



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Staff Report: Site Plan Amendment 82007018A, Lot 31/31A-Bethesda**

**CONSENT ITEM #:**

**MCPB HEARING**

**DATE:** July 21, 2011

**REPORT DATE:** July 11, 2011

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
 Robert Kronenberg, Supervisor *RK*  
 Area One

**FROM:** Margaret K. Rifkin RLA AICP, Coordinator *MKR*  
 Area One  
 301.495.4583  
 Margaret.Rifkin@mncppc.org

**APPLICATION**

**DESCRIPTION:** Site Plan Amendment 82007018A  
 Lot 31/31A-Bethesda  
 Southeast and southwest quadrants of the intersection of Woodmont Avenue  
 and Bethesda Avenue in the Bethesda CBD  
 Bethesda CBD Sector Plan 1994

**APPLICANT:** Lot 31 Associates LLC and Montgomery County

**FILING DATE:** May 9, 2011

**RECOMMENDATION:** Approval of the site plan amendment and adoption of the draft resolution.

**EXECUTIVE**

**SUMMARY:** On Lot 31A: alterations in open space adjacent to retail use:  
 reconfiguration of the street level building footprint, redesign of  
 hardscape and landscape.

On Lot 31: planting, lighting, hardscape alterations, minor alterations  
 to final grade, and increase in open space on the south side of the  
 building.

Approval signatures

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## **SITE DESCRIPTION**

### **Vicinity & Analysis**

The subject site is located on the southeast and southwest corners of the intersection of Bethesda Avenue and Woodmont Avenue. Lot 31 is adjacent to an existing single family neighborhood to the south and the Capital Crescent Trail to the west. The subject site today is comprised of two public parking lots and includes the public right of way of Woodmont Avenue.

## **AMENDMENT DESCRIPTION**

### **Previous Approvals**

All previous approvals reflect the fact that the Project is a public/private partnership with the Montgomery County Department of Transportation that will include an underground public parking garage that extends beneath Woodmont Avenue. The parking garage will also provide private parking for the residential uses in the Project.

#### *Re-Zoning*

On October 10, 2006, the County Council for Montgomery County, sitting as the District Council, approved the reclassification of land in the R-60 Zone and CBD-1 Zone to TS-M for Lot 31/31A-Bethesda.

#### *Preliminary Plan*

On September 20, 2007 the Planning Board approved the Preliminary Plan No. 120070690 subject to conditions.

#### *Forest Conservation Plan*

On September 20, 2007 the Planning Board approved the Final Forest Conservation Plan.

#### *Site Plan*

On September 20, 2007 the Planning Board voted to approve Site Plan 82007018 for a mixed use development with a floor area ratio of 2.59 including a maximum of 250 multi-family dwelling units, of which a minimum of 12.5% will be moderately priced dwelling units and up to 35 of the units will be workforce housing, and of 40,000 square feet of retail space on 3.30 acres of TS-M zoned-land, located on the southeast and southwest quadrants of the intersection of Woodmont Avenue and Bethesda Avenue. The Resolution was originally dated December 20, 2007 and then corrected February 28, 2008.

### **Conformance to Conditions of Approval**

The proposed development must comply with the conditions of approval for Site Plan 82007018 as enumerated in the Corrected Resolution dated February 28, 2008, except as modified herein.

**Description of Amendment[s]**

The Applicant requests the following modifications to the Site Plan:

- Lot 31A building footprint adjustment at northwest building corner (adjacent to Bethesda Avenue/Woodmont Avenue); adjustments to seating area and elimination of plantings based on footprint adjustment resulting in reduced open space on this corner.
- Lot 31 rear courtyard plaza enlarged with layout revisions to landscape, water feature, and hardscape, with associated minor lighting adjustments.
- Lot 31A landscape and hardscape alterations along Woodmont Avenue and eastern property line.
- An increase in total public use space from 10 percent to 23.4 percent.
- Minor detailing adjustments to seat wall along southern buffer on Lot 31.
- Minor alterations of final grade at various locations around the entire site.
- Extension of screen wall from Lot 31 southwest property line.

**PUBLIC NOTICE**

A notice regarding the subject amendment was sent to all parties of record by the Applicant and received at by the Planning Department on May 13, 2011. The notice gave interested parties 15 days to review and comment on the amended site plan per Montgomery County Zoning Ordinance Section 59-D-3.7. Staff received no formal inquiries regarding the proposed amendment.

**STAFF RECOMMENDATION**

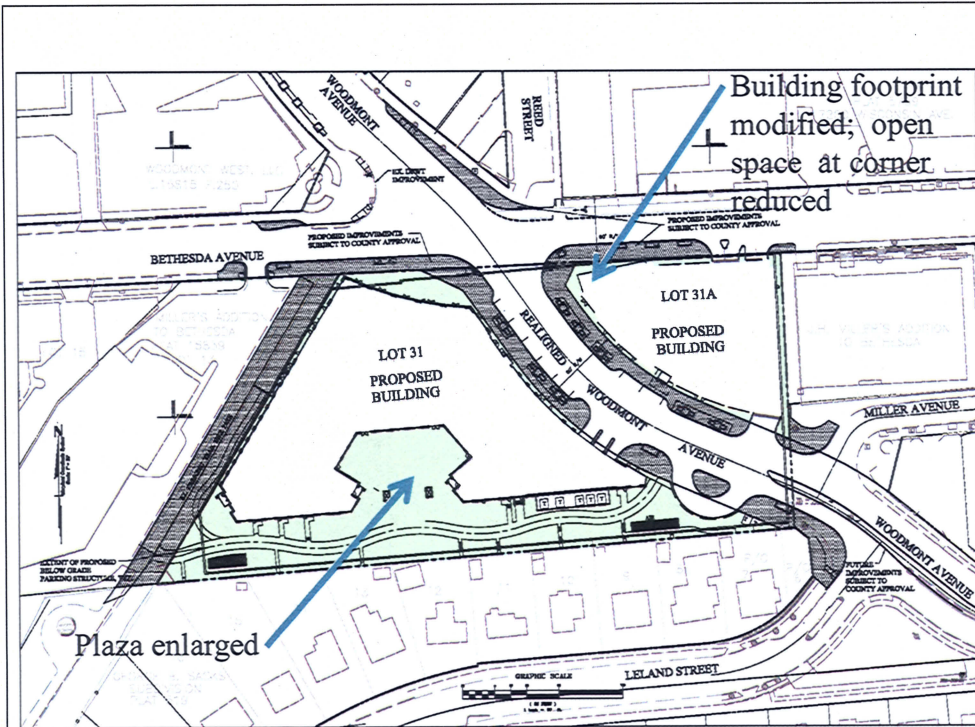
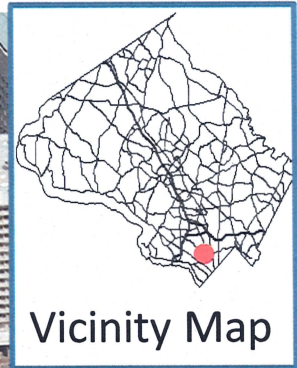
The proposed modifications to the site plan will not alter the overall character or impact of the development with respect to the original findings of approval. Further, these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood. Staff recommends approval of Site Plan Amendment 82007018A.

**ATTACHMENTS**

1. Vicinity Map, Existing Site and Proposed Site Plan
2. Draft Planning Board Resolution



Attachment 1 – Vicinity Map, Existing Site and Revised Site Plan



LEGEND:		EXISTING	PROPOSED
		AREA	AREA
AREA DEVOTED TO PUBLIC USE	[Pattern]	0.00	0.00
AREA DEVOTED TO ACTIVE RECREATION	[Pattern]	0.00	0.00
TOTAL OPEN SPACE		0.00	0.00

\* ALL OPEN SPACE AREAS, EXCEPT AREAS IN PARENTS  
 \*\* ALL OPEN SPACE IMPROVEMENTS AND ACTIVE RECREATION SPACES ARE SUBMITTED BY THE APPLICANT AND ARE SUBJECT TO THE APPROVAL OF THE BOARD OF PUBLIC WORKS AND THE BOARD OF ZONING ADJUSTMENTS AND TO THE REQUIREMENTS OF THE DISTRICT DEPARTMENT OF PUBLIC WORKS AND THE DISTRICT DEPARTMENT OF ZONING ADJUSTMENTS.

Revised Site Plan

NO.	DATE	REVISION	BY	APP. BY

APPLICANT:  
 LOT 31 ASSOCIATES, L.L.C.  
 DEVELOPERS ASSOCIATES, INC.  
 470 BETHESDA AVENUE  
 SUITE 300, BETHESDA, MD 20814  
 PHONE: (301) 452-8450  
 CONTACT: JANE MARGALIS & JEREMY LUNA

SITE PLAN AMENDMENT  
 PUBLIC SPACE / PASSIVE AND  
 ACTIVE RECREATION SPACE EXHIBIT



LOT 31 / LOT 31A - BETHESDA  
 SELECTED DISTRICT NO. 7  
 MONTGOMERY COUNTY, MARYLAND

SCALE	1" = 30'
DATE	08/20/11
REV. NO.	0-2
DATE	08/20/11



## DRAFT RESOLUTION NOT ADOPTED

### MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-57  
Site Plan No. 82007018A  
Project Name: Lot 31/31A – Bethesda  
Hearing Date (Consent Agenda): July 21, 2011

#### RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, the subject site located on the southeast and southwest corners of the intersection of Bethesda Avenue and Woodmont Avenue is comprised of two public parking lots and includes the public right of way of Woodmont Avenue with Parking Lot 31 adjacent to an existing single family neighborhood to the south and the Capital Crescent Trail to the west ("Property"); and

WHEREAS on October 10, 2006 the County Council for Montgomery County, sitting as the District Council, approved the reclassification of land in the R-60 Zone and CBD -1 Zone to TS-M zoning for the Property; and.

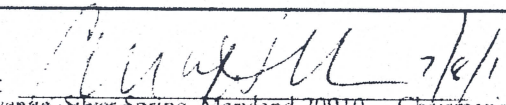
WHEREAS on September 20, 2007, the Planning Board approved, subject to conditions, Site Plan 820070180 for a mixed use development with a maximum density of 2.59 floor area ratio including a maximum of 250 multi-family dwelling units, of which a minimum of 12.5% of the units will be moderately priced dwelling units and up to 35 of the units will be workforce housing units, and a maximum of 40,000 square feet of retail space for development of the Property; and.

WHEREAS, on May 9, 2011, in accordance with Section 59-D-3.7 of the Zoning Ordinance, Lot 31 Associates, LLC and Montgomery County, Maryland, filed a site plan amendment application that included some minor amendments to the approved forest conservation plan for the Property, together designated Site Plan No. 82007018A ("Amendment") for approval of the following modifications:

- ξ Lot 31A building footprint adjustment at northwest building corner (adjacent to Bethesda Avenue/Woodmont Avenue); adjustments to seating area and elimination of plantings based on footprint adjustment resulting in reduced open space on this corner.

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910

 7/21/11  
MNCPPC Legal Department

Chairman's Office: 301.495.4605 Fax: 301.495.1320

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

## DRAFT RESOLUTION NOT ADOPTED

- Lot 31 rear courtyard plaza enlarged with layout revisions to landscape, water feature, and hardscape, with associated minor lighting adjustments.
- Lot 31A landscape and hardscape alterations along Woodmont Avenue and eastern property line.
- A slight increase in total open space provided.
- Minor detailing adjustments to seat wall along southern buffer on Lot 31.
- Minor alterations of final grade at various locations around the entire site.
- Extension of screen wall from Lot 31 southwest property line.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated July 11, 2011 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on July 21, 2011, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby APPROVES Site Plan No. 82007018A; and

BE IT FURTHER RESOLVED, that the development must comply with the conditions of approval for Site Plan 820070180 as enumerated in the Planning Board Resolution dated December 20, 2007 and Corrected Resolution dated February 28, 2008, except as modified herein; and

BE IT FURTHER RESOLVED, that upon consideration of the entire record, the Montgomery County Planning Board FINDS that the modifications to the Site Plan will not alter the overall character or impact of the development with respect to the original findings of approval, and that these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

## DRAFT RESOLUTION NOT ADOPTED

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is \_\_\_\_\_ (which is the date that this Resolution is mailed to all parties of record);; and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, with Commissioners \_\_\_\_\_ (list) voting in favor of the motion, with Commissioner(s) \_\_\_\_\_ (list) dissenting, Commissioner(s) \_\_\_\_\_ (list) abstaining, Commissioner(s) \_\_\_\_\_ (list) being absent or being temporarily absent, at its regular meeting held on Thursday, July 21, 2011, in Silver Spring, Maryland.

\_\_\_\_\_  
Françoise M. Carrier, Chair  
Montgomery County Planning Board