

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

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**MCPB**  
**Item #6**  
**10/27/05**



**MEMORANDUM**

**DATE:** October 21, 2005

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief  
Cathy Conlon, Supervisor *CAC*  
Development Review Division

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

**REVIEW TYPE:** Preliminary Plan Review (Resubdivision)  
**APPLYING FOR:** Two (2) one-family detached dwelling units

**PROJECT NAME:** Cabin John Park  
**CASE #:** 120051030 (1-03103)  
**REVIEW BASIS:** Chapter 50, Sec. 50-29 (b) (2), Montgomery County Subdivision Regulations

**ZONE:** R-90  
**LOCATION:** On the west side of 78<sup>th</sup> street, approximately 315 feet south of Tomlinson Avenue

**MASTER PLAN:** Bethesda-Chevy Chase  
**APPLICANT:** Potomac Land Associates  
**ENGINEER:** Landmark Engineering  
**ATTORNEY:** Linowes and Blocher

**FILING DATE:** June 1, 2005  
**HEARING DATE:** October 20, 2005

**STAFF RECOMMENDATION:** Approval, pursuant to Section 50-29 (b) (2) (Resubdivision), and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two (2) one-family detached dwelling units.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan (Tree Save Plan). The applicant must satisfy all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permits.
- 3) Compliance with the conditions of approval of the MCDPS stormwater management approval dated June 29, 2005.
- 4) Compliance with the conditions of approval of the MCDPWT memorandum dated October 2, 2005, unless otherwise amended.
- 5) At the time of building permit application an engineered sediment control plan prepared in accordance with this approved Preliminary Plan will be submitted to the Department of Permitting Services. That plan will provide for all driveway and rooftop drainage from both lots to be drained by a combination of sheet flow grading and piped drainage to 78th Street as shown on this approved Preliminary Plan.
- 6) There shall be a covenant referenced on the record plat obligating the owners of the two approved lots to maintain the grades, roof drains and private storm drain system which will connect to the public drain system in 78th Street. This covenant shall also obligate the two lot owners to share maintenance costs of the private drain system in accordance with this approved Preliminary Plan.
- 7) Other necessary easements.

**SITE DESCRIPTION:**

The Subject Property consists of existing Lot 56A in the Cabin John Park, Section 1 Subdivision, containing 20,000 square feet and zoned R-90. The lot is improved with a single family home. There are no unique environmental features on the Subject Property. The surrounding neighborhood is essentially built out with homes of varying ages; some are original homes dating to the 1920's while some of the original homes have been removed and replaced with more modern structures.

**PROJECT DESCRIPTION:**

The application requests the resubdivision of the existing lot into two lots for single family detached dwellings. The existing house on the property will be removed. Proposed Lot 221 will be 9,000 square feet in size, rectangular in shape and will have 75 feet of frontage on 78<sup>th</sup> street. Proposed Lot 222 will be 11,000 square feet in size and will be a pipestem lot. It will have 25 feet of frontage on 78<sup>th</sup> street. This configuration will dictate that one house be located to the rear of the other. Both lots as proposed meet the area and dimensional requirements of the R-90 zone as prescribed by the Zoning Ordinance.

The application is exempt from the requirements of the Montgomery County forest conservation law, however a tree save plan has been reviewed and approved by staff. The tree save plan takes measures to protect off-site trees close to the property line.

## **ISSUES**

### **Drainage**

Staff has received a number of letters (attachment 4) from adjacent property owners regarding issues related to the proposed subdivision. Of particular concern to the neighbors is the impact that the resubdivision would have on local drainage. One neighbor to the south on Lot 60-D, down slope of the subject property, provided with a compact disk (CD) that was recorded during a rainfall event. The CD shows a considerable amount of water running along the rear property line of Lot 60-D to the south. The rears of these lots (60-D, 55-D, 59-B, 55-B, etc) are the low points of the block and water concentrates and flows during heavy rains into what could be described as a "temporary" stream. However, it is an ephemeral channel that flows only in direct response to rainfall events and dissipates thereafter. The amount of water has prompted some of the property owners to redirect runoff with berms and subsurface drainage systems to protect their homes and property. Further complicating the drainage issue is that many of the property owners have attempted to restrict water flow onto their properties from adjacent yards by artificially damming their yards which tends to pond water onto neighbors upstream.

Staff provided a copy of the CD to the applicant's engineer as a courtesy and with the author's permission. With this information the engineer has made efforts to limit the amount of runoff that the proposed homes would put into the drainage swale. The proposed homes' downspouts will direct all rooftop runoff to the storm drain system within 78<sup>th</sup> street. All driveways and other impervious surfaces will be directed to the 78<sup>th</sup> street storm drain. DPWT has advised that the storm drain system in 78<sup>th</sup> street is capable of handling the additional flows. Only the rear yard and a small area of the side yards of the proposed home on Lot 222 will continue to flow into the drainage way. The applicant's engineer has determined that the amount of runoff entering the problematic drainage swale from the subject property will be reduced from 0.8 cubic feet per second to 0.2 cubic feet per second. The applicant proposes no changes to drainage patterns of off-site properties.

### **Tree Save**

Another issue raised by the owner of lot 59-A to the east of the Subject Property is the longevity of a large Mulberry tree very near the rear lot line of Lot 59-B. Staff has taken this tree and other trees into consideration and has approved a tree save plan that provides protection measures. Some impact to the root zone of the Mulberry tree is shown. The encroachment is less than one-third of total root zone and with the required root pruning, staff believes that there is a reasonable expectation that the tree will survive.

## **CONFORMANCE TO THE MASTER PLAN**

### **Master Plan Compliance**

The Bethesda- Chevy Chase Master Plan does not specifically identify the subject property for discussion but does give general guidance and recommendations regarding zoning and land use. The plan recommends that this area maintain the existing zoning (R-90) as adopted and maintain the residential land use consisting of single-family detached homes. This plan, if approved, is consistent with the recommendations of the master plan

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

### **A. Statutory Review Criteria**

In order to approve an application for resubdivision, the Planning Board must find that the proposed lots comply with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

### **B. Neighborhood Delineation**

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. For this application, the applicant has proposed a neighborhood of 33 lots for analysis purposes. The neighborhood generally includes all lots that are within the same block as the Subject Property and those confronting on the opposite side of 78<sup>th</sup> street. The neighborhood as submitted by the applicant does, however, include 3 parts of lots which staff and the Planning Board have historically excluded from the neighborhood analysis because they were created by deed and not by plat. For this reason staff has excluded the parts of lots. Staff believes that the 30 lot neighborhood as identified by staff is appropriate to evaluate this resubdivision.

## **ANALYSIS**

### **Resubdivision**

Staff has reviewed the submitted application for compliance with the Resubdivision Criteria pursuant to Section 50-29 (b) (2) and has the following analysis:

**Size: The proposed lots are of the same character with respect to size as all lots in the neighborhood.**

Lots in the neighborhood range in size from 7,239 square feet to 28,276 square feet. The majority of lots fall within the range of 9,000 square feet to 20,000 square feet. The proposed lots are at 9,000 square feet and 11,000 square feet and are within the range of lot sizes and of the therefore of the same character.

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

The areas of lots in the neighborhood range from 2,275 square feet to 15,000 square feet. The proposed lots are at 3,130 and 3,525 square feet in area and are within the range. Staff believes that the proposed lots are of the same character with respect to area.

**Shape: The proposed lots are of the same character with respect to the shape of lots in the neighborhood.**

The shapes of lots in the existing neighborhood are generally rectangular, with four of the lots in a rectangular/pipestem configuration. The proposed lots will provide one rectangular lot and one rectangular/pipestem lots that will be of the same character as other lots in the neighborhood.

**Width: The proposed lots are of the same character with respect to width as the other lots in the neighborhood.**

The range of lot widths in the neighborhood, as measured at the building frontage line, range from 60 feet to 175 feet. Both of the proposed lots are within this range (75 ft. and 100ft.). Staff believes that both lots are of the same character with respect to width at the building line.

**Alignment: The proposed lots are of the same character with respect to alignment as all lots in the neighborhood.**

All lots, including the proposed lots, align perpendicularly to the street. The proposed lots are of the same character as compared to the existing lots in the neighborhood.

**Frontage: The proposed lots are of the same character with respect to frontage as the lots in the neighborhood.**

The range of lot frontages in the neighborhood are from 25 feet to 135 feet. There are five corner lots with wider frontages that are not used to compare to the proposed non-corner lots. The proposed lot frontages are 25 feet and 75 feet. They are within the range of the existing lots, therefore, staff believes that they are of the same character as the lots in the neighborhood.

**Suitability: The proposed lots have been deemed suitable for residential development.**

## **CONFORMANCE TO THE ZONING ORDINANCE**

The lots proposed under this preliminary plan must comply with the dimensional requirements of the Zoning Ordinance, Section 59-C-1.32. Staff has determined that the lots proposed under this preliminary plan meet the dimensional requirements required by this section of the Zoning Ordinance.

## **CONCLUSION**

Staff believes that Preliminary Plan #1-05103 Cabin John Park, meets all applicable requirements of the Subdivision Regulations, Bethesda-Chevy Chase Master Plan, and the Zoning Ordinance. Specifically, staff believes that the two lots proposed under this preliminary plan meet all seven of the resubdivision criteria defined in Section 50-29(b)(2) of the Subdivision Regulations. The lots are of the same character with respect to size, area, shape, width, alignment, frontage and suitability as the existing lots in the neighborhood. The lots are consistent with the recommendations of the Bethesda-Chevy Chase Master Plan and meet the minimum dimensional requirements of the Zoning Ordinance. As such, staff recommends approval of the preliminary plan, subject to compliance with the conditions cite above.

## **Attachments**

Attachment A Vicinity Development Map  
Attachment B Neighborhood Delineation Map  
Attachment C Tabular Summary  
Attachment D Neighborhood Delineation  
Attachment E Preliminary Plan  
Attachment F Correspondence

Preliminary Plan Data Table and Checklist – REVISED CHECKLIST ITEM #6

Plan Name: Cabin John Park				
Plan Number:120051030				
Zoning: R-90				
# of Lots 2				
# of Outlots:				
Dev. Type: Single Family Residential				
PLAN DATA	Required/Permitted	Provided	Verified	Date
Minimum Lot Area	9,000 sq.ft.	9,000 sq.ft. is minimum proposed		October 14, 2005
Lot Width	75 ft.	Meets minimum		October 14, 2005
Lot Frontage	25 ft.	Meets minimum		October 14, 2005
Setbacks				
Front	30 ft. Min.	Meets minimum		October 14, 2005
Side	8/25 Min./ ft. total	Meets minimum		October 14, 2005
Rear	25ft. Min.	Meets minimum		October 14, 2005
Height	35 ft. Max.	May not exceed maximum		
Max Resid'l d.u. per Zoning	2 dwelling units	2 dwelling units		October 14, 2005
MPDUs	No			
TDRs	No			
Site Plan Req'd?	No			
<b>FINDINGS</b>				
<i>SUBDIVISION</i>				
Lot frontage on Public Street	Yes	Yes	Shown on Plan	October 13, 2005
Road dedication and frontage improvements	Dedication and construction of internal public roads	Yes	DPWT memo Attachment G	October 2, 2005
Environmental Guidelines	No	None	No Buffers	
Forest Conservation	Yes	Yes	Tree Save Plan	September 29, 2005
Master Plan Compliance	Yes	Yes		October 14, 2005
Other				
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management	Yes	Yes	DPS memo Attachment G	June 29, 2005
Water and Sewer	Yes	Yes	WSSC memo Attachment G	July 5, 2005
Local Area Traffic Review	Not required			
Fire and Rescue	No comments <sup>1</sup>			

<sup>1</sup> Agency received 30-day opportunity to review plans. No comments received within the review period is understood as acceptance of the plan.