

MCPB
Item No.
Date: 11.4.2021

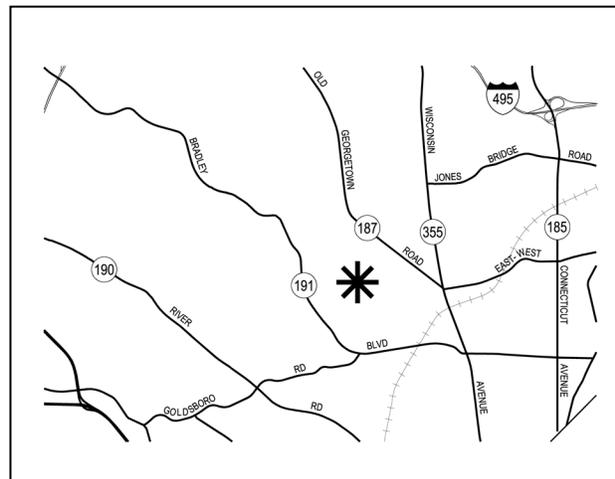
Edgemoor Lots 20 21 & Pt. Lot 2 Block 8, Administrative Subdivision Amendment No. 62020008A

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Completed: 9/27/2021

Descriptio

- Request to combine two existing lots, Lots 21 and Part of Lot 2 Block 8, to create one single-family lot, construct one single-family detached house, and maintain an existing house on existing Lot 20
- Location: 5310 Moorland Lane, 5314 Moorland Lane, and 7507 Glenbrook Road
- Zone: R-90
- Master Plan: 1990 *Bethesda-Chevy Chase*
- Property size: 1.73 acres
- Applicants: Chad Sweet and Julie Sweet
- Acceptance Date: July 12, 2021
- Review Basis: Chapter 50, Chapter 22A, Chapter 59



Summary

- Staff recommends **APPROVAL WITH CONDITIONS** of the administrative subdivision amendment.
- The Administrative Subdivision Amendment proposes to combine Lot 21 and Part of Lot 2, Block 8 located at 5310 Moorland Lane and 5314 Moorland Lane. Lot 21 was created via the original Administrative Subdivision Plan No. 620200080, which was approved by the Planning Director by decision dated August 10, 2020.
- Staff has received correspondence from adjacent residents and property owners. As a result of these community concerns, this Application is being reviewed by the Planning Board instead of the Planning Director, under Section 50.6.3.B.1 of the Subdivision Code.

RECOMMENDATION AND CONDITIONS

Administrative Subdivision Plan Amendment No. 62020008A

Staff recommends approval of Administrative Subdivision Plan Amendment No. 62020008A with the following conditions:

1. This Administrative Subdivision Plan combines existing lot 21 and part of lot 2, block 8 into one lot for one single-family detached dwelling unit. Existing Lot 20 will be unaffected by this Application although it was included in original Administrative Subdivision Plan No. 620200080.
2. The Adequate Public Facilities (APF) review for the Administrative Subdivision will remain valid for five (5) years 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 their letter dated September 13, 2021, 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 record plat must show necessary easements.
5. The Applicant must dedicate the necessary right-of-way to achieve a minimum of 30 feet between the property line and the right-of-way centerline of Moorland Lane to achieve the prescribed total width of 60 feet for a secondary residential roadway in compliance per Chapter 49 of the County Code.
6. Prior to recordation of the plat, the Applicant must satisfy MCDPS requirements to ensure the construction of a 5-foot-wide sidewalk with an 11-foot lawn panel and 2-foot maintenance buffer along the Property frontage on Moorland Lane, unless otherwise determined by DPS.
7. The Planning Board has reviewed and accepts the recommendations of MCDPS, Fire Department Access and Water Supply Section in its letter dated September 13, 2021 and 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 amendment does not conflict with other conditions of Administrative Subdivision Plan approval.
8. The Planning Board has reviewed and accepts the recommendations of MCDPS, Water Resources Section in its stormwater management concept approval dated August 2, 2021 and 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 amendment does not conflict with other conditions of Administrative Subdivision Plan approval.
9. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
10. Prior to the start of any demolition, clearing, grading or construction for this development Application, the Applicant must submit the forest conservation fee-in-lieu payment to the M-NCPPC Planning Department for the 0.04 acres of afforestation/reforestation requirement.
11. Prior to the start of any demolition, clearing, grading, or construction that will require the removal of trees subject to the variance provisions of Chapter 22A Forest Conservation Law, the Applicant must submit a five (5)-year Maintenance and Management Agreement (MMA) in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings

credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures.

12. Within the first planting season following the release of the first Sediment and Erosion Control Permit from MCPDS for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of three (3) caliper inches totaling twenty-seven (27) caliper inches or as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
 - a. All onsite trees credited towards variance mitigation must be at least five (5) feet away from any structures, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or their associated easements, as shown on the certified Final Forest Conservation Plan.
13. The Applicant must comply with all tree protection and tree save measures shown on the approved Tree Save Plans and/or Final Forest Conservation Plan as applicable. Tree save measures not specified on the Final Forest Conservation Plan and/or the Tree Save Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
14. The Limits of Disturbance (LOD) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
15. The Certified Administrative Subdivision Plan must contain the following note:

Unless specifically noted on this plan drawing or in the 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

Site Vicinity

The Subject Property, as recorded in Plat 25722/642-62, includes three existing lots, Lots 20 & 21, and Part of Lot 2 Block 8, in the Edgemoor Subdivision and consists of approximately 1.73 acres (“Property” or “Subject Property”). Lot 20 is located at 7507 Glenbrook Road, Lot 21 is located at 5310 Moorland Lane, and Part of Lot 2 Block 8 is located at 5314 Moorland Lane. Lots 20 and 21 share a common lot line, though their respective frontages lie on separate streets. Lot 20 is the result of a 2015 subdivision, Plat no. 25056/637-119, which combined Lots 10 and 11 on Block 8. Lot 2, and the entirety of Block 8, was established via Plat 146 in 1912. The Property is zoned R-90 and lies within the 1990 *Bethesda-Chevy Chase Master Plan* area (“Master Plan”).



Figure 1 – Vicinity Map

As depicted in Figure 2, both Lot 20 and Part of Lot 2 are each currently improved with a single-family house, while Lot 21 is currently vacant with maintained yard space and existing dual driveway aprons that accessed the previous, now razed, single family home. Both lots have existing public sidewalks along their frontage.

Aside from several specimen-sized trees and limited areas of steep slope between 15-25%, there are no significant environmental features on the Property, and it does not contain forest area. The Subject Property is in the W1 and S1 water and sewer categories allowing for public water and sewer services. The Property is in the Little Falls Watershed which is identified as a Use I-P¹ watershed.

¹ Use I-P:

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY

Waters that are 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 use as a public water supply.



Figure 2 – Aerial Map

Previous Approvals

On July 20, 2020 the original Administrative Subdivision Application, No. 620200080, was approved administratively by the Planning Director. As shown in Figure 3 below, this previous Application resulted in the transfer of approximately 6,500 square feet of land at the rear of Lot 21 to the rear of Lot 20. There was no construction proposed with this approval, although an associated Forest Conservation Plan was submitted and approved with the Applicant responsible for 0.23-acres of afforestation. This prior approval also limited Lot 21 to a single driveway entrance on Moorland Lane, which is incorporated in the work proposed by the current Application.



Figure 3 – Previous Administrative Subdivision Plan – Previously existing lots shown in red, previously approved lots shown in green.

SECTION 2 – PROPOSAL

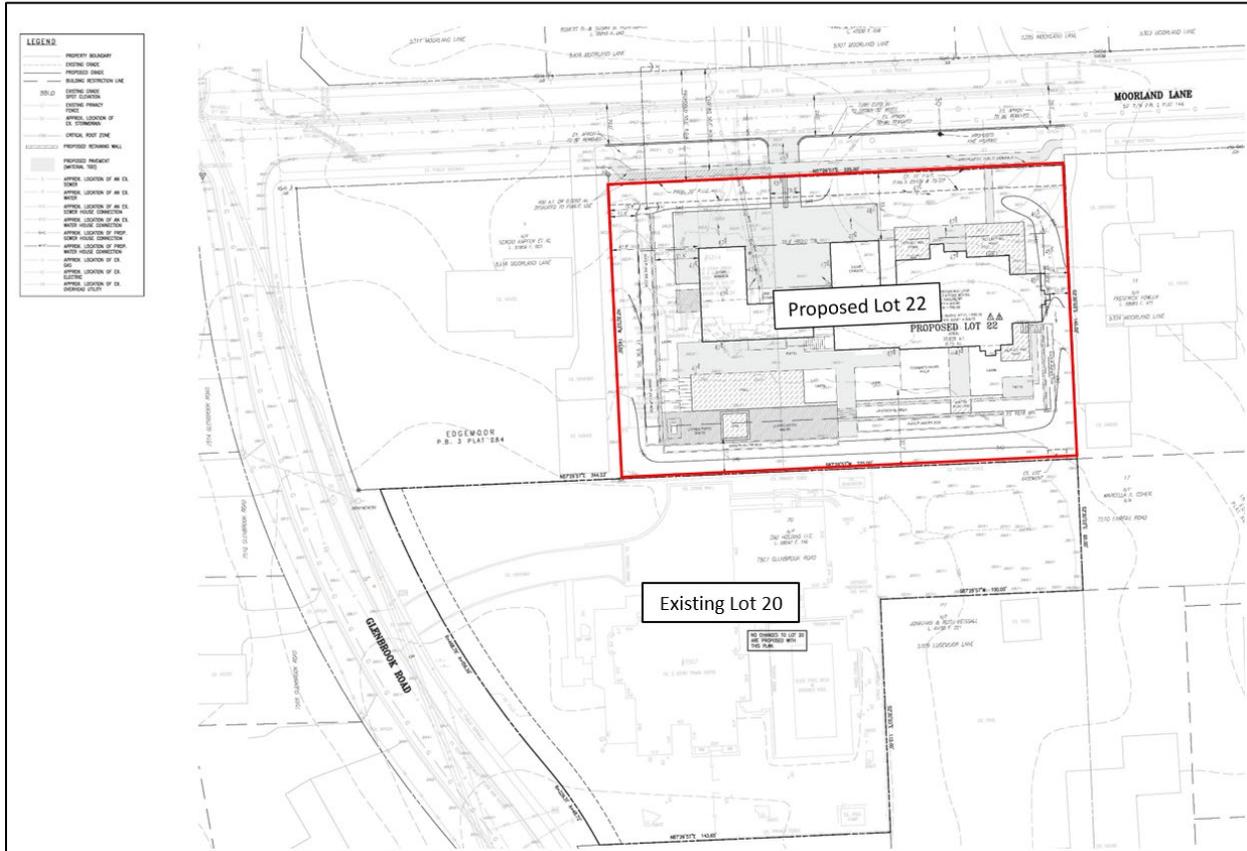


Figure 4 – Administrative Subdivision Plan Depicting Current Proposal - Proposed Lot 22. Existing Lot 20 shall remain unchanged with this amendment.

Proposal

This Application proposes to combine two existing lots, Lots 21 & Part of Lot 2, Block 8, located at 5310 Moorland Lane and 5314 Moorland Lane. With this, the Applicant intends to create one (1) single-family lot, Proposed Lot 22, which will be compliant with existing zoning regulations and to construction one (1) single-family detached house. Previously created Lot 20 will remain as is with no proposed improvements or adjustments.

Proposed Lot 22 will be a 32,625 square feet in size. This meets the minimum lot area of 9,000 square feet in the R-90 zone and is not uncharacteristic for lots in this subdivision, including the previously created Lot 20 which was approved at 42,310 square feet.

The Subject Application also includes the removal of the existing driveway aprons associated with both 5310 and 5314 Moorland Lane and consolidates the entry to Proposed Lot 22 with one fifteen (15)-foot driveway apron. A five (5) foot public sidewalk will be constructed in conjunction with these updates.

Environmental Guidelines

As previously mentioned in the site description, the Subject Property is located within the Little Falls Watershed, and the Project does not contain or affect any forest area. However, the Subject Property contains environmentally sensitive features including mature trees, and areas with slopes of 15-25%. These slopes do not lie on soils classified as highly erodible; rather, the entire project area lies on soil type

2UB - Glenelg-Urban land complex, which is typical of developed suburban areas. There are several mature and specimen trees on the Property which are proposed to be impacted and/or removed in conjunction with the work proposed. Staff has recommended measures to limit the proposed tree impacts and provide mitigation where trees must be removed. This will be further discussed in the Forest Conservation and Variance sections of this Staff Report.

There are no known rare, threatened, or endangered species on or near the Site; there are no 100-year floodplains, highly erodible or hydric soils, streams wetlands or associated buffers on site. Aside from the watershed itself, the mature significant and specimen trees, and isolated pockets of steep slope, there are no other environmentally sensitive resources associated with the Subject Property nor any historic features on or near the site. As conditioned, this Application will maintain compliance with the Montgomery County Environmental Guidelines.

Forest Conservation

An NRI/FSD (420201220) was approved for the Subject Property on February 25, 2020. Although there is no forest existing on-site, this Application is subject to Forest Conservation Law; accordingly, an amended Final Forest Conservation Plan was received in conjunction with this Application. The previous Forest Conservation Plan included an afforestation requirement of 0.23 acres, which the Applicant met via fee-in-lieu. As a result of the work proposed with this Amendment, there is an additional requirement of 0.04-acres of afforestation which the Applicant proposes to meet via fee-in-lieu; Staff supports this approach given the relatively small size of the requirement.

The Subject Property contains two specimen trees, sized at 30 inches in diameter at breast height (DBH) and numerous signification trees of at least 24 inches DBH. There are also specimen trees adjacent to the Subject Property, which lie off-site. Given the location of many of these trees on the lot, as well as the required driveway removals, many of these trees will be impacted by this Application. In coordination with Staff, the Applicant has made efforts to reduce the LOD and provide measures for the protection of impacted trees both on and off site. Further, mitigation for trees proposed to be removed has been shown on the plan. Due to the proposed impacts and removal of specimen trees, this Application is also subject to the Variance Provisions of the Forest Conservation Law. Accordingly, a variance request has been submitted with this Application and is described below; Staff has recommended approval of the request. As conditioned, all Forest Conservation Requirements will be met.

Forest Conservation Variance

Section 22A-12(b)(3) of the 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 DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75% of the diameter of the current State champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The subject Application includes disturbance/removal of trees that are greater than or equal to 30 inches DBH, therefore a variance is required. The Applicant submitted a variance request on August 25, 2021 (Attachment C) for the impacts to 2 subject trees and proposed removal of 3 subject trees, 5 trees in total, that are considered high-priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

Table 1: Proposed Subject Tree Impacts & Removals

TREE #	TYPE	DBH	Percent of CRZ Impacted by LOD	CONDITION	PROPOSED STATUS
2	White Oak	34"	87%	Fair	REMOVE
3	White Oak	34"	77%	Fair	REMOVE
5	Tulip Poplar	38"	21%	Good	SAVE
9	Tulip Poplar	40"	38%	Good	REMOVE*
10	White Oak	30"	5%	Good	SAVE

*Classified as a removal with intent to save; mitigation provided.

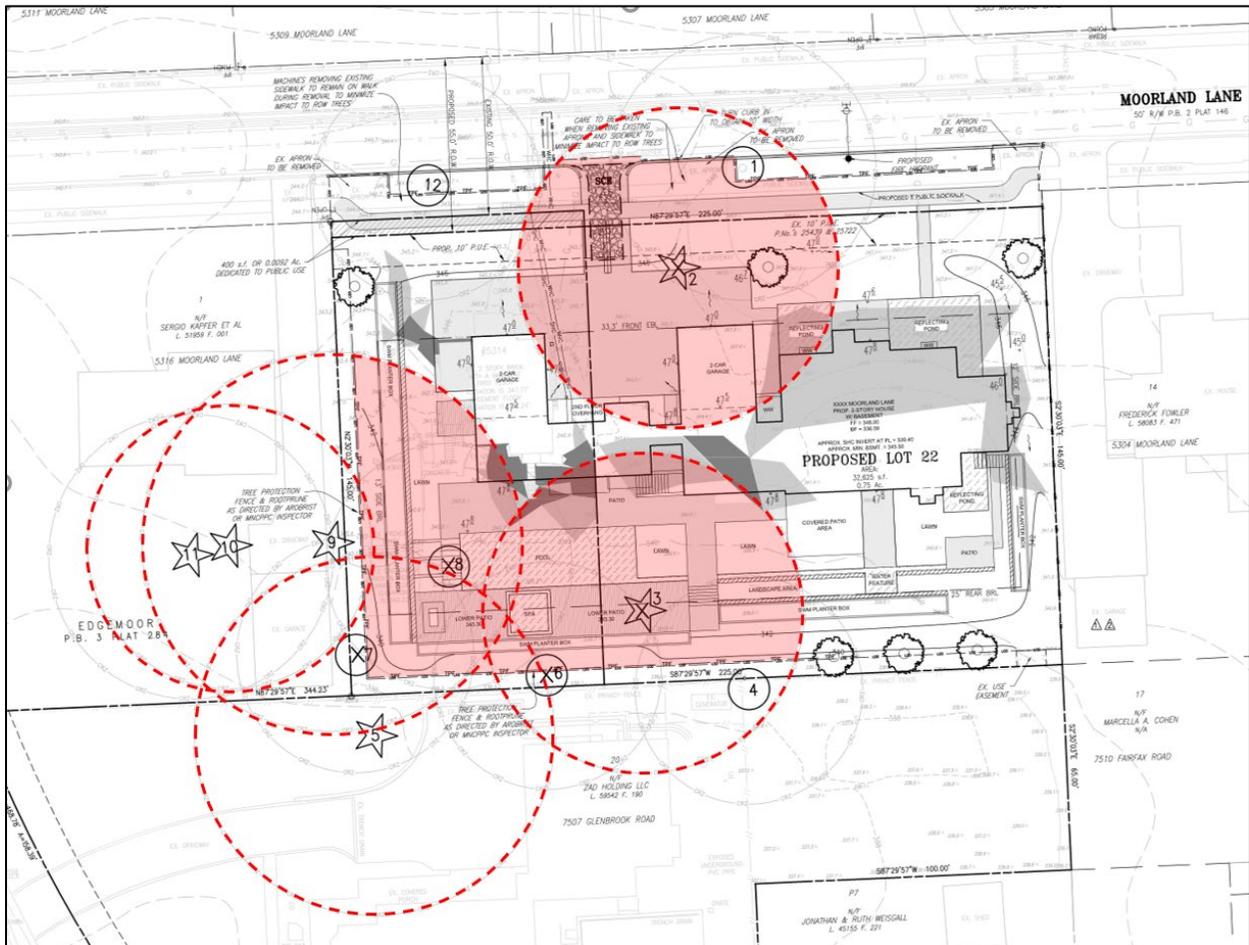


Figure 5 – Forest Conservation Variance Exhibit.

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, in order for a variance to be granted. In addition to the required findings outlined numerically below, Staff has determined that the Applicant has demonstrated that enforcement of the variance provision would result in an unwarranted hardship due to the layout of the site with regard to the onsite and offsite specimen trees. In order to remove the

existing dual driveway aprons and locate the proposed driveway onsite, with appropriate spacing from neighboring lots, Specimen Tree-2 will necessarily be impacted. Further, in proposing a building envelope which complies with R-90 setback requirements, incorporates the necessary stormwater management facilities, and functions with the resulting driveway location, certain tree impacts will occur due to the overlapping critical root zones (CRZ) of subject trees which cover nearly a quarter of the site. Alternative designs, which included alternative stormwater management layouts and reduced grading and site improvements, were considered however these considerations did not result in the ability to retain additional trees. There would be an unwarranted hardship if a variance were not considered.

Variance Findings

Staff has made the following determination based on the required findings for granting of the requested variance:

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

The impact/removal of variance trees is unavoidable due to their location and with respect to the proposed development of the property. As it is a property owner's right to make maximum use of any planning and zoning option while still providing the greatest protection of specimen trees, no special privileges have been requested or provided to the Applicant with this Variance Request.

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

As stated above, the requested variance and associated tree impacts are due to the concerns related to the improvement of site while adhering to certain constraints. This variance request is not based on circumstances which are the result of actions by the Applicant.

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

The surrounding land uses do not have any inherent characteristics or conditions that have created or contributed to this particular need for a variance.

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

The development proposal for the site includes the planting of variance mitigation trees, including planting for Tree-9 which is declared as a removal with intent to save the tree. These tree plantings and revised grading serve to improve soil permeability, support the infiltration and uptake of water onsite, and reduce areas contributing to water runoff and erosion; these measures will be especially effective given that Proposed Lot 22 currently contains areas of steep slope and uncovered, compacted soil which does not appropriately combat runoff issues.

Further, the Applicant proposes a development which will meet current State and local stormwater management standards while the site currently does not; adherence to the current standards has been verified by the submission, and subsequent approval dated August 2, 2021, of a Stormwater Management Plan to the Department of Permitting Services. MCDPS found the plan acceptable for providing the required stormwater treatment onsite via micro-bioretenion planter boxes, without the use of waivers. Thus, the Application will ultimately result in an improvement of water quality, rather than cause measurable degradation.

Mitigation for Trees Subject to the Variance Provisions

There are three subject trees proposed for removal in association with this Application. Planting mitigation for the removal should be at a rate that approximates the form and function of the trees removed, at a ratio of approximately 1-inch DBH for every 4 inches DBH removed, using trees that are a minimum of 3 caliper inches. As a result of the proposed removal of three subject trees, for a total of 108 inches DBH removed, which results in a mitigation requirement of at least 27 caliper inches of native canopy trees sized at least 3 caliper inches each. As conditioned, the Applicant will meet the required planting of 27 total caliper inches in order to meet this requirement and mitigate for the loss of trees in the study area.

Staff Recommendation on the Variance

As a result of the above findings, Staff recommends approval of the Applicant's request for a variance from the Forest Conservation Law to impact, but retain, two subject trees and to remove three subject trees associated with the application.

Stormwater Management (SWM)

The Application received approval of a Stormwater Management Concept Plan from the Department of Permitting Services, on August 2, 2021, per Chapter 19 of the County Code. The SWM Concept Plan demonstrates that stormwater will be managed onsite (with no waiver) using micro-bioretenion planter boxes.

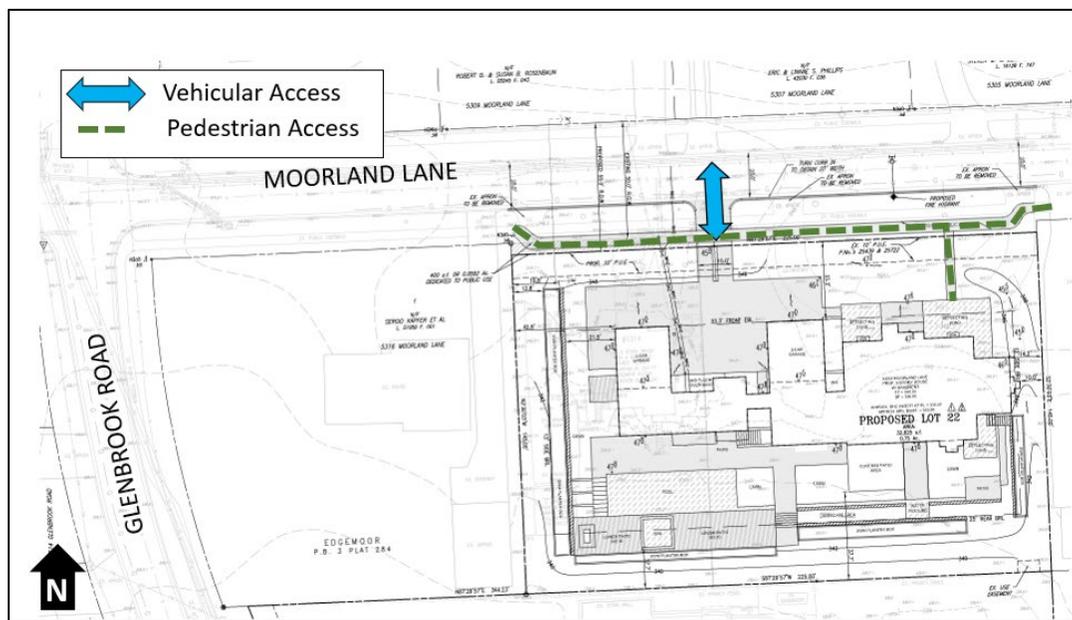


Figure 6 – Circulation Diagram

Access and Circulation

Access to the proposed new Lot 22 will be provided by a new, 15-foot driveway. The existing driveway will be removed. As conditioned, the Applicant will dedicate 30 feet from the centerline to achieve the total master-planned width of 60 feet. Additionally, as conditioned, the Project will provide a new 5-foot-wide sidewalk with an 11-foot lawn panel and 2-foot maintenance buffer along Moorland Drive. No designated bikeway facilities are master planned along the Site frontage. The Project proposes a new single-family house on the Site, and as such is estimated to generate one new trip in the morning peak hour and one new trip in the evening peak hour. Per the Local Area Transportation Review (LATR), projects generating fewer than 50 new person trips are not required to conduct further transportation impact analysis. Therefore, subject to the conditioned frontage improvements, access to the site for vehicles, pedestrians and bicyclists will be adequate.

SECTION 3 – ANALYSIS AND FINDINGS, CHAPTER 50

Applicability, Section 6.1.C

The Application can follow the Administrative Subdivision process because it is up to 3 lots for detached houses in a residential zone and must meet the following criteria:

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;

The Applicant is required to provide road dedication in accordance with the Master Plan, which designates Moorland Road as a secondary residential roadway. Accordingly, in order to meet Master Planned right-of-way dimensions an additional dedication of 5 feet on Moorland Road, measured from the right-of-way centerline, will be required at the time of record plat. 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

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations. The Property is located in the Bethesda/Chevy Chase Policy Area, which is categorized as an Orange Policy Area under the *2020 – 2025 Growth and Infrastructure Policy* (the “GIP”). As demonstrated in the Applicant’s traffic statement, dated March 8, 2020, the proposed Administrative Subdivision generates fewer than 50 peak-hour person trips and is therefore exempt from Local Area Transportation Review under the GIP without further review. Therefore, roads and transportation facilities are adequate to support the Application.

Adequate public-school facilities exist to support the Subject Application. The Property is served by Bethesda Elementary School, Westland Middle School, and Bethesda Chevy Chase High School. With a net of one new single-family detached dwelling unit located on the proposed Lot 22, following the demolition of the existing single-family detached dwelling unit at 5314 Moorland Lane and subsequent subdivision to combine lots, Administrative Subdivision No. 62020008A for 7507 Glenbrook Road, 5310 Moorland Lane, and 5314 Moorland Lane in the Edgemoor Subdivision of Bethesda falls within the de minimis (three units or less) exemption. Therefore, the project is exempt from any applicable residential development moratoria and it is unnecessary to test the project’s estimated impact on school enrollment.

As noted above, the Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which 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.

Transportation Adequacy

Transportation access is adequate to serve the proposed development by this Administrative Subdivision as conditioned.

The Applicant received approval for the vehicular site access, and as proposed and conditioned, the Applicant will construct a minimum 5-foot sidewalk with an 11-foot tree lawn.

Local Area Transportation Review (LATR)

The Project generates fewer than 50 new person trips in the morning and evening peak hours. As a result, the Application is not subject to the Local Area Transportation Review (LATR).

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. As conditioned, the Amended Final Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Application received approval of a Stormwater Management Concept Plan from the Department of Permitting Services, on August 2, 2021, per Chapter 19 of the County Code. The SWM Concept Plan demonstrates that stormwater will be managed onsite (with no waiver) using planter box microbio-retention. There are no additional environmental protection requirements to be met.

Technical Review, Section 4.3

1. Lot Appropriateness

The Administrative Subdivision Plan meets all applicable sections of the Subdivision Regulations. 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 homes) contemplated for the Property.

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 accommodate a building which can reasonably meet the setback requirements in that zone. A summary of this review is included in following table, Table 1.

Table 1-Development Review Table

R-90	Required by the Zone	Previously Approved	Proposed for Approval
Minimum Lot Area	9,000 sq. ft.	Lot 20 = 42,310 sq. ft. Lot 21 = 21,025 sq. ft.	Existing Lot 20 = 42,310 sq. ft. Proposed Lot 22 = 32,625 sq. ft.

Minimum Lot Width at B.R.L.	75 feet	Lot 20 = 207 feet Lot 21 = 145 feet	Existing Lot 20 = 207 feet Proposed Lot 22 = 225 feet
Minimum Lot Width at Front Lot Line	25 feet	Lot 20 = 206 feet Lot 21 = 145 feet	Existing Lot 20 = 206 feet Proposed Lot 22 = 225 feet
Maximum Lot Coverage	30%	Lot 20 = 20% Lot 21 = 20%	Existing Lot 20 = 20% Proposed Lot 22 = 20%
Front Setbacks, min.	30 feet or Established Building Line	Lot 20 = 30 ft. Lot 21 = 42.6 ft.	Existing Lot 20 = 30 ft. Proposed Lot 22 = 33.3 feet
Side Setbacks, abutting Residential, min.	8 feet min./ 25 feet total	Must Meet Minimum ¹	Must Meet Minimum ¹
Rear Setbacks, abutting Residential, min.	25 feet	Must Meet Minimum ¹	Must Meet Minimum ¹
Maximum Building Height	30 ft Mean / 35 ft Peak	Must Meet Minimum ¹	Must Meet Minimum ¹
Site Plan Required	No	No	No

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

2. Master Plan Conformance

The Administrative Subdivision Plan substantially conforms to the 1990 *Bethesda-Chevy Chase Master Plan*.

a. Land Use

The Master Plan reconfirmed the existing single family detached, low-density residential zoning throughout the Property's vicinity. The project demonstrates conformance to the Master Plan by proposing a moderate level of new housing development achieving a greater housing supply. The proposed subdivision will meet the housing development objective by increasing the housing density on a larger property. The proposed subdivision meets the Area Land Use Guidelines through the redevelopment of a property without creating a significant demand increase in public infrastructure and transportation needs.

b. Environment

The Bethesda-Chevy Chase Master Plan has recommendations regarding the preservation of natural resources, including wooded areas/trees. These Master Plan goals are addressed via the conditioned tree save measures and onsite mitigation plantings, and street tree plantings.

3. Adequate Public Facilities

As discussed above regarding the Findings of Section 50.6.1.C.4, public facilities will be adequate to support and service the area of the subdivision.

4. Forest Conservation

The Subject Property is subject to Chapter 22A of the County Code. As conditioned, the Amended Final Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

5. Stormwater Management

The Application received approval of a Stormwater Management Concept Plan from the Department of Permitting Services, on August 2, 2021, per Chapter 19 of the County Code. The

SWM Concept Plan demonstrates that stormwater will be managed onsite (with no waiver) using planter box microbioretention.

SECTION 4 – CITIZEN CORRESPONDENCE AND ISSUES

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Application. 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 July 15, 2021. The notice gave the interested parties 15 days to review and comment on the contents of the Application.

As of the date of this staff report, Staff has received four letters (Attachment E). The correspondence received was based on the initial submission and relates to the stormwater management, tree removal, the scale of the proposed lot and single-family home, and the potential large gatherings at the proposed residence. Staff responses to these concerns that are in the purview of Planning staff and other agencies' review are summarized below.

Stormwater Management

Much of the received correspondence brought up the issue of stormwater management and the problems present in the neighborhood today. The Subject Property at 5310 Moorland Lane is undeveloped today and holds areas of steep slope, much of which is exposed, compacted soil without planting material to combat runoff and erosion. The proposed development is required to incorporate stormwater management features onsite, where none currently exist, to appropriately address the issue. Further, the proposed mitigation plantings serve to increase soil permeability and water uptake. MCDPS found the submitted stormwater management concept plan acceptable on August 2, 2021. Through the use of microbioretention planters, and without the use of a waiver, the Applicant has met all applicable stormwater management requirements and is expected to improve, rather than worsen, stormwater management as compared to the existing conditions.

Tree Removal

The initial submission proposed disturbance to the subject trees on and offsite without the incorporation of tree save measures or proposed mitigation plantings. As a result of Staff comments, the Applicant has since revised their plans and has consulted with tree care experts for recommendations on tree protection, stress reduction, and planting of mitigation trees. Further, while neighboring tree impacts are proposed, the Applicant will provide protection for such trees and implement mitigation plantings even if the subject tree is able to remain. Initial plans also proposed the removal of one street tree; the plans have since been revised to appropriately shift construction activities away from street trees and provide tree protection measures to help maintain canopy cover in the neighborhood.

Scale of Proposed Lot & Single-Family-Home

As part of the review of Administrative Subdivision Applications, Staff reviews the proposed lot to ensure compliance with zoning requirements and compatibility with the existing neighborhood. As described in this report, Proposed Lot 22 meets all requirements of the R-90 zone. Further, when viewing the proposed lot in the context of the neighborhood large, existing lots comparable to the size of the proposed lot can be found (Figure 6, below). The size and character of the proposed single-family home is not part of the subdivision review process.



Figure 6 – Neighborhood overview (Proposed Lot 22 shown in red, comparable lots shown in green)

SECTION 5 – CONCLUSION

The Administrative Subdivision meets the technical requirements of Section 50.4.3 of the Subdivision Regulations, and the applicable requirements of Section 50.6.1.C. The lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the 1990 *Bethesda-Chevy Chase Master Plan*. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, Staff recommends the Planning Board approve this Administrative Subdivision Amendment with conditions enumerated at the beginning of this report.

Attachments

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