



Site Plan No. 820130090, West Chevy Chase Heights



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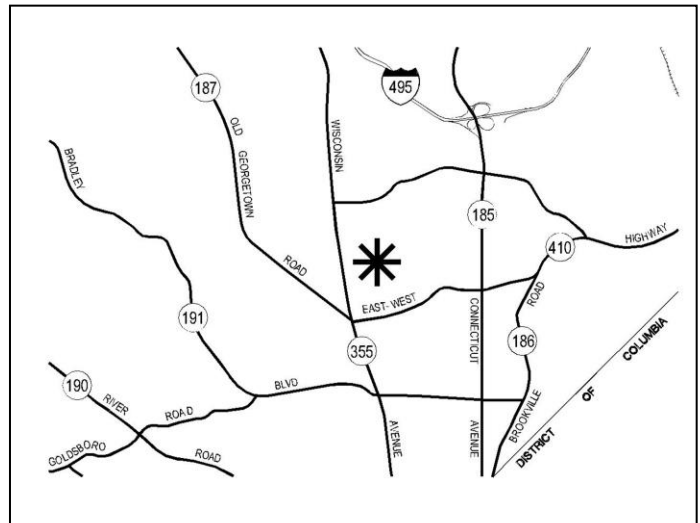


Robert Kronenberg, Acting Chief, Area 1, robert.kronenberg@montgomeryplanning.org, 301-495-2187

Completed: 4/26/13

Description

- Located at 4705 West Virginia Avenue, 194 feet east of the intersection with Wisconsin Avenue
- Lot 26, R-60 zone, 1994 Bethesda CBD Sector Plan
- Requesting Site Plan Approval for an existing 4,062 sf building for commercial uses including office and showroom (miscellaneous) space
- Applicant: 4311 Montgomery Avenue, LLC
- Filing date: January 22, 2013



Summary

- Staff recommends approval of the Site Plan with conditions.
 - Staff has received no citizen correspondence on this application as of the date of this report.
 - The Planning Board reviewed LMA G-913 on November 1, 2012 and recommended that the Hearing Examiner approve the DPA with binding elements to address concerns regarding compatibility.
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SITE PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan No. 820130090 for West Chevy Chase Heights for a 4,062-square foot building for commercial use. All site development elements as shown on the site, landscape, and lighting plans stamped by the M-NCPPC on April 8, 2013 are required except as modified by the following conditions:

1. Development Ceiling
Approval is limited to an existing building containing a maximum of 4,062 square feet of commercial uses.
2. Fire and Rescue
Prior to certified site plan, the applicant must obtain traffic orders prohibiting on-street parking along the West Virginia Avenue property frontage and submit all required documents for MCFRS approval.
3. Transportation
The Applicant must provide the following pedestrian and bicycle improvements:
 - a. A five-foot wide concrete sidewalk with a variable-width grass buffer along the West Virginia Avenue property frontage.
 - b. Handicapped accessible pedestrian ramp from the handicap parking space to the front door of the building, as shown on the Site Plan.
 - c. One inverted-U bicycle rack near the front entrances to accommodate short term bicycle parking. The bicycle rack must be mounted on a concrete slab or other fixed-in-place hard surface.
 - d. The Applicant must enter into a transportation mitigation agreement with MCDOT.
4. Development Plan Conformance
The development must comply with the binding elements for Development Plan G-913 approved by the Montgomery County Council on January 22, 2013 per Resolution No. 17-654.
5. Validity
The Adequate Public Facilities (APF) review for the Site Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
6. Landscaping
 - a. The Applicant must provide all landscape structures, including walls, fences, railings, paving, etc. per the Landscaping and Lighting Plan received by the MNCPPC dated April 8, 2013.
 - b. The Applicant must provide all trees, shrubs and groundcovers in accordance with the Landscaping and Lighting Plan received by the MNCPPC dated April 8, 2013.
 - c. The Applicant must construct the streetscape improvements, including the undergrounding of utilities, consistent with the 1994 Bethesda CBD Sector Plan Section 6.3H Transition Areas identified on page 200 of the Plan.

7. Lighting

- a. The Applicant must provide the lighting distribution and photometric plan with summary report and tabulations that conform to the Illuminating Engineering Society of North America standards for residential/commercial development. The Applicant must provide all on-site down light fixtures as full cut-off fixtures.
- b. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.

8. Maintenance

Maintenance of all on-site amenities is the responsibility of the Applicant and subsequent owner(s). This includes maintenance of paving, plantings, lighting, fencing, and bicycle racks.

9. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed prior to release of any use-and-occupancy permit for the commercial building. Street tree planting may wait until the next growing season.
- b. On-site amenities including, but not limited to bicycle racks, sidewalks, and fencing must be installed prior to release of any use-and-occupancy permit.
- c. The development program must provide phasing for installation of on-site landscaping and lighting.

10. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the FCP exemption letter, stormwater management concept exemption, development program, inspection schedule, and Site Plan resolution on the approval or cover sheet.
- b. Ensure consistency of all details and layout between site plan and landscape plan.

TABLE OF CONTENTS

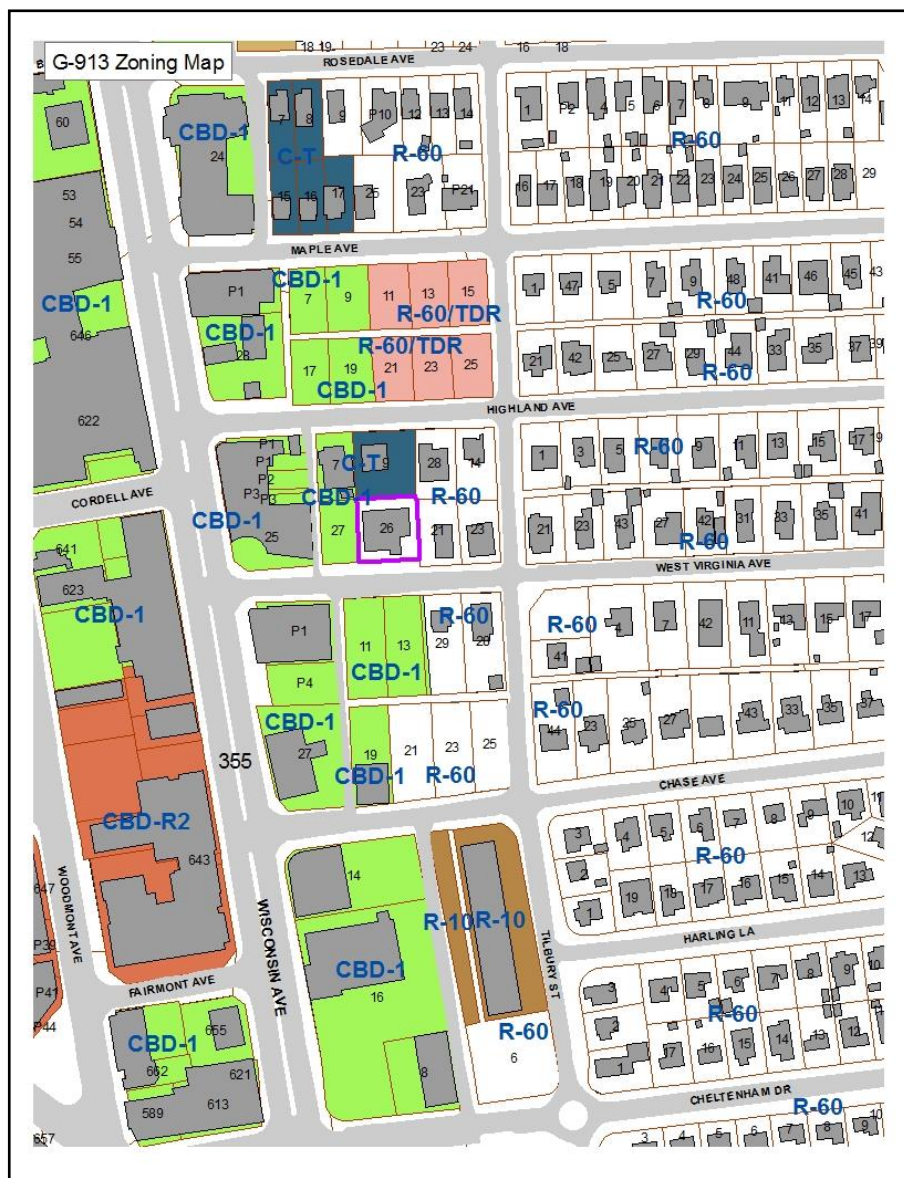
SECTION 1: CONTEXT AND PROPOSAL	5
SITE DESCRIPTION	5
PROJECT DESCRIPTION	6
COMMUNITY OUTREACH	13
SECTION 2: SITE PLAN REVIEW	14
DEVELOPMENT STANDARDS	14
FINDINGS	15
ATTACHMENTS	17

SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Site Vicinity

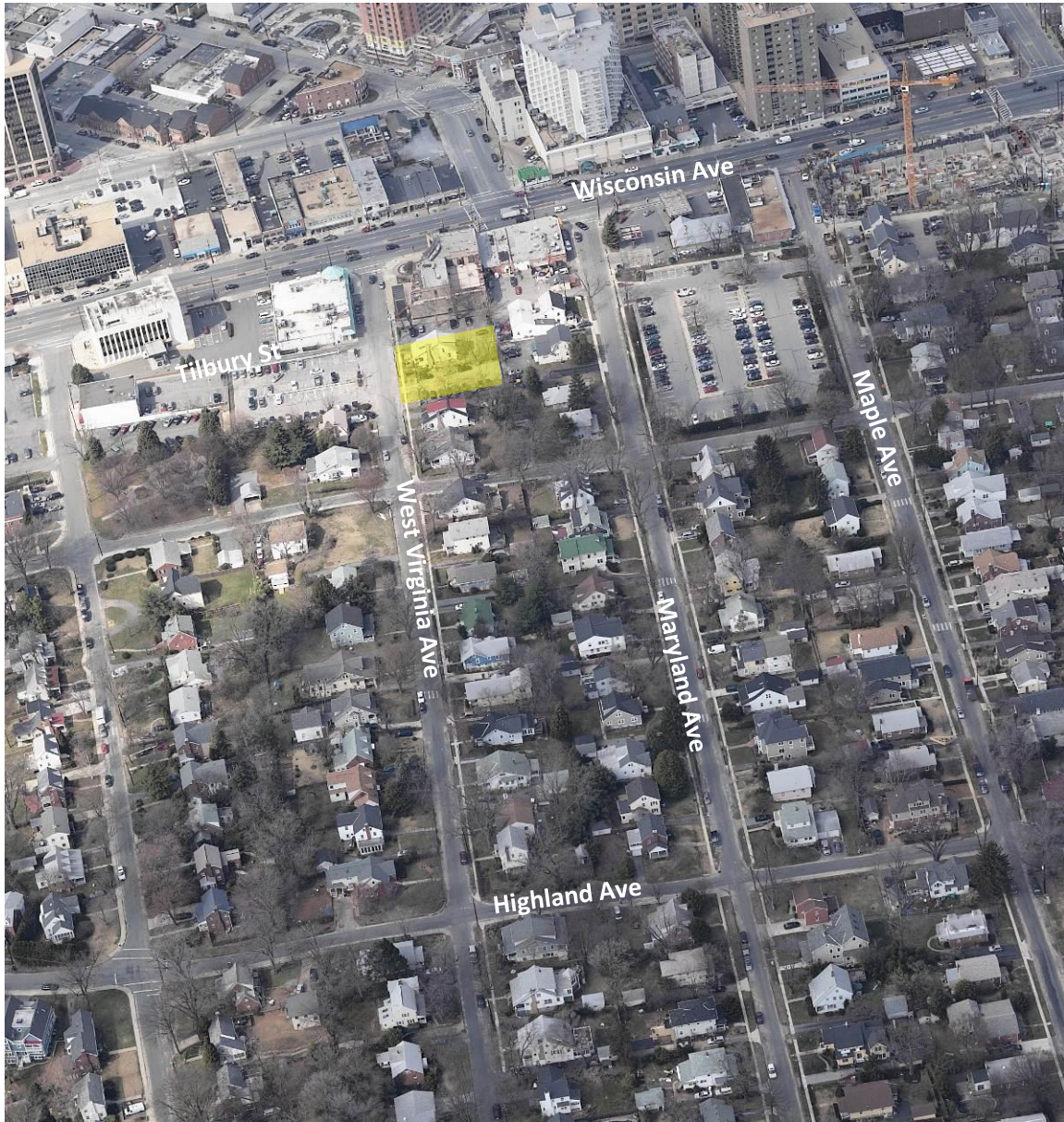
The C-T zoned property ("Site" or "Subject Property") is located at 4705 West Virginia Avenue in Bethesda. The adjacent property to the west of the Subject Property is used as a parking lot for nearby commercial uses in the CBD-1 zone. Further west are commercial properties also zoned CBD-1. Immediately north of the application Site is a building that is residential in character but used as office space in the C-T zone. The adjacent property to the east is zoned R-60 and contains a single family detached residential dwelling unit. South of the Subject Property across West Virginia Avenue is a parking lot, Lot 44, which is owned and operated by Montgomery County. The Bethesda metro station is approximately a half mile south of the Site.



Vicinity Map

Site Analysis

The Subject Property is a recorded lot and, therefore, a preliminary plan is not required. The Site, Lot 26, is 8,550 square feet in size and rectangular in shape, measuring approximately 90 feet wide and 94 feet deep, with about 90 feet of street frontage along West Virginia Avenue. The Site is relatively flat, and contains no forest, streams, wetlands, or environmental buffers.



Site Aerial View

PROJECT DESCRIPTION

Previous Approvals

The Montgomery County Planning Board conducted a public hearing for Local Map Amendment G-913 on November 1, 2012 pursuant to §59-H-1.1 of the Montgomery County Zoning Ordinance, to reclassify

the 8,550 square foot lot from the R-60 Zone to the C-T Zone. The Planning Board recommended approval to the Hearing Examiner and submitted comments in a transmittal letter dated November 7, 2012. The Office of Zoning and Administrative Hearings held a public hearing for this application on November 16, 2012, in the Stella B. Werner Council Office Building at 100 Maryland Avenue, Rockville, Maryland.

On January 22, 2013, by Resolution No. 17-654, the County Council approved Local Map Amendment G-913 and the associated Schematic Development Plan (SDP), in which existing Lot 26 was reclassified from the R-60 Zone to the C-T Zone.

The re-zoning approval is subject to approval of a Site Plan and five binding elements:

1. Development and use shall be limited to 4,275 square feet floor area of development, with associated signage, parking, landscaping, lighting and infrastructure improvements.
2. The following height limitation shall apply to the development: up to 24 feet for the building.
3. The following minimum building setbacks shall apply:
 - a) From West Virginia Avenue: 10 feet
 - b) From all other lot lines: 15 feet
4. The following green area shall apply: minimum 10%
5. The property, including open space, will be subject to site plan review. General building, open space, parking locations, landscaping/lighting, and number of parking spaces to be determined at site plan. The parking layout is for illustrative purposes only and will be revised at site plan to improve residential scale, buffering, and compatibility.

Proposal

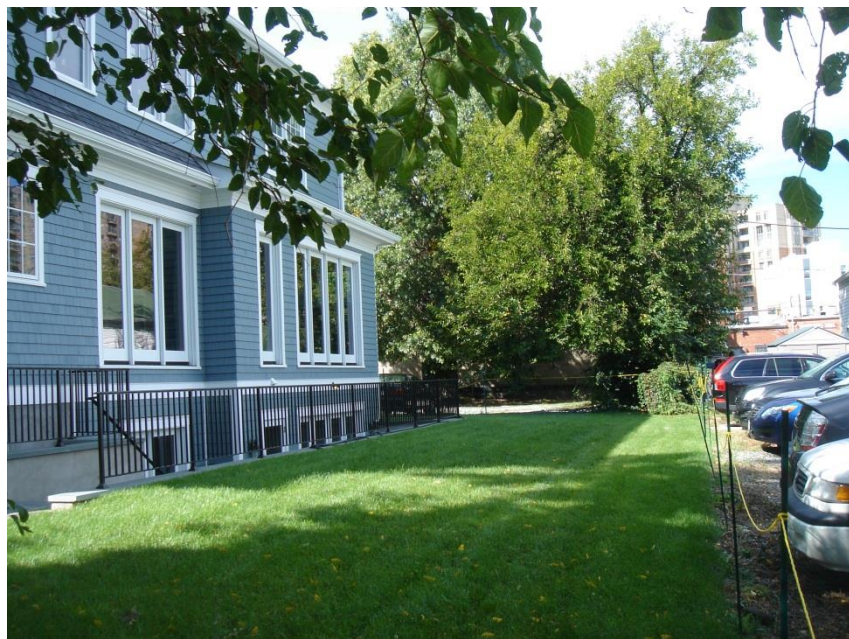
Building

The 4,062 square foot building and associated commercial uses including office and showroom space have not changed from the approved SDP that was reviewed by the Planning Board in November 2012. The applicant is not proposing any construction or substantial changes to the current building at this time. Reclassification of the Subject Property to the C-T zone, with the associated binding elements, allows the applicant to use the two story structure as general office space rather than for residential purposes.

The existing house footprint is centrally located on the lot and complies with the development standards of the C-T zone. It is set back 17.7 feet from the eastern property line, 15.2 feet from the western property line, 25.3 feet from the rear property line, and 25.1 feet from the West Virginia Avenue right-of-way. There are two existing asphalt parking areas located off of the street, one near the eastern property boundary and the other near the western property boundary, which the applicant proposes to retain to provide four on-site parking spaces. The Site is within the Bethesda Parking Lot District (PLD) and will make up for the difference in required spaces by paying the PLD tax.



Front view of existing building from West Virginia Avenue

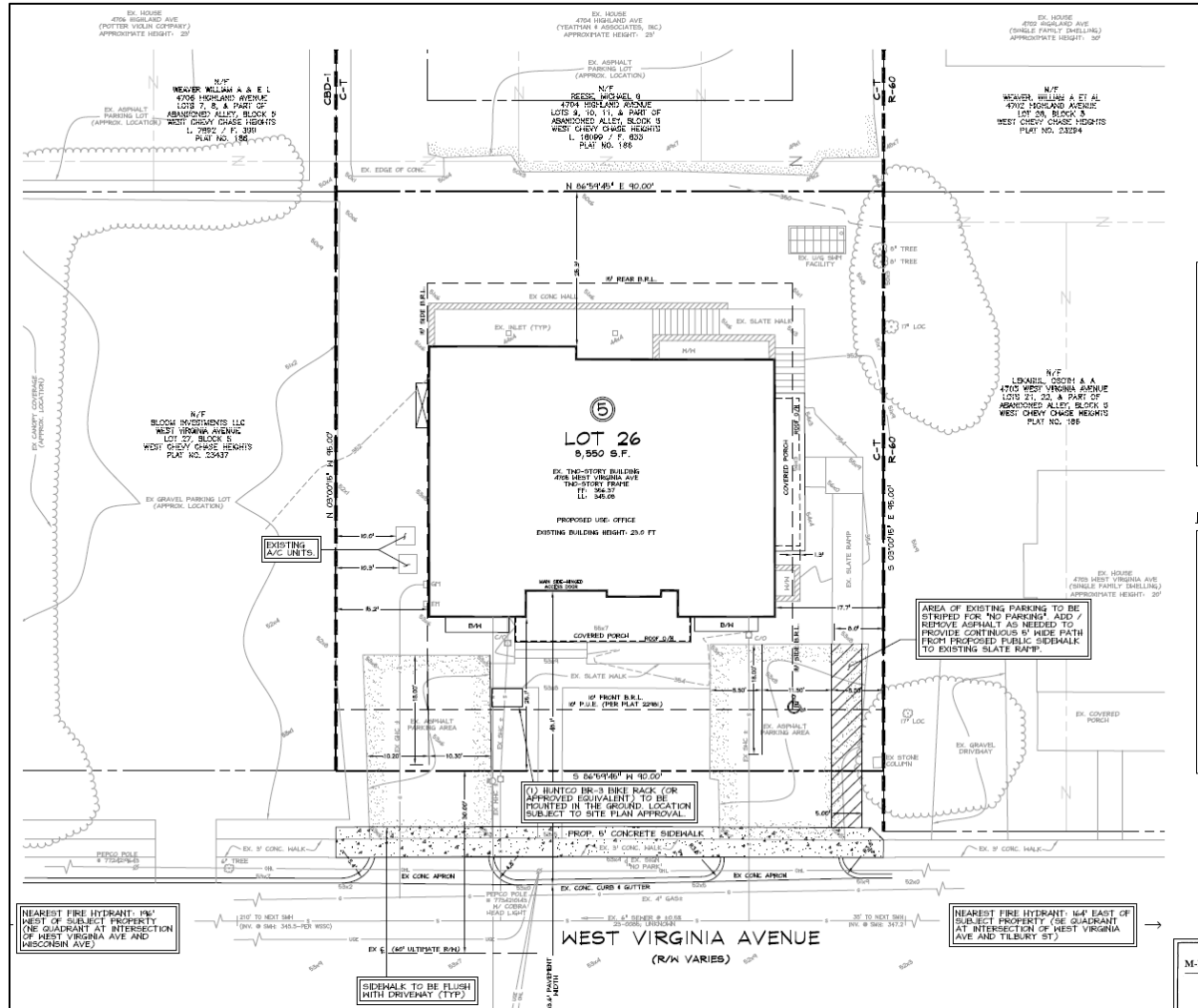


Rear view of existing building

Circulation

Vehicular access to the Site is from West Virginia Avenue, where two parking areas are provided to accommodate four parking spaces (a west parking pad containing two standard spaces and an east parking pad containing one standard space and one handicap space). The handicap parking space is located so that direct access is available to the handicap ramp at the southeast corner of the building. All visitors will have access to the front door of the building and employees will utilize the front door and rear door of the building. The sidewalk and streetscape will be updated in accordance with the 1994 Bethesda CBD Sector Plan as modified for properties adjacent to residential communities. This requires

widening the three foot wide concrete walk to be five feet in width, planting three street trees, and adding one streetlight. The sidewalk will be flush with the driveway entrances. These improvements will enhance the pedestrian connectivity of the Site to the Bethesda CBD and alert pedestrians to the transition from residential development to commercial development.

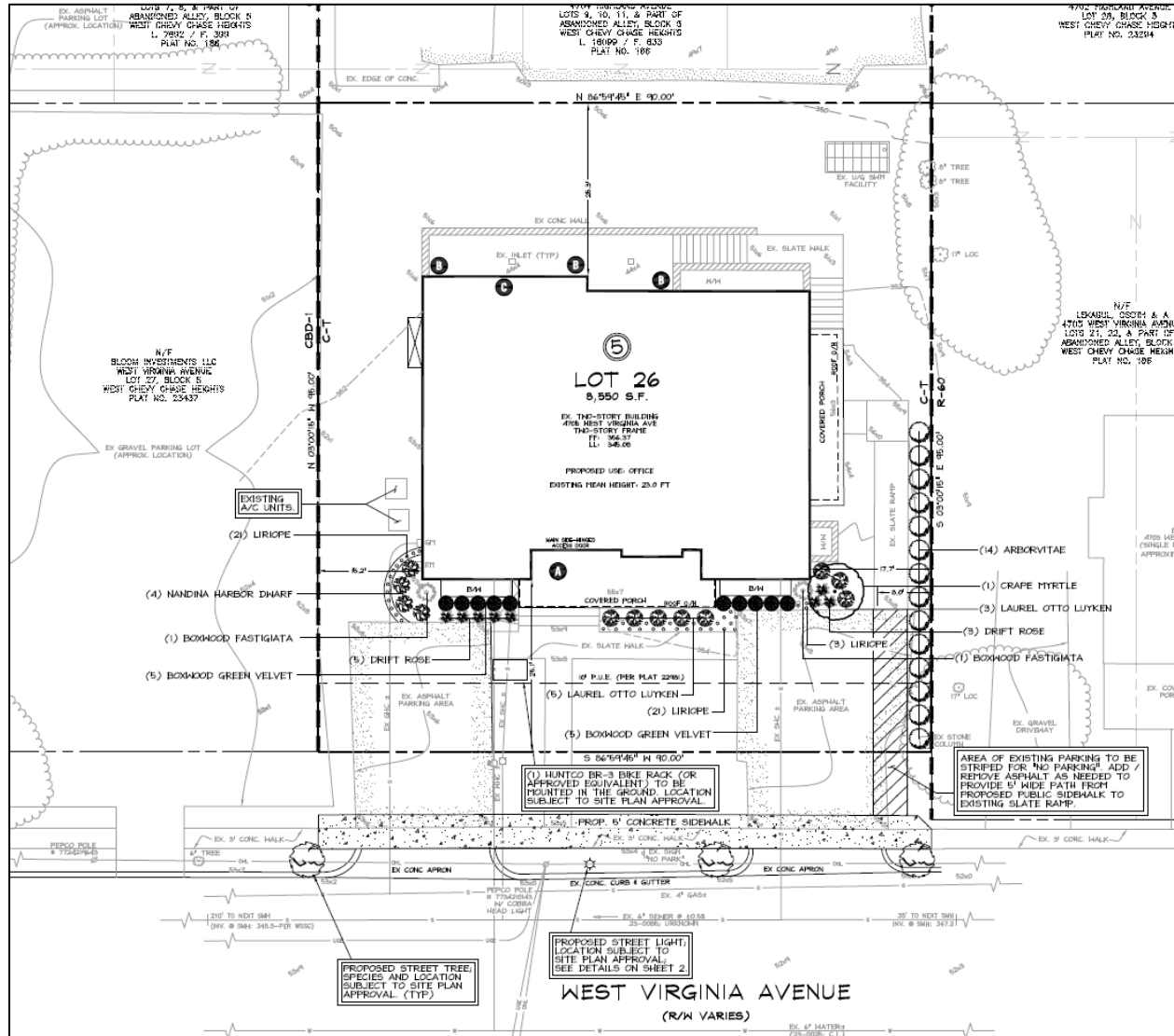


Site Plan

Landscape and Lighting

Landscaping is concentrated primarily along the eastern property line to provide a visual buffer between the building and residential development to the east. Screening will be provided by planting a row of 12 evergreen trees that will be 6 to 7 feet in height. At the southeast building corner, the landscape plan shows a crepe myrtle tree at a minimum 10 foot height will be planted with ornamental landscaping at the base. At the southwest corner of the Site, a boxwood hedge with an ultimate height of 4 to 5 feet will be planted in a semicircular pattern. Along the front of the building a hedgerow of boxwoods is proposed along either side of the covered front porch. Three street trees in accordance with the Bethesda Streetscape standards will be planted within the right-of-way for West Virginia Avenue along the Subject Property's street frontage.

Lighting fixtures include a hanging lantern at the front door in the covered porch area, a floodlight at the rear entry point and three hanging light fixtures along the rear façade of the building. One street light will be installed in accordance with the Bethesda Streetscape standards. The light pole will be 15 feet tall.



Landscape Plan

ADEQUATE PUBLIC FACILITIES

On-Site and Off-Site Circulation

Internal Site circulation is adequate. Staff anticipates that off-site circulation to and from the Subject Property will occur almost entirely from Wisconsin Avenue with minimal local traffic traveling through

the residential neighborhoods to the east and south via West Virginia Avenue and Maryland Avenue, respectively.

Transportation Demand Management

A traffic mitigation agreement is required because the subject Site is located in the Bethesda CBD Policy Area.

Public Transit Service

The Bethesda Metrorail Station is located within approximately ½ mile from the Site. In addition, bus service is available along Wisconsin Avenue via Metrobus routes J2, J3, and J7.

Sector-Planned Roadway and Bikeway

In accordance with the 1994 Bethesda CBD Sector Plan, West Virginia Avenue exists as a residential street with 60-foot wide right-of-way. No master planned bikeways are identified on West Virginia Avenue in either the Bethesda CBD Sector Plan or 2005 Countywide Bikeways Functional Master Plan.

Pedestrian and Bicycle Facilities

The existing pedestrian sidewalk is three feet-wide. The applicant proposes to upgrade the existing sidewalk, driveway aprons, and install bike one rack near the main entrance.

Local Area Transportation Review (LATR)

Since the proposed use will generate fewer than 30 peak-hour trips within the weekday morning and evening peak periods, the applicant submitted a traffic statement in lieu of a traffic impact study. The table below shows the number of peak-hour trips generated by the proposed general office use during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.). Based on this analysis, the subject application satisfies the LATR requirements of the APF test.

<i>Land Use</i>	<i>Square Footage or No. of Units</i>	<i>Peak-Hour Trips</i>			
		<i>Morning</i>		<i>Evening</i>	
		<i>Total</i>	<i>New</i>	<i>Total</i>	<i>New</i>
Proposed General Office Space	3,625 SF	5	5	5	5
Proposed Showroom (Misc. Service)	2,350 SF	3	3	3	3
Displaced Density – SFDU (Credit)	1 DU	1	- 1	1	- 1
Net Increase in Site-Generated Trips	-----		7		7

Transportation Policy Area Review (TPAR)

Since the proposed development is within the Bethesda CBD Policy Area, the project is exempt from both the roadway and transit tests set forth in the 2012-2016 Subdivision Staging Policy. As a result, the proposed development is not required to pay transportation impact tax to satisfy the TPAR requirement.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed commercial uses. The Site is served by public water and sewer. Gas, electric, and telecommunications services are also available to serve the property. Police stations, firehouses, and health services are currently operating within the standards set by the effective Growth Policy Resolution. The application has been

reviewed by the Montgomery County Fire and Rescue Service, which has determined that the Subject Property will have adequate access for emergency vehicles upon the applicant's receipt of traffic orders prohibiting on-street parking in front of the Site on West Virginia Avenue.

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence on this application as of the date of this report.

SECTION 3: SITE PLAN REVIEW

DEVELOPMENT STANDARDS

The Subject Property was rezoned to the C-T Zone, Commercial Transitional, by Local Map Amendment G-913 and is subject to the Schematic Development Plan. The intent of the C-T zone is to “provide sites for low-intensity commercial buildings which, singly or in groups, will provide an appropriate transition between one-family residential areas and high-intensity commercial development”. (Sec. 59-C-4.301) The following table shows the application’s conformance to the development standards of the zone and the approved Schematic Development Plan.

Development Standard	Permitted/Required	Proposed	Applicable Zoning Provision
Maximum Lot Coverage	30 percent	31.9 percent ¹	§59-C-4.303(a)
Maximum Building Height	24 ft	23 ft	§59-C-4.303(a)
Maximum Floor Area	0.5 FAR	0.475 FAR	§59-C-4.304
Building Setback from Street Right-of-Way	10 ft	25.1 ft	§59-C-4.305(a)
Building Setback for Building w/ Windows (west side)	15 ft	15.2 ft	§59-C-4.305(b)(1)
Building Setback from Adjoining Residential Zone (east side)	15 ft	17.7 ft	§59-C-4.305(b)(2)
Minimum Green Area	10 percent	45.55 percent	§59-C-4.306
Parking	11 spaces ²	4 spaces	§59-C-4.307(b) and §59-E-3.7

¹ The building was legally constructed under the R-60 zoning standards which allow up to 35% lot coverage, therefore, the building is allowed to remain in this condition pursuant to Section 59-C-4.308(a).

² Because this project is within a Parking Lot District, parking spaces are calculated to determine the total yield, but are not technically required to be provided on the site. The application is proposing to provide up to 4 spaces with the remainder to be satisfied through the PLD tax.

FINDINGS

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan is subject to the binding elements of Development Plan Amendment LMA G-913:

1. Development and use shall be limited to 4,275 square feet floor area of development, with associated signage, parking, landscaping, lighting and infrastructure improvements.
2. The following height limitation shall apply to the development: up to 24 feet for the building.
3. The following minimum building setbacks shall apply:
 - a) From West Virginia Avenue: 10 feet
 - b) From all other lot lines: 15 feet
4. The following green area shall apply: minimum 10%
5. The property, including open space, will be subject to site plan review. General building, open space, parking locations, landscaping/lighting, and number of parking spaces to be determined at site plan. The parking layout is for illustrative purposes only and will be revised at site plan to improve residential scale, buffering, and compatibility.

The site plan conforms to each of these binding elements. All of the development standards required by the binding elements have satisfied through the site plan application. The use and building style conform to the approved Schematic Development Plan (SDP) and, although the size of the parking areas has not been revised from that shown on the development plan, the proposed landscaping along the eastern property line and parking areas has been designed to achieve appropriate buffering and satisfactory compatibility.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed site plan includes a low-intensity commercial use that meets the purpose of the C-T zone. The development meets or exceeds all development standards as shown on the data table above. Regarding density, height, green area, and parking, the proposed development exceeds minimum requirements and is less than any allowed maximum restrictions. Regarding setbacks, the proposed structure and parking areas meet or exceed the minimum setbacks of the C-T Zone.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

- a. Locations of buildings and structures

Because of the specific requirements of the approved SDP, the buildings and structures have been reviewed to ensure conformance to the previous approval. The building continues to be adequately situated on Lot 26 with direct pedestrian access to the building from West Virginia

Avenue and the parking areas, similar in layout to a detached house with driveways to the side, ensuring safe and efficient use by employees and patrons.

b. Open Spaces

Open spaces are appropriately located on the subject Site. Green area generally serves as a “front yard”, creating a layout similar to a detached house, and as buffer areas along the side of the building. This arrangement of yard area and planting buffers is an adequate, safe, and efficient use of the space around the building and parking footprints.

c. Landscaping and Lighting

Landscaping and lighting are used in several ways. Landscaping is provided along the street to provide comfort for pedestrians; along the eastern edge of the property to provide a buffer between the C-T zone and R-60 zone; and along the front of the building and parking areas to achieve a more residential appearance. Lighting is used to illuminate building entrances and pedestrian areas. The landscape and lighting plan is an adequate, safe, and efficient use of plant material and lighting fixtures to respond to the context.

d. Recreation Facilities

No recreation facilities are required for this commercial development.

e. Pedestrian and Vehicular Circulation Systems

Vehicular circulation is limited to two access points for two parking pads. While this is not ideal, Staff recognizes the building was constructed in accordance with the R-60 zoning standards and the two parking areas were permitted at the time. Due to the now commercial nature of the Site, four on-site parking spaces for an approximate 4,000 square foot structure are not unreasonable.

Pedestrian circulation simply allows comfortable and safe access from each edge of the Site, along the West Virginia Avenue frontage. One bicycle rack is adjacent to the western parking pad area near the front entrance in a safe, well-lit area for employees and patrons. The pedestrian and vehicular circulation systems are adequate, safe, and efficient and the direct connections to the larger network are obvious and direct.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The area to the east of the Subject Property is residential in character, made up of a mix of older one-family homes as well as more recently redeveloped lots containing single-family homes zoned R-60. A commercial property zoned C-T is directly north of the Subject Property. The parking lots on the west and south of the Site are zoned CBD-1, and further west across Wisconsin Avenue is the Bethesda Central Business District.

The proposal is compatible with adjacent development in the surrounding area with regards to the use and building location. The low-intensity commercial use is compatible and appropriate as a transition between the confronting and adjacent commercial uses and the residential neighborhood to the east. The height and density of the structure was constructed under R-60 zoning requirements and is the building is, therefore, residential in scale. Additional screening

and landscaping added at the edge of the parking pad area adjacent to the existing residential use facilitates greater compatibility.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

a. Forest Conservation

This property is subject to Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan because the tract area is less than 40,000 square feet in size. There is neither existing forest nor tree save concerns associated with this request.

b. Stormwater Management

The Department of Permitting Services issued comments to the applicant on February 21, 2013, and concluded that a stormwater management concept is not required since redevelopment of the site is not proposed.

ATTACHMENTS:

- A. Resolution No. 17-654 for G-913
- B. G-913 Technical Staff Report
- C. Planning Board November 7, 2012 Transmittal letter
- D. Agency Review

Resolution No.: 17-654
Introduced: January 22, 2013
Adopted: January 22, 2013

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY**

By: District Council

SUBJECT: APPLICATION NO. G-913 FOR AMENDMENT TO THE ZONING ORDINANCE MAP, Stuart R. Barr, Esquire and Steven A. Robins, Esquire, Attorneys for Applicant, 4311 Montgomery Avenue, LLC, OPINION AND RESOLUTION ON APPLICATION; Tax Account No. 07-03457071

OPINION

Local Map Amendment (LMA) Application No. G-913 was filed on July 9, 2012, to rezone 8,550 square feet of land known as Lot 26, Block 5 in the West Chevy Chase Heights Subdivision of Bethesda, from the R-60 Zone to the C-T (commercial-transitional) Zone. The property is located at 4705 West Virginia Avenue, just east of Wisconsin Avenue (MD 355) in Bethesda. The land is owned by the Applicant, 4311 Montgomery Avenue, LLC.

The application was filed under the Optional Method authorized by Zoning Ordinance §59-H-2.5, which permits binding limitations with respect to land use, density and development standards or staging. Applicant proposes to use the existing two-story single-family building for a commercial office use. The proposal is set forth in a revised Schematic Development Plan (SDP), Exhibit 39(a), which contains an illustrative diagram and a specification of five binding elements, as well as other information regarding the development. The binding elements are included in a Declaration of Covenants, which was executed prior to the closing of the record. Exhibit 39(c).

Technical Staff of the Maryland-National Capital Park and Planning Commission (M-NCPPC) reviewed the plans, and in a report dated October 19, 2012, recommended approval (Exhibit 30). The Montgomery County Planning Board considered the revised application on November 1, 2012, and unanimously voted to recommend approval, as set forth in a memorandum dated November 7, 2012. Exhibit 32. The Planning Board agreed with its Technical Staff that the application satisfied all of the criteria for reclassification to the C-T Zone. In doing so, the Planning Board also supported deleting a binding element regarding phasing and adding a note to the effect that the parking layout on the SDP is for illustrative

purposes only and may be revised at site plan review. Applicant agreed to these changes, and they are reflected in the revised SDP (Exhibit 39(a)).

A public hearing was duly noticed and convened, as scheduled, on November 16, 2012, at which time the Applicant presented testimony from four witnesses in support of the application. There were no opposition witnesses, and no community concerns have been raised in this case. The record remained open until November 26, 2012, to allow Applicant time to file a revised SDP and executed covenants consistent with the recommendations of the Planning Board. Applicant subsequently asked that the record be reopened to allow minor corrections in the SDP and covenants. Exhibit 39. The Hearing Examiner issued an Order on December 3, 2012, granting Applicant's request and reopening the record to receive the corrected filings. Exhibit 40. The record was closed again on the same day, December 3, 2012, since there were no substantive changes made to the documents.

The Hearing Examiner's Report and Recommendation was filed on December 28, 2012. The Hearing Examiner recommended approval on grounds that the proposed rezoning would be consistent with the purpose and regulations of the C-T Zone, compatible with surrounding development and in the public interest. After a careful review of the entire record, the District Council finds that the application does meet the standards required for approval of the requested rezoning for the reasons set forth by the Hearing Examiner. To avoid unnecessary detail in this Resolution, the Hearing Examiner's Report and Recommendation is incorporated herein by reference and his findings and conclusions are hereby adopted.

The Property, Surrounding Area and Zoning History

The subject property is located at 4705 West Virginia Avenue, on the north side of the street, approximately 200 feet east of Wisconsin Avenue (MD 355). It is in the East Bethesda Transition Area of the 1994 Bethesda CBD Sector Plan, which recommends the C-T zone for the subject site. Technical Staff described the property and its immediate neighbors as follows (Exhibit 30, pp. 2-3):

. . . The site, Lot 26, is 8,550 square feet in size and rectangular in shape, measuring approximately 90 feet wide and 94 feet deep, with about 90 feet of street frontage along West Virginia Avenue. The property is relatively flat. The adjacent property to the west of the subject site is used as a parking lot for nearby commercial uses in the CBD-1 zone. Further west are commercial properties also zoned CBD-1. Immediately north of the subject site is a building that is residential in character but used as office space in the C-T zone. The adjacent property to the east is zoned R-60 and contains a one-family detached residential dwelling unit. South of the subject site across West Virginia Avenue is a parking lot, Lot 44, which is owned and operated by Montgomery County. The Bethesda metro station is approximately 1600 feet away.

The site in its present condition is displayed in an "NRI/Existing Conditions" plan (Exhibit 15(a)). It shows paved areas in the front for on-site parking of up to five cars.

The surrounding area must be identified in a floating zone case so that compatibility can be evaluated properly. In general, the definition of the surrounding area takes into account those areas that would be most directly affected by the proposed development. In the present case, Technical Staff recommends designating the surrounding area as generally defined by Wisconsin Avenue to the west, Highland Avenue to the north, Maryland Avenue to the east, and Chase Avenue on the south. The Applicant agreed with this definition. Tr. 40. The Hearing Examiner also accepted Technical Staff's surrounding area definition, as does the District Council.

Technical Staff described existing development within the surrounding area as follows (Exhibit 30, p. 4):

. . . This area is appropriate for determining whether the proposed zone will be compatible with surrounding uses because it uses Wisconsin Avenue, which is a major arterial roadway, as a clear demarcation between more dense development to the west of the roadway and less dense development on the east. The boundary also captures surrounding properties that may be affected by the rezoning. . . .

The area to the east of the defined neighborhood is residential in character, made up of a mix of older one-family homes as well as more recently redeveloped lots containing single-family homes zoned R-60. A commercial property zoned C-T is directly north of the subject property. The parking lots on the west and south of the subject property are zoned CBD-1, and further west across Wisconsin Avenue is the Bethesda Central Business District.

Technical Staff also provided the following zoning history of the subject site (Exhibit 31):¹

1. 1954 - Countywide Comprehensive Zoning confirmed R-60 Zone
2. 1958 - Countywide Comprehensive Zoning confirmed R-60 Zone
3. F-736 - Adopted 8/25/72 reconfirmed R-60 Zone
4. G-20 - Bethesda CBD adopted 12/6/77 reconfirmed R-60 Zone
5. G-666 - Bethesda Chevy Chase Map Plan adopted 6/26/90 reconfirmed R-60 Zone
6. G-711 - Bethesda CBD Sector Plan, adopted 10/11/94 reconfirmed R-60 zone
(Plan recommended C-T Zone for subject property)
7. G-853 - Woodmont Triangle Amendment to Bethesda CBD Sector Plan, adopted 7/17/06 reconfirmed R-60 zone (Woodmont Triangle Amendment affected 7 acres, SMA rezoned affected area but reconfirmed existing zoning of subject property)

The significant point of the zoning history is that the controlling Sector Plan recommends the subject site for the C-T Zone.

¹ The Hearing Examiner corrected a typographical error in the numbering of the zoning history list in Exhibit 31.

Proposed Development and Binding Elements

The Applicant seeks to rezone the property located at 4705 West Virginia Avenue, Bethesda, Maryland from the R-60 Zone to the C-T (Commercial Transitional) Zone so it can use the existing two-story, single-family building for a commercial office use. According to Mimi Kress, Applicant's managing member, if the rezoning request is granted, the use will be a combination of a showroom on the main level, similar to a model home look, and offices for the company. Applicant is not planning any changes to the structure or further development of the property after the rezoning is granted. Tr. 13-17.

Pursuant to Code § 59-H-2.52, the Applicant in this case has chosen to follow the "optional method" of application. The optional method requires submission of a schematic development plan (SDP) that specifies which elements of the plan are illustrative and which are binding, *i.e.*, elements to which the Applicant consents to be legally bound. Those elements designated by the Applicant as binding on the SDP must be set forth in a Declaration of Covenants to be filed in the County land records if and when the rezoning is approved. The Applicant's final SDP (Exhibit 39(a)), which was revised to incorporate changes recommended by the Planning Board, sets forth five binding elements:

BINDING ELEMENTS

- 1) DEVELOPMENT AND USE SHALL BE LIMITED TO 4,275 SQUARE FEET FLOOR AREA OF DEVELOPMENT, WITH ASSOCIATED SIGNAGE, PARKING, LANDSCAPING, LIGHTING AND INFRASTRUCTURE IMPROVEMENTS.
- 2) THE FOLLOWING HEIGHT LIMITATION SHALL APPLY TO THE DEVELOPMENT: UP TO 24 FEET FOR THE BUILDING.
- 3) THE FOLLOWING MINIMUM BUILDING SETBACKS SHALL APPLY:
 - A) FROM WEST VIRGINIA AVENUE: 10 FEET
 - B) FROM ALL OTHER LOT LINES: 15 FEET
- 4) THE FOLLOWING GREEN AREA REQUIREMENT SHALL APPLY: MINIMUM 10%
- 5) THE PROPERTY INCLUDING OPEN SPACE, WILL BE SUBJECT TO SITE PLAN REVIEW. GENERAL BUILDING, OPEN SPACE, PARKING LOCATIONS, LANDSCAPING/LIGHTING, AND NUMBER OF PARKING SPACES TO BE DETERMINED AT SITE PLAN. THE PARKING LAYOUT IS FOR ILLUSTRATIVE PURPOSES ONLY AND WILL BE REVISED AT SITE PLAN TO IMPROVE RESIDENTIAL SCALE, BUFFERING AND COMPATIBILITY.

Applicant has also filed an executed copy of the Declaration of Covenants in the record of this case as Exhibit 39(c), and it contains the specified binding elements, as required. The legal effect of the covenants is to obligate any future owner of the property to comply with the binding elements specified on the SDP. Thus, the optional method allows an applicant to specify elements of its proposal that the community, reviewing agencies and the District Council can rely on as legally binding commitments. Illustrative elements of the SDP may be changed during site plan review, but the binding elements cannot be changed without a separate application to the District Council for a schematic development plan amendment.

The District Council finds that the proposed Binding Elements will achieve the desired end of keeping the setbacks, scale and size of the structure compatible with other properties in

the immediate area, while according the Planning Board sufficient flexibility to adjust parking, open spaces, landscaping and lighting at site plan review.

The graphic portion (*i.e.*, site layout) of the final SDP (Exhibit 39(a)), is illustrative (except as specified in the binding elements). The site layout shows the existing structure and parking area, as well as surrounding green space. In addition to the five binding elements listed above, the SDP also contains General Notes, Tables of Existing and Proposed Site and Zoning Data, a Parking Tabulation and an illustration of the proposed Green Area.

Standard for Review

A floating zone, such as the C-T Zone, is a flexible device. Individual property owners may seek to have property reclassified to a floating zone by demonstrating to the Council that the proposed development will be consistent with the purpose and regulations of the proposed zone and compatible with the surrounding development, as required by the case law, *Aubinoe v. Lewis*, 250 Md. 645, 244 A.2d 879 (1967). The Council must also find that the rezoning will be in the public interest as part of the coordinated and systematic development of the regional district, as required by the Maryland Land Use Article, Code Ann. § 21-101(a)(4)(i) (2012):²

(i) planning, zoning, or subdivision control powers in the regional district [must be exercised to:]

(1) guide and accomplish a coordinated, comprehensive, adjusted, and systematic development of the regional district;

(2) coordinate and adjust the development of the regional district with public and private development of other parts of the State and of the District of Columbia; and

(3) protect and promote the public health, safety, and welfare.

The C-T Zone contains a post-zoning review process that generally delegates to the Planning Board the details of site specific issues such as building location, stormwater control, vehicular and pedestrian routes, landscaping and screening. We turn now to the three areas of Council review discussed above – the purposes and requirements of the applicable zone, compatibility with land uses in the surrounding area and relationship to the public interest.

Purpose and Requirements of the Zone

The purpose clause for the C-T Zone, Zoning Ordinance §59-C-4.301, provides:

² Effective October 1, 2012, the Regional District Act, Article 28, Md. Code Ann., was re-codified, without a change in substance, into a new “Land Use Article.” Section § 21-101(a)(4)(i) of the Land Use Article contains the rough equivalent of the previous language in Article 28, Md. Code Ann., § 7-110.

The purpose of the C-T zone is to provide sites for low-intensity commercial buildings which, singly or in groups, will provide an appropriate transition between one-family residential areas and high-intensity commercial development. The C-T zone is intended to constitute a margin of limited width at the border between a commercial area and a one-family residential area. For that reason, the C-T zone can only be applied:

(a) In areas designated for the C-T zone on adopted and approved master or sector plans; or

(b) On property so located that it is between and adjoining or separated only by a street, highway, or utility right-of-way from both of the following uses:

(1) Existing or proposed one-family residential uses; and

(2) Existing high-intensity commercial uses. As used herein, the term "high-intensity commercial use" refers to any commercial or central business district development with an existing height that is greater than 40 feet. The term "high-intensity commercial use" does not include development in the C-1 zone.

The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses, and, in itself, shall not be sufficient to require the granting of an application.

Applicant's land planner, Bill Landfair, testified that the proposed development will comply with the purpose clause of the C-T Zone because the site has a low intensity commercial building that will provide an appropriate transition between one-family residential areas and high-intensity commercial development. This proposal also meets the first alternative specified in the Code, in that the subject site is designated as being suitable for the C-T Zone in the relevant Sector Plan. Tr. 44. Technical Staff reached the same conclusion for the same reasons. Exhibit 30, p. 8.

The Planning Board also found that "The application will comply with the purposes, standards and regulations of the C-T zone." Exhibit 32, p. 1.

Based on this record, the District Council concludes that the proposed development will serve precisely the goal articulated in the C-T Zone's purpose clause. The existing structure will indisputably serve as a "*low-intensity commercial building*," and the District Council finds that it will "*provide an appropriate transition between one-family residential areas and high-intensity commercial development*." Moreover, the subject site has been designated for the C-T Zone in the Bethesda CBD Sector Plan.

The regulations of the C-T Zone are provided in Zoning Ordinance §§59-C-4.302 to 4.309. Most of the development standards for the C-T Zone were set forth in a Table on the revised SDP (Exhibit 39(a)), which is reproduced on page 12 of the Hearing Examiner's report.

A similar table is contained on page 10 of the Technical Staff report (Exhibit 30). As stated by Technical Staff, "The application and associated schematic development plan satisfy the development standards of the C-T zone, . . ."

Mr. Landfair also opined that the building as constructed complies with the development standards and regulations of the C-T zone, including lot coverage, building height, floor area, setbacks and green area. The binding elements reflected on the schematic development plan are also consistent with the zone's regulations. Tr. 45.

Based on the entire record, the District Council agrees with the Hearing Examiner's finding that the proposed development meets the purposes and requirements of the C-T Zone, and that the proposed development's binding elements will permit the Planning Board flexibility to approve a design at site plan review which will meet all applicable standards.

Compatibility

An application for a floating zone reclassification must be evaluated for compatibility with land uses in the surrounding area. Applicant's land planner, Bill Landfair, testified that the proposed development and the use will be compatible with existing and proposed adjacent and surrounding land uses. He stated that the existing building is residential in scale and character, and will make a fine transitional use for this neighborhood. Tr. 47-48. Curt Schreffler, Applicant's civil engineer, testified that the schematic development plan fits the existing building on the lot, and Applicant's transportation planner, Craig Hedberg, testified that the proposed use will be in harmony with the general character of the existing neighborhood as to traffic and parking.

Technical Staff also concluded that "The proposal is compatible with adjacent development in the surrounding area with regards to the use and building location," although Staff suggested that the on-site parking be further reviewed at site plan and that additional screening and landscaping be considered at that time.

The Planning Board stated (Exhibit 32, p. 1):

The development as reflected on the Schematic Development Plan and further refined by the binding elements will be compatible with the surrounding area. . . . The Board also agreed with Chair Carrier's recommendation that the applicant add a note to the Schematic Development Plan identifying that the parking layout is for illustrative purposes only and will be revised at site plan to improve residential scale, buffering and compatibility.

Based on this record, the District Council agrees with the findings made by Technical Staff, the Planning Board and the Hearing Examiner that the proposed reclassification to the C-T Zone and the proposed development would be compatible with development in the surrounding area. The Planning Board will further evaluate compatibility at site plan review, and may adjust the non-binding portions of the SDP to further ensure compatibility.

Public Interest

As mentioned above, Maryland law requires that zoning powers be exercised in the public interest. Factors which are usually considered in determining the public interest include Master Plan or Sector Plan conformity, the recommendations of the Planning Board and its staff, any adverse impact on public facilities or the environment, and positive factors such as provision of affordable housing or providing a buffer for an existing residential area.

1. Master Plan Conformity, Technical Staff and the Planning Board:

The subject site is located within the “East Bethesda Transition Area” of the Bethesda CBD Sector Plan, approved and adopted in 1994. Recommended zoning for the East Bethesda Transition Area is depicted in Figure 4.28 on page 111 of the Sector Plan. It specifically recommends the C-T Zone for this site. Technical Staff provided a very thorough discussion of the Sector Plan’s application to this case in their report (Exhibit 30, pp. 10-14). Staff’s conclusion is that “the subject property can be rezoned to the C-T zone in accordance with the Master Plan recommendations.” Exhibit 30, p. 14. The Planning Board agreed, stating, “The Planning Board finds that the rezoning application is consistent with the Sector Plan for the Bethesda Central Business District (CBD).” Exhibit 32, p. 1.

The Sector Plan’s recommended use for the site is “Office: Low Density,” as indicated in a “Future Land Use” Chart (Figure 4.27) on page 110 of the Sector Plan. The instant proposal clearly satisfies both the zoning and the use recommendations of the Sector Plan. As stated by Technical Staff (Exhibit 30, p. 11):

This proposal to rezone the subject site from the R-60 to the C-T zone will contribute to the stability of land uses by confirming future office use on the site. The applicant improved the property when they replaced an underutilized parking area with the existing residential structure. The 4,062 square foot structure provides a strong street presence and an opportunity to meet the needs of a small business and continue as a stable use in the transition area. . . . The applicant is not providing housing but the proposed use as an office in a one family house serves as an adequate transition to low-density housing. Transitions like this building will add to the aesthetic appeal of West Virginia Avenue as one drives eastward to reach one family homes in the neighborhood.

Staff also mentions that the existing designation of the site as Lot 26 of Block 5 resulted from the May 26, 2004 combination of former Lots 18, 19 and 20 to create the existing Lot 26. Exhibit 30, p. 12. The Sector Plan refers to the old lot designations in stating, “Applications for C-T zoning on these lots will be considered to be in accordance with the Sector Plan for individual parcels.” Sector Plan, p. 109. Technical Staff also suggests that, at site plan review, the Applicant should be required to plant street trees along the site’s West Virginia Avenue street frontage in order to “satisfy the intent of the Urban Design Guidelines of the Sector Plan.” Exhibit 30, p. 13.

Technical Staff and the Planning Board found that the proposed development, as limited by the binding elements, is appropriate and consistent with the Sector Plan. Exhibits 30 and 32. The Hearing Examiner agreed. Based on this record, the District Council also finds that the proposed rezoning and SDP are consistent with the Bethesda CBD Sector Plan, approved and adopted in 1994.

2. Public Facilities and the Environment:

Zoning Ordinance §59-H-2.4(f) requires Applicant to produce “[s]ufficient information to demonstrate a reasonable probability that available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application is submitted.” Technical Staff reports that the property is adequately served by public water and sewer. Exhibit 30, p. 14. School capacity is not an issue in this case since no residential buildings are proposed.

The adequacy of transportation facilities was the subject of both expert testimony and analysis by Technical Staff. Under County law in effect at the time this application was filed, there were two aspects to the analysis of transportation facilities, local area transportation review (LATR) and policy area mobility review (PAMR). The local area transportation review looks at the number of peak-hour trips that will impact intersections surrounding the subject site. If the site will generate a net of more than 29 peak-hour trips, then the intersections are subject to analysis under the critical lane volume (CLV) standard that has been adopted for that policy area. The critical lane volume standard for this area is 1,800 critical lane movements. Tr. 50-57.

Craig Hedberg testified as an expert in traffic engineering and transportation planning. His transportation analysis evaluated the net peak-hour trip generation of the proposed use. Mr. Hedberg’s analysis is contained in Exhibit 26. Table A of the exhibit uses trip generation rates for the Bethesda CBD in accordance with Technical Staff’s LATR/PAMR Guidelines. The Table indicates that the new use will generate 8 trips in each peak hour, but after taking credit for the displaced single-family unit, there would be a net increase of 7 peak-hour trips in the a.m., and 7 peak-hour trips in the p.m. That is well below the 29 trip standard, and therefore the subject application would not have to file a full local area transportation review analysis of intersectional impacts. Tr. 50-52.

Mr. Hedberg and Technical Staff also agreed that appropriate analysis of PAMR’s application to this case yields a requirement for Applicant to pay the County’s PAMR fee for one excess trip in the morning. Tr. 52-53 and Attachment D to the Technical Staff report (Exhibit 30). These figures will be evaluated again at site plan review, probably under new “transportation policy area review” (TPAR) regulations. TPAR is scheduled to replace PAMR beginning January 1, 2013, but the evaluation at the rezoning stage is judged by when the application was filed. Mr. Hedberg feels that this application will be compliant whether or not TPAR is applied, instead of PAMR, to determine adequate public facilities for this project. Tr. 53-58.

Under Zoning Ordinance §59-E-3.2, an office of this size would ordinarily require 11 parking spaces, as recognized in the Parking Tabulation on the SDP; however, the property is

within the Bethesda Parking Lot District, and under Zoning Ordinance §59-C-4.307(b), this site may use public parking facilities to satisfy its parking space requirements under §59-E-3. Although the SDP presently calls for five parking spaces on site, the binding elements specify that the number and location of parking spaces on site will be determined at site plan review. Ample public parking is available in the surrounding area.

Mr. Hedberg also testified that the proposed site access and circulation systems are safe, adequate and efficient, from a transportation planning standpoint, for both pedestrian and vehicular traffic. There will be a lead-in sidewalk from the public right of way up to the front of the site, and there will be handicapped access from one of the parking lots as well. Tr. 58-60. There is no contrary evidence in the record.

Based on this record, the District Council finds that Applicant has demonstrated a reasonable probability that available public facilities and services will be adequate to serve the proposed development.

As to the environment, Applicant filed a Natural Resource Inventory/Existing Conditions Plan (NRI/ECP) for the site (Exhibit 35), and it was approved by Technical Staff on July 9, 2012, along with Forest Conservation Exemption No. 420121946. According to Mr. Schreffler, the existing stormwater management on the site consists of a dry well in the right rear corner of the property. When the building was constructed, stormwater management and sediment control were approved and permitted by the Department of Permitting Services. These approvals are contained in Exhibit 14. Tr. 23. No new construction is proposed, and subdivision is not required, but there will be site plan review by the Planning Board. Tr. 24-25.

Technical Staff noted that “There are no environmental features of concern on this proposal” (Exhibit 30, p. 15), as evidenced by Environmental Planning Staff’s memorandum recommending approval, appended to the Technical Staff report as Attachment E.

Based on this record, the District Council finds that no environmental issues have been raised that would affect approval of this application.

3. Other factors:

Technical Staff noted that the primary structure is already in place, and there will be no additional demands on public utilities or further adverse environmental impacts. Given the proposal’s compliance with the Sector Plan, Technical Staff found the application to be in the public interest. The Hearing Examiner notes that the proposed low density office use will provide a transitional buffer for the nearby residential community, and that would be in the public interest as well.

In sum, the District Council finds that the proposed use will not adversely affect surrounding development, will be consistent with the goals of the Sector Plan, will provide a transitional buffer for the community and will not adversely affect public facilities or the environment. The District Council therefore concludes that its approval would be in the public interest and appropriate for the comprehensive and systematic development of the County.

Conclusion

Based on the foregoing analysis and the Hearing Examiner's report, which is incorporated herein, and after a thorough review of the entire record, the District Council concludes that the application satisfies the requirements of the C-T Zone and its purpose clause; that the application proposes a form of development that would be compatible with land uses in the surrounding area; and that the requested reclassification to the C-T Zone bears sufficient relationship to the public interest to justify its approval. For these reasons and because approval of the instant zoning application will aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be approved in the manner set forth below.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-913, requesting reclassification of 8,550 square feet of land described as Lot 26, Block 5 in the West Chevy Chase Heights Subdivision of Bethesda, and located at 4705 West Virginia Ave, in Montgomery County's 7th Election District, is hereby **approved** in the amount requested, subject to the specifications and requirements of the Schematic Development Plan, Exhibit 39(a); provided that the Applicant submits to the Hearing Examiner for certification a reproducible original and three copies of the Schematic Development Plan within 10 days of approval, in accordance with §59-D-1.64 of the Zoning Ordinance; and that the Declaration of Covenants (Exhibit 39(c)) is filed in the County land records in accordance with §59-H-2.54 of the Zoning Ordinance and proof thereof is submitted to the Hearing Examiner within the same timeframe.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



4311 Montgomery Avenue, Local Map Amendment, G-913



Erin Grayson, Senior Planner, Area 1, erin.grayson@montgomeryplanning.org, 301-495-4598

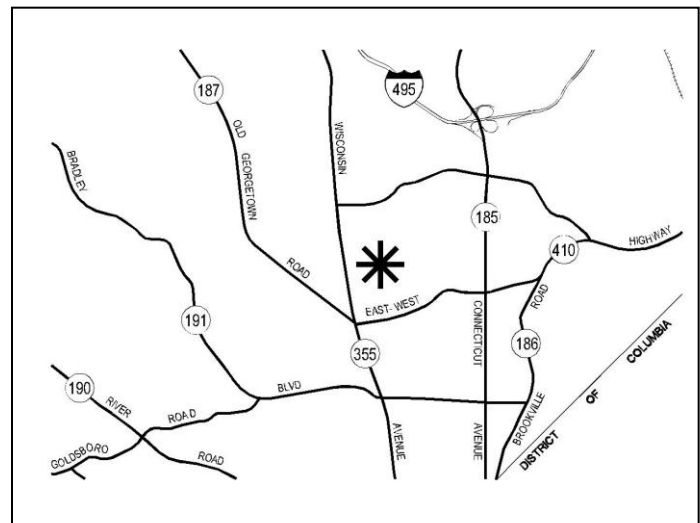


Robert Kronenberg, Acting Chief, Area 1, Robert.kronenberg@montgomeryplanning.org, 301-495-2187

Completed: 10/19/12

Description

- Located at 4705 West Virginia Avenue, east of the intersection with Wisconsin Avenue
- R-60, 1994 Bethesda CBD Sector Plan, 8,550 square feet
- Requesting a Local Map Amendment with a Schematic Development Plan to rezone the property to C-T
- Applicant: 4311 Montgomery Avenue, LLC
- Submitted date: July 9, 2012 (ZHE)
- Hearing Examiner date: November 16, 2012



Summary

Staff Recommendation: Approval of the C-T Zone with the accompanying Schematic Development Plan

The subject application consists of one lot, totaling 8,550 square feet, located at 4705 West Virginia Avenue in Bethesda. The applicant is requesting a rezoning of this area from the R-60 Zone to the C-T Zone. The lot is improved with a one-family detached residential dwelling unit. The zoning request for the C-T Zone proposes to retain the existing dwelling unit, and utilize C-T zone development standards that will allow for modest expansion in the future. The proposed use is general office.

The application complies with the purpose clause of the C-T Zone, the proposed development is compatible with existing uses in the area, and the applicant's proposal is generally consistent with the 1994 Bethesda CBD Sector Plan recommendations for the site. Staff recommends that, if the application is approved, parking, landscaping, and screening undergo detailed review at the site plan stage.

RECOMMENDATION: Staff recommends **approval** of Local Map Amendment G-913 for the following reasons:

- 1) The proposed Local Map Amendment is consistent with the purpose clause of the C-T zone.
- 2) The proposed Local Map Amendment conforms to the Bethesda Central Business District (“CBD”) Sector Plan.
- 3) The requested Commercial-Transitional (C-T) zone is compatible with the surrounding uses.

DATA SUMMARY

Current Zone and Use:	The site is zoned R-60 and developed with a one-family detached dwelling unit.
Purposed Zone and Use:	The C-T zone is proposed for this site. The schematic development plan proposes general office use within the existing one-family dwelling unit on the site.
Sector Plan Consistency:	The project complies with the recommendations contained in the Approved and Adopted Bethesda CBD Sector Plan.
Maximum FAR:	Required: 0.50; Existing Building 0.475
Maximum Lot Coverage:	Required: 30%; Existing Building 29.85%
Minimum Green Area:	Required: 10%; Existing Building 45.55%
Building Height:	Required: 24 ft.; Existing Building 23 ft.

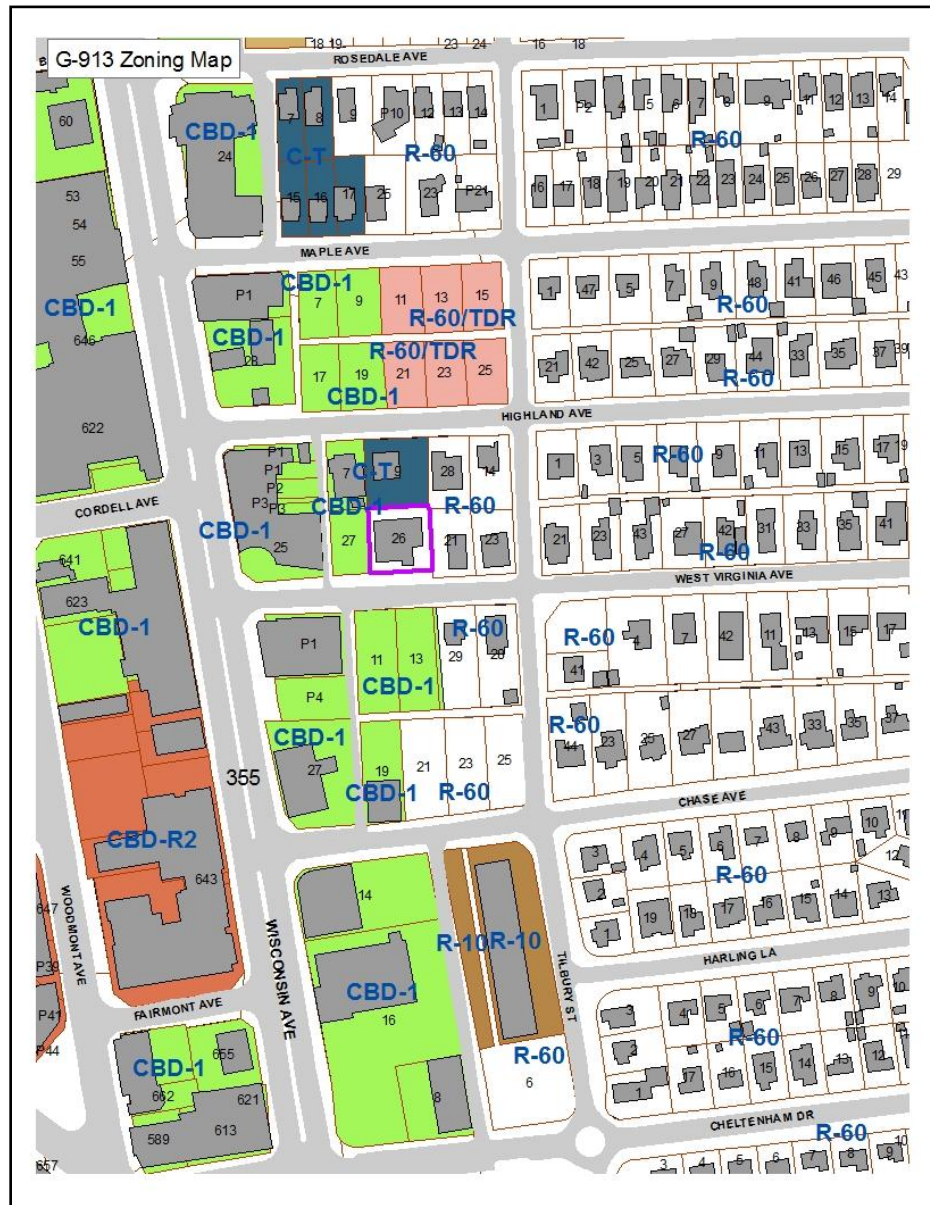
BACKGROUND

The Applicant, 4311 Montgomery Avenue, LLC, for G-912 seeks a local map amendment (rezoning), pursuant to §59-H-1.1 of the Montgomery County Zoning Ordinance, to reclassify a 8,550 square foot lot from the R-60 Zone to the C-T Zone.

The application was filed under the optional method of application process, which allows the applicant to restrict development standards or use of the property to less than the maximum permitted in the requested zone. Such binding limitations are shown on a schematic development plan that is submitted with the application, and these limitations, if approved, must also be reiterated in covenants filed in the land records of Montgomery County.

The Office of Zoning and Administrative Hearings has scheduled a public hearing date for this application on November 16, 2012, in the Stella B. Werner Council Office Building at 100

Maryland Avenue, Rockville, Maryland. Before the Hearing Examiner's proceedings, the Montgomery County Planning Board will conduct a public hearing of the application on November 1, 2012, at 8787 Georgia Avenue, Silver Spring, Maryland.



DESCRIPTION OF PROPERTY

The subject site is located at 4705 West Virginia Avenue in Bethesda. The site, Lot 26, is 8,550 square feet in size and rectangular in shape, measuring approximately 90 feet wide and 94 feet deep, with about 90 feet of street frontage along West Virginia Avenue. The property is relatively flat. The adjacent property to the west of the subject site is used as a parking lot for nearby commercial uses in the CBD-1 zone. Further west are commercial properties also zoned CBD-1. Immediately north of the subject site is a building that is residential in character but

used as office space in the C-T zone. The adjacent property to the east is zoned R-60 and contains a one-family detached residential dwelling unit. South of the subject site across West Virginia Avenue is a parking lot, Lot 44, which is owned and operated by Montgomery County. The Bethesda metro station is approximately 1600 feet away.



Front view of Lot 26 from West Virginia Avenue

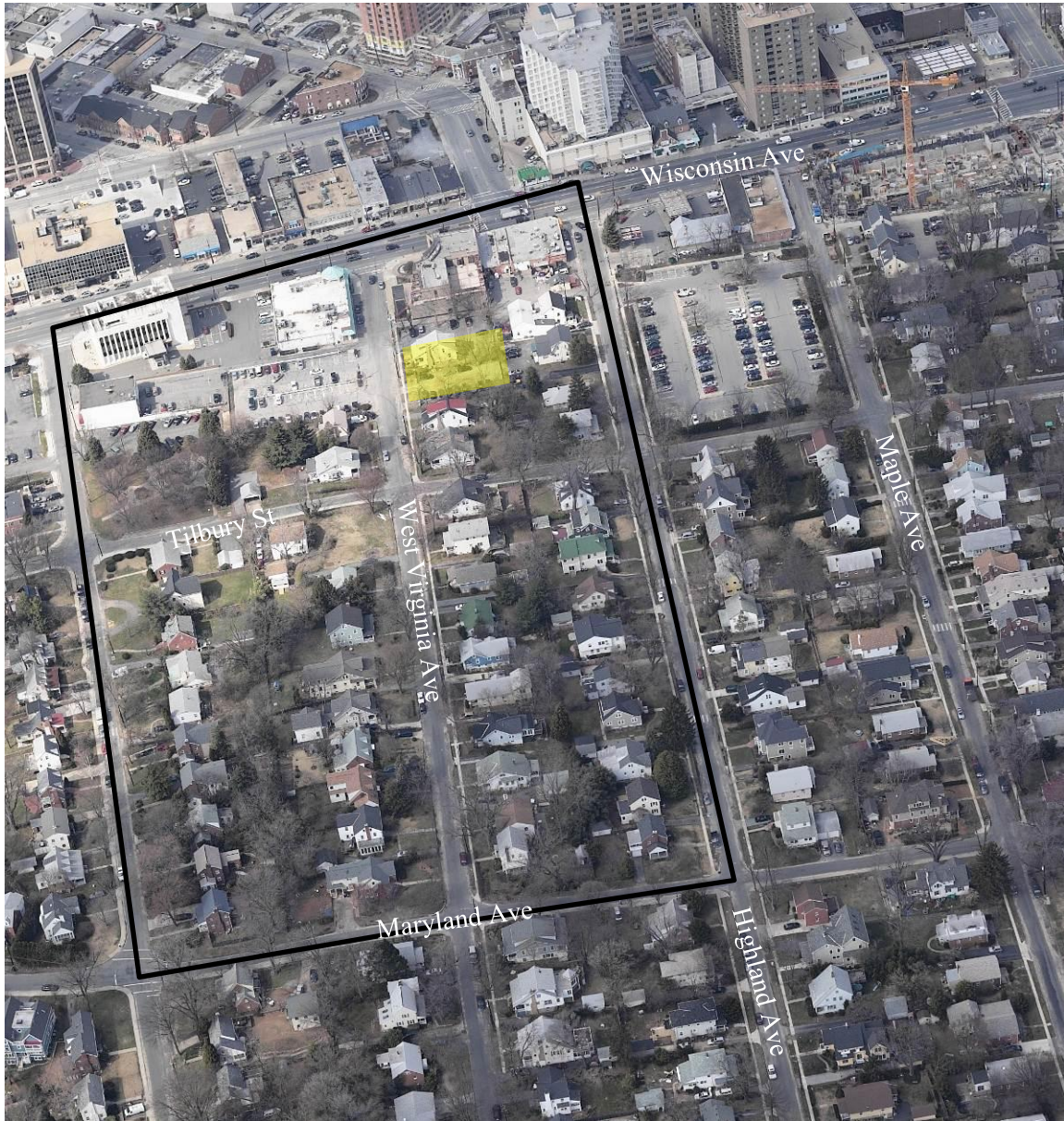


Rear view of Lot 26

SURROUNDING AREA

A surrounding area must be identified in a floating zone application so compatibility can be properly evaluated. For the subject site, the surrounding area is generally formed by Wisconsin Avenue to the west, Highland Avenue to the north, Maryland Avenue to the east, and Chase Avenue on the south. This area is appropriate for determining whether the proposed zone will be compatible with surrounding uses because it uses Wisconsin Avenue, which is a major arterial roadway, as a clear demarcation between more dense development to the west of the roadway and less dense development on the east. The boundary also captures surrounding properties that may be affected by the rezoning. An aerial image of the selected neighborhood is depicted on the following page.

The area to the east of the defined neighborhood is residential in character, made up of a mix of older one-family homes as well as more recently redeveloped lots containing single-family homes zoned R-60. A commercial property zoned C-T is directly north of the subject property. The parking lots on the west and south of the subject property are zoned CBD-1, and further west across Wisconsin Avenue is the Bethesda Central Business District.



Selected Neighborhood

PROPOSAL

The applicant is not proposing any construction or changes to the current building on the property at this time, however, the applicant has introduced binding elements that will allow for expansion of the 4,062 square foot building in the future to a building of up to 4,275 square feet in size. The C-T zone, with the proposed binding elements, would allow the applicant to use the two story structure as general office space rather than for residential purposes.

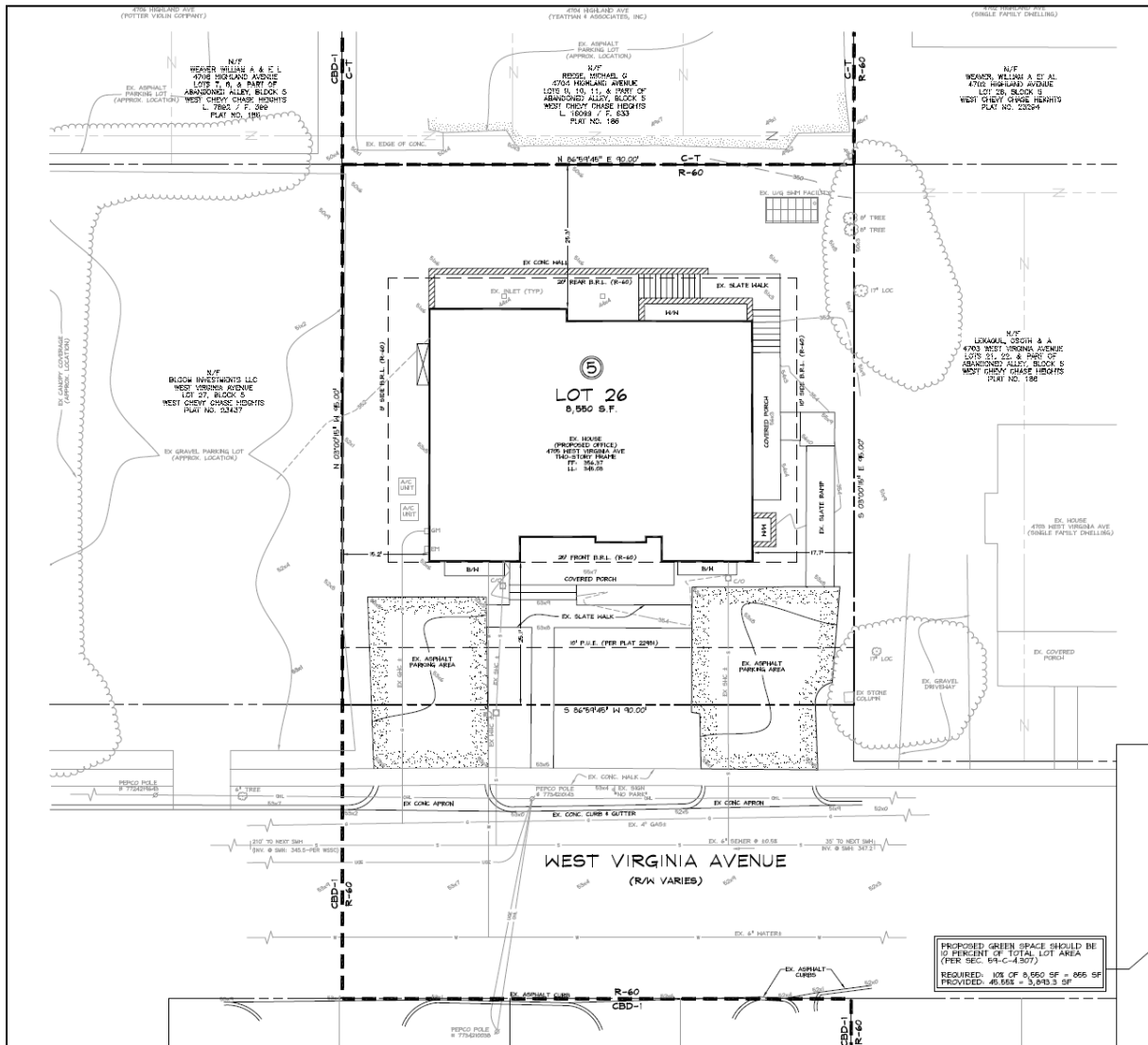
The existing house footprint is centrally located on the lot and complies with the development standards of the R-60 zone. It is set back 17.7 feet from the eastern property line, 15.2 feet from the western property line, 25.3 feet from the rear property line, and 25.1 feet from the

West Virginia Avenue right-of-way. There are two existing asphalt parking areas located off of the street, one near the eastern property boundary and the other near the western property boundary, which the applicant proposes to retain to provide five on-site parking spaces. The site is within the parking lot district and therefore no parking is required on-site.

The applicant's schematic development plan differentiates between elements of the proposal that are legally binding and elements that are merely illustrative.¹ The applicant has proposed binding elements to the schematic development plan that will allow for minimal expansion in the future. The proposed binding elements for the subject application are listed below, followed by the illustrative portion of the plan.

1. Development and use shall be limited to 4,275 square feet floor area of development, with associated signage, parking, landscaping, lighting and infrastructure improvements.
2. The project shall be developed in one phase.
3. The following height limitation shall apply to the development: up to 24 feet for the building.
4. The following minimum building setbacks shall apply:
 - a) From West Virginia Avenue: 10 feet
 - b) From all other lot lines: 15 feet
5. The following green area shall apply: minimum 10%
6. The property, including open space, will be subject to site plan review. General building, open space, parking locations, landscaping/lighting, and number of parking spaces to be determined at site plan.

¹ §59-H-2.5



Illustrative Portion of Schematic Development Plan

Staff supports these binding elements, with the exception of binding element #2. Binding element #2 is unnecessary since the existing building is proposed to remain on the site and the other binding elements allow for potential expansion in the future. Additional square footage can be constructed in the future, per provision 59-C-4.302(a) and (c) of the Zoning Ordinance, which relates to new construction, re-use of existing building, remodeling, and reconstruction in the C-T zone. The provision states:

- (a) For new construction, a building permit can be issued only on a lot with a minimum front lot line of 100 feet on a public street. For this purpose, “new construction” does not include either remodeling an existing structure or reconstruction as the result of fire or other catastrophe, as regulated in paragraphs (c) and (d) below.

Paragraph (c) is applicable in this case, which states:

- (c) For remodeling of a building existing at the time the C-T zone is granted, the board may, at the time of site plan approval, approve an expansion of the gross floor area of the building, provided the increase:
 - (1) Is compatible with neighboring residential and commercial uses; and
 - (2) Does not exceed 40 percent.

The project has 90 feet of street frontage, but this is permissible since the existing building will remain and new construction is not proposed. Any future building addition will be capped at 213 square feet per the binding elements and thus fall under the definition of remodeling for the C-T zone.

If the rezoning is approved and the project proceeds to site plan and the site plan includes only the existing building footprint, any future addition to the building will trigger further site plan review, which could help ensure the building retains its residential character.

C-T ZONE PURPOSE CLAUSE

59-C-4.301. Purpose.

The purpose of the C-T zone is to provide sites for low-intensity commercial buildings which, singularly or in groups, will provide an appropriate transition between one-family residential areas and high-intensity commercial development. The C-T zone is intended to constitute a margin of limited width at the border between a commercial area and a one-family residential area. For that reason, the C-T zone can only be applied:

- (a) In areas designated for the C-T zone on adopted and approved master or sector plans;
or
- (b) On property so located that it is between and adjoining or separated only by a street, highway, or utility right-of-way from both of the following uses:
 - (1) Existing or proposed one-family residential uses; and
 - (2) Existing high-intensity commercial uses. As used herein, the term "high-intensity commercial use" refers to any commercial or central business district development with an existing height that is greater than 40 feet. The term "high-intensity commercial use" does not include development in the C-1 zone.

In other words, to satisfy the purpose clause of the C-T zone, one of two possible locational requirements must be met: The proposed rezoning must (1) be designated for the C-T Zone in the relevant master or sector plan, **or** (2) be proposed on a property that acts as a buffer between single-family residential homes and high intensity commercial areas with buildings taller than 40 feet. Staff does conclude that the subject property is recommended for the C-T Zone in the Bethesda CBD Sector Plan, for the reasons discussed in the Master Plan compliance section of this report.

The second requirement is not applicable because the adjacent parking lot on Lot 17 does not qualify as a high intensity commercial use. The adjacent parking lot is shown in the following picture.



Parking lot on Adjacent Lot 17

DEVELOPMENT STANDARDS

The application and associated schematic development plan satisfy the development standards of the C-T zone, as described in the chart on the following page.

Development Standard	Permitted/Required	Proposed	Applicable Zoning Provision
Maximum Lot Coverage	30 percent	29.85 percent	§59-C-4.303(a)
Maximum Building Height	24 ft	23 ft	§59-C-4.303(a)
Maximum Floor Area	0.5 FAR	0.475 FAR	§59-C-4.304
Building Setback from Street Right-of-Way	10 ft	25.1 ft	§59-C-4.305(a)
Building Setback for Building w/ Windows (west side)	15 ft	15.2 ft	§59-C-4.305(b)(1)
Building Setback from Adjoining Residential Zone (east side)	15 ft	17.7 ft	§59-C-4.305(b)(2)
Minimum Green Area	10 percent	45.55 percent	§59-C-4.306
Parking	None required	5 spaces	§59-C-4.307(b) and §59-E-3.7

The building on the property has been constructed to the dimensions included in the chart above, however the applicant requests that binding elements that restrict the applicant only to the dimensions required by the zone be included. Greater flexibility will allow the applicant to make minor additions or alterations to the building in the future, if necessary.

SECTOR PLAN CONFORMANCE

1994 Bethesda CBD Sector Plan

The 1994 Approved and Adopted Bethesda CBD Sector Plan (“Plan”) recommends the subject site be zoned C-T with either retail and service employment (Figure 4.25, page 104) or low-density office employment (Figure 4.27, page 110). The applicant’s request adheres to these recommendations.

Furthermore, the Plan gives more specific recommendations for the subject property as well as other nearby properties in what is defined as the East Bethesda Transition Area on page 107 of the Plan. The Plan states that “this area forms a transition between the single family houses of

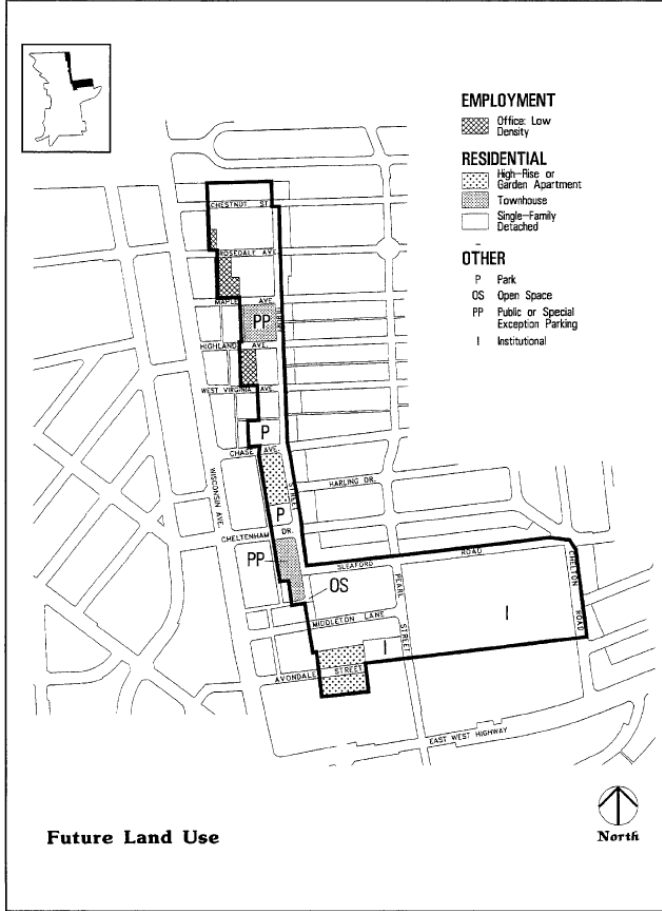
East Bethesda and the Central Business District”, and is “characterized by low-density, primarily residential development, green open spaces, and paved parking lots screened with landscaping.” On page 108 of the Plan, the plan goes into greater detail about the section of single-family houses between Chestnut Street and West Virginia Avenues. Long-term stability of the area is a raised as an issue because it is unknown whether these houses will be well maintained in a safe and relatively quiet neighborhood. Three objectives were identified:

1. Ensure the stability of land uses in the transition area to preserve East Bethesda as a single family neighborhood.
2. Provide parking to serve the needs of the adjacent commercial establishments. Keep overflow parking and cut-through traffic from having an undesirable impact on the East Bethesda neighborhood.
3. Provide low-density housing.

This proposal to rezone the subject site from the R-60 to the C-T zone will contribute to the stability of land uses by confirming future office use on the site. The applicant improved the property when they replaced an underutilized parking area with the existing residential structure. The 4,062 square foot structure provides a strong street presence and an opportunity to meet the needs of a small business and continue as a stable use in the transition area. The applicant is providing five parking spaces on-site. There are also two on-street parking spaces along the site’s West Virginia Avenue frontage and a public parking lot is located across the street for easy visitor access. Across West Virginia Avenue, there is a public parking lot where visitors to the building will also have the option to park. This public parking lot and the private parking lot next to the site supplement parking for the more dense development along Wisconsin Avenue. The applicant is not providing housing but the proposed use as an office in a one family house serves as an adequate transition to low-density housing. Transitions like this building will add to the aesthetic appeal of West Virginia Avenue as one drives eastward to reach one family homes in the neighborhood.

EAST BETHESDA TRANSITION AREA

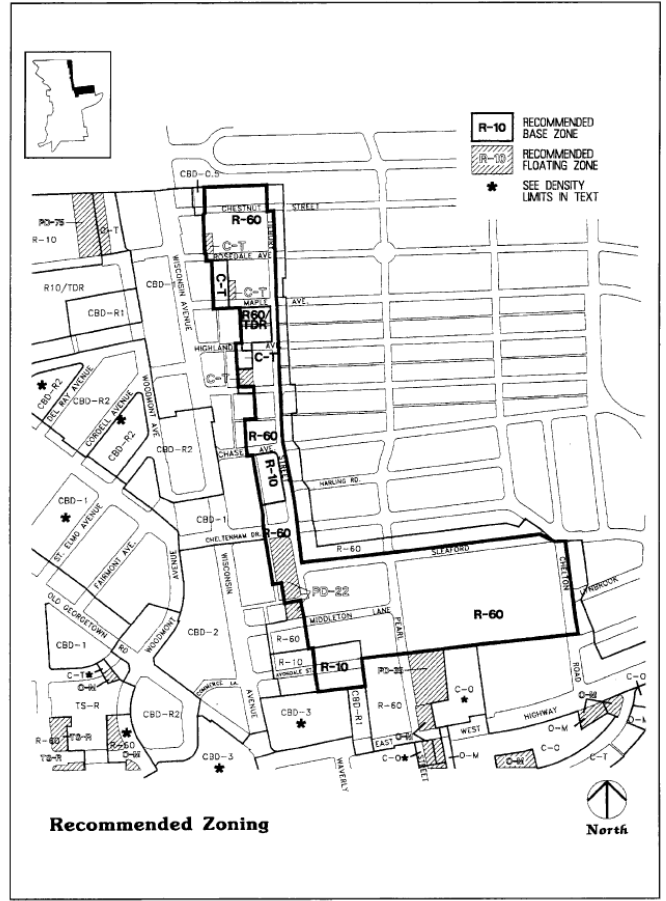
FIGURE 4.27



page 110

EAST BETHESDA TRANSITION AREA

FIGURE 4.28



page 111

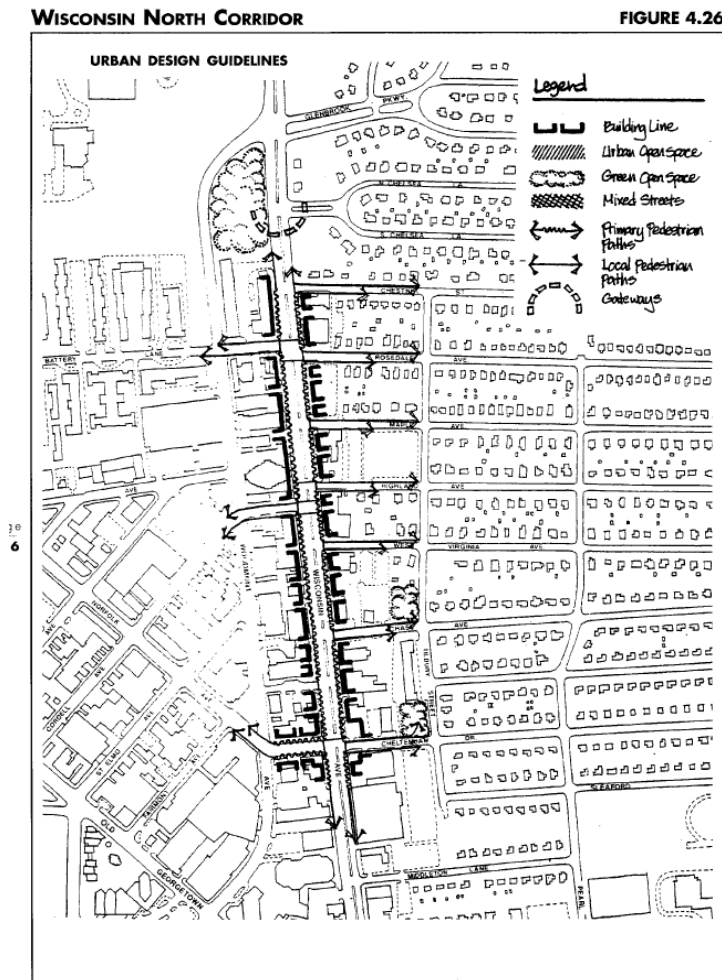
The Plan provides additional detail with regards to the application site. More specifically, the following excerpt refers to the subject property on page 109 of the Plan:

The Plan also retains the 1976 Plan recommendation for R-60 (C-T) zoning for Lots 18, 19, and 20 (block 5) on the north side of West Virginia Avenue. Applications for C-T zoning on these lots will be considered to be in accordance with the Sector Plan for individual parcels. Where an existing structure is on more than one lot or where a structure previously existed on two lots as on Lots 19 and 20 (block 5), these lots should be considered a single lot. Otherwise, if assembly should take place, C-T zoning would not be considered favorably. Any additions or expansions of existing structures or any new construction should be residential in scale and character to achieve compatibility with the adjacent single-family houses.

The property was recorded by plat on May 26, 2004 that combined lots 18, 19 and 20 to create Lot 26 in the West Chevy Chase Heights subdivision (Attachment A). Originally, one house crossed the boundary of lots 19 and 20 and another house was located on lot 18. Prior to recordation, the house on lots 19 and 20 was demolished and the property was used as a parking area. The house on what was previously lot 18 remained until the applicant purchased lot 26 in October of 2011 and demolished the one and a half story one-family dwelling unit that was built in 1923. Following demolition of that house in 2011, a new one-family detached residential dwelling unit was constructed on lot 26. The existing house is two stories and 4,062 square feet in size.

A different individual combined Lots 18, 19, and 20, block 5, and recorded the plat for Lot 26 on May 26, 2004. Lot 26 was recorded as R-60 zoned property as a single lot at that time. The applicant purchased Lot 26 in 2011, and now seeks zoning approval from R-60 to C-T for a single lot. Because the site was one lot zoned R-60 at the time of application submittal, staff must review the subject property as a single lot rather than three previous individual parcels. The construction that took place on the lot in 2012 to build the existing structure occurred under the R-60 zoning classification. The concern for consolidation in the plan was to prevent consolidation and then redevelopment under the C-T standards to a commercial scale. But the applicant purchased a previously consolidated lot and redeveloped the property under the R-60 standards. The dwelling unit is residential in scale and has the appearance of a house on every facade. The applicant has proposed a binding element to cap the square footage of the building at 4,275 square feet, and any addition to the building in the future will trigger site plan review.

On page 106 of the Bethesda CBD Sector Plan, Urban Design Guidelines designate West Virginia Avenue from Wisconsin Avenue to Tilbury Street as a local pedestrian path. The applicant has constructed a 5 foot wide sidewalk along the site frontage but has not planted any street trees. The placement of street trees along the site's West Virginia Avenue street frontage would satisfy the intent of the Urban Design Guidelines of the Sector Plan. Staff suggests that if the rezoning is approved, the applicant be required to plant street trees as part of site plan review.



In conclusion, the subject property can be rezoned to the C-T zone in accordance with the Master Plan recommendations.

COMPATIBILITY

The proposal is compatible with adjacent development in the surrounding area with regards to the use and building location. The parking, however, is not residential in scale. Two curb cuts that are double wide are present on the property, but other lots in the defined residential neighborhood do not contain curb cuts of this width and number. Staff suggests the parking areas be further reviewed as site plan, if the application is approved. Additional screening and landscaping should be a consideration in the future to achieve greater compatibility.

The applicant has submitted an exhibit to demonstrate the existing building is residential in scale and character and compatible with the adjacent single-family houses in the R-60 zone. The applicant emphasizes in the exhibit that the existing dwelling unit is appropriate for the Commercial Transitional zone as a transitional use between more intense CBD-1 uses and R-60 one-family homes. The applicant's exhibit is included in attachment C.

PUBLIC INTEREST

The C-T Zone requires that the proposed rezoning bear sufficient relationship to the public interest to justify its approval. When evaluating the public interest it is customary to consider master plan conformance and other public interest factors such as adverse impacts on public facilities or the environment. The proposed rezoning of the application site bears sufficient relationship to the public interest. Construction of the primary structure has been completed and there will be no additional demands on public utilities or further adverse environmental impacts. The proposal substantially conforms to the applicable recommendations in the Bethesda CBD Sector Plan.

COMMUNITY CORRESPONDENCE

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence on either application as of the date of this report.

ADDITIONAL CONSIDERATIONS

Adequate Public Facilities

Water and Sewer. Public water and sewer connections were established when the applicant constructed the building earlier this year. Since no further building modifications or additions are proposed at this time, the Washington Suburban Sanitary Commission (WSSC) did not comment on the application.

Transportation and Roadways. A full APF test for the site will be required at site plan. The proposed development is expected to generate a maximum of eight weekday peak hour trips during the morning and evening weekday periods.

Schools. Staff has not received comments from Montgomery County Public Schools (MCPS) regarding the proposal's potential impact on the school system. However, due to the commercial nature of the application, no impact should result on the school system.

Environment

There are no environmental features of concern on this proposal, as outlined in the Environmental Planning Interoffice Memorandum included in Attachment D.

CONCLUSION

Staff recommends that Local Map Amendment G-913 be approved with the revised binding elements proposed by Staff, listed below.

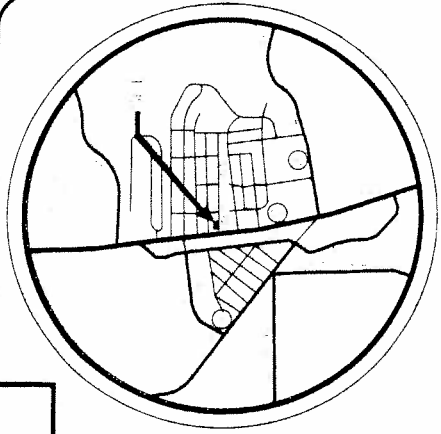
1. Development and use shall be limited to 4,275 square feet floor area of development, with associated signage, parking, landscaping, lighting and infrastructure improvements.
2. The following height limitation shall apply to the development: up to 24 feet for the building.
3. The following minimum building setbacks shall apply:
 - a) From West Virginia Avenue: 10 feet
 - b) From all other lot lines: 15 feet
4. The following green area shall apply: minimum 10%
5. The property, including open space, will be subject to site plan review. General building, open space, parking locations, landscaping/lighting, and number of parking spaces to be determined at site plan.

ATTACHMENTS

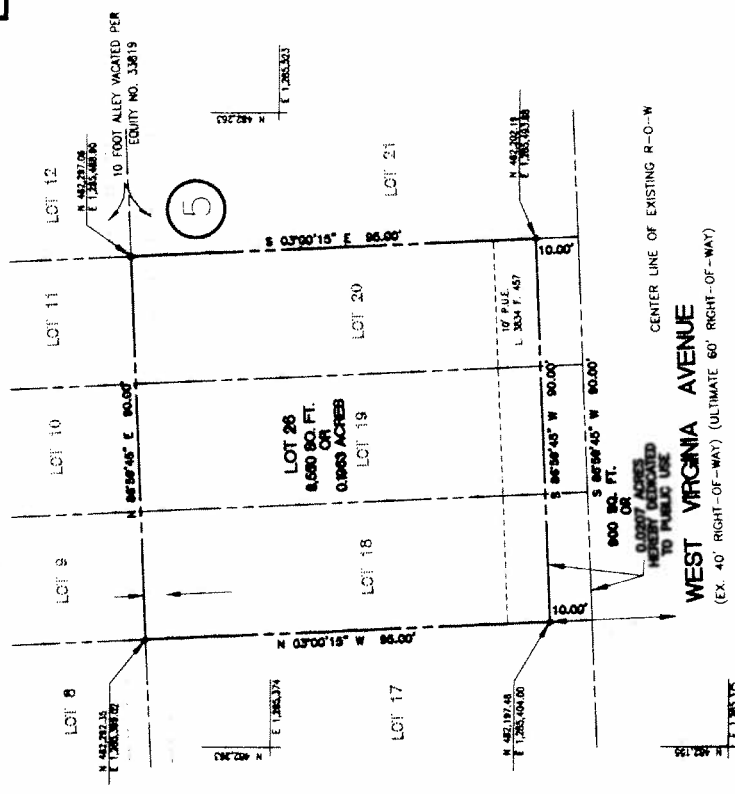
- A. Record Plat
- B. Schematic Development Plan
- C. Applicant's Compatibility Exhibit
- D. Transportation Planning Interoffice Memorandum
- E. Environmental Planning Interoffice Memorandum

PLAT NO. 5-26-04

BURGESS & NIPLÉ
WEST CHEVY CHASE HEIGHTS
P.B. 2 PN. 186



VICINITY MAP



OWNER'S CERTIFICATION

We, the undersigned, owner(s) of the property described herein, hereby adopt this plan of subdivision, establish the minimum building restriction lines and grant to Montgomery County, MD, those easements 10 feet wide adjacent, contiguous and parallel to all street right of way lines as required by Montgomery County Ordinance No. 4-115. Said plan shall be relinquished at such time as the public improvements on the abutting rights-of-way have been completed and accepted for maintenance by Montgomery County, Maryland.

Further, we grant to the Potomac Electric Power Company, Verano/MO, Washington Gas Light and to their respective successors and assigns, an easement in, on and over the land hereon described as Public Utility Easement, as hereon "P.U.E.", with said terms and provisions of such a grant being incorporated herein by this reference Liber 3834, Folio 457.

As owner of this subdivision, we our successors and assigns, will cause of property corner markers and any other required monumentation to be set by a registered Maryland Surveyor in accordance with Section 50-24 (a)(2) of the Montgomery County Code.

There are no recorded suits, actions of law, liens, leases, mortgages or trusts affecting the property included in this plan of subdivision, except certain deeds of trust and all parties in interest thereto, have below indicated their assent.

Date: 5-26-04
 Lewis Bloom, Bloom Investments, LLC
 President
 Thomas R. H. [Signature]
 Columbus Bank, Trustee

Bloom Investments, LLC
 A Maryland Limited Liability Company
 [Signature]
 Witness
 [Signature]
 Witness

WEST CHEVY CHASE HEIGHTS
 SUBDIVISION RECORD PLAT
 LOT 26 - BLOCK 5
 A RESUBDIVISION OF
 LOTS 18, 19 AND 20 - BLOCK 5
 BETHESDA (7th) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 SCALE - 1" = 20' OCTOBER, 2003

SURVEYOR'S CERTIFICATE:
 I hereby certify that the information shown hereon is true to the best of my professional knowledge and belief, that it is a resubdivision of WEST CHEVY CHASE HEIGHTS, BLOCK 5, LOT 18 conveyed by John D. Stevens, Trustee to Bloom Investments, LLC by deed dated April 23, 2002 and recorded among the Land Records of Montgomery County, Maryland in Liber 3834, Folio 457, and also being a resubdivision of WEST CHEVY CHASE HEIGHTS, BLOCK 5, LOTS 19 and 20 conveyed by Plink Inc. to Bloom Investments, LLC by deed dated July 22, 2004 and recorded among the aforesaid Land Records in Liber 21408 at Folio 654, and that the boundaries shown hereon are the boundaries of all property markers and other boundary monuments as delineated hereon in accordance with the provisions of Section 50-24 (a)(2) of the Montgomery County Code.

DATE: July 22, 2004
 [Signature]
 PROPERTY LINE SURVEYOR
 MARYLAND REGISTRATION NO. 514
 As to the Public Dedication:
 [Signature]
 PROFESSIONAL ENGINEER
 MARYLAND REGISTRATION NO. 10059

* The total area included on this plat of subdivision is 9450 square feet, of which 900 square feet is dedicated to public use.

RECORDED
 PLAT NO.
 PIA

APPROVED
 March 10, 2004
 [Signature]
 ASST. SECRETARY/TREASURER

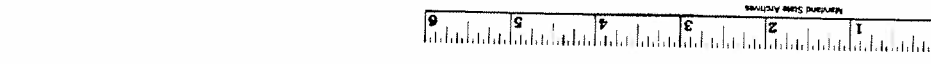
APPROVED
 July 22, 2004
 [Signature]
 CITY ENGINEER

THE MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
 MONTGOMERY COUNTY PLANNING BOARD

BURGESS & NIPLÉ
 170 ROLLINS AVENUE ROCKVILLE, MARYLAND, 20852-4099
 PH. (301) 468-9400 FAX (301) 468-9669

MSA 664 2150-14

6-23-77



GENERAL NOTES

- 1) MATCH CATEGORY - 1 - SEE PLAN SHEET 08-147-01
- 2) EXISTING AND PROPOSED UTILITIES SHOWN ON THIS PLAN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE LOCATION OF UTILITIES SHOWN ON THIS PLAN IS NOT TO BE CONSIDERED AS A GUARANTEE OF ACCURACY.
- 3) THE PROPOSED DEVELOPMENT SHALL BE CONFORMANT WITH THE ZONING REGULATIONS OF THE MONTGOMERY COUNTY ZONING ORDINANCE, CHAPTER 25, ARTICLE 10, SECTION 10-201 (R-40).
- 4) THE PROPOSED DEVELOPMENT SHALL BE CONFORMANT WITH THE MONTGOMERY COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS, CHAPTER 25, ARTICLE 10, SECTION 10-202 (R-40).
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- 22) THE PROPOSED DEVELOPMENT SHALL BE CONFORMANT WITH THE MONTGOMERY COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS, CHAPTER 25, ARTICLE 10, SECTION 10-220 (R-40).

ZONING DATA (EXISTING)

R-40 (RESIDENTIAL SINGLE-FAMILY)

LEGEND

EXISTING FEATURES	PROPOSED FEATURES
EXISTING LOT LINES	PROPOSED LOT LINES
EXISTING BUILDING FOOTPRINTS	PROPOSED BUILDING FOOTPRINTS
EXISTING DRIVEWAYS	PROPOSED DRIVEWAYS
EXISTING SIDEWALKS	PROPOSED SIDEWALKS
EXISTING UTILITY LINES	PROPOSED UTILITY LINES
EXISTING TREES	PROPOSED TREES
EXISTING FENCES	PROPOSED FENCES
EXISTING POOLS	PROPOSED POOLS
EXISTING PATIOS	PROPOSED PATIOS
EXISTING PORCHES	PROPOSED PORCHES
EXISTING DECKS	PROPOSED DECKS
EXISTING STAIRS	PROPOSED STAIRS
EXISTING ROOFS	PROPOSED ROOFS
EXISTING WALLS	PROPOSED WALLS
EXISTING FLOORS	PROPOSED FLOORS
EXISTING CEILING	PROPOSED CEILING
EXISTING MECHANICAL	PROPOSED MECHANICAL
EXISTING ELECTRICAL	PROPOSED ELECTRICAL
EXISTING PLUMBING	PROPOSED PLUMBING
EXISTING HVAC	PROPOSED HVAC
EXISTING INSULATION	PROPOSED INSULATION
EXISTING GLAZING	PROPOSED GLAZING
EXISTING DOORS	PROPOSED DOORS
EXISTING WINDOWS	PROPOSED WINDOWS
EXISTING STAIRWAYS	PROPOSED STAIRWAYS
EXISTING ELEVATORS	PROPOSED ELEVATORS
EXISTING ESCAPE ROUTES	PROPOSED ESCAPE ROUTES
EXISTING ACCESSIBLE ROUTES	PROPOSED ACCESSIBLE ROUTES
EXISTING SIGNAGE	PROPOSED SIGNAGE
EXISTING LIGHTING	PROPOSED LIGHTING
EXISTING LANDSCAPE	PROPOSED LANDSCAPE
EXISTING HEDGING	PROPOSED HEDGING
EXISTING BOUNDARIES	PROPOSED BOUNDARIES
EXISTING EASEMENTS	PROPOSED EASEMENTS
EXISTING ENCUMBRANCES	PROPOSED ENCUMBRANCES
EXISTING LIENS	PROPOSED LIENS
EXISTING TAX MAPS	PROPOSED TAX MAPS
EXISTING RECORDS	PROPOSED RECORDS
EXISTING SURVEYS	PROPOSED SURVEYS
EXISTING DEEDS	PROPOSED DEEDS
EXISTING AGREEMENTS	PROPOSED AGREEMENTS
EXISTING COVENANTS	PROPOSED COVENANTS
EXISTING RESTRICTIONS	PROPOSED RESTRICTIONS
EXISTING CONDITIONS	PROPOSED CONDITIONS
EXISTING PROVISIONS	PROPOSED PROVISIONS
EXISTING CLAUSES	PROPOSED CLAUSES
EXISTING SECTIONS	PROPOSED SECTIONS
EXISTING ARTICLES	PROPOSED ARTICLES
EXISTING CHAPTERS	PROPOSED CHAPTERS
EXISTING TITLES	PROPOSED TITLES
EXISTING VOLUMES	PROPOSED VOLUMES
EXISTING PAGES	PROPOSED PAGES
EXISTING BOOKS	PROPOSED BOOKS
EXISTING RECORDS	PROPOSED RECORDS
EXISTING SURVEYS	PROPOSED SURVEYS
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EXISTING CLAUSES	PROPOSED CLAUSES
EXISTING SECTIONS	PROPOSED SECTIONS
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EXISTING CHAPTERS	PROPOSED CHAPTERS
EXISTING TITLES	PROPOSED TITLES
EXISTING VOLUMES	PROPOSED VOLUMES
EXISTING PAGES	PROPOSED PAGES
EXISTING BOOKS	PROPOSED BOOKS

BINDING ELEMENTS

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PARKING TABULATION DATA

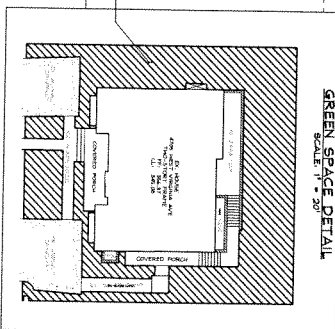
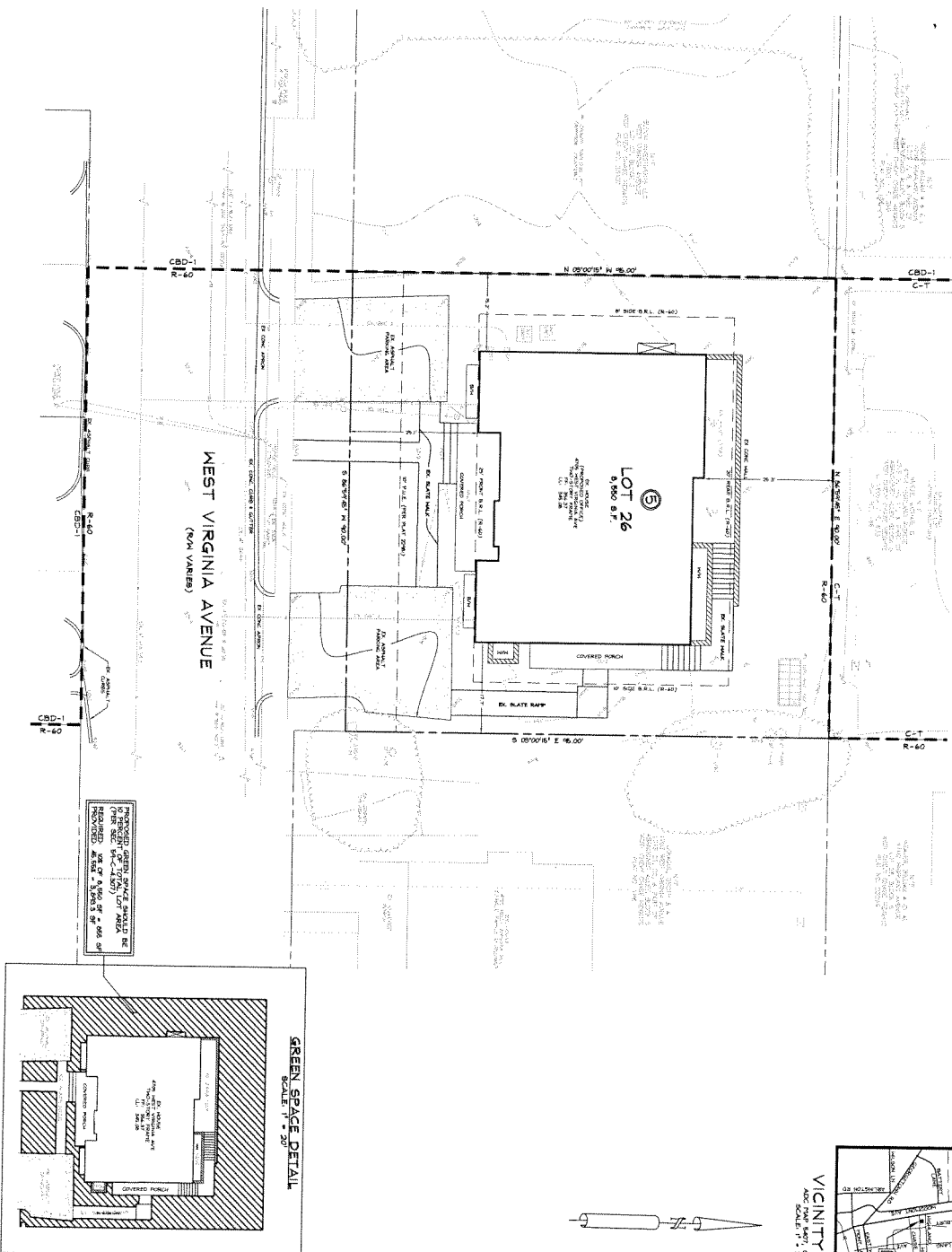
ACTIVITY	PER HOUR	PER DAY	PER WEEK	PER MONTH	PER YEAR
RESIDENTIAL	10	200	1400	4200	50400
COMMERCIAL	5	100	700	2100	25200
INDUSTRIAL	2	40	280	840	10080
RECREATION	1	20	140	420	5040
OFFICE	3	60	420	1260	15120
RETAIL	4	80	560	1680	20160
FOOD SERVICE	6	120	840	2520	30240
ENTERTAINMENT	8	160	1120	3360	40320
EDUCATION	1	20	140	420	5040
HEALTH CARE	2	40	280	840	10080
GOVERNMENT	1	20	140	420	5040
RELIGIOUS	1	20	140	420	5040
OTHER	1	20	140	420	5040
TOTAL	28	560	3920	11760	141120

SITE / ZONING DATA (PROPOSED)

PROPOSED ZONING	PROPOSED PERCENT	PROPOSED PERCENT (MAX)	PROPOSED PERCENT (MIN)
RESIDENTIAL	100	100	100
COMMERCIAL	0	0	0
INDUSTRIAL	0	0	0
RECREATION	0	0	0
OFFICE	0	0	0
RETAIL	0	0	0
FOOD SERVICE	0	0	0
ENTERTAINMENT	0	0	0
EDUCATION	0	0	0
HEALTH CARE	0	0	0
GOVERNMENT	0	0	0
RELIGIOUS	0	0	0
OTHER	0	0	0
TOTAL	100	100	100

UTILITY INFORMATION

UTILITY	TYPE	DEPTH	LOCATION	STATUS
WATER	18"	48"	100' E OF LOT 26	EXISTING
SEWER	18"	48"	100' E OF LOT 26	EXISTING
ELECTRIC	4"	24"	100' E OF LOT 26	EXISTING
TELEPHONE	4"	24"	100' E OF LOT 26	EXISTING
CABLE	4"	24"	100' E OF LOT 26	EXISTING
STORM	18"	48"	100' E OF LOT 26	EXISTING
WATER	18"	48"	100' E OF LOT 26	PROPOSED
SEWER	18"	48"	100' E OF LOT 26	PROPOSED
ELECTRIC	4"	24"	100' E OF LOT 26	PROPOSED
TELEPHONE	4"	24"	100' E OF LOT 26	PROPOSED
CABLE	4"	24"	100' E OF LOT 26	PROPOSED
STORM	18"	48"	100' E OF LOT 26	PROPOSED



ATTORNEY
LEON J. SLOVITZ & ASSOCIATES
1000 PENNSYLVANIA AVENUE, SUITE 2000
WASHINGTON, DC 20004
(202) 337-7777 FAX
www.slovitz.com

OWNER
4705 WEST VIRGINIA AVENUE, LLC
1000 PENNSYLVANIA AVENUE, SUITE 2000
WASHINGTON, DC 20004
(202) 337-7777 FAX
www.4705westvirginia.com

4705 WEST VIRGINIA AVE
LOT 26, BLOCK 5
WEST CHEVY CHASE HEIGHTS
SCHEMATIC DEVELOPMENT PLAN

4705 WEST VIRGINIA AVE, BETHESDA, MD 20814
PLAT BOOK 34, PLAT 2298I, CIRCA 2004

LOT 26, BLOCK 5
WEST CHEVY CHASE
BETHESDA (7TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND
SCHEMATIC DEVELOPMENT PLAN

DATE	BY	REVISION
06/06/12	EBT	BASE SHEET TO CLIENT
06/27/12	EBT	TO ATTORNEY FOR RECORDING APPLICATION

PROJECT	DATE
08-147	06/2012

ILLUSTRATION	ENGINEERING
SAF	N/A

SCALE	APPROVAL
1" = 10'	EBT



108 West Ridgeville Blvd., Suite 101
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301.643.7833 office
301.643.7843 fax
www.casengineering.com
info@casengineering.com

CIVIL • SURVEYING • LAND PLANNING

IMMEDIATE NEIGHBORHOOD MAP



IMMEDIATE NEIGHBORHOOD BUILDING SITES

	Address	Lot Description	Block	Subdivision	Zoning	Enclosed Area (sq. ft.) ¹
Site	4705 West Virginia Avenue	Lot 26	5	West Chevy Chase Heights	C-T ²	3,780
1	8015 Wisconsin Avenue	Pt. of Lot 3	5	West Chevy Chase Heights	CBD-1	1,560
	8017 Wisconsin Avenue	Pt. of Lot 3	5	West Chevy Chase Heights	CBD-1	936
	8019 Wisconsin Avenue	Pt. of Lot 2 / Pt. of Lot 3	5	West Chevy Chase Heights	CBD-1	1,404
	8021 Wisconsin Avenue	Pt. of Lot 1 / Pt. of Lot 2	5	West Chevy Chase Heights	CBD-1	1,560
	8023 Wisconsin Avenue	Pt. of Lot 1	5	West Chevy Chase Heights	CBD-1	1,560
2	4706 Highland Avenue	Lot 7 / Lot 8 / Pt. of Abandoned Alley	5	West Chevy Chase Heights	CBD-1	2,770
3	4704 Highland Avenue	Lots 9-11 / Pt. of Abandoned Alley	5	West Chevy Chase Heights	C-T	2,022
4	4702 Highland Avenue	Lot 28	5	West Chevy Chase Heights	R-60	3,769
5	4700 Highland Avenue	Lot 14 / Lot 15 / Abandoned Alley	5	West Chevy Chase Heights	R-60	1,380
6	8001 Wisconsin Avenue	Lot 25	5	West Chevy Chase Heights	CBD-1	12,263
7	4707 West Virginia Avenue	Lot 27	5	West Chevy Chase Heights	CBD-1	N/A
8	4703 West Virginia Avenue	Lot 21 / Lot 22 / Pt. of Abandoned Alley	5	West Chevy Chase Heights	R-60	1,312
9	4701 West Virginia Avenue	Lot 23 / Lot 24 / Abandoned Alley	5	West Chevy Chase Heights	R-60	1,664
10	7935 Wisconsin Avenue	Pt. of Lots 1-3	9	West Chevy Chase Heights	CBD-1	9,291
11	Parking for 7901 Wisconsin Avenue	Pt. of Lot 4 / Pt. of Lot 5	9	West Chevy Chase Heights	CBD-1	N/A
12	Public Parking on West Virginia Ave.	Lot 11 / Lot 12	9	West Chevy Chase Heights	CBD-1	N/A
13	Public Parking on West Virginia Ave.	Lot 13 / Lot 14	9	West Chevy Chase Heights	CBD-1	N/A
14	4702 West Virginia Avenue	Lot 29	9	West Chevy Chase Heights	R-60	4,048
15	4700 West Virginia Avenue	Lot 28	9	West Chevy Chase Heights	R-60	1,624

¹Enclosed area based on available Tax Record Data as of 10/02/2012

²Proposed zoning

SITE

4705 West Virginia Avenue

Lot 26, Block 5

West Chevy Chase Heights

Zoning: R-60 (Proposed CT)

Enclosed Area (Sq. Ft.): 3,780



1

8015 Wisconsin Avenue

Pt. of Lot 3, Block 5

West Chevy Chase Heights

Zoning: CBD-1

Enclosed Area (Sq. Ft.): 1,560



1

8017 Wisconsin Avenue

Pt. of Lot 3, Block 5

West Chevy Chase Heights

Zoning: CBD-1

Enclosed Area (Sq. Ft.): 936



1

8019 Wisconsin Avenue

Pt. of Lot 2 / Pt. of Lot 3, Block 5

West Chevy Chase Heights

Zoning: CBD-1

Enclosed Area (Sq. Ft.): 1,404



1

8021 Wisconsin Avenue

Pt. of Lot 1 / Pt. of Lot 2, Block 5

West Chevy Chase Heights

Zoning: CBD-1

Enclosed Area (Sq. Ft.): 1,560



1

8023 Wisconsin Avenue

Pt. of Lot 1, Block 5

West Chevy Chase Heights

Zoning: CBD-1

Enclosed Area (Sq. Ft.): 1,560



2

4706 Highland Avenue

Lot 7 / Lot 8 / Pt. of Abandoned Alley, Block 5

West Chevy Chase Heights

Zoning: CBD-1

Enclosed Area (Sq. Ft.): 2,770



3

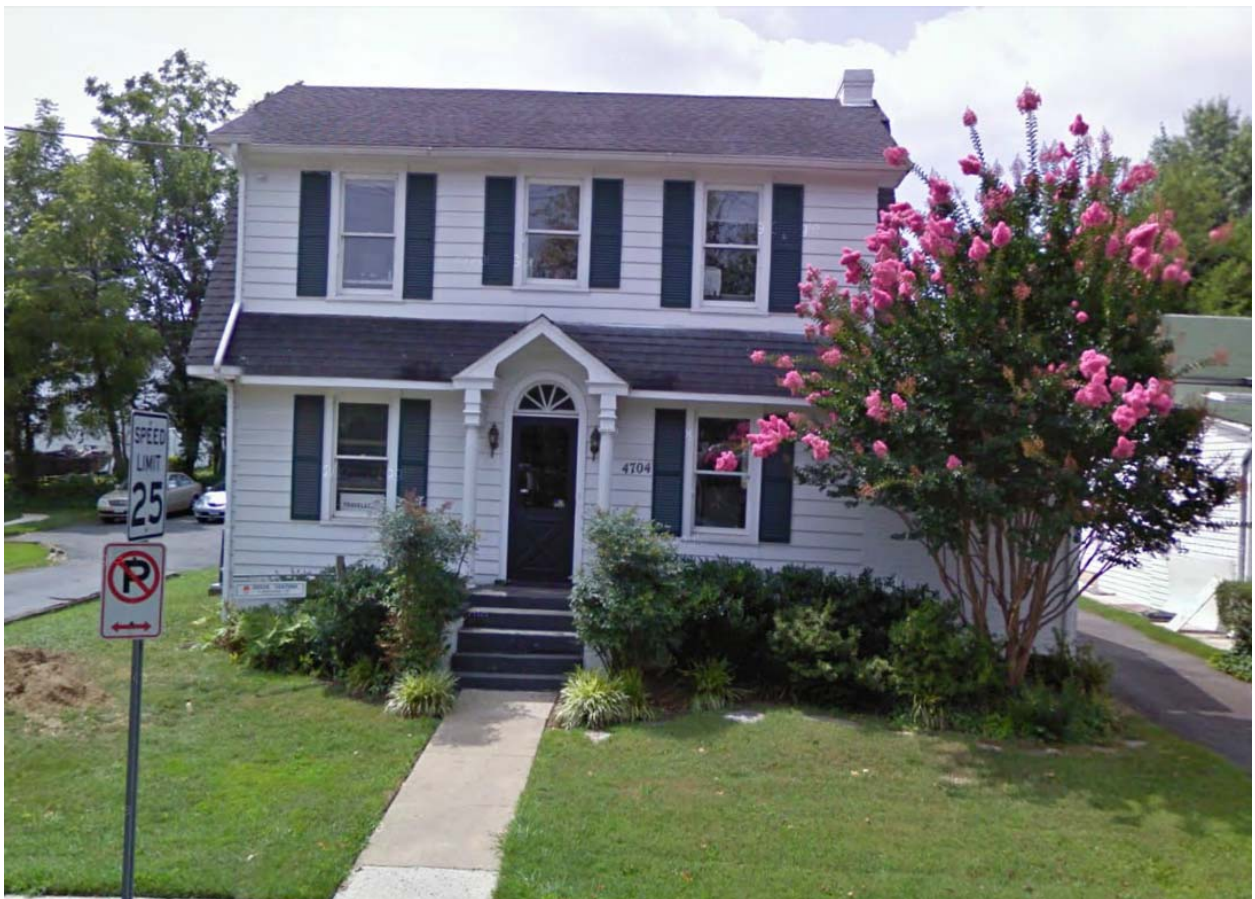
4704 Highland Avenue

Lots 9-11 / Pt. of Abandoned Alley, Block 5

West Chevy Chase Heights

Zoning: C-T

Enclosed Area (Sq. Ft.): 2,022



4

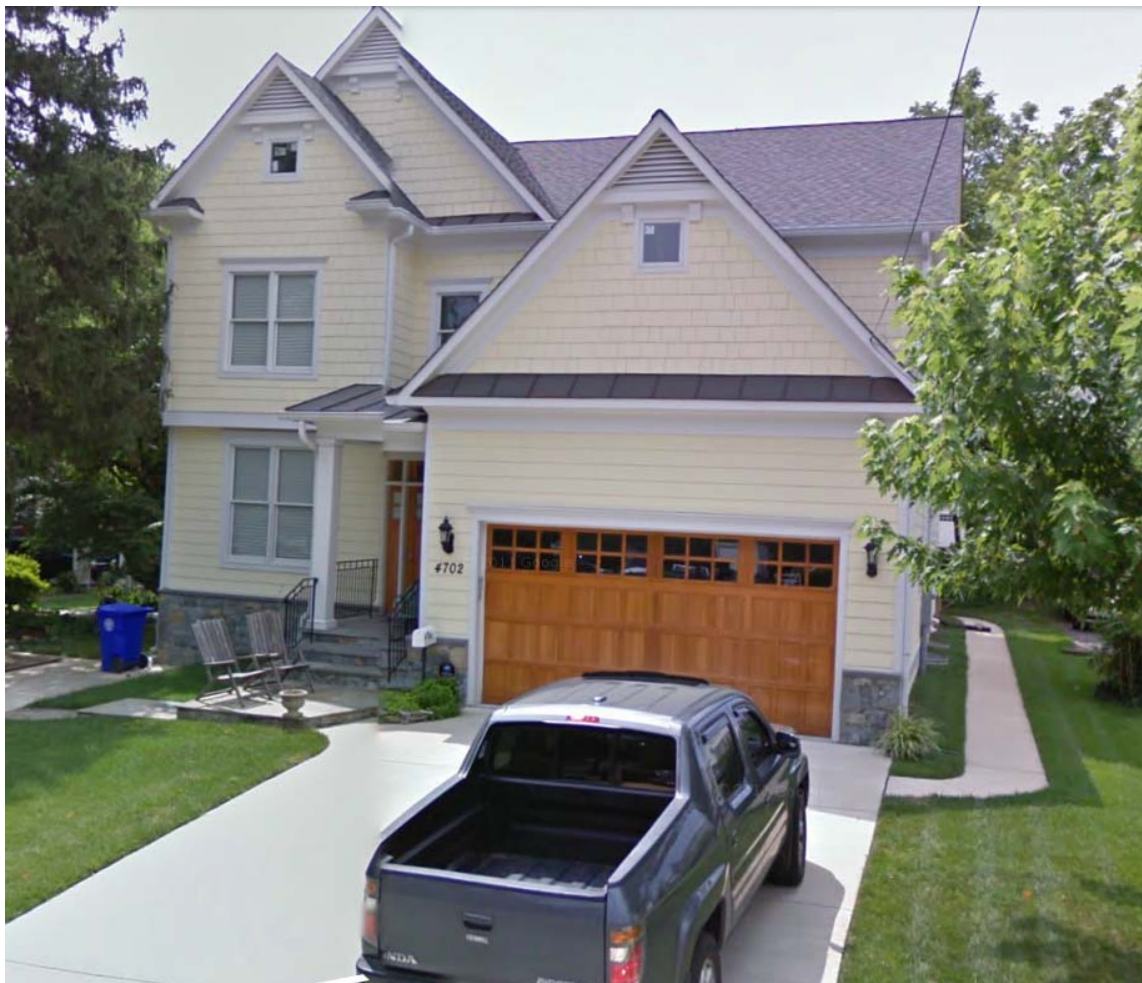
4702 Highland Avenue

Lot 28, Block 5

West Chevy Chase Heights

Zoning: R-60

Enclosed Area (Sq. Ft.): 3,769



5

4700 Highland Avenue

Lot 14 / Lot 15 / Abandoned Alley, Block 5

West Chevy Chase Heights

Zoning: R-60

Enclosed Area (Sq. Ft.): 1,380*

***May not reflect building permit issued in 1993**



6

8001 Wisconsin Avenue

Lot 25, Block 5

West Chevy Chase Heights

Zoning: CBD-1

Enclosed Area (Sq. Ft.): 12,263



Date: July 2009

7

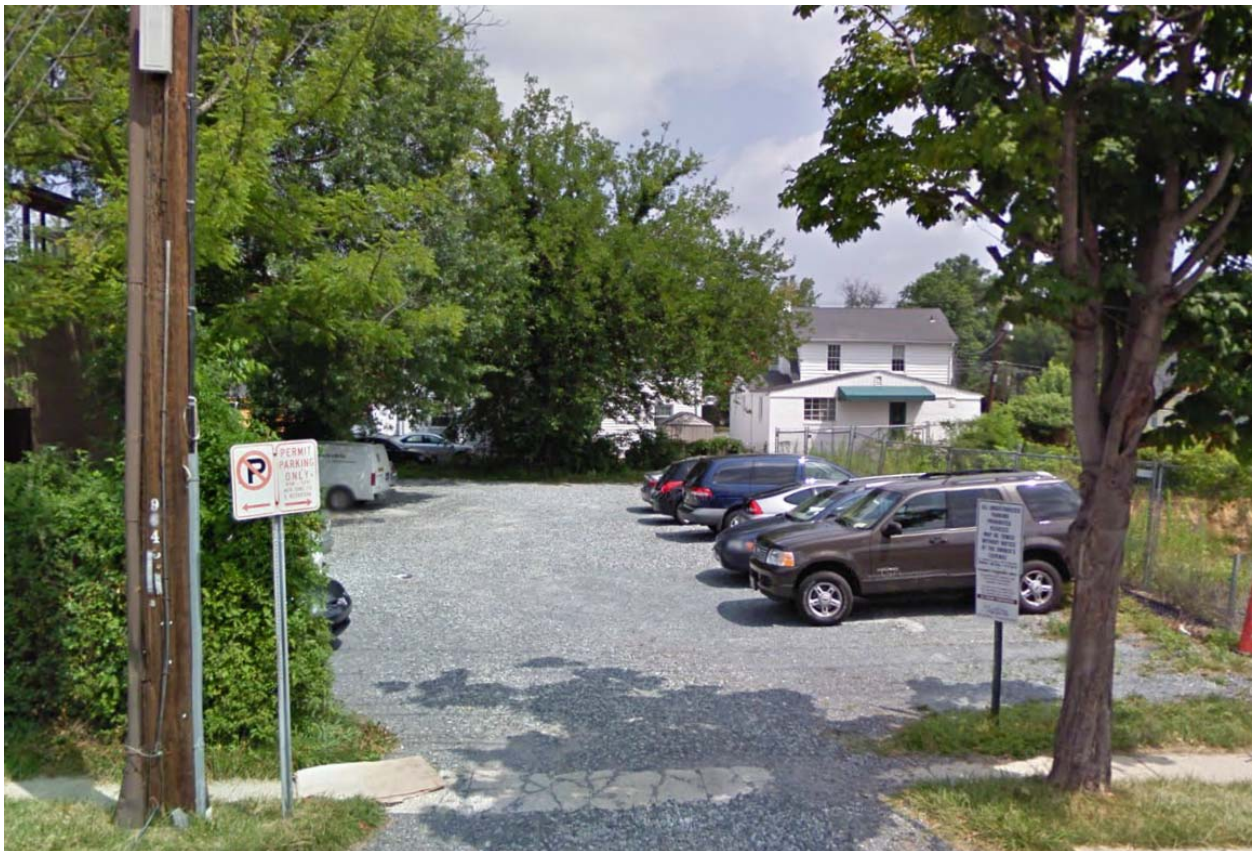
4707 West Virginia Avenue

Lot 27, Block 5

West Chevy Chase Heights

Zoning: CBD-1

Enclosed Area (Sq. Ft.): N/A



8

4703 West Virginia Avenue

Lot 21 / Lot 22 / Pt. of Abandoned Alley, Block 5

West Chevy Chase Heights

Zoning: R-60

Enclosed Area (Sq. Ft.): 1,312*

***May not reflect building permits issued in 2009 and/or 2011**



9

4701 West Virginia Avenue

Lot 23 / Lot 24 / Abandoned Alley, Block 5

West Chevy Chase Heights

Zoning: R-60

Enclosed Area (Sq. Ft.): 1,664



10

7935 Wisconsin Avenue

Pt. of Lots 1-3, Block 9

West Chevy Chase Heights

Zoning: CBD-1

Enclosed Area (Sq. Ft.): 9,291



11

Parking for 7901 Wisconsin Avenue

Pt. of Lot 4 / Pt. of Lot 5, Block 9

West Chevy Chase Heights

Zoning: CBD-1

Enclosed Area (Sq. Ft.): N/A



12

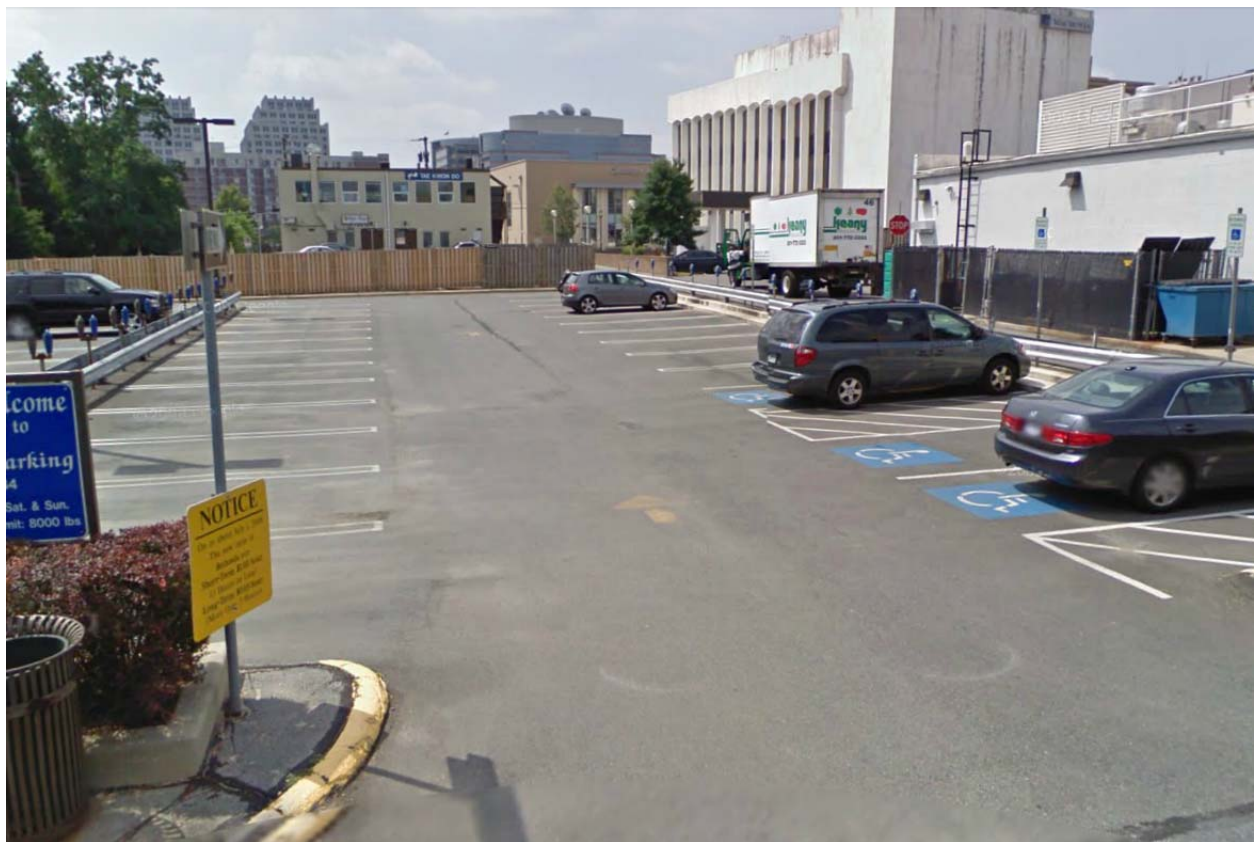
Public Parking on West Virginia Ave.

Lot 11 / Lot 12, Block 9

West Chevy Chase Heights

Zoning: CBD-1

Enclosed Area (Sq. Ft.): N/A



13

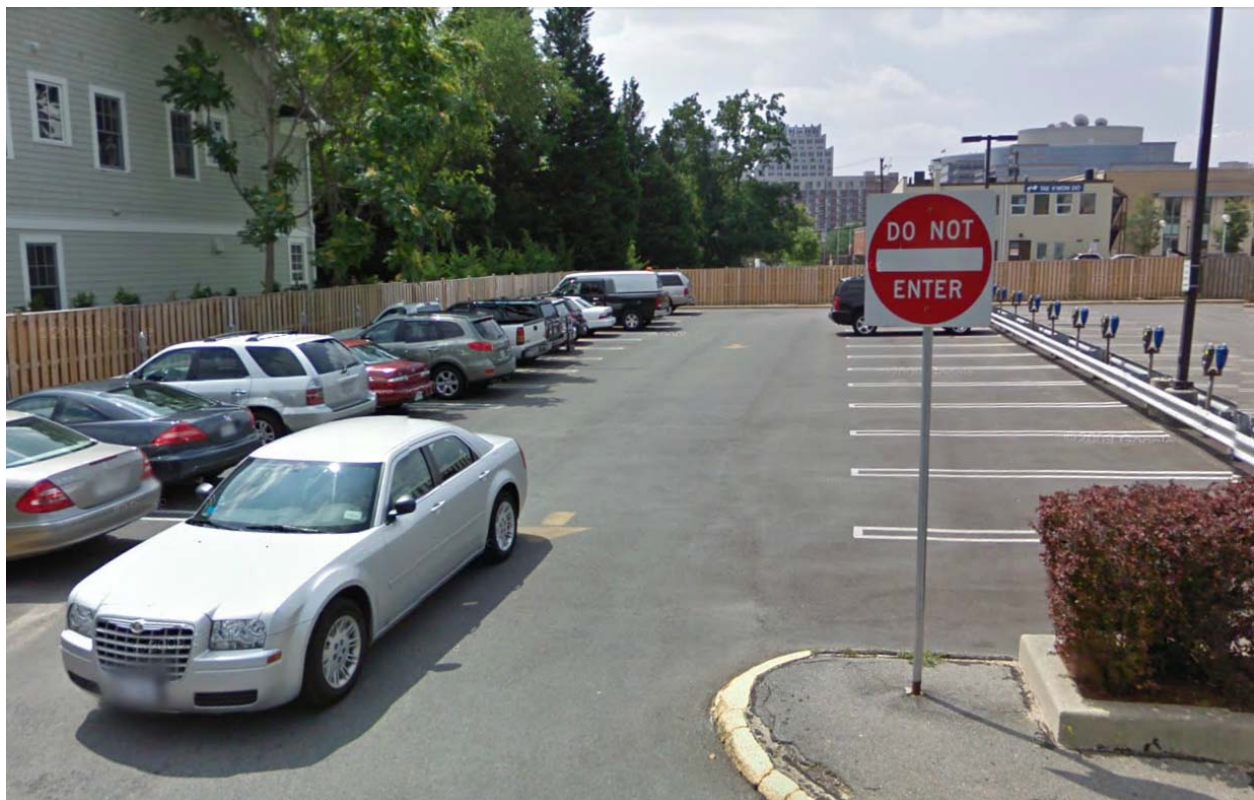
Public Parking on West Virginia Ave.

Lot 13 / Lot 14, Block 9

West Chevy Chase Heights

Zoning: CBD-1

Enclosed Area (Sq. Ft.): N/A



14

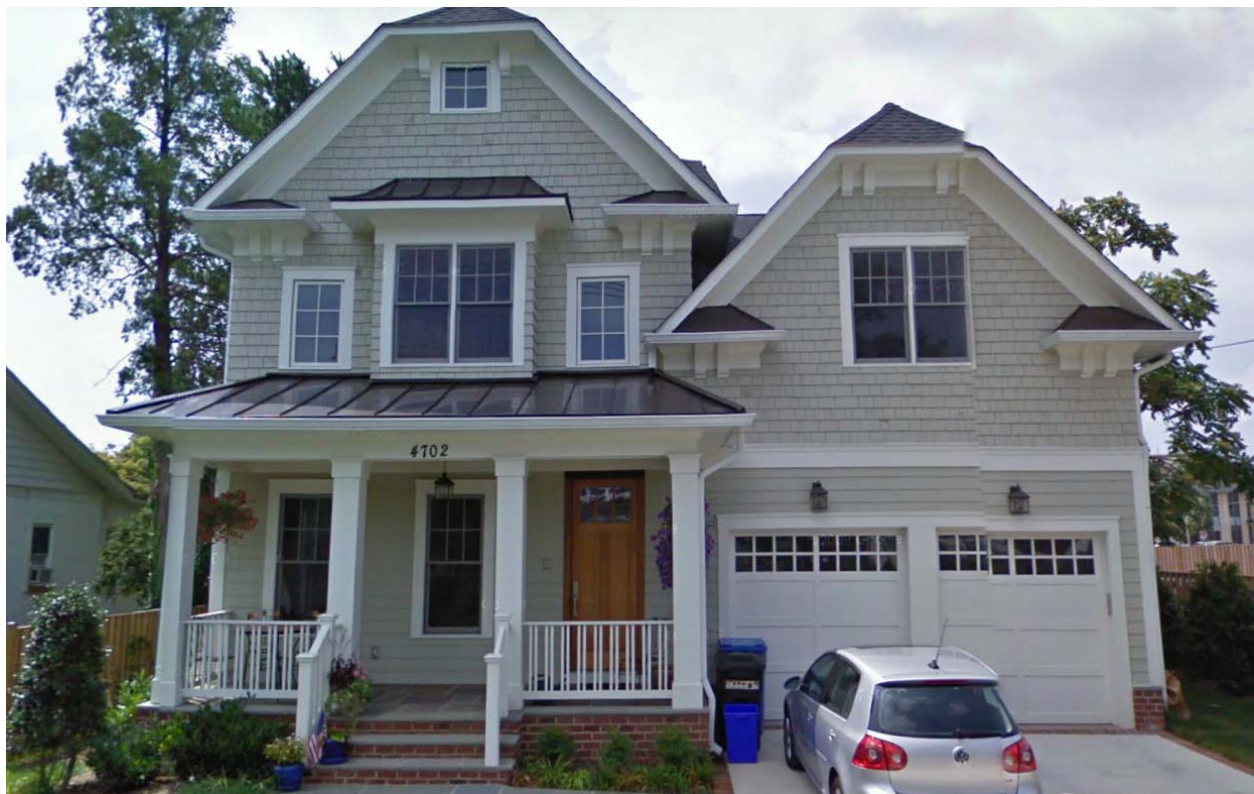
4702 West Virginia Avenue

Lot 29, Block 9

West Chevy Chase Heights

Zoning: R-60

Enclosed Area (Sq. Ft.): 4,048



15

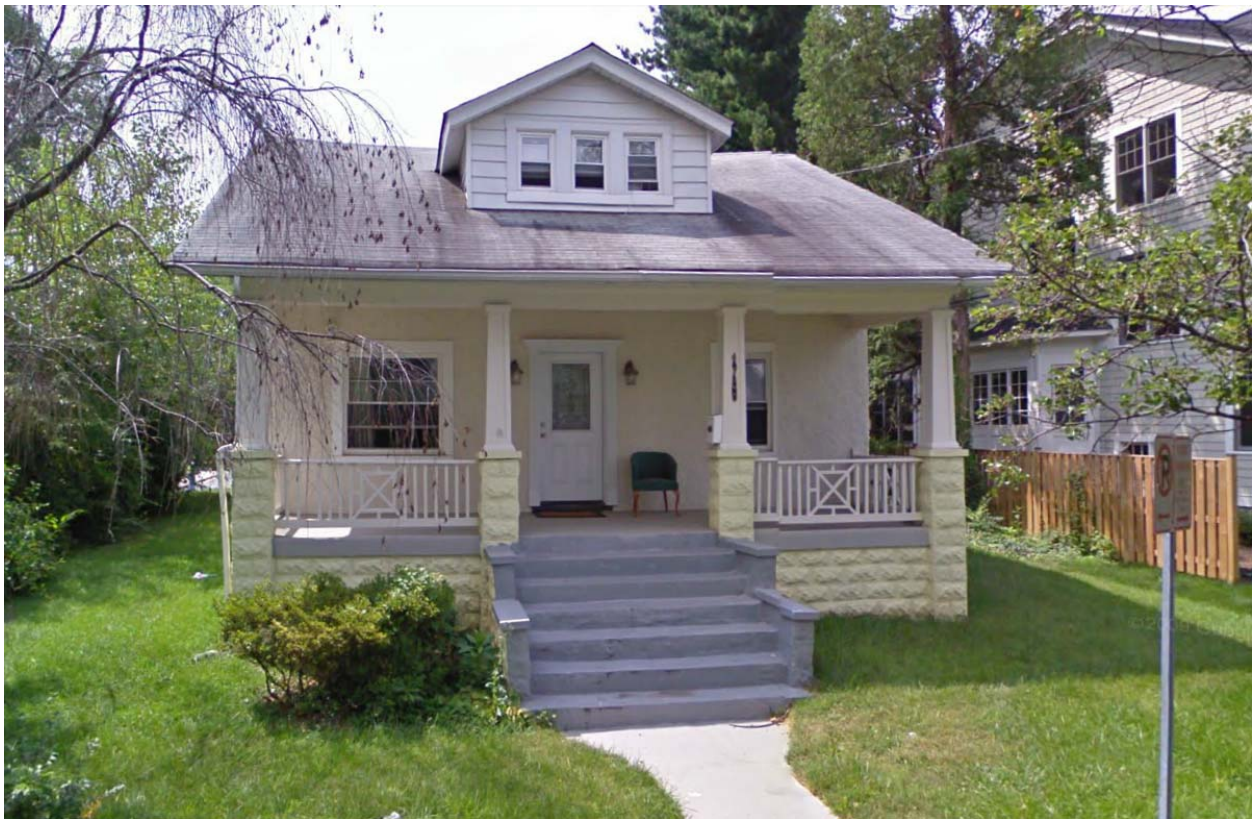
4700 West Virginia Avenue

Lot 28, Block 9

West Chevy Chase Heights

Zoning: R-60

Enclosed Area (Sq. Ft.): 1,624





MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

October 12, 2012

TO: Erin Grayson

FROM: Cherian Eapen

SUBJECT: Local Map Amendment No. G-913
Request to rezone 4705 West Virginia Ave from the R-60 Zone to the C-T (Commercial-Transitional) Zone
4311 Montgomery Avenue, LLC ("Applicant")
North side of West Virginia Avenue, between Tilbury Street and Wisconsin Avenue
Bethesda CBD Policy Area

This memorandum presents the Adequate Public Facilities (APF) and Plan review for the subject application to rezone 4705 West Virginia Avenue ("Property") in Bethesda from the R-60 zone to the C-T zone.

The Property is located along the north side of West Virginia Avenue between Tilbury Street to the east and Wisconsin Avenue (MD 355) to the west, and is approximately 2,500 feet from the Bethesda Metro Station entrance to the corner of Wisconsin Avenue/East-West Highway (MD 410)/Old Georgetown Road (MD 187) intersection in Bethesda. The immediate area is also served by Metrobus routes J2, J3, and J7 along Wisconsin Avenue, with bus stops approximately 400 feet to the west of the Property.

RECOMMENDATIONS

The following transportation planning comments are recommended to be part of the Planning Board recommendations for the subject application, noting that these comments may or may not satisfy APF or other Plan requirements at the time of filing of any future site plan for the Property.

1. The Applicant must limit development on the Property to 3,625 SF of Office and 2,350 SF of Showroom (Miscellaneous) uses.
2. The Applicant must provide the necessary frontage dedication as well as roadway and sidewalk improvements along West Virginia Avenue as recommended by the Bethesda CBD Sector Plan. These improvements must be coordinated with the Montgomery County Department of Transportation (MCDOT).
3. The Applicant must satisfy Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) requirements of the APF test required under the regulatory requirements in effect at the time of the filing of any future site plan for the Property.

DISCUSSION

Recommended Area Roadways and Pedestrian/Bikeway Facilities

The July 1994 Approved and Adopted *Bethesda CBD Sector Plan* recommends the following nearby transportation facility:

- West Virginia Avenue, between Tilbury Street to the east and Wisconsin Avenue to the west, as a two-lane business district street with a minimum right-of-way width of 60 feet.

Adequate Public Facilities Review

- Trip Generation

The peak-hour trip generation estimate for the proposed uses on the Property based on trip generation rates included in the *LATR/PAMR Guidelines* is provided in Table 1.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION –
PROPOSED 4705 WEST VIRGINIA AVENUE DEVELOPMENT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Proposed Development						
3,625 SF Office	4	1	5	1	4	5
2,350 SF Showroom (Miscellaneous)	2	1	3	1	2	3
Total Trips						
Existing Density – 1 Single-Family Dwelling Unit	0	1	1	1	0	1
“Net” Additional Trips	6	1	7	1	6	7

Source: Integrated Transportation Solutions, Inc. 4705 West Virginia Avenue Transportation Statement. Revised October 2, 2012.

As shown in Table 1, the proposed uses with credit for the existing use on the Property are estimated to generate 7 peak-hour trips during weekday morning and evening peak periods.

- Local Area Transportation Review

A Transportation Statement (dated October 2, 2012) was submitted by the consultant for the Applicant for the subject application per the *LATR/PAMR Guidelines*.

Since the proposed uses on the Property will not generate 30 or more peak-hour during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods, a traffic study was not required for the subject application. With documentation of site trip generation as above (Table 1), the subject application satisfies the LATR requirements of the APF test.

- Policy Area Mobility Review

To satisfy the PAMR requirements of the APF test, and per the policy in place that offer a PAMR trip credit for CBD developments, a development located within the Bethesda CBD Policy Area is required to mitigate 25 percent of “new” peak-hour trips generated by the development using Countywide trip generation rates, and is then offered a credit on the PAMR trip mitigation requirement equivalent to any reduction in peak-hour trips achieved by the development as a result of its location within the CBD.

As shown in Table 2, using Countywide trip generation rates, the density proposed on the Property after credit for the existing use would generate 8 peak-hour trips during the weekday morning peak period and 17 peak-hour trips during the weekday evening peak period (Line C1). With the requirement to mitigate 25% of the “new” peak-hour trips, the PAMR mitigation requirement for the development are 2 peak-hour trips during the weekday morning peak period and 4 peak-hour trips during the evening peak period (Line D1).

Using the Bethesda CBD trip generation rates (as shown in Table 1 and Table 2), the density proposed on the Property after credit for the existing use on the Property would generate 7 peak-hour trips during the weekday morning and evening peak periods (Line G1).

The PAMR CBD trip credit, which is the difference in trips between the Countywide and CBD trip generation for the density proposed on the Property, is 1 peak-hour trip during the weekday morning peak period and 10 peak-hour trips during the weekday evening peak period (Line H1). With the above credits, it is seen that the PAMR mitigation requirement for the development is partially mitigated during the morning peak hour (requiring mitigation of 1 peak-hour trip) and fully mitigated during the evening peak-hour.

Based on the above analysis presented in the Transportation Statement, the Applicant is proposing to make a payment of \$11,700 to MCDOT (to mitigate 1 peak-hour trip) and satisfy the PAMR requirements of the APF test.

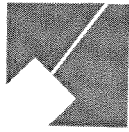
**TABLE 2
PAMR MITIGATION REQUIREMENT CALCULATION
PROPOSED 4705 WEST VIRGINIA AVENUE DEVELOPMENT**

	Morning Peak-Hour	Evening Peak-Hour
Site Trip Generation – (Countywide Rates)		
A. Proposed Density		
3,625 SF Office	5	8
2,350 SF Showroom (Miscellaneous)	4	10
Total Peak-Hour Trips (A1)	9	18
B. Existing Density		
1 Single-Family Dwelling Unit (B1)	1	1
C. Net New Trips (C1 = A1 – B1)	8	17
D. PAMR Mitigation Requirement (D1 = C1 x 0.25)	2	4
Site Trip Generation – (CBD Rates)		
E. Proposed Density		
3,625 SF Office	5	5
2,350 SF Showroom (Miscellaneous)	3	3
Total Peak-Hour Trips (E1)	8	8
F. Existing Density		
1 Single-Family Dwelling Unit (F1)	1	1
G. Net New Trips (G1 = E1 – F1)	7	7
H. Trip Credit for CBD Location (H1 = C1 – G1)	1	10
I. Adjusted PAMR Mitigation Requirement (I1 = H1 – D1) [PAMR: Excess/Pass = +ve; Deficit/Fail = -ve]	-1 (Fail PAMR)	+6 (Pass PAMR)

Source: Integrated Transportation Solutions, Inc. 4705 West Virginia Avenue Transportation Statement. Revised October 2, 2012.

CE/-

mmo to EG re 4705 West Virginia Ave.doc



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

MEMORANDUM

TO: Erin Grayson, Senior Planner, Area 1

FROM: Tina Schneider, Senior Planner, Area 1

DATE: August 13, 2012

SUBJECT: G-913L Local Map Amendment
4705 West Virginia Avenue
West Chevy Chase Heights
Bethesda, MD 20814
NRI/FSD: 42012194E

Environmental Planning staff in Area 1 has reviewed the application for a local zoning map amendment on 4705 West Virginia Avenue, West Chevy Chase Heights, Bethesda, Maryland. The two-story single-family detached residence is proposed for conversion to office use with parking spaces provided on-site. The Montgomery County Forest Conservation Law is not applicable as the tract of land is less than 40,000 square feet and no additional construction are proposed. There is no existing forest or any tree save concerns associated with this request.

Environmental Planning Staff recommends approval of the special exception for the following reasons:

1. The site is exempt from submitting a forest conservation plan under Chapter 22A-5 of the County code.
2. There is no land disturbance proposed with the associated local map amendment.



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

OFFICE OF THE CHAIR

November 7, 2012

Martin Grossman, Director
Montgomery County Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 217
Rockville, Maryland 20850

SUBJECT: Local Map Amendment No. G-913, 4311 Montgomery Avenue, LLC,
Request to rezone from the R-60 Zone to the C-T zone approximately 8,550
square feet of land, located at 4705 West Virginia Avenue, Bethesda.

Marty
Dear Mr. Grossman:

The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed Local Map Amendment No.G-913 at our regular meeting on November 1, 2012. On a motion made by Commissioner Dreyfuss, seconded by Commissioner Wells-Harley, and Chair Carrier, Commissioners Anderson and Presley voting in favor, the Planning Board recommended by a vote of 5-0 that Local Map Amendment G-913 be approved. The rezoning of the application from the R-60 Zone to the C-T Zone is analyzed in detail in the technical staff report, which is hereby approved and incorporated by reference in this recommendation. The Board also received testimony from the applicant and their representative on this application.

The Planning Board finds that the rezoning application is consistent with the Sector Plan for the Bethesda Central Business District (CBD). The application will comply with the purposes, standards and regulations of the C-T zone. The development as reflected on the Schematic Development Plan and further refined by the binding elements will be compatible with the surrounding area. The Planning Board agreed with Staff's deletion of binding element number two regarding phasing. The Board also agreed with Chair Carrier's recommendation that the applicant add a note to the Schematic Development Plan identifying that the parking layout is for illustrative purposes only and will be revised at site plan to improve residential scale, buffering and compatibility. The Binding Elements as listed on the following page were recommended by the Planning Board.

Binding Elements

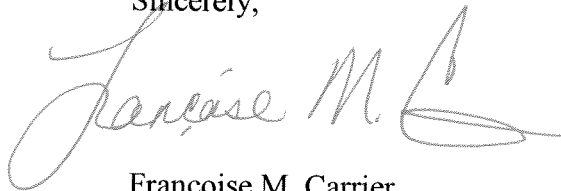
1. Development and use shall be limited to 4,275 square feet floor area of development, with associated signage, parking, landscaping, lighting and infrastructure improvements.
2. The following height limitation shall apply to the development: up to 24 feet for the building.
3. The following minimum building setbacks shall apply:
 - a) From West Virginia Avenue: 10 feet
 - b) From all other lot lines: 15 feet
4. The following green area shall apply: minimum 10%
5. The property, including open space, will be subject to site plan review. General building, open space, parking locations, landscaping/lighting, and number of parking spaces to be determined at site plan.

The traffic study submitted to Staff by the applicant is attached to the technical staff report, in addition to the Transportation Planning memorandum. These documents provide detailed information on the minimal anticipated impacts to the traffic network in the area.

The Planning Board recognizes the importance of the rezoning as it sets forth the land use and zoning recommendations contained in the Sector Plan for the surrounding community.

We hope these recommendations are helpful to the Hearing Examiner and the District Council.

Sincerely,

A handwritten signature in cursive script, appearing to read "Françoise M. Carrier".

Françoise M. Carrier
Chair

Enclosure
FMC/eeg/cp

Attachment: staff report

Grayson, Erin

From: Farhadi, Sam <Sam.Farhadi@montgomerycountymd.gov>
Sent: Tuesday, April 16, 2013 3:12 PM
To: Grayson, Erin
Subject: 820130090 West Chevy Chase Heights

Hi Erin,

We recommend approval subject to the followings to become conditions of certified site plan:

1. "No Truck Entry" sign on the property at both driveways;
2. The five (5) foot wide sidewalk along the site frontage to be ADA compliant, free of any surface feature and across both driveways to be flush with them;
3. The applicant will be assessed for the difference in the number of parking spaces required and provided;
4. On sheet 2 of 2 of landscaping plan, all details that apply to public R/W area to be according to County standards and Bethesda streetscaping standards;
5. The followings need to be done at permit stage:
 - a. Storm drain adequacy analysis;
 - b. Private open space covenant.

Please let me know if you have any question.

Sam

Grayson, Erin

From: Bradshaw, Laura <Laura.Bradshaw@montgomerycountymd.gov>
Sent: Tuesday, April 16, 2013 8:56 AM
To: Eric Tidd; Farhadi, Sam
Cc: Grayson, Erin; jeff@casengineering.com
Subject: RE: West Chevy Chase Heights 820130090 (CAS 08-147)

Eric,

Assuming nothing new has changed you will have no comments from me. As we decided before, the a/c units fall under C-4.308 so everything should be good.

Regards,

Laura Bradshaw

Senior Permitting Specialist
Department of Permitting Services
255 Rockville Pike
Rockville, MD. 20850

Desk: 240-777-6296

Fax: 240-777-6263

-----Original Message-----

From: Eric Tidd [<mailto:eric@casengineering.com>]
Sent: Tuesday, April 16, 2013 8:48 AM
To: Farhadi, Sam; Bradshaw, Laura
Cc: 'Grayson, Erin'; Eric B Tidd, P.E.; jeff@casengineering.com
Subject: RE: West Chevy Chase Heights 820130090 (CAS 08-147)

Sam / Laura,

It appears that these plans were misplaced en-route to your respective desks; new copies will be hand delivered today. Your expeditious reviews would be most greatly appreciated so we don't lose out 5/9/13 Planning Board date.

Thanks.

Eric B. Tidd, P.E.
Project Manager

CAS ENGINEERING
108 w. ridgeville blvd, suite 101
mount airy, maryland 21771
301.703.2342 direct
301.607.8031 ext 12
301.607.8045 fax
301.471.9460 cell
www.casengineering.com

From: Farhadi, Sam [<mailto:Sam.Farhadi@montgomerycountymd.gov>]
Sent: Monday, April 15, 2013 2:01 PM
To: Eric Tidd; Bradshaw, Laura
Cc: Grayson, Erin
Subject: RE: West Chevy Chase Heights 820130090 (CAS 08-147)

I have not received any new submission since DRC. As such, my comments have not changed.

Sam

-----Original Message-----

From: Eric Tidd [<mailto:eric@casengineering.com>]
Sent: Monday, April 15, 2013 1:49 PM
To: Bradshaw, Laura; Farhadi, Sam
Cc: Eric B Tidd, P.E.
Subject: West Chevy Chase Heights 820130090 (CAS 08-147)

Laura / Sam,

Erin Grayson (MNCPPC Area 1 reviewer) suggested that I follow up with you on the status of your respective reviews for the above referenced Site Plan application which is scheduled to go in front of the Planning Board on May 9, 2013; plans would have been delivered approximately 2 weeks ago.

Thanks.

Eric B. Tidd, P.E.
Project Manager

CAS ENGINEERING
108 w. ridgeville blvd, suite 101
mount airy, maryland 21771
301.703.2342 direct
301.607.8031 ext 12
301.607.8045 fax
301.471.9460 cell
www.casengineering.com



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

MEMORANDUM

TO: Erin Grayson, Senior Planner, Area 1
FROM: Tina Schneider, Senior Planner, Area 1
DATE: February 5, 2013
REVIEW: Site Plan: 820130090
DRC: February 25, 2013
TITLE: West Chevy Chase Heights

Environmental Guidelines

On July 9th, 2012, a Forest Conservation Plan exemption (42012194E) was granted under Chapter 22A-5(s)(1) of the Forest Conservation Law. This exemption was approved as the lot is less than 1.5 acres with no existing forest, or existing specimen or champion trees, and the afforestation requirements would not exceed 10,000 square feet.

Stormwater Management

Preliminary approval of the stormwater management concept is required.

2/25/13 DRC MINUTES

AGENCY ATTENDEES

Cathy Conlon, Chair
Erin Grayson, MNCPPC Area Team
Dave Kuykendall, MCDPS-swm
Marie LaBaw, MCFRS
Laura Bradshaw, MCDPS-zoning
Sam Farhadi, MCDPS-RPP
Scott Newill, SHA
Greg Leck, MCDOT
Bob Thompson, Verizon
Andres Villarraga, WSSC (*comments only, did not attend*)
Lisa Schwartz, DHCA (*comments only, did not attend*)
Alan Soukup, DEP (*comments only, did not attend*)

10:30am 820130090, WEST CHEVY CHASE HEIGHTS

Area Team 1 (Erin Grayson):

Site Plan

1. From rezoning staff report: *On page 106 of the Bethesda CBD Sector Plan, Urban Design Guidelines designate West Virginia Avenue from Wisconsin Avenue to Tilbury Street as a local pedestrian path. The applicant has constructed a 5 foot wide sidewalk along the site frontage but has not planted any street trees. The placement of street trees along the site's West Virginia Avenue street frontage would satisfy the intent of the Urban Design Guidelines of the Sector Plan. Staff suggests that if the rezoning is approved, the applicant be required to plant street trees as part of site plan review.*
2. Provide Bethesda streetscape or modified streetscape transition along West Virginia Avenue property frontage
3. Show ROW provided to centerline
4. Label width of concrete walk
5. Show Building Restriction Lines
6. Handicap space should be marked, adjacent to ramp
7. Payment to PLD required for 6 spaces
8. Site/Zoning data does not have to say "Proposed" zoning since approved

L & L Plan Sheet 1

1. No landscaping shown along rear property lines. Provide landscape buffer (consider alternating arborvitae with evergreen). Alternating pattern will provide more depth.
2. Remove reference to Existing Use: Residential

L& L Plan Sheet 2

1. Provide streetscape details

Environmental Guidelines

1. On July 9th, 2012, a Forest Conservation Plan exemption (42012194E) was granted under Chapter 22A-5(s)(1) of the Forest Conservation Law. This exemption was approved as the lot is less than 1.5 acres with no existing forest, or existing specimen or champion trees, and the afforestation requirements would not exceed 10,000 square feet.

Stormwater Management

1. Preliminary approval of the stormwater management concept is required.

Transportation

1. Confirm that applicant intends to mitigate 1 peak hour trip with a \$11,700 payment to DOT to satisfy PAMR requirements.
2. Provide bicycle rack near front entrance to the building.

NOTE: Comment made at the DRC meeting that applicant may use TPAR test since this property is in the Bethesda CBD Policy Area and there would be no payment.

DPS-SWM:

1. This is an existing site with no proposed work. As shown it will not need a concept.
2. This was a residential permit and SM was done concurrently w/ the sediment control plan.

NOTE: There is a proposed law change that may require a new swm concept to be approved for the change in use if the new Use and Occupancy permit is not issued prior to action.

DPS-Zoning:

1. AC units on the side of the building must be relocated to the rear.

MCFRS:

1. Label pavement width.
2. Indicate accurate distance to the nearest existing fire department water supply.

MCDOT: defer to RPP

DPS-RPP:

1. Label the curb radii for access points.
2. Need Bethesda Streetscaping along the site frontage to include a sidewalk to ADA standards (minimum six feet wide) with no surface structure. Label it across the driveways to be flush with the driveway.
3. Please note the applicant will be assessed for the difference in the number of parking spaces required and provided.
4. Based upon item 2 above, the followings need to be conditions of the certified site plan to be done at permit stage:
 - a. Storm drain adequacy analysis;
 - b. Private open space covenant.

SHA: no issues

UTILITIES:

Pepco –

Verizon – no issues unless undergrounding of utilities is required; in which case, that cost would be the applicant's responsibility

DEP:

- The use of public (community) water service for this project is consistent with the existing W-1 water category designated for this site.
- The use of public (community) sewer service for this project is consistent with the existing S-1 sewer category designated for this site.

WSSC: see attached PDF

DPS – Well/Septic:

HP:

Parks:

HOC/DHCA: no issues

Lead Agency Issues (if any):

Issue _____
Lead Agency (meeting organizer) _____
Stakeholders (meeting attendees) _____

Deadline for Resolution: _____