



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

MCPB No. 18-065
Preliminary Plan No. 120180030
Bannockburn – 7009 Wilson Lane
Date of Hearing: October 4, 2018

NOV 06 2018

CORRECTED RESOLUTION

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

WHEREAS, on January 29, 2018, National Capital Presbytery (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create two lots on 4.41 acres of land in the R-200 zone, located on the west side of Wilson Lane, 250 feet north of the Laverock Lane intersection, (“Subject Property”), in the Bethesda/ Chevy Chase Policy Area and 1990 *Bethesda Chevy Chase Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120180030, Bannockburn – 7009 Wilson Lane (“Preliminary Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated June 26, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on October 4, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 4, 2018, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Patterson, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez, and Patterson voting in favor and Commissioner Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120180030 to create two lots on the Subject Property, subject to

Approved as to
Legal Sufficiency:

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

the following conditions:¹

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~~2, 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~~1 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.

¹ For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

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.

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

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 Applicant anticipates retention of the existing one-family dwelling and existing church on the Subject Property.

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 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.

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

The Application 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. As detailed in the Staff Report, the lots meet all the dimensional requirements for area, frontage, width, and setbacks in that zone.

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 Application conforms to the Master Plan’s land use recommendations for single-family housing.

b. Environment

The Subject Property is 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. As conditioned, the Application minimizes environmental impacts of the subdivision and substantially conforms with the goals and recommendations adopted in the Master Plan. The Application has no significant impact of forest areas, does not remove any variance trees, and includes environmental improvements, such as control of invasive species, removal of man-made debris, and with protective easements consistent with the Master Plan recommendations.

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 Subject Property 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 Application.

3. *Public Facilities will be adequate to support and service the area of the subdivision*
Check 50.4.3.J.3 for exemptions.

a. Roads and Other Transportation Facilities

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

Wilson Lane (MD 188), along the Subject Property 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 Subject Property frontage, providing Monday-Friday Peak-Hour Service between the Bethesda Metrorail Station and Naval Support Facility – Carderock. A substandard sidewalk exists along the Subject Property 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

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.

c. Other Public Facilities and Services

Since the Application does not add any new residential units, there will be no impact on the public school system. Both the Maryland State Highway Administration and Department of Permitting Services Fire Code Enforcement Section recommend approval of the Application without conditions because there is no land disturbance associated with the Project. All other public facilities and services are adequate to serve the Subject Property.

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

a. Forest Conservation Plan

The Application 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 the Application. 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 Subject Property 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.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed with the Planning Board; 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 NOV 06 2018 (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 Cichy, seconded by Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Cichy and Patterson voting in favor, and Commissioner Fani-González absent at its regular meeting held on Thursday, November 1, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board