



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

MCPB No. 13-34
Preliminary Plan No. 120130040
5511 Sonoma Road
Date of Hearing: March 7, 2013

APR 23 2013

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Subdivision Regulations ("Subdivision Regulations"), the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to administer the Chapter; and

WHEREAS, on September 21, 2012, 5511 Sonoma, LLC, ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property to create 2 lots on .42 acres of land in the R-60 zone, located at 5511 Sonoma Road ("Property" or "Subject Property"), in the Bethesda/Chevy Chase master plan area ("Master Plan"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on March 7, 2013 the Planning Board held a public hearing on the Application (the "Hearing"); and

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

WHEREAS, on March 7, 2013 the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Dreyfuss; seconded by Commissioner Wells-Harley; with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor;

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120130040 to create two lots on 0.42 acres of land in the R-60 zone, located at 5511 Sonoma Road ("Property" or "Subject Property"), in the Bethesda/Chevy Chase master plan area ("Master Plan"), subject to the following conditions:

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

1. This Preliminary Plan is limited to two lots for one- family dwelling units (one on each lot).
2. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter February 22, 2013 and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
4. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated October 31, 2012, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Stormwater Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to construct a (5) five-foot wide sidewalk across from the remainder of the property frontage on Sonoma Road connecting to an existing sidewalk on the south side of Sonoma Road and extending the sidewalk to the east side of Seneca Lane. The Applicant must construct this off-site extension in-lieu of constructing a sidewalk along the Seneca Lane site frontage. This is required unless construction is waived by MCDPS.
6. The record plat must reflect common ingress/egress and utility easements
7. The record plat must show necessary easements.
8. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
9. The Applicant shall attempt to save trees (#2 and #4) must also plant six (6) 4-5"

caliper trees on the lots six (6) months of the final use and occupancy permit for the proposed lots. The planting locations to be determined in the field by the forest conservation inspector working with the applicant. The location of the trees must be shown on the tree save plan.

10. The Applicant is subject to a school facilities payment at the high school level. The Walter Johnson School cluster which is currently operating above capacity at middle and high school levels.

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

1. *The Preliminary Plan substantially conforms to the master plan.*

The surrounding area is a mature, stable community, predominantly zoned R-60 and R-90. The western most are zoned R-200. The Sonoma neighborhood is largely built out and does not contain any commercial properties. Suburban Hospital, Old Georgetown Road, National Institutes of Health and the YMCA are located in the vicinity of the project area.

The property is located within the Bethesda-Chevy Chase Master Plan ;(the Plan) does not specifically address this site but does make a general recommendation (p.51) reconfirming the existing zoning throughout the Plan area. This application is for a one-family detached use and is consistent with the existing residential character and land use patterns described in the Plan area. Additionally, the Plan aims to "protect the high quality residential communities throughout the Planning area, as well as the services and the environmental qualities that enhance the area".

This property is within the area addressed by "The Old Georgetown Road Plan" Fig 9, on page 57 of the Plan. The objectives for Old Georgetown Road and adjacent communities that are relevant to this property are:

- Maintain residential character
- Preserve neighborhood stability

This proposal substantially conforms to the master plan recommendations since it is compatible with the existing neighborhood in terms of use and building type, and meets the requirements and development standards of the R-60 zone. Additionally, the proposal furthers the Plan's general guidance with respect to maintaining the residential character.

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

Roads and Transportation Facilities

The Application does not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. Additionally, the applicant is not proposing any new roads, drainage structures or pavement widening. Existing conditions will be maintained as much as possible resulting in very little impact on the capacity and/or operation of roads, intersections and drainage systems at/near the property. Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of a (5) five-foot wide sidewalk along the property frontage on Sonoma Road to the south side connecting to an existing sidewalk and extending the sidewalk to the east side of Seneca Lane. The Applicant must construct this off-site extension in-lieu of constructing a sidewalk along the Seneca Lane site frontage. This is required unless construction is waived by MCDPS.

Other Public Facilities and Services

The Application has been reviewed by all public utilities including: Washington Gas, PEPCO, Verizon and WSSC. All agencies having found that their respective utilities are adequate to serve the proposed development. The Department of Fire and Rescue Services has approved a Fire Access Plan that assures emergency vehicles can access the site. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Resolution currently in effect.

The Property is within the Walter Johnson school cluster which is currently operating above capacity at the high school level. The Plan proposes the construction of an additional residential unit; as such a school facilities payment is required at the high school level.

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

Other public facilities and services are available and will be adequate to serve the proposed dwelling unit(s) or use.

The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles.

Other public facilities and services, police stations, firehouses and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. The Walter Johnson school cluster is operating above capacity at the middle and high school levels; as such a school facilities payment is required.

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

The lots were reviewed for compliance with the dimensional requirements for the R-60 zone as specified within the Montgomery County Code Zoning Ordinance. The application meets all applicable sections and as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone and for the location of the property. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

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

This Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) but was granted an Exemption from submitting a *forest conversation plan under section 22(A)-5(s)[2] for an activity on a tract of land less than 1-acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree...*. A tree variance is also not required. However, under Section 22A-6(b), Exemptions-Special Provisions, a Tree Save Plan is required for activity involving the clearing of a specimen or champion tree.

- 5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on*

the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.

The MCDPS Stormwater Management Section conditionally approved the Stormwater Management Concept for the Applicant on October 31, 2012. The Applicant will meet the required stormwater goals via the installation of six large gravel drywells.

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

Frontage:

The delineated neighborhood has a range of frontages measuring 50 feet to 159 feet. Twenty-one of the existing lots have frontages ranging from 50 feet to 70 feet. The remaining seventeen lots have frontages ranging from 71 feet to 159 feet. Of the delineated neighborhood, thirty-one of the thirty-eight lots have singular frontage. There are seven properties fronting on two or more rights-of-way.

Of the proposed lots, one will front solely onto Sonoma Road with a proposed frontage of 62 feet and will be of the same character as existing lots in the neighborhood with respect to lot frontage whereas the other will be a corner lot that fronts onto Sonoma Road and Seneca Lane with a frontage of 129 feet. The two proposed lots will be consistent with the frontage identified in the neighborhood lots.

Sonoma Road shall be the primary frontage for both lots with the established building line along Seneca Lane determining the property's setback requirements.

Alignment:

Thirty-one of the thirty-eight existing lots in the neighborhood are perpendicular in alignment, and the remaining seven are corner lots. The proposed lots include a perpendicular and a corner alignment and are of the same character as existing lots with respect to the alignment criterion.

Size:

The thirty-eight existing lots in the delineated neighborhood range from 5,003 square feet to 15,986 square feet. Ten of the lots are smaller than 9,000 square feet, twenty are between 9,000 and 10,000 square feet, and eight are larger than 10,000 square feet. The approved lots will be 7,914 and 10,176 square feet in size.

At 7,914 and 10,716 square feet, the approved lots will fall within the range be of the existing lots in the delineated neighborhood. The approved lots size will be in character with the size of existing lots in the neighborhood.

Shape:

Four of the thirty-eight existing lots in the neighborhood are irregular and thirty-four are regular. There will be one irregular and one rectangular proposed lot. The shapes of the proposed lots will be in character with shapes of the existing lots.

Width:

The thirty-eight existing lots in the delineated neighborhood range in width from 50 feet to 144 feet (at building restriction line). Eighteen of the thirty-eight lots range from 50–65 feet and twenty range from 70 feet to 132 feet. The proposed lots will fall within the range of the delineated neighborhood with the seventh smallest (62 feet) and the seventh largest (95 feet) widths.

Area:

The thirty-eight existing lots in the delineated neighborhood range from 1,932 square feet to 8,984 square feet in buildable area. Fifteen of the existing lots have a buildable area less than 4,500 square feet, ten are between 4,500 and 5,000 square feet, and thirteen are larger than 5,000 square feet. The buildable area of the proposed lots is restricted by the established building line (EBL). However, the buildable area of Lot 17 (2,359 s.f.) and Lot 16 (2,854 s.f.) is consistent with the buildable area of the lots within the neighborhood.

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

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

among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

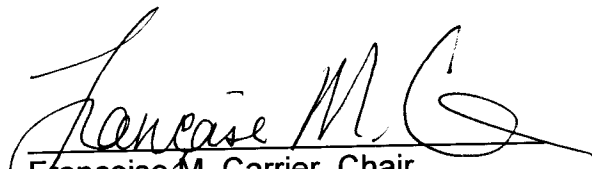
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~APR 23 2013~~ (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, April 18, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board