



8104 Woodhaven Boulevard, Administrative Subdivision 620200020

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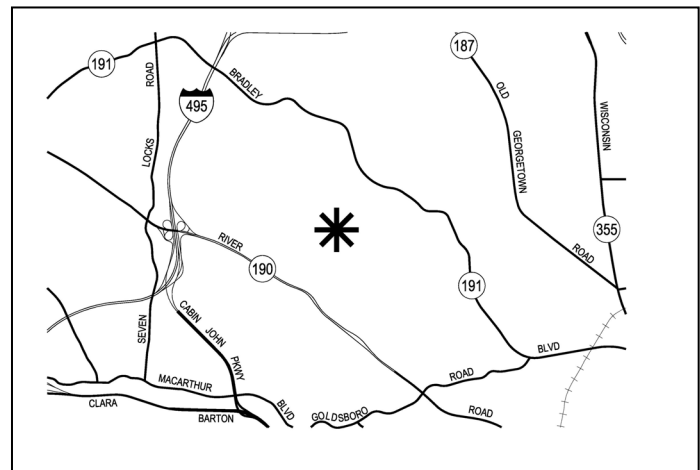
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Completed: 3.20.2020

Updated: 4.03.2020

Description

- Request to create two (2) lots for one single-family detached dwelling unit on each lot;
- Location: Woodhaven Boulevard approximately 200 feet north of Thoreau Drive
- Zone: R-90
- Master Plan: 1990 *Bethesda-Chevy Chase Master Plan*
- Property size: 0.494 acres
- Applicant: Brett Ulrich
- Acceptance Date: September 27, 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 December 26, 2019 to no later than April 23, 2020.
- Staff received a request from the neighboring property to evaluate the Subject Property for potential historic designation of the Worthmill House located at 8104 Woodhaven Boulevard. The Planning Board considered the Historic Preservations' recommendation at their February 6, 2020 hearing and voted to not add the Worthmill House to the Locational Atlas and Index of Historical Sites.
- Staff received letters of opposition from neighbors citing concerns regarding tree removal, proposed lot design, neighborhood character, and the historic nature of the existing dwelling.

Administrative Subdivision Plan No. 620200020

Staff recommends approval of Administrative Subdivision Plan No. 620200020 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. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated March 4, 2020, 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.
4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its stormwater management concept letter dated March 5, 2020, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of Administrative Subdivision Plan approval.
5. The record plat must show necessary easements.
6. Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of a 5-foot wide sidewalk along the property frontage on Woodhaven Boulevard and Wahly Drive, unless construction is waived by MCDPS.
7. The development must comply with the Final Tree Save Plan as shown on the Certified Administrative Subdivision Plan.
 - a. The Applicant must comply with all tree protection and tree save measures shown on the Final Tree Save Plan;
 - b. The Applicant must plant three two-inch caliper native canopy trees onsite to mitigate for the loss of specimen trees;
 - c. Prior to certification of the Administrative Subdivision Plan, the Applicant must revise the tree save plan to show the location of mitigation plantings prioritize areas where trees have been removed, with planting locations to be finalized by the MNCPPC Inspector onsite during the pre-planting meeting;
 - d. The mitigation plantings associated with each lot, as shown on the Final Tree Save Plan, must be installed within the first planting season after receiving a Final Inspection, from MCDPS, for the respective lot(s).
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. Modify the data table to reflect development standards approved by the Planning Board;
 - c. Confirm the front building line width for Lot B is in conformance with Section 59.4.1.7.A.5 of the Zoning Ordinance, as determined by MCDPS;
 - d. Include the following note: *"Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, 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."*

SECTION 1 – SITE DESCRIPTION

Vicinity

The Project is located in west Bethesda, generally bounded by River Road/Wilson Lane to the south, Bradley Boulevard to the northeast, and Interstate 495 to the west. The vicinity is developed as a single-family detached neighborhood with a variety of lot shapes. Lot sizes are predominantly between 10,000 – 12,000 square feet, with some lots as large as 20,000 square feet in size. Several educational institutions are within the area such as Thomas Pyle Middle School and the Landon School to the southeast, and Burning Tree Elementary School to the west.

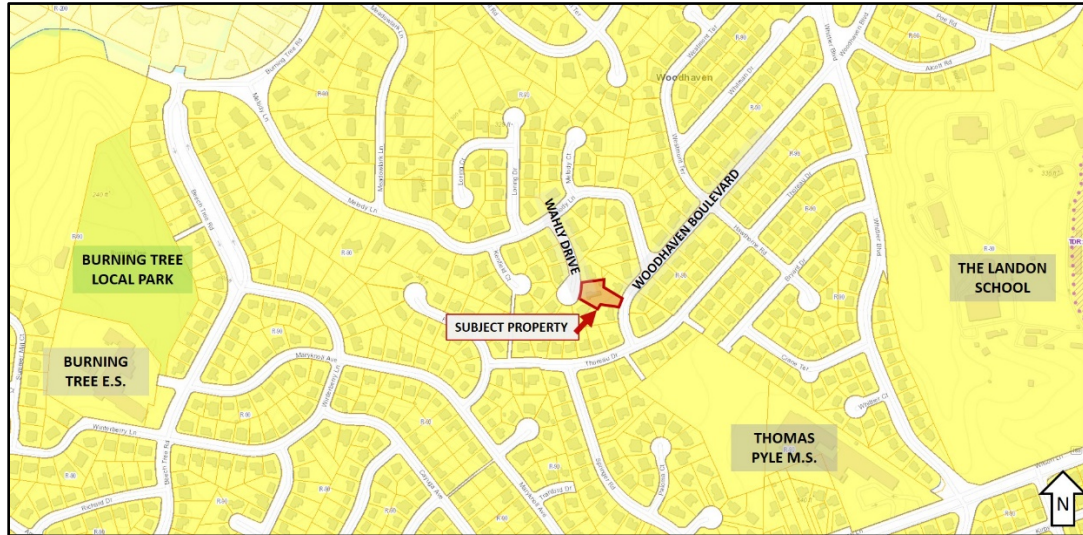


Figure 1 – Vicinity Map

Subject Property

The subject site (Subject Property, Property, or Project) consists of Lot 10, Block A created in 1960 by Plat No. 5949 “West Bethesda Park.” The Subject Property is located on Woodhaven Boulevard approximately 200 feet north of Thoreau Drive, with frontage also on Wahly Drive. The Property consists of 21,505 square feet (0.49 acres), zoned R-90 and 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 with access from Woodhaven Boulevard. The Property lies within the Cabin John Creek Watershed and does not contain any forested areas. 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.



Figure 3 – View of Property from Woodhaven Boulevard



Figure 4 – View of Property from Wahly Drive

Woodhaven Boulevard. Aside from the small area of steep slope, the site is not associated with any other environmentally sensitive features such as forest, stream buffers, wetlands, or 100-year floodplains. The Property contains a handful of mature, significant trees both onsite and offsite, as well as an offsite specimen tree measuring 33-inches DBH.

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. However, given concerns from neighboring properties about drainage, the Applicant has already received Stormwater Management Concept approval for the proposed Subdivision. The SWM Concept Plan demonstrates that onsite stormwater will be managed through environmental site design.

Access and Circulation

Access to the proposed lots will be via separate driveways, Lot A from Wahly Drive and Lot B from Woodhaven Boulevard. Although there are no existing sidewalks in the immediate vicinity, the Project proposes a new 5-foot wide sidewalk along both Site frontages.

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 and provision of new sidewalks along the Wahly Drive and Woodhaven Boulevard frontages, vehicle and pedestrian access for the administrative subdivision will be adequate.

SECTION 3 – 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 September 17, 2019. The notice gave the interested parties 15 days to review and comment on the contents of the Application. As this Application is being considered by the Planning Board, Staff has continued to collect correspondence from the acceptance date up to the posting of this staff report (See Attachment D). Staff has summarized those concerns below:

Historic Preservation

Many of the concerns focused on the historical nature of the existing dwelling. A portion of the existing house was originally built in the late 1850s, with subsequent additions over time. When the surrounding area was subdivided in 1960 to create West Bethesda Park, this residence remained and became known as the Worthmillier House. Staff received a request for designation of the Worthmillier House on the Locational Atlas and Index of Historical Sites. The Historic Preservation Commission (HPC) reviewed Staff's recommendations at their January 22, 2020 meeting and forwarded a recommendation to the Planning Board that the Worthmillier House did not meet the criteria for listing on the Locational Atlas. This item was considered at the February 6, 2020 Planning Board Hearing where the Board voted to not add the Worthmillier House on the Locational Atlas and Index of Historical Sites. Therefore, the existing house is not protected by any historical regulations of the County Code.

Lot Design

As stated previously, the initial Application's subdivision design proposed a through-lot design for one of the lots, which would have allowed no rear setbacks for the future single-family dwellings. Staff worked with the Applicant to provide a design that allows for the construction of two single-family dwellings that

are in keeping with the setbacks of the R-90 zone and the existing development in the neighborhood. This design proposes two lots, each with frontage and access onto a public street, and of a size and shape that meet the R-90 zoning standards for lot size, setbacks, and width at the front building line.

Tree Removal

There are a handful of existing mature, significant trees on the Property that will be impacted and removed as part of the administrative subdivision. The Application received a Forest Conservation Exemption due to the size of the Property being smaller than 1 acre, with the Application being subject to a Tree Save Plan (TSP). The TSP requires mitigation for the removal of one specimen tree located offsite, requiring the Applicant to plant three 2" caliper native canopy trees. The Project has been conditioned to prioritize mitigation plantings in areas where the existing trees will be removed in an effort to maintain the character that the mature existing trees provided.

Sidewalks

Neighbors have also requested the requirement for sidewalks to be waived given there are no sidewalks in the vicinity on either Wahly Drive or Woodhaven Boulevard, and the construction of sidewalks would require the removal of an existing specimen tree on Woodhaven Boulevard. All new subdivisions are required to demonstrate the application provides proper master planned roadway improvements, in this case being a sidewalk on Wahly Drive and Woodhaven Boulevard. The Planning Board may decide to waive the requirement for the application or alternatively, the Director of Permitting Services may waive the requirement to construct sidewalks, and require the Applicant to contribute a fee in lieu payment to the County-wide sidewalk fund.

Stormwater

Neighbors in the immediate vicinity are concerned about any impact of future development on stormwater, citing existing drainage issues that impact their Property and structures. The Application has been reviewed by the DPS-SWM and has received approval of a SWM concept that will meet the standards of Chapter 19 through environmental site design. In addition, the Application will be required to provide final design of the SWM Plan prior to issuance of Building Permit.

Setbacks

Staff received numerous letters regarding the illustrative setbacks and building footprints as shown on the proposed Administrative Subdivision Plan. In addition to these setback concerns, a neighbor disputes the property line location shown on the plan and used as measurement of the illustrative building footprint setback. Any building footprints shown on subdivision applications are illustrative in nature and is not acted on by the Planning Board. The Planning Board considers, and only acts on, the creation of a lot(s). Further development of any lot must be in accordance with the zoning requirements, which is reviewed by the Department of Permitting Services during subsequent building permit submittal. This is further clarified in recommended Condition 8.d. Any concerns related to improper property line and/or fence locations is a civil matter which must be handled outside of the development application process.

Staff received a letter from the Office of Michele Rosenfeld dated March 30, 2020 which states two main issues, 1) the front setback of Lot A not meeting the established building line requirements of the Zoning Ordinance and 2) an improper measurement of the lot width at the front building line on Lot B. The regulations of Section 4.4.1.A for Established Building Line do not apply to this proposed lot as Section 59.4.4.1.A.3.d specifically excludes buildings located on any pipestem, wedge-shaped, or flag-shaped lot. In regards to the lot width for Lot B, it was determined through coordination with DPS that this measurement and illustrative building footprint for Lot B is shown incorrectly. Staff recommends a

condition requiring the Applicant to confirm that the lot width for Lot B is in conformance with the Zoning Code, as determined by DPS prior to Certification of the Administrative Subdivision Plan.

SECTION 4 – 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-90 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;

Woodhaven Boulevard and Wahly Drive are each designated as a Secondary Residential Roadway, and each has an existing 60-foot right-of-way; therefore no further 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.

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 and provision of new sidewalks on the Wahly Drive and Woodhaven Boulevard frontages 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 increase 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 Application received an exemption from Forest Conservation requirements on July 5, 2019. The exemption cited the requirement of a Tree Save Plan (TSP) to be approved with the Subject Application. The TSP proposes mitigation for the removal of an existing 33" American Elm through the planting of three 2" caliper canopy trees. As conditioned, the Application complies with the requirements of the Forest Conservation Law.

The Application has received approval of a Stormwater Management Concept that demonstrates the requirements of Chapter 19 for Stormwater Management have been met.

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. Proposed Lots A and B are appropriate in size, shape, width, and orientation, taking into account the recommendations of the Master Plan, the existing lot pattern of surrounding properties, and the building type (single-family detached dwelling units) contemplated for the Property.

- 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-90 zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area, frontage, and width, 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-90 Zone

Standard	Required/Permitted	Proposed Lot A	Proposed Lot B
Minimum lot size	9,000 sq ft	11,394 sq ft ¹	10,111 sq ft ¹
Front setbacks	30 ft. min.	Must meet minimum	

Side setbacks	8 ft. min., 25 ft. total	Must meet minimum
Rear setbacks	25 ft. min.	Must meet minimum
Lot Width at Front BRL	75'	Must meet minimum
Lot Coverage	30% less .001% per square foot of lot area exceeding 6,000 sf ²	Must meet minimum
Building Height	35 ft max	Must meet minimum
Site Plan Required	No	No

¹ The proposed lots will exceed the minimum requirement for the R-90 zone, lot size may be adjusted during final record plat review

² 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-90 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

This site contains no significant environmentally sensitive features such as forest, stream buffers, wetlands, or flood plains.

b. Forest Conservation

This Application is subject to Chapter 22A of the Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2). Forest Conservation Exemption 42019204E was confirmed for the Subject Property on July 5, 2019. The project meets the particular requirements of the exemption because the proposed activity occurs 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, and will not result in reforestation requirements more than 10,000 square feet.

With the approval of this exemption, the Application is subject to the Tree Save Provision due to the removal of a specimen tree under Forest Conservation Law section 22A-6(b). The removal of the specimen tree, a 33” diameter at breast height (DBH) American Elm, will be mitigated with the planting of three 2” caliper canopy trees, as conditioned.

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 received a revised Stormwater Management Concept Approval per Chapter 19 of the County Code. That approval demonstrates onsite stormwater managed through environmental site design.

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 – Forest Conservation Exemption

Attachment C – Agency Letters

Attachment D – Correspondence