






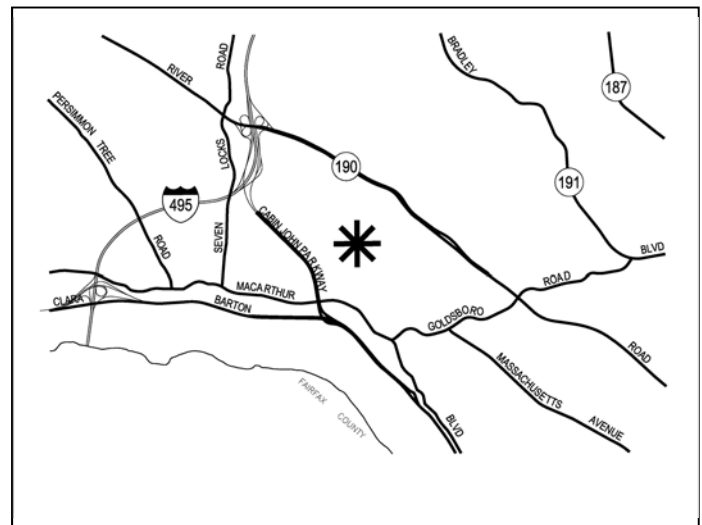
Preliminary Plan 120180030, Bannockburn – 7009 Wilson Lane

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Staff Report Date: 6.26.18

Description

- Subdivision to create two lots: One lot for a one-family detached dwelling unit and one lot for a religious assembly (church), both of which currently exist.
- Located on the west side of Wilson Lane, approximately 250-feet north of Laverock Lane
- 4.41 acres (191,998 square feet)
- R-200 zone
- 1990 *Bethesda-Chevy Chase Master Plan*
- Application accepted on January 29, 2018
- Applicant: National Capital Presbytery
- Chapter 50, Chapter 22A



Summary

- **Staff Recommendation: Approval with Conditions.**
- The Application review period was extended by the Planning Director on March 29, 2018, for a period of 30 days, from May 29 to June 28, 2018, and again by the Planning Board on May 31, 2018, for a period of two weeks to July 12, 2018. The review period was extended again, through October 25, 2018, on July 12, 2018.
- The Subject Property contains numerous environmentally sensitive resources such as steep slopes, highly erodible soils, forests, and mature trees. The Forest Conservation Law, the Environmental Guidelines, Subdivision Code and the applicable Master Plan all have aligned goals, recommendations, and priorities to protect such environmentally sensitive areas. As conditioned, the Project substantially conforms to these goals and recommendations.
- This Preliminary Plan addresses both the existing site conditions and anticipates future development made possible by the subdivision. Elements of this review which rely on land disturbance activities, such as storm water management, sediment control, and the forest conservation variance, will be addressed at the time any future land disturbance is proposed.
- Correspondence (Attachment C) updated to include additional resident letters supporting a 50-foot Category 1 Forest Conservation Easement received after the original staff report was posted for the 7.12.18 Planning Board hearing.

Preliminary Plan No. 120180030: Staff recommends approval of the Preliminary Plan subject to the following conditions:

1. This Preliminary Plan is limited to two lots: One lot for a one-family detached dwelling unit and one lot for a religious assembly (church).
2. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter, dated March 8, 2018, as amended by e-mail on May 15, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
 - a. In accordance with the MCDOT letter, the Applicant must pay \$10,000 for the Wilson Lane Bicycle side path prior to recordation of any plat associated with the Subject Application.
3. The record plat must show necessary easements, including but not limited to the following:
 - a. Record a Category I Easement over all areas of forest retention on Lot 1, as shown on the Certified Final Forest Conservation Plan (and outside of the WSSC ROW).
 - b. Record a Category I Easement along the rear lot line of Lot 2 to be a minimum depth of 50-feet;
4. The Applicant must submit and obtain Staff approval of a revised Final Forest Conservation Plan as described below.
 - a. Revise the Category I Easement to reflect a minimum depth of 50-feet on Lot 1.
 - b. Submit an invasive species management plan with the FFCP that includes: expanded notes, details, and treatment application timing, for a maintenance program to control invasive species and revise the development program accordingly (e.g. a minimum of four instances of invasive species treatments, the first of which must occur prior to plat or issuance of any building permit);
 - c. Clarify the locations of the easement limits and the split-rail fence used to delineate portions of the easement areas.
5. Prior to the first of either approval of the record plat or issuance of any building permit, the Applicant must perform the following measures as determined on the FFCP and/or as approved by the Planning Department Forest Conservation Inspector.
 - a. Install permanent Category I Conservation Easement fence/posts/signs;
 - b. Removal of man-made debris within the easement footprints;
 - c. Begin the invasive species management program.
6. Prior to any proposed clearing, grading or demolition, the Applicant must obtain Planning Department approval (or Planning Board as applicable) of an amended Final Forest Conservation Plan and any associated variance request.
7. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of this Planning Board Resolution.
8. The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, onsite parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

SECTION 2 – SITE LOCATION AND HISTORY

Site Location and Description

This Preliminary Plan consists of “Parcel A, Bannockburn” a 4.41 acre (191,998 square feet) property, created by Plat 7371 in 1964 (“Property” or “Subject Property”). The Subject Property is located in the R-200 zone on the west side of Wilson Lane, approximately 250-feet north of Laverock Lane and is currently developed with a religious assembly (church), a single one-family detached dwelling (e.g. the former parsonage) and the parking lot for the church use. The Property has been the site of a church since at least 1803 with the current structure dating to 1965. The church and one-family dwelling unit each have their own driveway access directly onto Wilson Lane (MD 188). Surrounding properties are developed in the following manner: one-family detached dwellings, zoned R-200, to the north, west, and south; and one-family detached dwellings, zoned R-60, to the east, across Wilson Lane. The Subject Property is located partially within the Cabin John Creek Watershed and partially within the Potomac Direct Watershed. The Subject Property contains numerous environmentally sensitive resources such as steep slopes, highly erodible soils, forests, and mature trees.



Figure 1 – Vicinity Map

SECTION 3 –PROPOSAL

Proposal

Preliminary Plan No. 120180030 was accepted on January 29, 2018, to create two (2) lots on 4.41 acres of land in the R-200 Zone. The Project proposes Lot 1 for the existing one-family dwelling unit and Lot 2 for the existing church (Figure 2).



Figure 2 – Preliminary Plan

The existing dwelling on the Property is the former parsonage for the church and is no longer needed by the congregation. The dwelling will be retained on proposed Lot 1 (0.46 acres or 20,282 square feet) and the existing church and associated parking lot will be retained on proposed Lot 2 (3.94 acres or 171,716 square feet). Access to the proposed lots will be via the existing two driveways; no new driveways are proposed with the Application. Pedestrian access will be via the existing frontage sidewalk. Additionally, the Applicant will contribute \$10,000 to the Montgomery County Department of Transportation for the future widening of the sidewalk to a 10-foot-wide side path in accordance with the 2018 Planning Board

Draft *Bicycle Master Plan*. Staff is not requiring construction of the side path at this time because no land disturbance is proposed as part of the Subject Application.

Environmental Guidelines

Staff approved a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD), designated 420171330, on January 2, 2018. There are 1.59 acres of onsite high-priority forest associated with numerous environmentally-sensitive resources such as steep slopes, highly-erodible soils, and mature trees. There are hundreds of significant and specimen trees located on or adjacent to the Property, including an onsite 52-inch diameter Oak tree. Although the NRI/FSD does not map all of the subject trees, it includes a note indicating that more tree survey work may be needed depending on any future proposed LOD.

The Subject Property is situated on a ridge and is located within two watersheds, the Cabin John Creek Watershed is located toward the west, while the Potomac Direct Watershed is located to the east. Both Cabin John and Potomac Direct are classified as use I-P watersheds (suitable for water contact sports/ play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply; industrial water supply; and public water supply).

There are no streams or wetlands onsite, however there is a stream located approximately 200' to the west of the Site (Cabin John Creek tributary) and another stream located approximately 550' to the east (Potomac Direct). The associated stream buffers do not extend into the Subject Property. No rare, threatened, or endangered species are known to be associated with the Subject Property.

Forest Conservation

The Subject Property is comprised of a forest setting with overlapping environmentally sensitive resources, as described in this Staff Report. The Forest Conservation Law, the Environmental Guidelines, Subdivision Code, and the 1990 *Bethesda-Chevy Chase Master Plan* are aligned in their goals, recommendations and priorities to protect such forest and associated environmentally sensitive features.

The Project places nearly all this forest within a Category I Forest Conservation Easement to protect the Site's environmental features (Figure 3). Although no land disturbance is proposed as part of the Project, the submitted Forest Conservation plans specifically excludes 0.12 acres of forest from the protected easement area, therefore, the excluded area is technically declared as being cleared for the purposes of forest conservation. This non-protected area, primarily located near the rear of the new residential lot (Lot 1) is proposed in anticipation of a potentially larger house footprint.

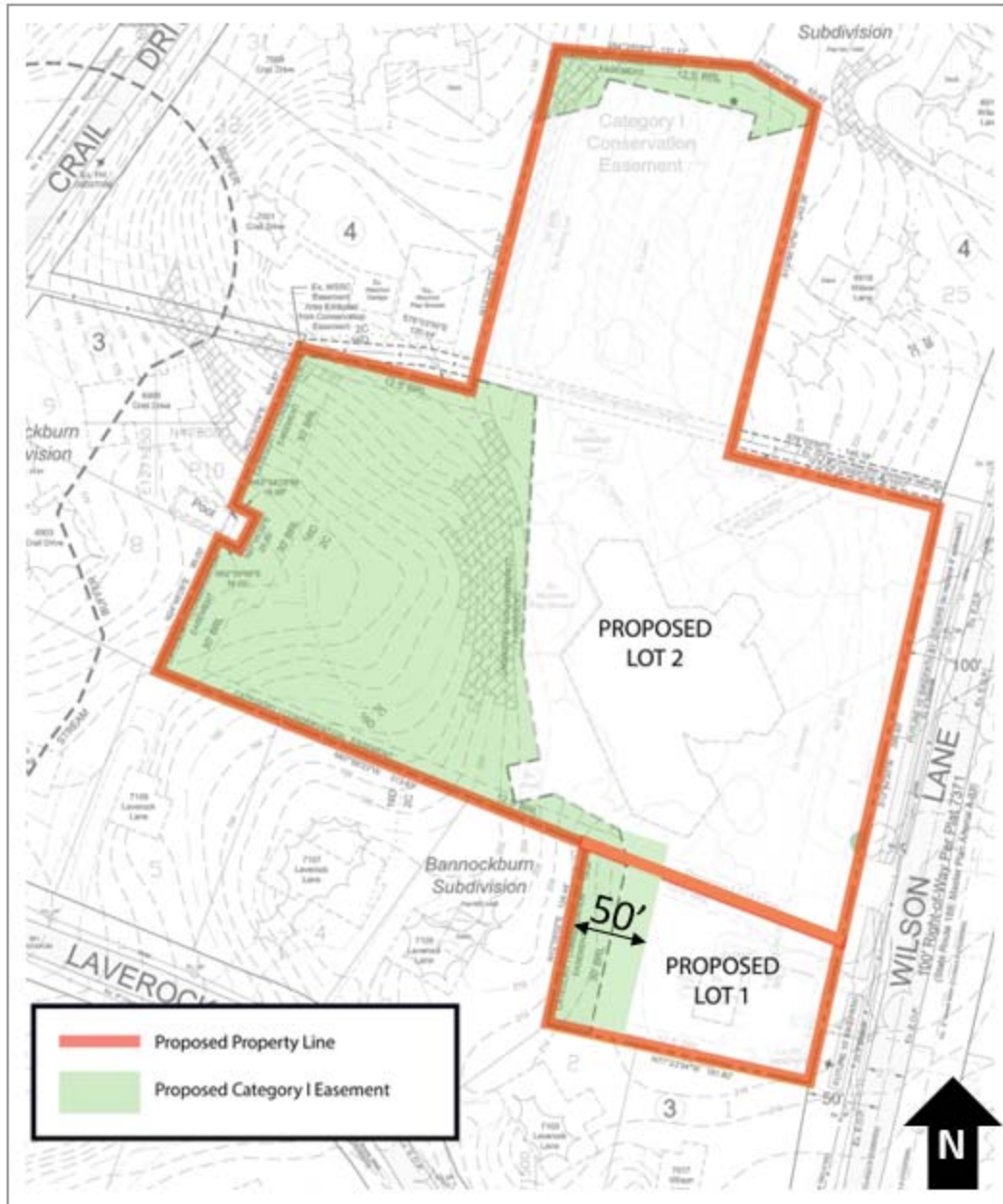


Figure 3 – Lotting Diagram

In the existing condition, forest on the west side of Lot 1 is approximately 65-foot wide and contributes to the surrounding environmental character and neighboring community. Although the Applicant proposed a 30-foot wide Category I Easement, Staff recommends that the Category I easement area be a minimum of 50-feet wide in order to meet the definition of “Forest” as set forth in the Forest Conservation Law, Chapter 22A-3 Definitions. This easement area is appropriate because it will protect the forest character and tree canopy as recommended in the Master Plan, help maintain screening and compatibility for the neighboring properties, provide passive storm water management, and provide space for future variance mitigation plantings, if needed. As a result of the forest conservation areas, the remaining unencumbered depth of Lot 1 would measure approximately 91 feet between the front 40-foot building restriction line (BRL) and rear 50-foot Category I Easement.

There are no afforestation or reforestation requirements for this Project because the majority of the forest is being protected through the provision of Category I Easement¹, as described above.

As part of the Final Forest Conservation Plan (FFCP) approval, the Applicant will install boundary signposts to demarcate the forest conservation easement areas and install a section of split-rail fence to protect portions of the easement areas which are closest to the maintained lawns. As conditioned, steps will also be taken to control the invasive species and remove man-made debris in coordination with the Planning Department Forest Conservation Inspector. The work will be performed by hand and not result in any land disturbing activity.

Forest Conservation Variance

Since no construction work or LOD is proposed, the Application is not subject to a variance at this time. However, prior to any clearing, grading or demolition associated with either of the proposed lots, the Applicant must obtain Planning Department approval of an amended Final Forest Conservation Plan and variance request, as applicable. If future development activity does not propose modification to the forest conservation easement area and Staff receives no community opposition to the proposal, Planning Department review may be administrative, however, any proposed modification to the easement areas will require Planning Board review.

SECTION 4 – ANALYSIS AND FINDINGS, 50.4.2.D

1. *The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59*

a. *The block design is appropriate for the development or use contemplated*

The length, width, and shape of the block are consistent with Section 50.4.3.B of the Subdivision Code. In the near term, the Project anticipates retention of the existing one-family dwelling and existing church on the Site.

b. *The lot design is appropriate for the development or use contemplated*

The lot design, including size, width, shape, and orientation, is consistent with Section 50.4.3.C of the Subdivision Code. The proposed lots accommodate the existing and anticipated uses and associated accessory structures and conform to the standards set forth in Section 59.4.4.7 of the Zoning Ordinance.

¹ Staff notes that a western corner of the onsite forest overlaps a pre-existing ROW for a water main. Therefore, the Category I Conservation Easement cannot be recorded in the overlapping area. However, the affected area is miniscule enough that it does not affect the forest calculations (due to rounding) even if a deduction is factored in to the forest conservation worksheet.

- c. *The Preliminary Plan provides for required public sites and adequate open areas*

The Site was reviewed for compliance with Section 50.4.3.D, “Public Sites and Adequate Public Facilities,” of the Subdivision Code. There are no Master Plan recommendations for public facilities or local recreation requirements for the Subject Property.

- d. *The Lot(s) and Use comply with the basic requirements of Chapter 59*

The lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The lots meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Table 1.

Table 1: Preliminary Plan Data Table

PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan
Minimum Lot Area	20,000 sq. ft.	20,282 sq. ft. minimum
Lot Width	100 ft.	103 ft. minimum
Lot Frontage	25 ft.	97 ft. minimum
Setbacks		
Front	40 ft. Min.	Must meet minimum ¹
Side	12 ft. Min./ 25 ft. total	Must meet minimum ¹
Rear	30 ft. Min.	Must meet minimum ¹
Maximum Residential Dwelling Units per Zoning	9	1

¹ As determined by MCDPS at the time of building permit.

- 2. *The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan*

The Preliminary Plan substantially conforms to the recommendations within the 1990 *Bethesda-Chevy Chase Master Plan* (“Master Plan”).

- a. Land Use

The Master Plan established the R-200 zoning for the wedge area defined as the southwest corner of the River Road/ Wilson Lane intersection. The Project conforms to the Master Plan’s land use recommendations for single-family housing.

- b. Environment

The Site is located in the Palisades – Western BCC area of the Master Plan. Although the Master Plan does not contain specific recommendations for the Subject Property, the Master Plan generally recommends that sites within the Palisades preserve the unique environmental features of the area, including: steeply wooded slopes, vistas, and the perpetuation of open space character (Master Plan, page 64). As conditioned, the Site minimizes environmental impacts of the Project and the future condition substantially conforms with the goals and recommendations adopted in the Master Plan. As conditioned, the Project has no significant impact of forest areas, does not remove any variance trees, and includes environmental improvements, such as control of invasive species and removal of man-made debris (along with protective easements). As conditioned, the environmental qualities and associated character of the Site will be perpetuated and enhanced.

c. Transportation

The Master Plan recommended a continuous side path along the entire length of Wilson Lane. This recommendation was subsequently revised by the 2005 *Bikeway Functional Master Plan* to bicycle lanes (BL-2) and again by the 2018 Planning Board Draft *Bicycle Master Plan* to a side path along the north (Subject Property) side of the roadway.

In conformance with the recommended bicycle improvements, the Applicant is contributing \$10,000 for future improvement of the Site frontage sidewalk to a 10-foot wide side path. This bicycle facility is part of a larger bikeway that is intended to connect MacArthur Boulevard and Bradley Boulevard. The Applicant is contributing the cost of implementation in lieu of construction prior to recordation of any plat associated with the Application because no land disturbance is proposed as part of the Subject Application.

3. *Public Facilities will be adequate to support and service the area of the subdivision*

a. Roads and Other Transportation Facilities

Transportation access is adequate to serve the proposed development by this Preliminary Plan.

i. *Existing Facilities*

Wilson Lane (MD 188), along the Site frontage, is a two-lane arterial roadway (A-83) within a 100-foot wide right-of-way, between MacArthur Boulevard and Downtown Bethesda. Montgomery County RideOn Route 32 stops along the Site frontage, providing Monday-Friday Peak-Hour Service between the Bethesda Metrorail Station and Naval Support Facility – Carderock. A substandard sidewalk exists along the Site frontage, providing limited connectivity to the surrounding area. Because there is no land disturbance anticipated in the immediate future, as conditioned, the Applicant is contributing \$10,000 to the Montgomery County Department of Transportation for the future improvement of the Wilson Lane side path. The Applicant's financial contribution for the side path will be provided prior to recordation of any plat associated with the Application

ii. *Proposed public transportation infrastructure*

As described above, the Project will contribute \$10,000 to the Montgomery County Department of Transportation for the future improvement of the Wilson Lane side path.

iii. *Proposed private transportation infrastructure*

No new private transportation infrastructure is proposed as a result of this Application.

b. Local Area Transportation Review (LATR)

Based on the 2016-2020 *Subdivision Staging Policy* transportation impact criteria, the lots generate fewer than 50 peak-hour person trips. Therefore, the Application is not subject to a Local Area Transportation Review analysis. Staff finds the Site access to be safe, adequate, and efficient.

c. Other Public Facilities and Services

Public facilities will be adequate to serve the Site. Since the Project doesn't add any new residential units, there will be no impact on the public school system. As a result of the *de minimis* impact (3 units or less), a schools analysis is not required. Both the Maryland State Highway Administration and Department of Permitting Services Fire Code Enforcement Section recommend approval of

the Subject Application without conditions because there is no land disturbance associated with the Project.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied*

a. Forest Conservation Plan

The Project places nearly all 1.59 acres of onsite high-priority forest within a Category I Forest Conservation Easement. There are no planting requirements associated with this Subdivision. As part of the Final Forest Conservation Plan (FFCP) approval, the Applicant will install boundary signposts to demarcate the Forest Conservation Easement areas and install a section of split-rail fence to protect portions of the easement areas which are closest to the maintained lawns. As conditioned, the Applicant will take steps, in coordination with the Planning Department Forest Conservation Inspector, to control the invasive species and remove man-made debris. The work will be performed by hand and not result in any land disturbing activity.

Since no construction work or LOD is anticipated in the immediate future, the Application is not subject to a variance at this time. However, prior to any clearing, grading, or demolition associated with either of the lots, the Applicant must obtain Planning Department approval of an amended Final Forest Conservation Plan and variance request, as applicable.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied*

This Preliminary Plan is not subject to storm water management requirements of Chapter 19 of the County Code because no land disturbance is anticipated in the immediate future as part of the Subject Application. If future action on the Site constitutes more than 5,000 square feet of land disturbance, moves over 100 cubic yards of fill, or seeks to construct a new building, a sediment control permit will be required at the time of building permit.

SECTION 6 – CITIZEN CORRESPONDENCE AND ISSUES

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. A pre-submission meeting for the Preliminary Plan was held on June 22, 2017, at the United Korean Presbyterian Church at 7009 Wilson Lane. Twelve people attended the meeting and raised concerns regarding the potential for the existing home to be demolished and replaced with a larger home, development standards of the R-200 zone, and potential loss of trees on the Site.

In addition to the concerns raised at the community meeting, Staff has spoken with the adjacent property owner at 7105 Laverock Lane, regarding concerns about an existing storm water runoff/ erosion issue that originates on the Subject Property. The resident's concerns are summarized in her e-mail included as Attachment C. In response to these concerns, Staff explained that the Project is not subject to either storm water management or sediment and erosion control measures, at this time, because no land disturbance is proposed with the Subdivision. If future land development on the Site disturbs more than 5,000 square feet of land area or moves more than 100 cubic yards of fill, a sediment and erosion control permit will be required.

SECTION 7– CONCLUSION

The proposed lots meet all of the requirements established in the Subdivision Code and the Zoning Ordinance, and conform to the recommendations of the 1990 *Bethesda-Chevy Chase Master Plan*. Access to the lots is adequate and all public facilities and utilities have been deemed adequate to serve this Application. The Application was reviewed by other applicable County agencies, all of whom have recommended approval of the plans. Therefore, Staff recommends approval of the Application, with the conditions as specified.

Attachments

Attachment A – Preliminary Plan

Attachment B – Agency Letters

Attachment C – Community Correspondence