forty-foot front building restriction line range from 105 feet to 260 feet. Information provided on the applicant's tabular summary indicates lot widths of 110 feet for both proposed lots, however, direct measurement from the scaled drawing does not support this width. Based on measurement at the forty-foot front building line from the most restrictive point of the dedicated right-of-way between the two proposed lots, proposed Lot 18 has a lot frontage of 104 feet and Lot 19 has a lot frontage of 100 feet. Measured at the building location shown on the applicant's proposal, proposed Lot 18 has frontage of 107 feet and proposed Lot 19 has frontage of 105 feet.

Staff believes width at the forty-foot front building restriction line should be used for comparison to the existing lots and finds that the proposed lots would be the narrowest in the designated neighborhood. Even if the measurement at the proposed building location is used, proposed Lot 19 would have the narrowest width in the neighborhood. **Therefore, staff does not find that the proposed lots are in character with existing lots in the delineated neighborhood with respect to width.**

Shape: If this application were approved as proposed, both lots would become irregular in shape due to the configuration of the front lot line. The other lots in the neighborhood are generally straight and parallel to the road edge. **Staff does**

not believe the proposed lots are of the same character as existing lots in the delineated neighborhood with respect to shape.

Alignment: All existing lots within the delineated neighborhood are perpendicular in alignment. The proposed triangular shaped right-of-way dedication area creates a center lot line which is not perpendicular from the new right-of-way line, but the overall alignment of the two proposed lots is still closer to perpendicular than angled. **The proposed lots are of the same character with respect to alignment as other lots in the neighborhood.**

Size: The neighborhood lots range in size from 23,727 square feet to 69,208 square feet. The proposed lots are 25,750 square feet and 32,000 square feet in size, respectively. **The proposed lots fall within the size range of existing lots in the neighborhood and would be of the same character with respect to size.**

Area: Buildable area of the existing lots within the delineated neighborhood ranges from 11,700 square feet to 39,400 square feet. Proposed Lot 18 would have 14,500 square feet of buildable area and Proposed Lot 19 would have 20,700 square feet. **The proposed lots would be of the same character as existing lots with regard to lot area.**

Suitability for residential use: The proposed lots are suitable for residential use.

The above analysis demonstrates that the proposed resubdivision does not have a high correlation in character as it pertains to lot width and lot shape. As such, staff believes the proposed resubdivision does not meet the provisions of Section 50-29(b)(2) of the Subdivision Regulations.

Master Plan Compliance

The property is located within the Approved and Adopted Bethesda-Chevy Chase Master Plan. The master plan does not specifically identify this property but does give general guidance and recommendations regarding zoning and land use. The master plan recommends that this area maintain the residential zoning as adopted. The proposed resubdivision complies with the recommendations adopted in the master plan.

CONCLUSION

In applying the resubdivision criteria to the neighborhood, staff finds that the proposed resubdivision does not comply with all seven criteria set forth in Section 50-29(b)(2). Staff finds that a high correlation does not exist between the width and shape of the proposed lots and existing lots within the delineated neighborhood. As such, staff does not recommend the submission of a preliminary plan for the proposed resubdivision.

Attachments

Attachment A – Vicinity Map

Attachment B – Proposed Development Plan

Attachment C – February 14, 2003 Staff Memo

Attachment D – September 18, 2003 Board Opinion

Attachment E – April 16, 2004 Staff Memo

Attachment F – May 25, 2004 Board Opinion

Attachment G – June 10, 2005 SHA Letter

Attachment H – Staff Neighborhood Delineation

Attachment I – Applicant's Neighborhood Delineation

Attachment J – Tabular Summary

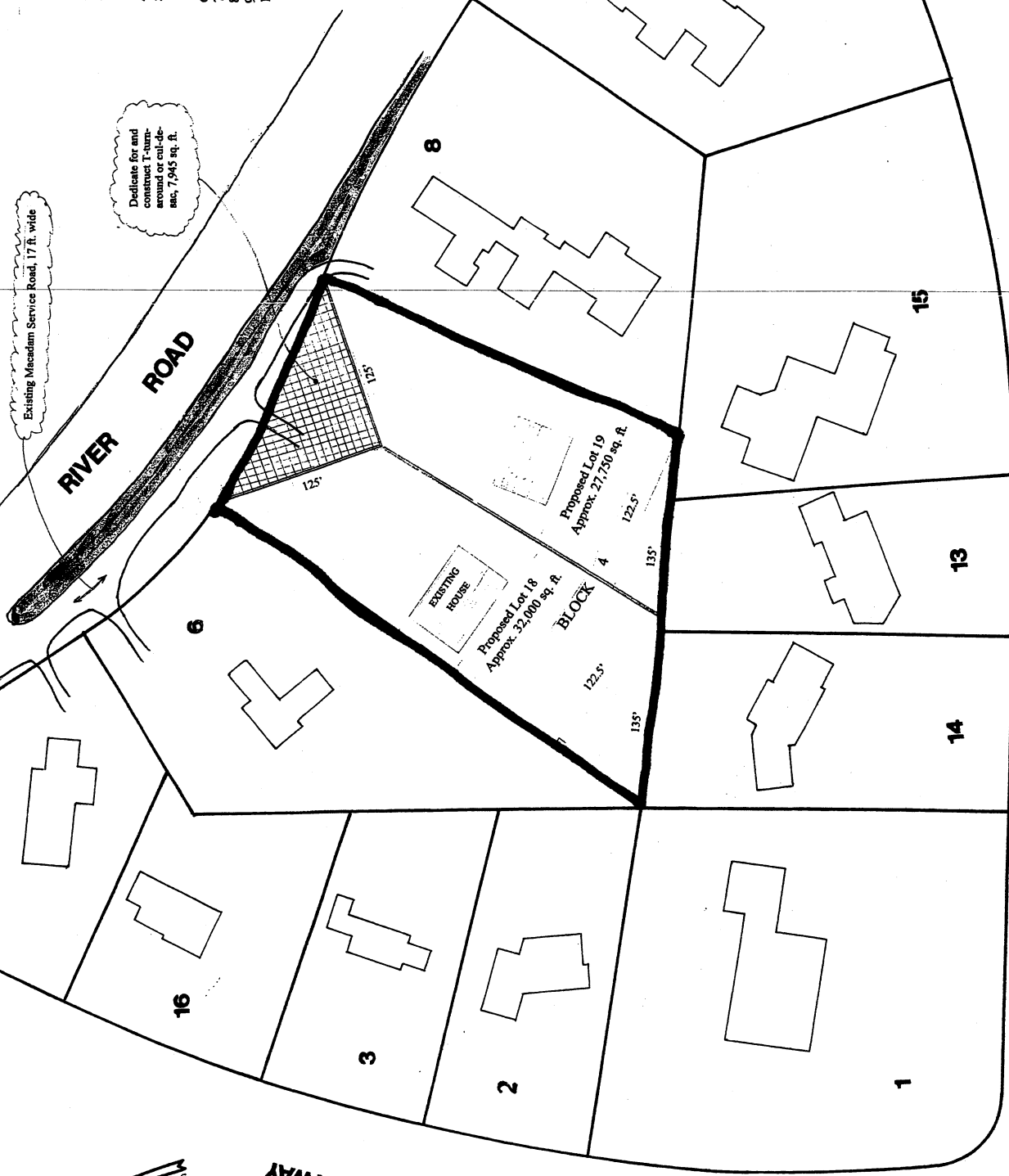
BANNOCKBURN HEIGHTS

NOTES

1. Project title = Bannockburn Heights
2. Street address: 6620 River Road
3. Lot 7 is included on a recorded plat as remainder of Block 4, in Plat Book 16, Plat 1045, proposed as Lots 18 and 19
4. Existing zoning = R-200; 20,000 sq. ft. min. bldg. setbacks: Front = 40 ft. or established bldg. line; Rear = 30 ft., Side = 25 ft. total (min. one side = 12 ft.)
5. Total area included in the plan = 67,695 sq. ft.
6. Number of lots included in the plan = 2
7. Planning area 35; Bethesda-Chevy Chase
8. Sewer/Water Category = S-1 and W-1
10. All utilities are at the site

Existing Macadam Service Road, 17 ft. wide

Dedicate for and construct T-turn-around or cul-de-sac, 7,945 sq. ft.

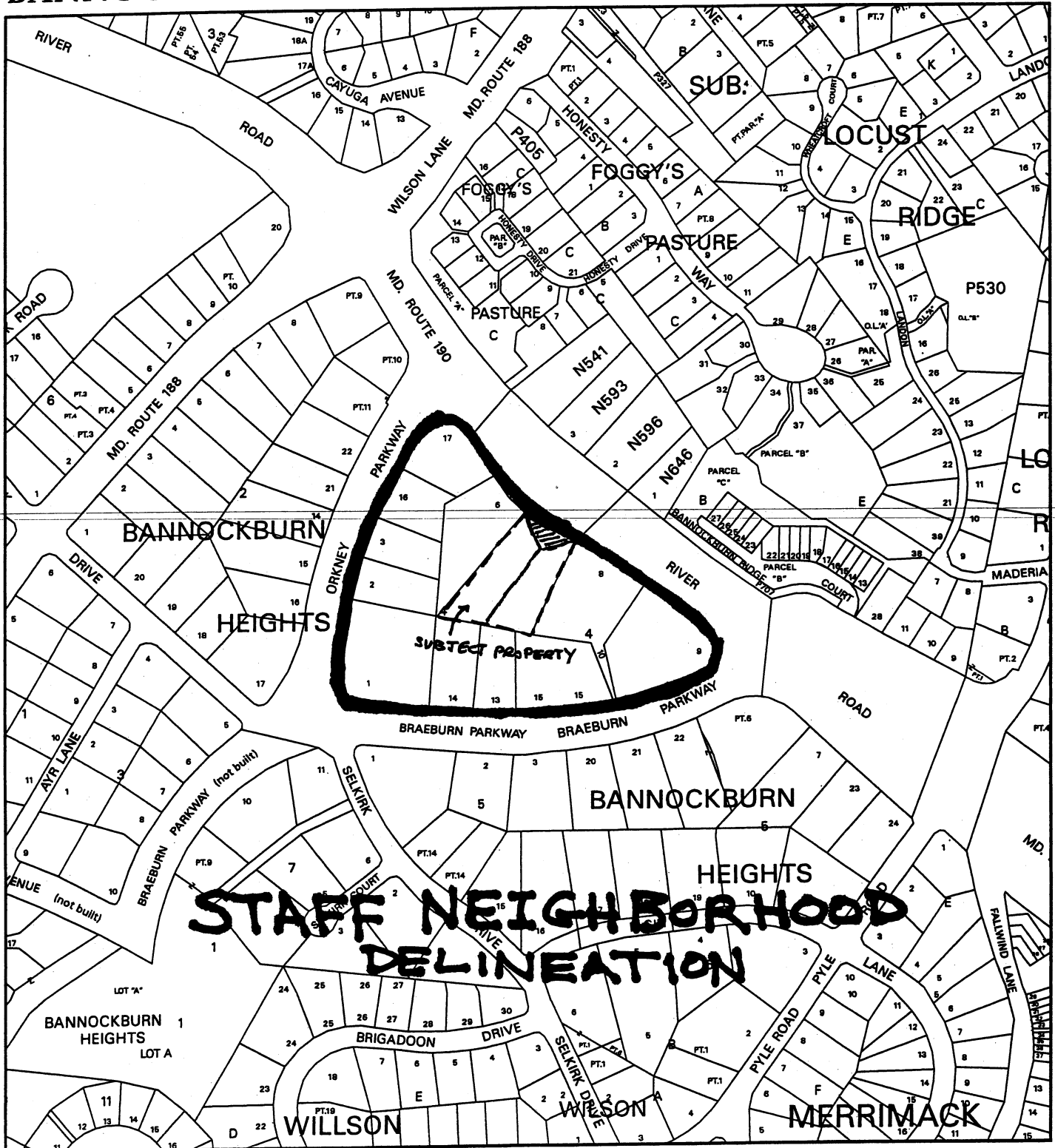


PARKWAY

BRAFIRN

ORKNEY

BANNOCKBURN HEIGHTS (120030510 FORMERLY 1-03051)



Map compiled on October 14, 2005 at 11:20 AM | Site located on base sheet no - 209NW06

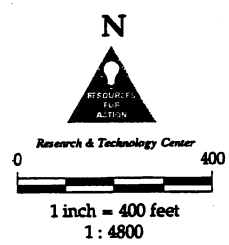
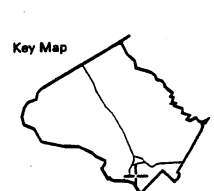
NOTICE

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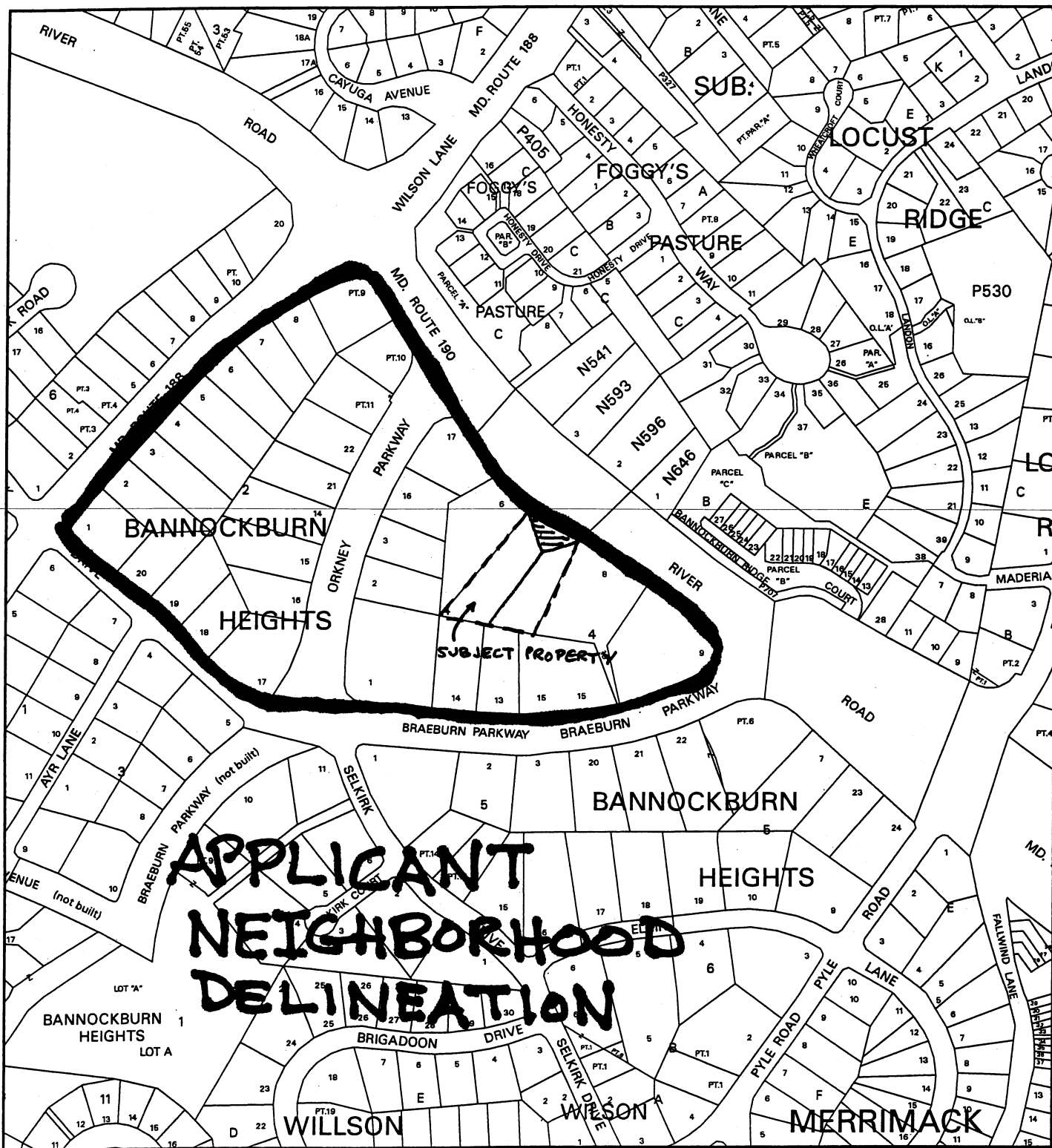
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 8787 Georgia Avenue - Silver Spring, Maryland 20910-3760



BANNOCKBURN HEIGHTS (120030510 FORMERLY 1-03051)



Map compiled on October 14, 2005 at 11:20 AM | Site located on base sheet no - 209NW06

NOTICE

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Key Map



Research & Technology Center



1 inch = 400 feet
1 : 4800

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

M-NCPPC



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

MEMORANDUM

TO: Cathy Conlon, Development Review
Erin Grayson, Development

FROM: Mark Pfefferle, Environmental Planning

MP

DATE: May 10, 2007

SUBJECT: Preliminary Plan 120070390
Bannockburn Heights

The Environmental Planning staff has reviewed the preliminary plan referenced above. Staff recommends approval of the preliminary plan of subdivision and the preliminary forest conservation plan with the following conditions:

1. The applicant must count all onsite existing forest as cleared and meet the forest conservation requirements generated for the property off site.
2. Applicant to incorporate a tree protection plan into the final forest conservation that shows and describes the methods that will be used to protect onsite trees.
3. Applicant must comply with the conditions of approval of the preliminary forest conservation plan.

Background

The 1.55-acre property is located along River Road approximately 100 feet east of Wilson Lane in Bethesda. There are 0.63-acres of existing forest on the subject property. There no streams, stream buffers, wetlands, steep slopes, and highly erodible soils onsite. The property currently has one single-family residence on the property. The preliminary plan proposes to re-subdivide lot 7 into 2 lots.

Environmental Guidelines

There are no environmentally sensitive areas or buffers on the subject site.

Forest Conservation

The applicant previously submitted a request to be exempt from submitting a Forest Conservation Plan in September 2003 for an existing single-family lot. There is a Declaration of Intent on file, signed by the applicant, dated September 23, 2003 affirming the exemption from submitting a forest

conservation plan. In the Declaration of Intent the applicant, guarantees that the property will conform to the approved plan for five years upon approval of the exemption. Under this exemption the applicant demolished the existing house, constructed a new one, and removed 0.21-acres of forest.

Since the completion of the new house the applicant submitted new natural resource inventory/forest stand delineation. NRI/FSD 420070520 was approved on November 3, 2006. This NRI/FSD indicates 0.61-acres of existing forest and 0.21 acres of forest previously removed under the exemption. Since the DOI is still valid, the total amount of forest identified on the approved NRI/FSD is 0.82-acres. This is also the same amount of forest used in the preliminary forest conservation plan.

The applicant submitted a preliminary forest conservation plan with the preliminary plan of subdivision. The applicant proposes to retain 0.59-acres of forest onsite, but shows the footprint of a new house 17 feet and the existing house 30 feet from the proposed conservation easement. Environment Planning disagrees with the on lot conservation easements. Not only is the edge of the conservation easement too close to the proposed house location creating an unusable rear yard for future homeowners, but the proximity of the retained forest to the house site will also negatively impact the retained forest. The proposed conservation easement is not within a high priority area (environmental buffer), is not adjacent to protected forest, and the forest is not of high quality.

The NRI/FSD indicates 25 trees 24 inches and greater on the subject site. The existing forest is an even-aged stand, influenced by humans, and contains many invasives. Seventeen of the 25 trees 24 inches and greater on the subject site are in fair to poor condition and the remaining 8 are in good condition. One tree in good condition is proposed for removal as part of the development. Two trees in good condition will have more than 1/3 of their critical root zone impacted. Both of these trees are yellow poplars or tulip trees that are highly susceptible to construction impacts.

Environmental Planning recommends that the Planning Board condition the preliminary forest conservation plan by requiring the applicant to count all onsite forest as cleared and meet all planting requirements offsite. Only then will the resubdivision provide sufficient space for future homeowners to have a usable back yard space. If the Planning Board agrees to this condition, the applicant will have a 0.80-acre forest-planting requirement that must be met off-site in a forest conservation bank or with an in-lieu fee payment.

Noise

At the request of Environmental Planning, a noise analysis was prepared for the preliminary plan of subdivision. The noise analysis indicates an existing noise level of 60.2 dBA Ldn and a 2025 projected noise level of 60.4 dBA Ldn for the front of the proposed house locations. Both levels are below the 65 dBA Ldn noise level criterion for exterior noise mitigation. Standard construction practices will reduce the interior noise levels to below the 45 dBA Ldn interior noise level. Therefore, no additional noise mitigation measures are required.

If there are no on lot conservation easements it provides the potential to locate the proposed house deeper into the lot and away from River Road and lessen the noise impact in the front of the house.

The proposed house site is at the front building restriction line. By eliminating the conservation easement, the proposed house can be sited deeper into the lot

RECOMMENDATION

Environmental Planning recommends approval of the preliminary plan of subdivision with the conditions stated above.



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

August 3, 2006

Mr. Dick Witmer
Witmer Associates, LLC
98-A Church Street
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request
for Bannockburn Heights
Preliminary Plan #: 1-20030510
SM File #: 207151
Tract Size/Zone: 1.55 Acres/R-200
Total Concept Area: 1.55 acres
Lots/Block: Proposed 18 & 19/4
Parcel(s): NA
Watershed: Potomac River

Dear Mr. Witmer:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and onsite recharge via drywells. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. A cross section of the swale along the proposed road improvements must be provided with the detailed plans.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.



This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact William Campbell at 240-777-6345.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm

cc: C. Conlon
S. Federline
SM File # 207151

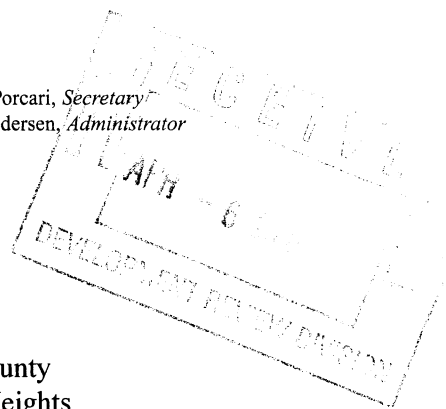
QN -less than 2cfs; Acres: 1.55
QL - onsite; Acres: 1.55
Recharge is provided



Martin O'Malley, Governor |
Anthony G. Brown, Lt. Governor |

John D. Porcari, Secretary |
Neil J. Pedersen, Administrator |

Maryland Department of Transportation



April 2, 2007

Ms. Catherine Conlon
Supervisor, Development Review
Subdivision Division
Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Montgomery County
Brannockburn Heights
File # 1-200700390
MD 190

Dear Ms. Conlon:

The State Highway Administration (SHA) appreciates the opportunity to review the revised preliminary subdivision plan submitted by Witmer Associates, LLC for the two (2) lot residential subdivision. We offer the following comments:

- SHA finds the proposed cul-de-sac design for the Service Road terminus acceptable.
- All work within the state road rights-of-way will be the responsibility of the developer.
- Although the Service Road is within MD 190 rights-of-way, all work shall be permitted and bonded with Montgomery County's Department of Public Works & Transportation because the Service Road is maintained by Montgomery County.

If you have any questions, please contact Mr. Raymond Burns at 410-545-5592, or by using our toll free number in Maryland only, 1-800-876-4742 (x-5592).

Very truly yours,

SDF

Steven D. Foster, Chief
Engineering Access Permits Division

SDF/rbb

cc: Witmer Associates, LLC / 98-A Church Street, Rockville, Maryland 20850
Mr. Richard Weaver / M-NCPPC
Mr. Shahriar Etemadi / M-NCPPC
Mr. Sam Farhadi / MCDPWT
Mr. Jeff Wentz *sent via e-mail*
Ms. Kate Mazzara *sent via e-mail*
Mr. Augustine Rebish *sent via e-mail*

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com



FIRE MARSHAL COMMENTS

DATE: 1-2-07
TO: PLANNING BOARD, MONTGOMERY COUNTY
FROM: TYLER MOSMAN
RE: BANNOCKBURN HEIGHTS 1-20070390

PLAN APPROVED.

1. A turn-around is required for fire department access whenever there is a deadend street longer than 150' serving more than one house.
2. Review based only upon information contained on the plan submitted **11-20-06**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
3. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services

03/07/07 WED 08:14 FAX 2407772080

TRAFFIC ENGR

002



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

March 6, 2007

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20070390
Bannockburn Heights

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 02/16/07. This plan was reviewed by the Development Review Committee at its meeting on 01/02/07. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show/label all existing planimetric and topographic details specifically paving, driveways adjacent and opposite the site as well as existing rights of way on both sides and easements on the preliminary plan.
2. Right of way dedication for River Road in accordance with the Master Plan and as necessary for the River Road Service Road cul-de-sac.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. We did not receive a complete conceptual road profiles for the new public streets. As a result, we are unable to offer any comments at this point.
5. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to obtain the approval of grade establishments for new public streets from DPS.
6. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided on both sides of the proposed public streets according to associated DPWT standard street section unless the applicant is able to obtain a waiver from the appropriate government agency.

Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240-777-6000 • 240-777-6013 TTY • 240-777-6030 FAX
www.montgomerycountymd.gov

Ms. Catherine Conlon
Preliminary Plan No. 1-20070390
Date March 6, 2007
Page 2

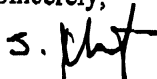
7. A Public Improvements Easement may be necessary along River Road Service Road cul-de-sac, in order to accommodate the required sidewalk construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this sidewalk construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.
8. Perform the necessary adjustments so driveway aprons do not cross the property lines.
9. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
10. In accordance with Section 50-35(n) of the Montgomery County Code, we recommend the Montgomery County Planning Board require the applicant to construct an off-site sidewalk to connect the service road to Braeburn Pkwy and River Road.
11. Access and improvements along River Road (MD 190) as required by the Maryland State Highway Administration.
12. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
13. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
14. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
15. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
16. Public Improvements Agreement (PIA) will be an acceptable method of ensuring construction of the required public improvements within the County right of way. The PIA details will be determined at the record plat stage. The PIA will include, but not necessarily be limited to, the following improvements:
 - A. Construct a cul-de-sac at the end of River Road Service Road as per tertiary residential roadway standards.
 - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

Ms. Catherine Conlon
Preliminary Plan No. 1-20070390
Date March 6, 2007
Page 3

- C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- D. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E., Senior Planning Specialist
Development Review Group
Traffic Engineering and Operations Section
Division of Operations

m:\subdivision\farhas01\preliminary plans\ 1-20070390, Bannockburn Heights.doc

Enclosures (1)

cc: Allen Khalatbari
John Witmer, Witmer Associates
Steve Orens
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Henry Emery; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Preliminary Plan Folder
Preliminary Plans Note Book

MONTGOMERY COUNTY
SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: BANNOCKBORN HEIGHTS

Preliminary Plan #: 1-20070390

Street Name: RIVER ROAD SERVICE DRIVE

Master Plan Classification: SECONDARY
Service Road

Posted Speed Limit: NONE (25 M.P.H.)

Street/Drwy. 1 (LOT 19)

Street/Drwy. 2 (_____)

Sight Distance (feet)		OK?
Right	<u> </u>	<u>X</u>
Left	<u>225</u>	<u>✓</u>

Sight Distance (feet)		OK?
Right	<u> </u>	<u> </u>
Left	<u> </u>	<u> </u>

Comments: _____

Comments: _____

* DRIVEWAY LOCATED AT THE
END OF CUL-DE-SAC NO
RIGHT SIGHT DISTANCE

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance In Each Direction#
Tertiary - 25	150
Secondary - 30	<u>200</u>
Business - 30	200
Primary - 35	250
Arterial - 40	325
(45)	400
Major - 50	475
(55)	550

Source AASHTO

Sight distance is measured from an eye height of 3.5 feet at a point on the centerline of the driveway (or side street), 6 feet back from the face of curb or edge of traveled way of the intersecting roadway, to the furthest point along the centerline of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing.)

ENGINEER/SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

[Signature]
Signature

3/12/2006
Date

SEAL

Accepted By: GF

Date: 3/6/07

10668
PLS/P.E. MD. Registration No.

May 21, 2007

RECEIVED
0601
MAY 23 2007

Mr. Royce Hanson, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Md. 20918-3768
Attention Development Review Division

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Re Resubdivision of Bannockburn Heights Lot 7, Block 4, Subdivision File Number
1-20070390

Dear Mr. Royce,

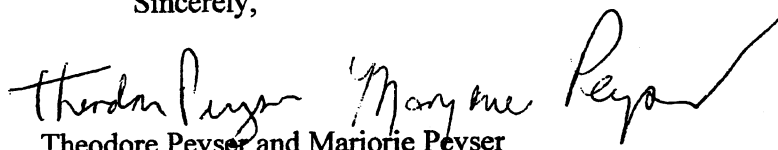
We have received a copy of the Preliminary Subdivision Plan dated July, 2006, with revisions through 3/30/07. We urge the Board to reject this plan for the following reasons:

1. The lot width of proposed lot 19 is too small. The October 13, 2005, memo from Subdivision Supervisor Catherine Conlon regarding the last plan submitted for lot 7 concluded that, at the 40 foot building line, proposed lot 19 had a lot frontage of 100 feet. The current plan seems to have the same width, which the staff previously concluded would be the narrowest width in the neighborhood, making the lot not in character with existing lots in the neighborhood. There is also some question about the location of the dividing line between proposed lots 18 and 19 because the proposed plan does not show the precise footage from the existing house on proposed lot 18 and the dividing line. The staff should determine whether the dividing line is sufficiently far away from the existing house.
2. The street frontage of proposed lot 19 is too small, about 70 feet on the existing service road. The October 13, 2005, memo states the neighborhood range is from 116 to 275 feet. The proposed cul de sac does not alter the true very small street frontage of proposed lot 19.
3. The shape of proposed lot 19 is much like a slice of a pie, very narrow at the service road and much wider at the rear. It is unlike any lot in the neighborhood.
4. The size of proposed lot 19 is too small. The current plan puts the size at 29,178 square feet and lot 18 at 33,662, a total of 62,840, as compared with the two lots of 57,750 considered in the October 13, 2005, memo. The discrepancy of some 5,000 square feet should be addressed by the staff. All of the numbers on the current plan are "Computed, subject to full boundary survey." In other words, they are only rough estimates, at best.
5. The plan would greatly aggravate the existing drainage problem, by paving over more land for a second house and an unnecessary cul de sac. Water from existing lot 7 drains back across lots 14 and 1. The drainage has flooded the basement of the

house on lot 1. The proposed subdivision and resulting construction will result in more flooding and erosion.

Thank you very much for your consideration.

Sincerely,


Theodore Peyser and Marjorie Peyser
Owners of lot 14

6619 Braeburn Parkway
Bethesda, Md. 20817

Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910
3760 Subdivision Office, Development Review Division

May 22, 2007

CERTIFIED MAIL 7006 0100 0005 2675 8722- Signed Receipt Requested

We are in receipt of a May 15, 2007, letter from Witmer Associates, LLC received May 21, 2007. This letter referenced MNCP & PC No. 1-20070390, a subdivision plan was enclosed. The request is for a cul-de-sac that will service one house to be built, if approved by the Montgomery County Planning Board..

There are four single family houses that use this access road, a road that we have been using comfortably since 1972. The Witmer plans for this cul-de-sac extend to the Limit of Disturbance (LOD) which ends at a steep decline to River Road (a state highway). Who bears the cost of shoring up the proposed embankment at the LOD line where electric, telephone, and cable lines exist, the county or the state?

The existing water line would have to be moved, who absorbs the cost? Who would be responsible for year around maintenance and drainage issues of the cul-de-sac? A cul-de-sac would encourage Whitman HS students to use the access road.

We, the county and/or state would lose approximately ten to twelve existing trees.

We have underground wires and cable for electric, gas, and telephone that would be disturbed.

Allen Khalatbari, the person requesting this hearing, knew with full knowledge, when he purchased the property without his requested contingencies it was a single family home lot. Developer Paul Rhodes purchased the property to develop, he could not. The property was then sold to Dr. Adele West who also could not develop the property. She sold to the Khalatbari's without contingencies. He tore down the existing house and built a new house, according to our information he did not follow the filed, approved plans. His overpayment for the land, now a cul-de-sac can cause taxes to increase.

We do not want a cul-de-sac. Enclosed is an August 24, 2005, letter to the Montgomery County Dept of Park and Planning that was also faxed October 19, 2005 to Cathy Conlon We have other information and dated photographs in our files if needed.

C.M. Aubinoe



Xc: Peysner, Lurie, Jodrey, Tepper

Montgomery County Dept. of Park and Planning
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

August 24, 2005

Re: Bannockburn Heights Plan number 7-06003

Allen Khalathari, my neighbor sent a notice that he applied to re subdivide 6620 River Road. The existing house he erected was not built according to the Preliminary Plan 1-03051. What are his new boundaries?

He has sketched a proposed T-turnaround/cul-de-sac that abuts our property line and the service road. We do not want a cul-de-sac. We have owned this property since 1972 and have not had a need to further facilitate access for service and emergency vehicles. The existing service road acts as a deterrent to undesirable intruders and has never been a problem for family members and guests.

Please send me any diagrams prepared and submitted by a surveyor that A. Khalatbari is using.

Will you direct me to any information, such as maintenance, tax ramifications, moving of fire hydrants, gas and water lines, our underground electric and telephone lines, and property perimeters needed to establish a turn around cul-de-sac that can be found on your web-site or else where. The access road services four houses.

Cordially,



Carole M. Aubinoe

PO Box 721
Glen Echo, MD 20812

*filed 10/19/05
Cathy Conlon*

May 29, 2007

RECEIVED
June
~~MAY~~ 31 2007

Mr. Royce Hanson
Chairman, Montgomery County Planning Board
8787 Georgia Ave.
Silver Spring, MD 20918-3768
Attention: 3760 Subdivision Office, Development Review Division

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

2007-0634

Re: Resubdivision of Bannockburn Heights Lot 7, Block 4, Subdivision File No: 1-20070390

Dear Mr. Royce:

I am writing in opposition to a subdivision application that has been filed for the above referenced lot in Bannockburn Heights. Our property on Braeburn Parkway adjoins the rear of the subject property.


I am opposed to the subdivision application. The proposed subdivision is not consistent with the existing land use of the neighboring properties. The proposed subdivision would result in two smaller lots that are not of the same character as surrounding properties.

Additionally, the proposed subdivision would have adverse environmental impacts. Aside from the loss of tree canopy and resulting negative impacts on wildlife (I have observed owls and foxes using the subject property), the rebuilding that has occurred to date on this lot by the current owner (tore down old house and rebuilt much larger new house) has greatly exacerbated the existing drainage such that our house was flooded twice in the last 3 years. As a result, I have installed French drains around the rear exterior of my house to accommodate the additional water flow that now occurs and we have had some erosion in our front yard from this excess drainage.

If an additional house is built as shown in the subdivision application, I believe that the drainage situation would be further worsened to our detriment and expense.

I urge the staff and the Planning Board to reject this application once again.

Sincerely,


Don Jodrey
6625 Braeburn Parkway
Bethesda, MD 20817
DonJodrey@aol.com