



7025 Longwood Drive, Administrative Subdivision 620190100



Grace Bogdan, Planner Coordinator, Area 1, Grace.Bogdan@montgomeryplanning.org, 301.495.4533



Stephanie Dickel, Supervisor, Area 1, Stephanie.Dickel@montgomeryplanning.org, 301.495.4527

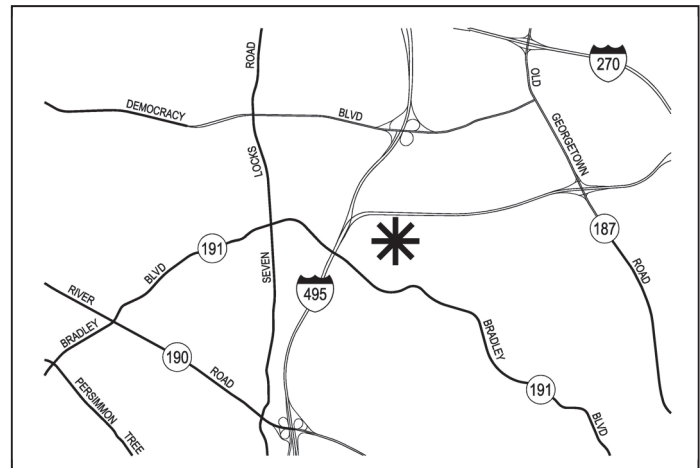


Elza Hisel-McCoy, Chief, Area 1, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

Completed: 12.9.2019

Description

- Request to create two (2) lots for single-family detached dwellings
- Located on Longwood Drive approximately 280 feet east of Brooke Drive
- Zone: R-200
- Master Plan: 1990 Bethesda-Chevy Chase Master Plan
- Property size: 0.99 acres.
- Applicant: Paul Katinas
- Acceptance Date: April 3, 2019



Summary

- Staff recommends **APPROVAL** of the administrative subdivision with conditions.
- Per Section 50.6.1.C of the Subdivision Ordinance, subdivisions for the creation of up to 3 lots for residential detached houses are permitted to be reviewed administratively.
- Due to neighborhood opposition, the Planning Director deferred consideration of the application to the Planning Board, per Section 50.6.3.B.1 of the Subdivision Ordinance.
- The Application received two extensions from the Planning Board to extend the original 90-day review period from July 2, 2019 to no later than December 27, 2019.
- Staff received letters of opposition from neighbors citing concerns regarding tree removal, drainage issues on private and public property, and neighborhood character.

Administrative Subdivision Plan No. 620190100

Staff recommends approval of Administrative Subdivision Plan No. 620190100 with the following conditions.

1. This Administrative Subdivision is limited to two (2) lots for one single-family dwelling unit on each lot.
2. The Adequate Public Facility (APF) review for the Administrative Subdivision will remain valid for sixty (60) months from the date of mailing of the Planning Board resolution.
3. Access for the two lots subject to this administrative subdivision is limited to a single shared driveway for both lots. The record plat must include a note stating access is denied along the remainder of the frontage for Lot 1.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated November 25, 2019 and hereby incorporates them as conditions of the Administrative Subdivision 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 Administrative Subdivision Plan approval.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Fire Code Enforcement Section in its letter dated November 19, 2019, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Administrative Subdivision Plan approval.
6. Prior to record plat, the Applicant must receive a revised Stormwater Concept Plan approval.
7. The record plat must show necessary easements.
8. Prior to approval of the Certified Administrative Subdivision Plan, the Applicant must make the following changes:
 - a) Show resolutions and approval letters on the certified plan;
 - b) Include the following note *“building heights, on-site parking, site circulation, and sidewalks shown on the Administrative Subdivision Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s) approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of approval.”*
9. The Applicant must comply with the conditions of Final Forest Conservation Plan No. 620190100.
 - a) The Applicant must schedule the required site inspections by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
 - b) Prior to any demolition, clearing, grading or construction on the project site, the Applicant must record, in the Montgomery County Land Records, an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank to satisfy the reforestation requirement for a total of 0.47 acres of mitigation credit. Any offsite requirement must be met by purchasing credits from a mitigation bank within the Cabin John Creek watershed. If there are no mitigation bank credits available within the Cabin John Creek watershed, credits can be acquired from any mitigation bank in the County.
 - c) The Final Sediment Control Plan must be consistent with the limits of disturbance shown on the approved Final Forest Conservation Plan.

- d) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.
- e) Applicant must plant 21 inches of mitigation plantings in the form of seven (7) 3-inch caliper native canopy trees to mitigate for the loss of specimen trees as shown on the Final Forest Conservation Plan.
- f) The mitigation plantings associated with each lot, as shown on the Final Forest Conservation Plan, must be installed within the first growing season after receiving a Use and Occupancy Permit for the respective lot(s).

SECTION 1 – SITE DESCRIPTION

Vicinity

The vicinity is developed as a single-family detached neighborhood with lots ranging in size and various shapes. McGrillis Gardens, a public garden and historic mansion, and Fernwood Local Park are located to the east of the Property. Interstate 495 and the Interstate 270 spur are located to the west and north.

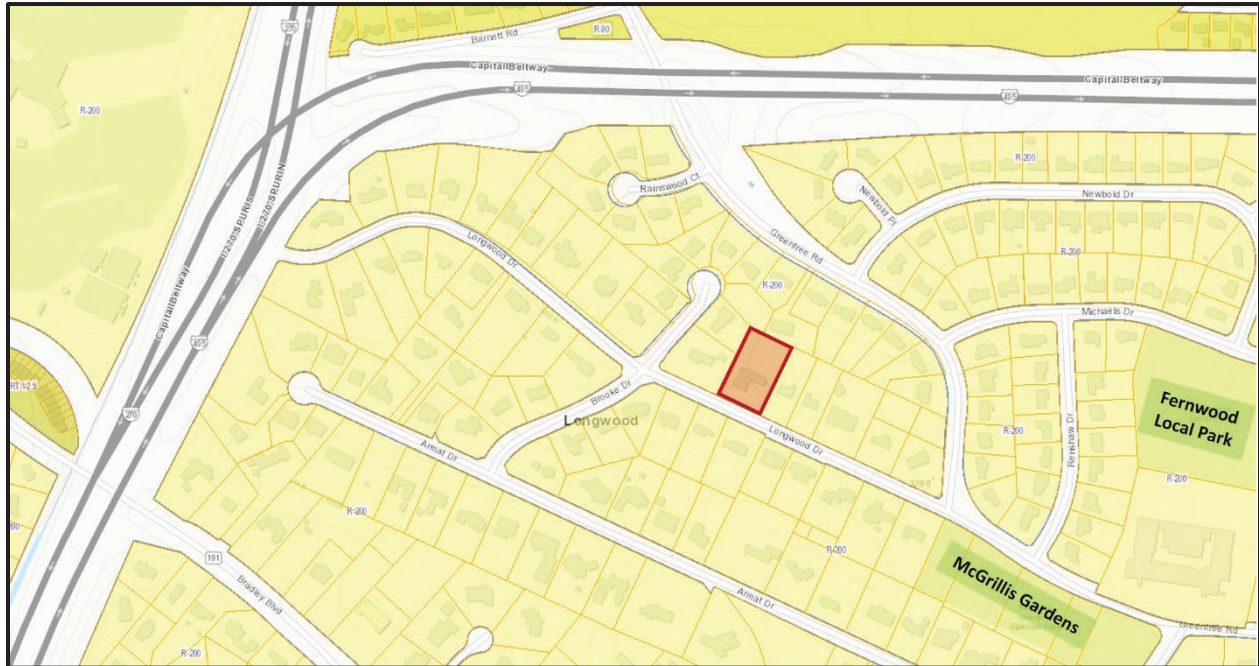


Figure 1 – Vicinity Map

Subject Property

The subject site (Subject Property, Property, or Project) consists of Lot 4, Block 2 created in 1949 by Plat No. 2280 "Longwood." The Subject Property is located approximately 280 feet east of the Longwood Drive and Brooke Drive intersection and consists of 0.99 acres, zoned R-200. The Property is within the 1990 *Bethesda Chevy Chase Master Plan*.



Figure 2 – Aerial Map

Site Analysis

As depicted in Figure 2, the Property is currently developed with a single-family house and driveway. The Property lies within the Cabin John Creek Watershed and contains forested areas at the rear of the lot with several specimen-size trees. There are no other environmental features on or adjacent to the Property. There are no rare, threatened, or endangered species within the boundaries of the proposed project.

SECTION 2 –PROPOSAL

Proposal

The Applicant proposes to demolish the existing single-family dwelling and subdivide the 0.99 acre parcel into two lots: Lot 1, containing 20,047 square feet, and Lot 2, containing 23,153 square feet. The existing driveway will be enlarged to meet Fire Access standards and serve as a consolidated driveway entrance for the two lots. The Property is required to provide a frontage sidewalk in accordance with Section 49-33(e) of the County Code.

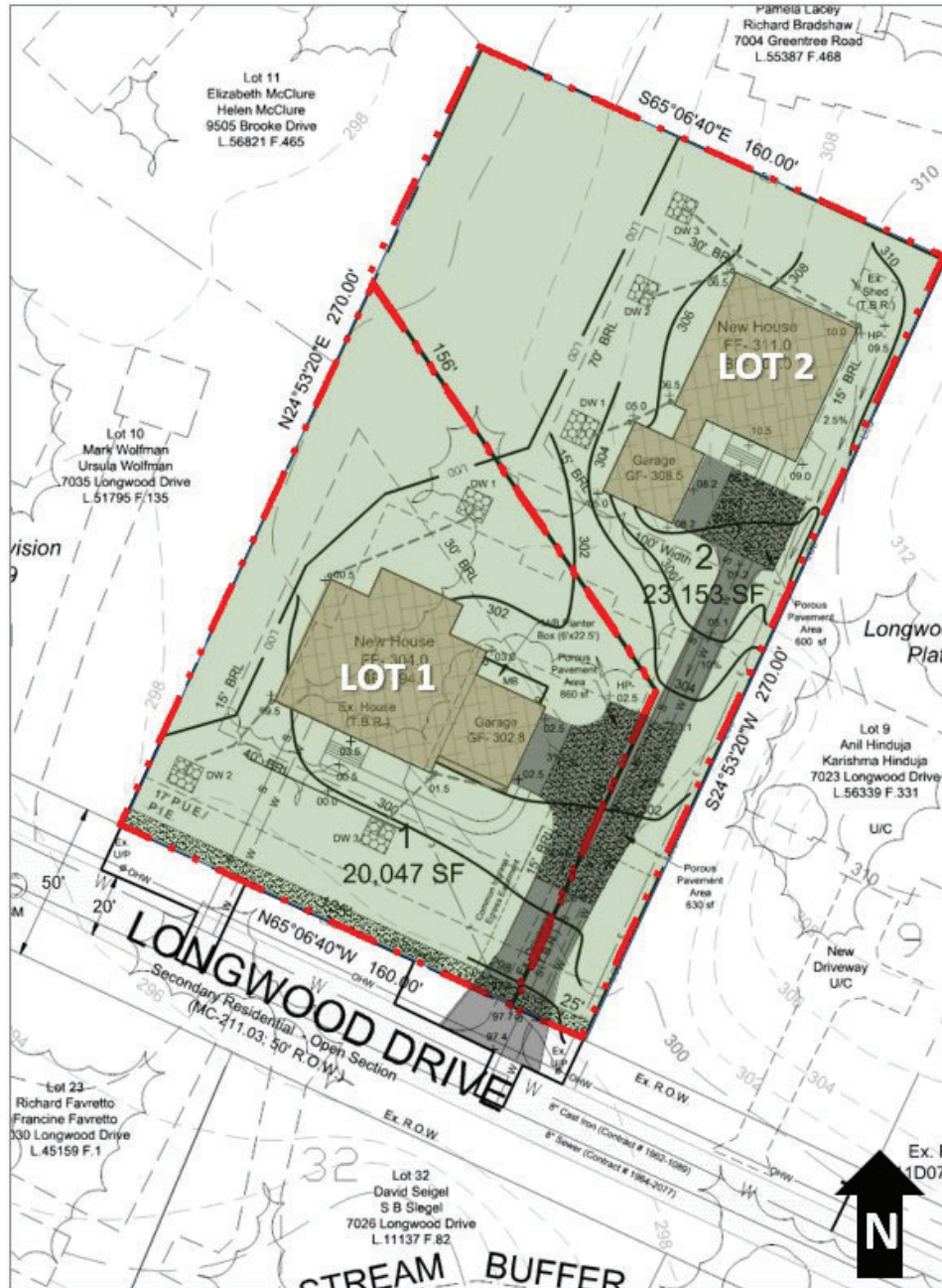


Figure 3: Proposed Administrative Subdivision Lot Configuration with illustrative building footprints

Lot Design

Through the review process, the lot design has evolved into the current proposal, depicted in Figure 3 that is similar to a flag lot, with certain improvements. The angular property line separating the front and rear parcel, along with modified Building Restriction Lines (BRLs), result in a future footprint location that will support a street presence for both front and rear lots proposed. The R-200 zone requires a minimum 12' and 25' combined side setback, and the Applicant proposes 15' side setbacks for both lots and a 70' side setback from the western property line of the rear lot, which encourages building placement closer to the eastern property line adding street presence.

Properties in the vicinity range from just over 20,000 square feet in size to almost 40,000 square feet. While the predominant shape of the lots in the vicinity are rectangular, there are several other irregularly angled lots and four flag lots, as shown in Figure 4 below. The proposed lots meet the minimum development standards for the R-200 zone in terms of size, street frontage, setbacks, and meet the infill development standards for lot coverage. Just to the north of this development application is a flag lot approximately 23,000 square feet in size with a shared driveway access and street frontage, very similar to the layout of this Application.



Figure 4 – Surrounding Lot Configurations

Environmental

The Site contains 0.5 acres of forest including 10 specimen-sized trees. Concurrent with the Administrative Subdivision Application, the Applicant submitted a Final Forest Conservation Plan (FFCP) proposing to remove all onsite forest. The Applicant will satisfy Forest Conservation law requirements (0.47-acre planting requirement) by acquiring credits in an offsite forest conservation mitigation bank.

The proposed development will impact four (4) specimen trees identified for retention and remove six (6) of these specimen trees¹. Any impact to these trees, including removal of the subject tree or disturbance

¹ Specimen trees are trees that are 30 inches or greater DBH and are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

within the tree's critical root zone (CRZ) requires a variance (See Section 3 for further analysis). While the Applicant does not propose any forest conservation easements for the remaining specimen trees on-site, the Application provides a more restrictive building restrictive line than otherwise required on the western portion of Lot 2 where the remaining specimen trees are located.

Stormwater Management

Per Section 50.6.2.C.3 of the Subdivision Code, Administrative Subdivisions are required to satisfy any stormwater management requirements prior to recordation of plat. The Applicant received Stormwater Management Concept approval of an earlier iteration of the proposed lot design in October of 2019. This lot design proposed approximately 12,939 square feet of impervious area as well as a driveway for the rear lot and a "U-shaped" driveway with two access points for the Application. The lot design has been further refined since this SWM concept approval by providing one shared driveway and access point for both lots which will reduce overall impervious area. Staff recommends a condition requiring the Applicant to receive a revised Stormwater Concept Plan approval for the latest application layout prior to recordation of plat per Section 50.6.2.C.3 of the Subdivision Code.

Access and Circulation

Access to the proposed lots will be via a single shared driveway from Longwood Drive. Although there are no existing sidewalks in the immediate vicinity, the Project will provide a new 5-foot wide sidewalk along the Site frontage.

The Project generates fewer than three (3) peak hour trips and is considered to have a *de minimis* impact on the transportation network. As a result, the Application is not subject to the Local Area Transportation Review (LATR). Based on the Project's *de minimis* impact, provision of a new sidewalk, and consolidation of site access points to a single shared driveway, vehicle and pedestrian access for the administrative subdivision will be adequate.

SECTION 3 – ANALYSIS AND FINDINGS, CHAPTER 50

Applicability, Section 6.1.C

1. The lots are approved for the standard method of development;

The lots were submitted and are approved for standard method development in the R-200 zone.

2. Written approval for any proposed well and septic area is received from the Department of Permitting Services, Well and Septic Section before approval of the plat;

The lots will not be served by wells or septic areas, as the Property is served by public water and sewer service and is designated in the W-1 and S-1 categories.

3. Any required road dedications and associated public utility easements are shown on the plat and the applicant provides any required improvements;

Longwood Drive is designated as a Secondary Residential roadway with an existing 50-foot right-of-way, no dedication is required as part of this Application. The Applicant will coordinate with County agencies to ensure that any necessary public utility easements are shown on the plat as well as a common ingress/egress easement over the shared driveway.

4. The requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat; and

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

Local Area Transportation Review (LATR)

The Project generates fewer than three (3) peak hour trips and is considered to have a *de minimis* impact on the transportation network. As a result, the Application is not subject to the Local Area Transportation Review (LATR). Based on the Project's *de minimis* impact, provision of a new sidewalk, and consolidation of site access points to a single shared driveway, vehicle and pedestrian access for the administrative subdivision will be adequate.

School Adequacy

The Property is served by Burning Tree Elementary School, Pyle Middle School, and Whitman High School. With a net of one new single-family-detached dwelling unit, the application falls within the *de minimis* (three units or less) exemption. Therefore, the Project is not subject to testing for its estimated impact on school enrollment.

Other Public Facilities and Services

The Property is currently served by public water and sewer, classified in the S-1 and W-1 categories, and will be adequate to serve the proposed subdivision. Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy Resolution currently in effect.

5. Forest conservation, stormwater management, and environmental protection requirements are satisfied before approval of the plat.

The Subject Property is subject to Chapter 22A of the County Code. The Planning Board finds that, as conditioned, the Preliminary/Final Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Application has been conditioned to receive a revised Stormwater Management Concept Approval prior to recordation of plat to satisfy the requirements of Chapter 19 for Stormwater Management.

There no additional environmental protection requirements to be met.

Technical Review, Section 4.3

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. The proposed subdivision is within an existing residential neighborhood with an established street grid. The Application is not proposing to create any new residential blocks.

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

The Administrative Subdivision Plan meets all applicable sections of the Subdivision Code. The proposed lot sizes, widths, shapes, and orientations are appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, the existing lot pattern of surrounding properties, and for the building type (single-family detached dwelling units) contemplated for the Property.

Properties in the vicinity range from just over 20,000 square feet in size to almost 40,000 square feet. While the predominant shape of the lots in the vicinity are rectangular, there are several other irregularly angled lots and four flag lots. The proposed lots meet the minimum development standards for the R-200 zone in terms of size, street frontage, setbacks, and meet the infill development standards for lot coverage. Just to the north of this development application is a flag lot approximately 23,000 square feet in size with a shared driveway access and street frontage, very similar to the layout of this Application. Therefore, the lot design is appropriate for the development and use contemplated.

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 will meet all the dimensional requirements for area, frontage, and width. The proposed side setbacks for the lots exceed the requirements of the R-200 zone, and can reasonably accommodate two single-family detached dwellings on each lot. A summary of this review is included in Table 1.

Table 1 – Development Standards in the R-200 Zone

Standard	Required/Permitted	Proposed Lot 1	Proposed Lot 2
Minimum lot size	20,000 sq ft	20,047 sq ft min	23,153 sq ft min
Front setbacks	40 ft. min.	40 ft. min.	40 ft. min.
Side setbacks	12 ft. min., 25 ft. total	15 ft. min / 30 ft. min. total	15 ft. min / 85 ft. min. total
Rear setbacks	30 ft. min.	30 ft. min	30 ft. min
Lot Width at Front BRL	100 ft.	100 ft. min	100 ft. min
Lot Coverage	20% ¹	20% max	20% max
Building Height	40 ft max	40 ft max	40 ft max
Site Plan Required	No	No	No

¹ Residential Infill Compatibility requirement

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

The Property is located in the “Mid-Bethesda – Northern B-CC” area of the 1990 *Bethesda-Chevy Chase Master Plan* which is described as a mature, stable area, predominantly zoned R-60, R-90 and R-200 in the westernmost portion. The Master Plan reconfirmed the existing zoning throughout the Mid-Bethesda – Northern B-CC area. The Application proposes two residential lots for a detached house on each lot meeting the development standards of the R-200 zone, therefore the Administrative Subdivision Plan substantially conforms to the Master Plan.

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

As discussed in findings 6.1.c.4 above, public facilities will be adequate to support and service the area of the subdivision.

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

a. Environmental Guidelines

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 420190320 for this Property was approved on October 23, 2018. The NRI/FSD identifies 0.50 acres of forest on the Property. There no other environmental features on the Property or adjacent to the Property. There are no rare, threatened, or endangered species within the boundaries of the proposed project.

b. Forest Conservation Plan

A Final Forest Conservation Plan (FFCP) 620190100 was submitted as part of the Application (Attachment B). The Property is in the R-200 zone and shows that the entire 0.50 onsite forest will be removed. Accordingly, the FFCP shows a 0.47-acre forest planting requirement. The applicant proposes to meet this requirement offsite in a forest conservation mitigation bank.

c. Forest Conservation Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request

The Applicant submitted a variance request in a letter dated August 14, 2019 (Revised October 24, 2019) (Attachment C). The Applicant proposes to impact four (4) trees and remove six (6) trees that are 30 inches or greater DBH, that is considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

Table 2 – Specimen Tree Impacts

TREE #	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	% CRZ IMPACTED	Status
ST-3	Liriodendron tulipifera	Tulip Poplar	38.0"	Moderate	41%	Remove
ST-4	Liriodendron tulipifera	Tulip Poplar	40.0"	Moderate	50%	Remove
ST-6	Liriodendron tulipifera	Tulip Poplar	35.1"	Poor	20%	Retain
ST-8	Quercus rubra	N. Red Oak	36.6"	Moderate	79%	Remove
ST-9	Liriodendron tulipifera	Tulip Poplar	36.5"	Moderate-Poor	79%	Remove
ST-11	Liriodendron tulipifera	Tulip Poplar	36.0"	Poor	8%	Retain
ST-14	Liriodendron tulipifera	Tulip Poplar	36.0"	Moderate	6%	Retain
ST-15	Platanus occidentalis	Sycamore	35.7"	Moderate	26%	Retain
ST-19	Liriodendron tulipifera	Tulip Poplar	38.0"	Moderate	100%	Remove
ST-20	Liriodendron tulipifera	Tulip Poplar	45.7"	Moderate	37%	Remove



Figure 5: Impacted and Removed Variance Trees

Unwarranted Hardship Basis

Per Section 22A-21, a Variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the need for a Variance is based upon existing site conditions and compliance with necessary lot design and infrastructure elements that are required of any preliminary plan application, such that if disturbance or removal of Protected Trees pursuant to Chapter 22A is not allowed in this case, the Applicant would suffer unwarranted hardship.

Specifically, in this case, a Variance is required to facilitate required public facilities including the provision of a public utility easement (PUE) along the Site's frontage for future utility improvements and a new 5' sidewalk, which conflicts with the location of ST-20. Therefore, Staff concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request. Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate for a variance to be granted.

Variance Findings - Staff has made the following determination based on the required findings that granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the Variance will not confer a special privilege on the Applicant because the disturbance to the Protected Trees (i.e., impacts to 4 specimen trees and removal of 6 specimen trees) is due to the reasonable development of the Property and is necessitated by the location of the trees and compliance with lot design as well as provision of public facilities typically associated with the subdivision process. The tree impacts and removals associated with disturbance on the Site are within the buildable area established by setbacks and by Applicant's efforts to minimize impacts to the significant treed area located in the northwestern corner of the site. Granting a Variance to allow land disturbance within the buildable area of the subject property is not unique to this Applicant.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The Variance is based on development allowed under the existing zoning and required by existing site conditions and necessary design requirements of this application. The Variance can be granted under this condition so long as the impacts are avoided or minimized, and required mitigation is provided. The Applicant has incorporated design changes to reduce the impact of tree disturbance and removal such as relocating and reducing the size of the potential building footprint and providing a more restrictive building setback. Additionally, mitigation is being provided for the unavoidable disturbance to the trees.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested Variance is a result of the existing conditions and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The Variance does not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being removed or impacted are not located within a stream buffer, wetland or special protection area. A total of seven (7) trees will be planted on-site as mitigation for removal of Protected Trees not located within existing forest to be cleared as required. While newly planted mitigation trees are obviously smaller in size than trees being removed, they will grow into larger trees over a lifespan of 30+ years providing water quality protection throughout that time. The Protected Trees that are impacted but not removed will continue to provide the same water quality protection.

In conjunction with the proposed development on the Subject Property, the Applicant received approval of a Stormwater Management Concept Plan for an earlier iteration of the

proposed lot design. The application before the Planning Board has further improved the lot design that had been found to be acceptable by MCDPS, and will be conditioned to receive approval of a revised Stormwater Management Concept Plan for the lot design prior to recordation of the plat.

Mitigation for Trees Subject to the Variance Provision

There are six (6) Protected Trees proposed for removal in this variance request. Four trees are located within areas of forest; the forest conservation worksheet already provides mitigation for forest clearing so no additional mitigation is recommended for these trees.

There are two trees, labelled ST-19 and ST-20 in Figure 5, located outside of forested areas and not covered by the mitigation provided from the forest conservation worksheet. Mitigation for the removal of these trees is recommended at a rate that approximates the form and function of the trees removed. Therefore, replacement is recommended at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" DBH. This means that for the 83.7 caliper inches of Protected Trees proposed for removal (outside of forested areas), they will be mitigated by the Applicant by planting 21 caliper inches of trees, with a minimum size of 3" DBH on the site. While the trees recommended for mitigation will not be as large as the trees lost, they will provide some immediate canopy and ultimately replace the canopy lost by the removal of these trees.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on October 29, 2019. The County Arborist did not provide any comments or concerns regarding this request.

Approval of this variance request is recommended.

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

As discussed in findings 6.1.c.4 above, as conditioned, the Application is required to receive a revised Stormwater Management Concept Approval prior to recordation of plat to satisfy the requirements of Chapter 19 for Stormwater Management.

SECTION 4 – CITIZEN CORRESPONDENCE AND ISSUES

A pre-submittal community meeting is not required for an Administrative Subdivision Plan. However, applicants must post signs on the development site and provide written public notice. A notice of the Application was sent to all required parties by the Applicant on April 4, 2019. The notice gave the interested parties 15 days to review and comment on the contents of the Application. Staff has received correspondence from neighboring properties with the following concerns:

Drainage in ROW / increased runoff

Many of the surrounding neighbors have noted existing drainage issues on private property and within the existing right-of-way along Longwood Drive. As an Administrative Subdivision Plan, the Application is required to satisfy stormwater management requirements prior to record plat. The Application received a Stormwater Management Concept Plan approval for an earlier iteration of the lot design, which included a large “U-shaped” driveway with two access points. Since approval of that Stormwater Management Concept Plan, the Applicant worked with Planning Staff to further improve the design by consolidating the driveways to one shared access point for both lots, which will reduce impervious area for the Application. The Application has been conditioned to receive a revised Stormwater Management Concept Plan for the improved lot design prior to recordation of plat.

As proposed, the Administrative Subdivision is subject to the Residential Compatibility Standards of Section 59.4.4.1.B, therefore the new lots are restricted to a maximum lot coverage of 20% each (8,640 square feet combined). If the existing lot were to remain unsubdivided, redevelopment of the lot would not be subject to the Residential Compatibility Standards and would be allowed a maximum 25% lot coverage (10,800 square feet). The Administrative Subdivision is more restrictive in terms of potential lot coverage and resulting effects on stormwater management.

MCDOT required the Applicant to study the impact of the proposed development on the existing storm drain pipe located at the intersection of Longwood Drive and Brooke Drive (neighboring property to the west). MCDOT’s review of this study resulted in a condition recommended by DOT (Attachment D) to offset any increase runoff this Project may have to the existing storm drain pipe on-site, or to increase capacity of the existing storm drain pipe through replacement. If the Applicant were to offset any increase in runoff on-site, this would be included in the revised Stormwater Management Concept Plan, which must be received prior to recordation of plat. Additionally, Staff reached out to MCDOT to determine if any complaints have been made for the noted drainage concerns within the right-of-way, and confirmed there have been no service requests for this area of Longwood Drive.

Tree removal

The earliest iteration of this Application proposed the removal of all specimen trees on-site (10), which was a major cause for concern for the surrounding neighbors. Through the application process and in coordination with Staff, the Applicant has revised the Proposal to reduce the number of specimen trees to be removed from 10 to 6 trees, with a recommended condition requiring 21 caliper inches of mitigation plantings. Furthermore, because the Application is subject to the Forest Conservation Law requirements, the Applicant will be required to compensate for the removal of all forest onsite. As compared to the recent development in the area of single-family demolition and rebuilds, which are exempt from the requirements of a forest conservation plan, this Applicant is required to submit and obtain approval of a forest conservation plan, mitigate for the removal of forest, protect large canopy trees, and mitigate for the loss of any large canopy trees that need to be removed.

Compliance with subdivision criteria / Flag lot design

In regards to the proposed lot design, the neighbors are opposed to the flag lot design stating it is not in character with the surrounding neighborhood, based on size, shape and lot dimensions, also citing applications that proposed flag lot subdivisions that were previously denied based on the design. Properties in the vicinity range from just over 20,000 square feet in size to almost 40,000 square feet. While the predominant shape of the lots in the vicinity are rectangular, there are several other irregularly angled lots and four flag lots. Adjacent to this development application is a flag lot approximately 23,000 square feet in size with a shared driveway access and street frontage, very similar to the design of this Application. The proposed lots meet the minimum development standards for the R-200 zone in terms of size, street frontage, setbacks, and meet the infill development standards for lot coverage.

Staff found records of two previous subdivision applications (located at 7013 and 7116 Longwood Drive) that were denied by the Planning Board in 1988 and 1990, respectively, based on the inability to meet the resubdivision criteria required by the old Subdivision Code. The 2017 Subdivision Ordinance removed the technical analysis of the resubdivision criteria, while keeping the general review contained in finding 1 of Chapter 50:

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.

While the removal of the technical analysis does not change the intent of the finding, it does provide Staff with the flexibility to review the diversity of lots in the surrounding area. The Application review process has provided Staff with the opportunity to improve the Application in terms of Forest Conservation, access, and lot design. Given the context of this Application and the existence of several oddly shaped lots, including flag lots, and the ability for the Application to exceed the requirements of Chapter 59 by proposing restrictive building restriction lines to encourage a street presence for the rear lot, Staff supports approval of the Application as proposed.

SECTION 5 – CONCLUSION

The Administrative Subdivision Plan meets the technical requirements of Section 50.4.3 of the Subdivision Code, and the applicable requirements of Section 50.6.1.C. The lots meet all requirements established in the Subdivision Code and the Zoning Ordinance and substantially conform to the recommendations of the 1990 *Bethesda-Chevy Chase Master Plan*. Therefore, Staff recommends approval of this Administrative Subdivision Plan.

Attachments

Attachment A – Administrative Subdivision Plan
Attachment B – Final Forest Conservation Plan
Attachment C – Variance Request
Attachment D – Agency Letters
Attachment E – Correspondence