



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB  
Item #1  
10/3/02**

**MEMORANDUM**

**DATE:** September 27, 2002  
**TO:** Montgomery County Planning Board  
**VIA:** John Carter, Chief, Community-Based Planning *JAC*  
**FROM:** Bill Landfair, AICP, for the Department of Park and Planning *WDL*

**REVIEW TYPE:** Local Map Amendment  
**APPLYING FOR:** Change in zoning from R-60 to RT-12.5  
**REVIEW BASIS:** Chapter 59, Zoning Ordinance  
**MASTER PLAN:** Bethesda CBD Sector Plan

**CASE NUMBER:** G-797  
**APPLICANT:** Magruder/Reed Communities, LLC  
**LOCATION:** 4713 and 4715 Rosedale Avenue, 4712 and 4714 Chestnut Street, Bethesda

**FILING DATE:** March 14, 2002  
**PLANNING BOARD:** October 3, 2002  
**PUBLIC HEARING:** October 16, 2002

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**STAFF RECOMMENDATION**

**APPROVAL** of the RT-12.5 Zone for the following reasons:

1. The application is consistent with the purpose clause and all applicable standards for the RT-12.5 Zone.
2. The application is in substantial compliance with the land use recommendations of the Bethesda CBD Sector Plan.
3. The proposed development, as reflected in the concept plan, will be compatible with the surrounding area.

## **PROPOSAL**

The applicant has filed the local map amendment to rezone 20,000 square feet of land from the R-60 to RT-12.5 Zone (Residential Townhouse) to develop six townhouses. The property is located between Rosedale Avenue and Chestnut Street, east of a public alley, in Bethesda.

## **BACKGROUND**

### **A. Description of Property**

The subject property is rectangular in shape and currently comprised of four individual lots. Three of the lots have single-family homes that are leased and show signs of deterioration and lack of upkeep. The fourth lot in the southwest corner of the property on Rosedale Avenue is unimproved. This lot is recommended for the C-T Commercial Transitional Zone in the Bethesda CBD Sector Plan. The property has 80 feet of frontage along Rosedale Avenue, 86.7 feet of frontage along Chestnut Street, and 240 feet of frontage along a public alley. The site slopes gently from Rosedale Avenue down to Chestnut Street. There are several large specimen trees on site or nearby within the public right-of-way.

### **B. Surrounding Area**

1. Definition: In a floating zone application, the surrounding area is less rigidly defined than is required with a Euclidean zone application. In general, the defined surrounding area takes into account those areas that are most directly affected by the proposed development and any special study areas that may have been defined by a master or sector plan. In the case of the subject application, staff defines the surrounding area as bounded by Glenbrook Parkway to the north, Maryland Avenue to the east, West Virginia Avenue to the south, and Wisconsin Avenue to the west.
2. Uses: The surrounding area includes parts of two districts described in the Bethesda CBD Sector Plan, the Wisconsin North Corridor and the East Bethesda Transition Area. One is distinctly commercial in character with retail and office uses predominating. The other is characterized by low-density, primarily residential development, green open spaces, and paved parking lots. To the east of the subject property are single-family homes on small lots in the R-60 Zone. To the south, across Rosedale Avenue, are single-family homes in the C-T Zone containing commercial uses. To the southwest and west is the site of the proposed high-rise Residences at Rosedale Park in the CBD-1 Zone. Ground has

been broken for this development that will consist of two residential buildings with ground floor commercial. Also to the west, across the public alley, is an office condominium building in the CBD-1 Zone fronting on Chestnut Street. To the north, across Chestnut Street are single-family homes in the R-60 Zone.

### **C. Intended Use and Approval Procedures**

As shown on the concept plan, the proposed development will consist of six townhouses with garages in the rear and a 6,400 square foot public park along Rosedale Avenue. The units will be arranged in two clusters of three units each. The units facing Chestnut Street will maintain the alignment and setback of the existing single-family houses on that street. The other three townhouses will face the new park. The park was approved as part of the Residences at Rosedale project. The park was not required in terms of satisfying open space requirements for that development but was proffered by the developer as an extra off-site amenity. Under the terms of the development approval, the owner of the Residences of Rosedale Park will be responsible for maintenance of the park.

The townhouses will each have a 2-car garage located in the rear of the units and integrated with the residences. The garages are accessed from a service lane from the public alley. The service lane has been aligned with the entrance to the garage serving the adjacent office building. In accordance with a request from the County Department of Public Works and Transportation, the plan reflects a six-foot widening of the alley from Chestnut Street to the service lane access point to accommodate two-way movement.

The townhouses will be two stories above the finished grade over an English basement. The development has been designed to take advantage of the natural grade with respect to the location of the garages. The residences will be brick on three sides, with siding on the rear. The maximum building height will be 35 feet. The units on Chestnut Street will maintain a setback of 25 feet with a landscaping treatment designed to match the landscaping elsewhere on the street. The units facing Rosedale Avenue will have a front walkway and landscaped area next to the park.

In addition to the local map amendment, other development approval procedures include approval of a preliminary plan of subdivision and site plan by the Montgomery County Planning Board.

### **D. Zoning History**

#### **1. Comprehensive Zoning**

- a. SMA G-711: R-60 Zone confirmed; 10/11/94

- b. SMA G-666: R-60 Zone confirmed; 6/26/90
- c. SMA G-20: R-60 Zone confirmed; 12/6/77
- d. 1958 Countywide Comprehensive Zoning: R-60 Zone confirmed
- e. 1954 Regional District Zoning: R-60 Zone enacted and mapped

2. Special Exceptions

- a. BA-2990, Off-street parking: Dismissed 3/2/71
- b. S-1318, Off-street parking: Denied 9/25/86

**E. Master Plan Recommendation**

- 1. Land Use: One-family residential and Commercial transitional
- 2. Zoning: R-60 and C-T

**F. Public Facilities**

1. Water and Sewer Service

- a. Service Categories: Water Category W-1 and Sewer Category S-1 (Source: M-NCPPC, Environmental Planning)
- b. Water and Sewer Service: There is an existing 12-inch waterline in Rosedale Avenue and an existing 6-inch waterline in Chestnut Street. There are 8-inch gravity sanitary sewer lines in Rosedale and Chestnut Streets. The impact from rezoning is considered negligible (Source: WSSC Development Services Group)

3. Roadways

- a. Wisconsin Avenue/MD 355: A six-lane north-south major arterial roadway. The roadway is a major commuter route within Montgomery County for traffic to and from Washington D.C. During non-peak hours, on-street parking is provided along sections of Wisconsin Avenue, reducing the travel way to a four-lane divided section.

- b. Rosedale Avenue: A two-lane residential roadway extending east from Wisconsin Avenue into the East Bethesda neighborhood. Residential on-street parking is provided east of Tilbury Street.
- c. Chestnut Street: Similar to Rosedale Avenue, a two-lane roadway extending east from Wisconsin Avenue into the East Bethesda neighborhood. Access to the subject property will be from Chestnut Street via a public alley.

2. Schools

The subject property is located within the Bethesda Elementary School, Westland Middle School, and Bethesda – Chevy Chase High School service areas. Based on average yield factors for comparable housing units, the impact of six townhouses is estimated to be approximately 1 elementary, 1 middle, and 1 high school student. The current Annual Growth Policy indicates that adequate school capacity exists in the Bethesda – Chevy Chase Cluster (Source: MCPS Department of Planning and Capital Programming)

**ANALYSIS**

**A. Intent and Purpose of the Zone**

The intent and purpose of the R-T Zone is found under Section 59-C-1.721 of the Zoning Ordinance and provides:

*The purpose of the R-T Zone is to provide suitable sites for townhouses:*

- (a) *In section of the County that are designated or appropriate for residential development at densities allowed in the R-T Zones; or*
- (b) *In locations in the County where there is a need for buffer or transitional uses between commercial, industrial, or high-density apartment uses and low-density one-family uses.*

*It is the intent of the R-T Zones to provide the maximum amount of freedom possible in the design of townhouses and their grouping and layout within the areas classified in that zone, to provide in such developments the amenities normally associated with less dense zoning categories, to permit the greatest possible amount of freedom in types of ownership of townhouses and townhouse developments, to prevent detrimental effects to the use or development of adjacent properties or the*

*neighborhood and to promote the health, safety, morals and welfare of the present and future inhabitants of the district and the County as a Whole.*

The proposed rezoning will provide an appropriate transition between commercial and high-density apartment uses and low-density one-family uses as recommended by the Bethesda CBD Sector Plan. The design and grouping of the townhouses will ensure compatibility with the adjacent uses. Appropriate setbacks and landscape treatments consistent with what has been established for the area are proposed. The previously approved public park located on the property will benefit from the additional security and surveillance provided by the proximity of three of the units. Vehicular and pedestrian access will be improved through the widening of the adjacent public alley and provision of additional sidewalks.

## **B. Master Plan**

### Sector Plan Conformance

The rezoning is in substantial compliance with the land use recommendations of the 1994 Bethesda CBD Sector Plan. The Sector Plan designates the area to the east of the CBD boundary and north of East West Highway as the East Bethesda Transition Area. The intent of this area is to provide a transition between the single-family houses of East Bethesda and the Central Business District. The intent of the Plan is to provide long-term stability in the transition area and preserve the existing single-family residential neighborhood.

The stated objectives for this area found on page 108 of the Plan are:

1. Ensure the stability of the land uses in the transition area to preserve East Bethesda as a single-family residential 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.

Staff finds that the rezoning is in keeping with the intent of the Sector Plan. The proposal will provide six townhouses and a public park. The condition of the existing homes on the property is not promoting stability in the East Bethesda Transition Area. The townhouses will provide appropriate transition in scale and character between the commercial and office development along Wisconsin Avenue and the single-family detached residences to the east. They will provide stability to the existing residential neighborhood and eliminate the potential of office development under the C-T zone or special exception uses on the R-60

zoned lots. The townhouses overlooking the park will provide for more security and surveillance of the park.

The public alley providing access to the townhouses will be widened to accommodate the service lane for the units. Cut-through traffic will be discouraged through narrowing the alley at the park and appropriate signage. The townhouses will also serve the additional function of screening the view of the rear garage entry to the adjacent office building at the corner of Wisconsin Avenue and Chestnut Street. The low-density townhouses will provide for a good progression from the alley and commercial building on the west to the residential community on the east.

#### Wisconsin to Tilbury Special Study (Technical Appendix)

The County and community objectives identified in pages 18-28 of the Wisconsin to Tilbury Special Study are:

1. Ensure that land uses next to single-family neighborhoods are compatible with residential life.
2. Ensure descending heights from Metro Center to Chestnut Street and from Wisconsin Avenue east to Tilbury Street.
3. Ensure the stability of land uses in the transition area to preserve East Bethesda as a single-family neighborhood.
4. Protect the neighborhood from cut-through traffic and overflow parking.
5. Encourage safe and pleasant pedestrian circulation from the neighborhood to the CBD.

The proposed rezoning and the continuation of the residential use will be compatible with existing and proposed development. To ensure that there are descending heights from the CBD to Tilbury Street, the development will allow a transition in height from the 60 and 78 foot high residential buildings proposed along Wisconsin Avenue to the thirty-five foot high townhouses to existing homes further to the east.

To ensure the stability of land uses in the transition area and preserve East Bethesda as a single-family neighborhood, the application proposes to redevelop a property with existing deteriorated homes that are not promoting stability in the neighborhood. The redevelopment of these properties will ensure stability, while promoting a residential use. The proposed park will be a benefit to the existing residential neighborhood and provide a green refuge between the high-density residential project to the south and the proposed townhouses.

To control cut-through traffic and prevent overflow parking, the project will provide sufficient parking for each unit. The following table compares the traffic impacts in the existing zoning to the proposed zoning. The proposed six townhouses and a park will generate fewer peak-hour trips than the existing zoning allows.

	Existing Zoning	R-T 12.5 Zoning
Allowed Development	1- 2,500 Sq/Ft office 3-Single-family dwellings	6 Townhouses and a park
AM trips generated	7	2
PM trips generated	7	5

To encourage safe and pleasant pedestrian circulation, sidewalks will link the proposed units to the park. Lead walks will allow for safe access from the new units to the sidewalk across the street. The park has pedestrian linkages to the sidewalk system linking the neighborhood to Wisconsin Avenue. All residents in the East Bethesda neighborhood, including the residents of the proposed townhouses, will have access to the park. In terms of safety, the gate of the park will be locked at dusk and the management company of the Residences at Rosedale Park will handle all park maintenance.

### C. Development Standards for the Zone

On June 28, 2002, the applicant submitted a Plat of Correction for review and approval by the Planning Board in accordance with the requirements found in Section 50-35-A (a)(5) of the Subdivision Regulations. The purpose was to correct an inaccurate dimensional error on the original record plat for two of the four lots that comprise the subject property. Approval of the plat was necessary to substantiate that the subject property has the minimum 20,000 square feet necessary for the proposed zone. Recordation of the corrected plat is expected within one week.

As shown on the attached table, the rezoning is consistent with the applicable standards for the RT-12.5 Zone with the exception of two side yard setback requirements. At preliminary plan and site plan review, the applicant will request a waiver from the 10-foot side yard setback from the alley per Section 59-A-4.1 of the Zoning Ordinance and a waiver of the 30-foot setback requirement from an adjoining single-family residence per Section 59-C-1.732 (a)(1) of the Ordinance. In lieu of the waiver from the alley, staff recommends that the width of the three townhouses along Chestnut Street be reduced from 22 feet to 20 feet. Other issues to be addressed at preliminary plan and site plan include:

1. Maintain a one-way traffic flow in the alley from Rosedale Avenue to the service lane for the townhouses to control traffic.



2. Provide a "no right turn" sign at the alley intersection with Chestnut Street to discourage cut-through traffic. The sector plan supports cooperative measures between East Bethesda residents and the County Department of Public Works and Transportation to dissuade cut-through traffic associated with new development.
3. Provide an easement instead of right-of-way dedication on Chestnut Street. This easement will allow for the new townhouses to be aligned with the existing homes for building line compatibility.
4. Provide street trees along Chestnut Street to shade the sidewalks if the existing, mature trees are destroyed or damaged at the time of construction.
5. Provide a grass strip and landscaping along the east side of the property line (side yard) to buffer the proposed townhouses from the existing single-family house to the east.
6. Provide a 4-foot sidewalk along the east side of the alley with plantings separating the walk from the townhouse wall. This sidewalk should extend the full length of the alley from Chestnut Street to the entrance of the park at Rosedale Avenue. This pedestrian link is important for all residents in the East Bethesda area.

#### **D. Transportation Issues**

The Transportation Planning staff will recommend the following conditions at the time of Adequate Public Facilities (APF) review for the preliminary plan:

1. Limit the development to six townhouses
2. Dedicate an additional six feet to provide for a total of 16 feet of right-of-way for the alley to provide for two-way traffic between Chestnut Street and the service lane for the townhouses. The remainder of the alley will retain a 10-foot width and a one-way traffic flow.
3. Provide a 30-foot easement from the center line for future dedication of right-of-way on Chestnut Street
4. Provide a 30-foot easement from the center line for future dedication of right-of-way on Rosedale Avenue

### Local Area Transportation Review (LATR)

The six townhouses are expected to generate three (3) peak hour trips in the morning and five (5) peak hour trips in the afternoon weekday peak periods. The peak hour trips are less than 50 and, therefore, the proposed development is not required to conduct a traffic study to meet the requirements of Local Area Transportation Review.

### Access and Circulation

The proposed development will provide safe and adequate vehicular and pedestrian access and circulation. Adequate sidewalks surrounding the site and within the public alley will provide safe access for pedestrians. Intersection improvements required as part of the previous approval for the adjacent Residences at Rosedale Park development will ensure safe and efficient traffic circulation in the area.

### Policy Area Review/Staging Ceiling Analysis

The site is located within the Bethesda Central Business District policy area, which has a remaining capacity of 848 jobs and 594 housing units as of August 1, 2002.

## **E. Environmental Issues**

The Environmental Planning staff recommends the following conditions to be addressed at preliminary plan and site plan:

- Provide a tree save plan that saves specimen trees. It would appear that both the 32" black walnut along the eastern property line, and the 33" pin oak and other trees within the Chestnut Street right-of-way could be saved.
- Approval of a Stormwater Management Concept Plan by the Department of Permitting Services prior to preliminary plan approval.

### Natural Resources

The subject property contains a 32" black walnut along the eastern property line. In addition, there is a 33" pin oak along and several other sizable trees within the Chestnut Street right-of-way. There is no stream buffer on the site.

### Forest Conservation

Despite the fact that the subject property meets the size requirement for a small property exemption (less than 1.5 acres), it does not qualify for an exemption

from Forest Conservation regulations since it contains at least two specimen trees onsite. The applicant will have to prepare a Tree Save Plan as part of the preliminary plan. Failure to save specimen trees that can be avoided will require replacement and may include planting or transplanting of large trees.

### Stormwater Management

The *Countywide Stream Protection Strategy* (CSPS) assesses the Lower Mainstem Bethesda tributary of Rock Creek as having poor stream and fair habitat conditions. These conditions reflect the density of development in the stream that was built with little or no Stormwater Management controls. The applicant will need to provide stormwater management facilities to ensure that runoff is sent to a control structure. The Maryland Stormwater Management Design Manual requires “that the annual recharge from post-development mimics the annual recharge from pre-development conditions.”

The applicant must submit a stormwater management concept plan to the Department of Permitting Services (DPS) prior to approval of the preliminary plan.

### **F. Community Concerns**

Staff recognizes the concerns of the community. The following is intended to summarize the primary concerns.

#### Single-family Attached versus Single-family Detached

Some of the adjacent residents generally support the proposal for single-family attached units (townhouses). They believe that the townhouses will provide a compatible transition from the proposed high-rise residential development to the adjacent single-family detached houses. The townhouses would also remove three existing structures that are in poor condition and provide a significant improvement to the area that has not occurred since the Sector Plan was approved. The opportunity for C-T zoning as recommended in the Sector Plan would be eliminated. Finally, the traffic impact would be less than what the proposed rezoning may generate.

Other residents that do not live near the proposed development have not been in support of the proposal. Their primary concern is to retain the existing zoning for single-family detached units. Townhouses are not necessary to provide adequate transition between the high-rise development and the adjacent single-family detached units. During the development of the Sector Plan, townhouses were proposed for a substantial portion of the East Bethesda Transition Area and rejected by the County Council. The concern is that although limited in the site area and number of units, approval of the proposed townhouses will threaten the

stability of the area by establishing a precedent for future local map amendments.

#### Precedent for Future Local Map Amendments

Approval of this application should not be considered as an indication or precedent for additional zoning of land for townhouses in the area. The removal of the opportunity for C-T zoning, the necessary coordination with the adjacent high-rise development, and the requirement for a minimum of 20,000 square feet of lot area are all factors specific to this site that would not occur in other sites in the East Bethesda Transition Area.

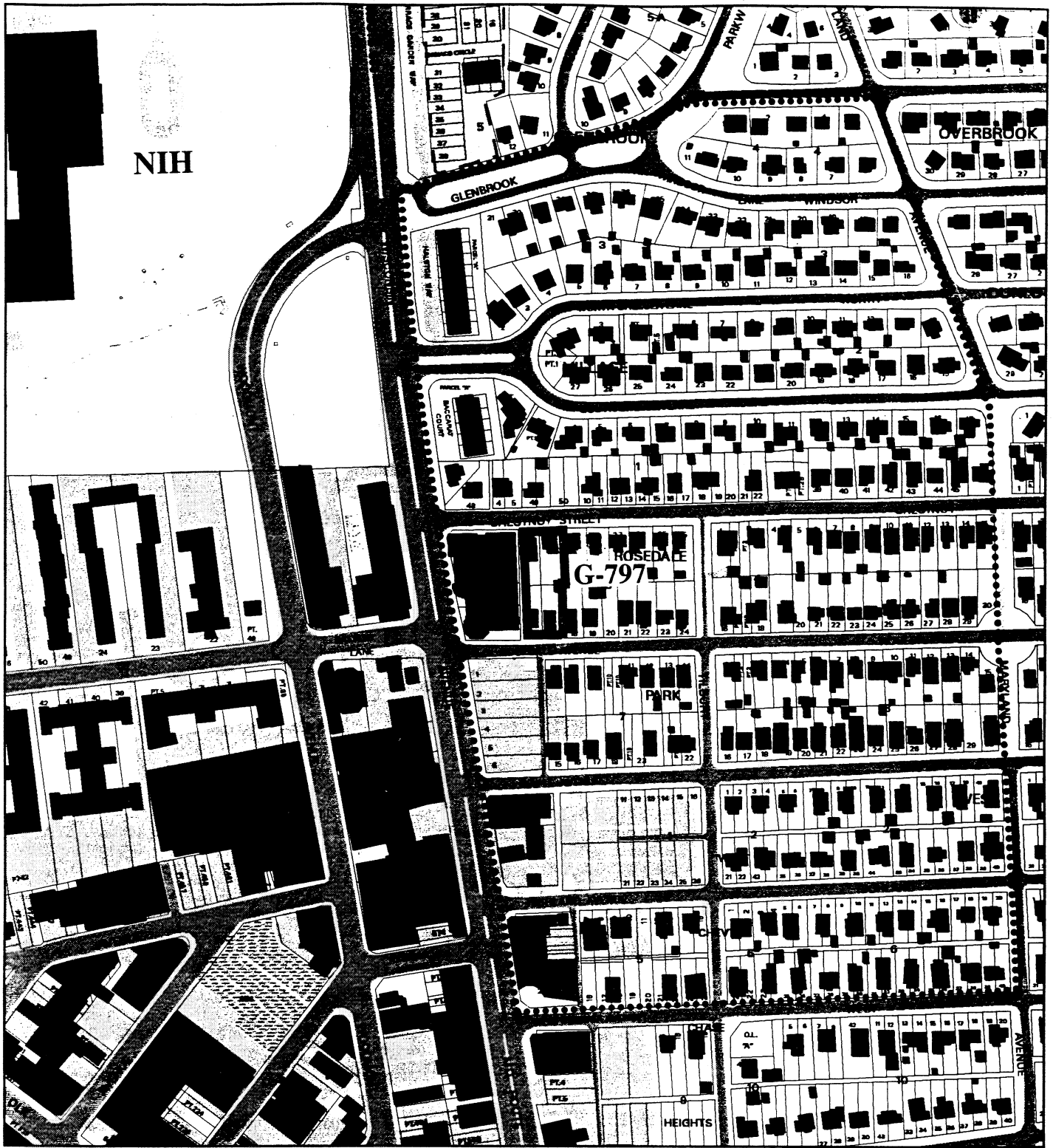
Staff finds that the proposed townhouses are compatible with the existing single-family homes, and the proposed high-rise development. Staff also finds that the specific conditions of the site including the proposed C-T zone, the need for coordination with the adjacent project plan, and the size of the site does not provide a precedent for future local map amendments.

#### **G. Conclusion**

The staff finds that the proposed rezoning will be consistent with the purpose clause and all applicable standards for the RT-12.5 Zone, in substantial compliance with the land use recommendations of the Bethesda CBD Sector Plan, and compatible with the surrounding area.

Attachments

VICINITY MAP FOR  
**ROSEDALE TOWNHOUSES**



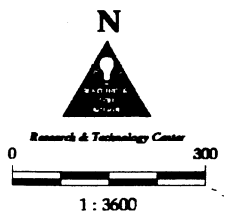
Map compiled on September 26, 2002 at 6:32 PM | Site located on base sheet no - 210NW05

●●●●●●●● SURROUNDING AREA

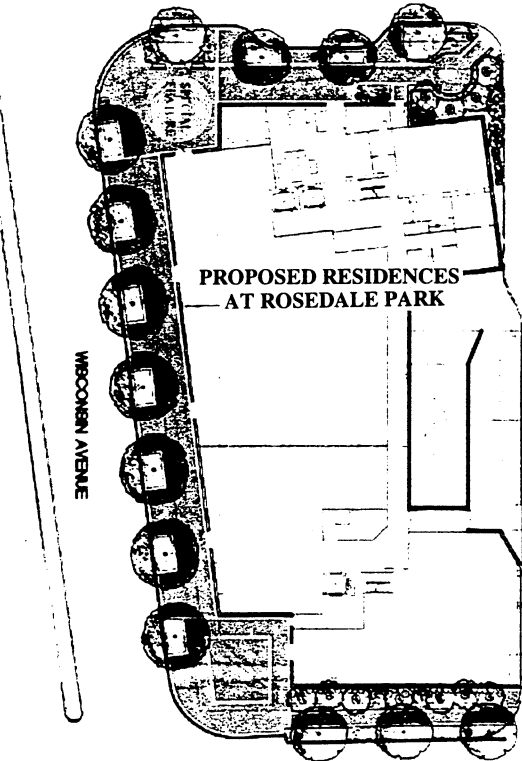
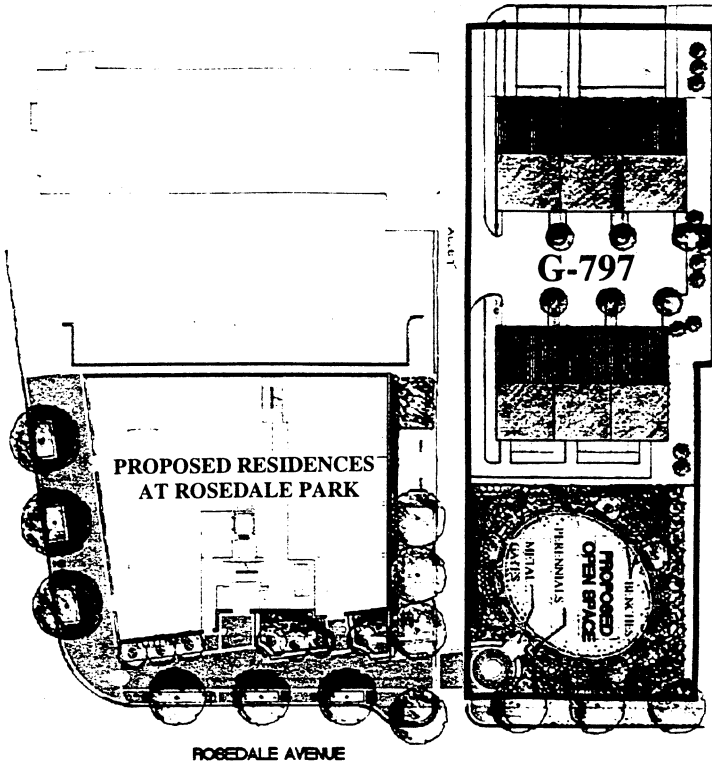
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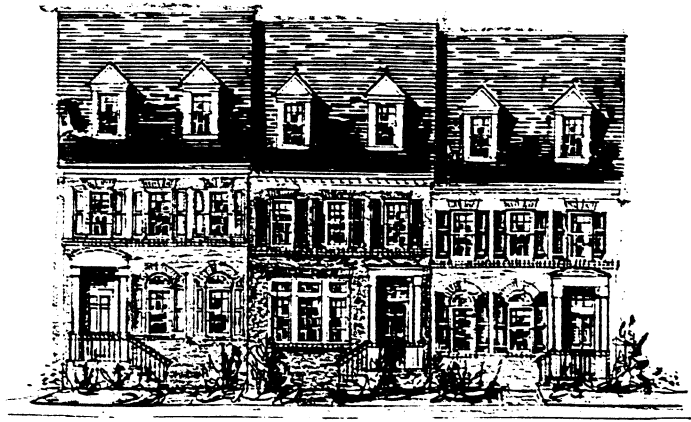
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CHESTNUT STREET



MASTER PLAN  
**ROSEDALE**  
NORTH BETHESDA, MARYLAND



PARK ELEVATION

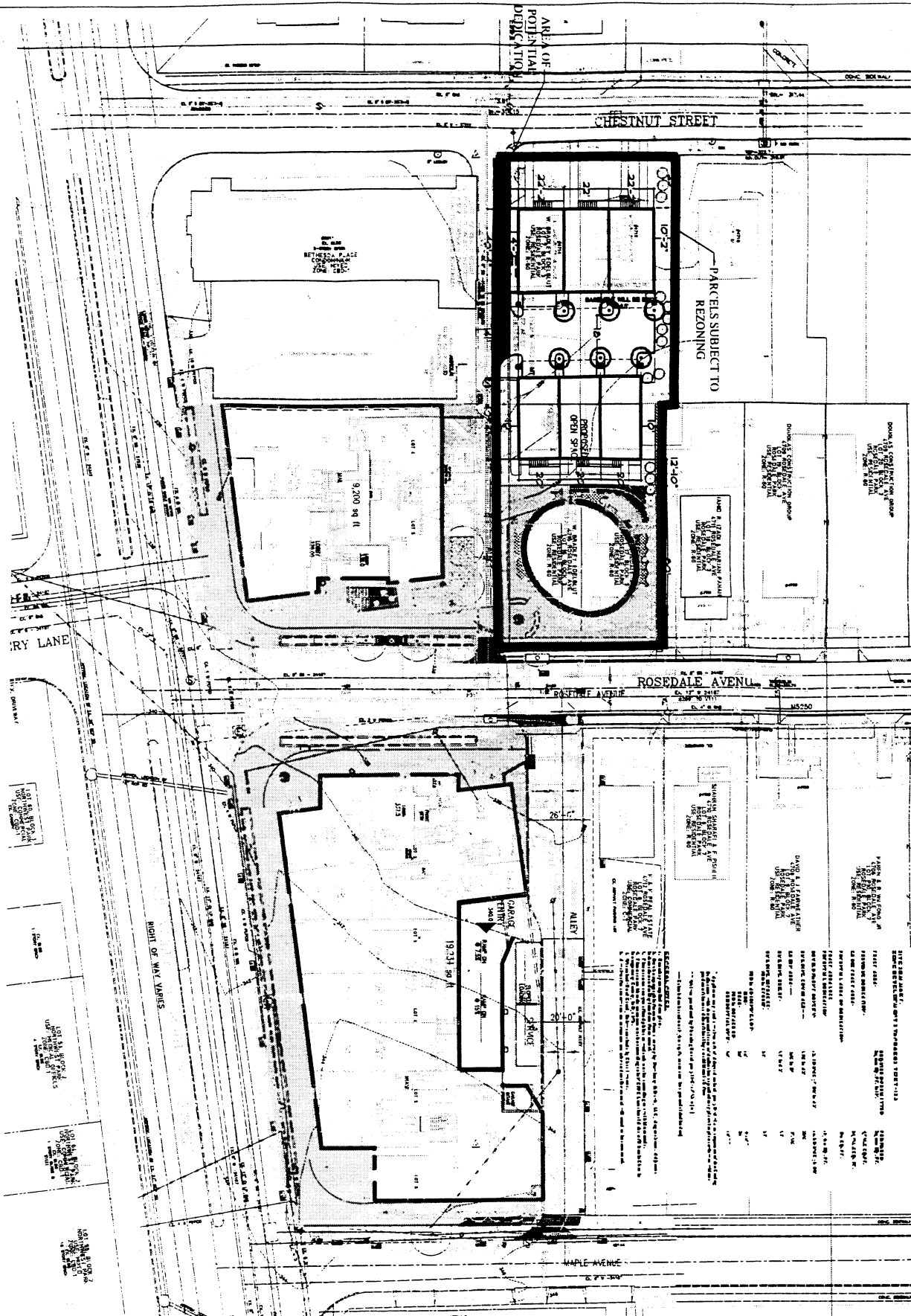


CHESTNUT STREET ELEVATION



ALLEY ELEVATION

# CONCEPT PLAN



THE TOWNHOMES AT  
@ ROSDALE PARK

REZONING  
APPLICATION

PARKER RODRIGUEZ, INC.

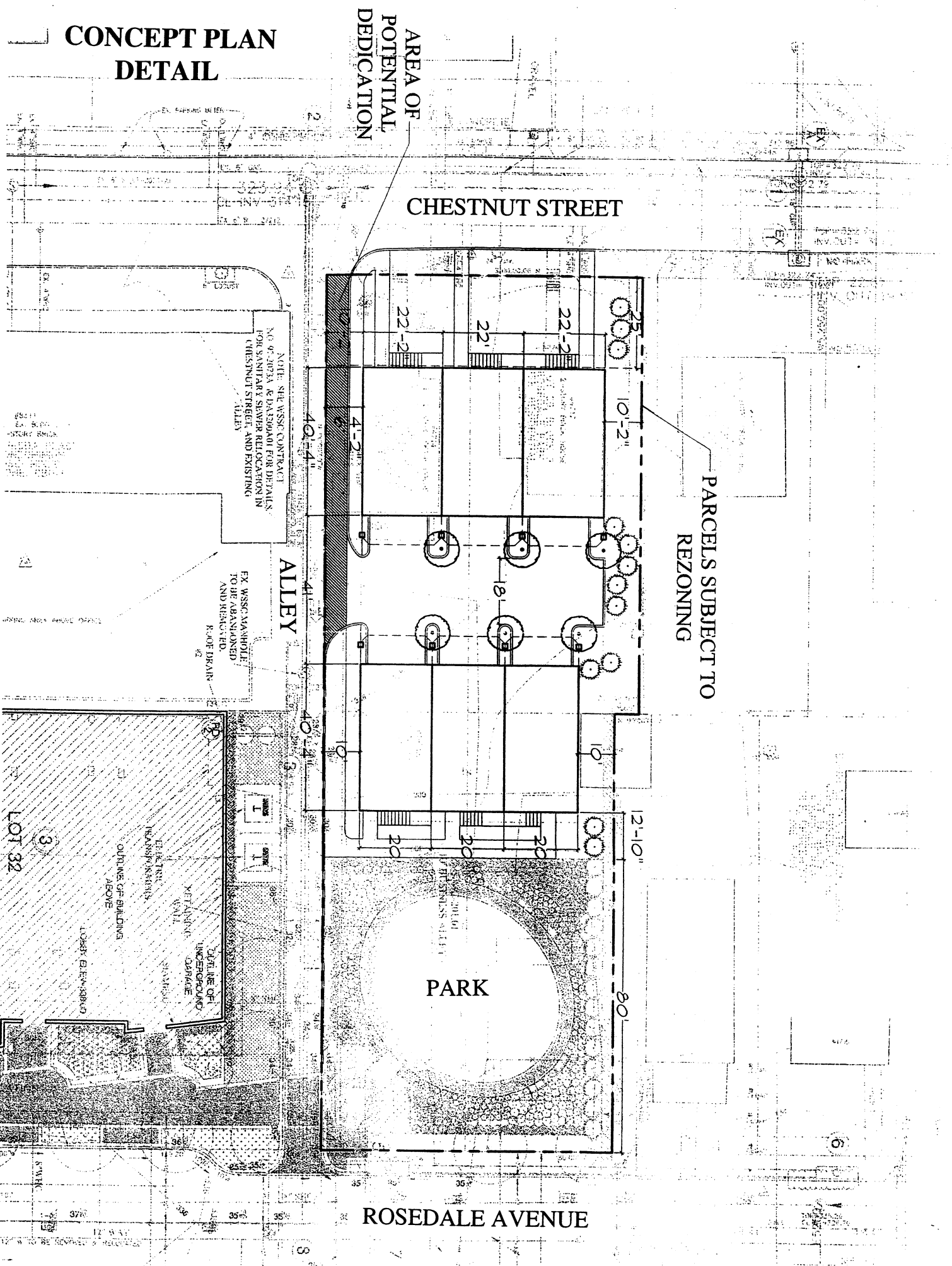


# CONCEPT PLAN DETAIL

AREA OF  
POTENTIAL  
DEDICATION

CHESTNUT STREET

PARCELS SUBJECT TO  
REZONING



NOTE: SEE WSSC CONTRACT  
NO. G-10731A & DRAWINGS FOR DETAILS  
FOR SANITARY SEWER RELOCATION IN  
CHESTNUT STREET AND EXISTING  
ALLEYS

EX. WSSC VANDOLE  
TO BE ABANDONED  
AND REMOVED.  
ROOF DRAIN

LOT 32

PARK

ROSEDALE AVENUE

**SITE SUMMARY:**

**ZONE DEVELOPMENT STANDARDS TO RT-12.5**

	<b>REQUIRED/PERMITTED</b>	<b>PROPOSED</b>
TRACT AREA:	20,000 SQ. FT. MIN.	20,000 SQ. FT.
PREVIOUS DEDICATION:		4,733.8 SQ.FT.
GROSS TRACT AREA:		24,733.8 SQ. FT.
POTENTIAL AREA OF DEDICATION:		590 SQ. FT.
TRACT AREA LESS POTENTIAL DEDICATION		19,410 SQ. FT.
DEVELOPMENT DENSITY:	12.5 DU/AC; 7 DU MAX	10.6 DU/AC; 6 DU
BUILDING COVERAGE:***	35% MAX	26%
GREEN AREA:***	50% MIN	57.3%
BUILDING HEIGHT:	35' MAX	35'
BUILDING SETBACKS:		
FROM STREET:	25'	25'
FROM ADJOINING LOT:		
SIDE:	10'	4-10'*
REAR:	20'	20+
FROM DETACHED RESIDENTIAL UNIT:	30'	10'***

\* Applicant may seek a waiver of 10' sideyard setback per §59-A-4.1 et sequence of the Zoning Ordinance with the potential area of dedication at preliminary plan/site plan review to widen a portion of the east side of the alley an additional six feet

\*\* Waiver permitted by Planning Board per §59-C-1.732 (a)(1)

\*\*\*Calculation based on 19,410 sq. ft. (tract area less potential dedication)

**GENERAL NOTES:**

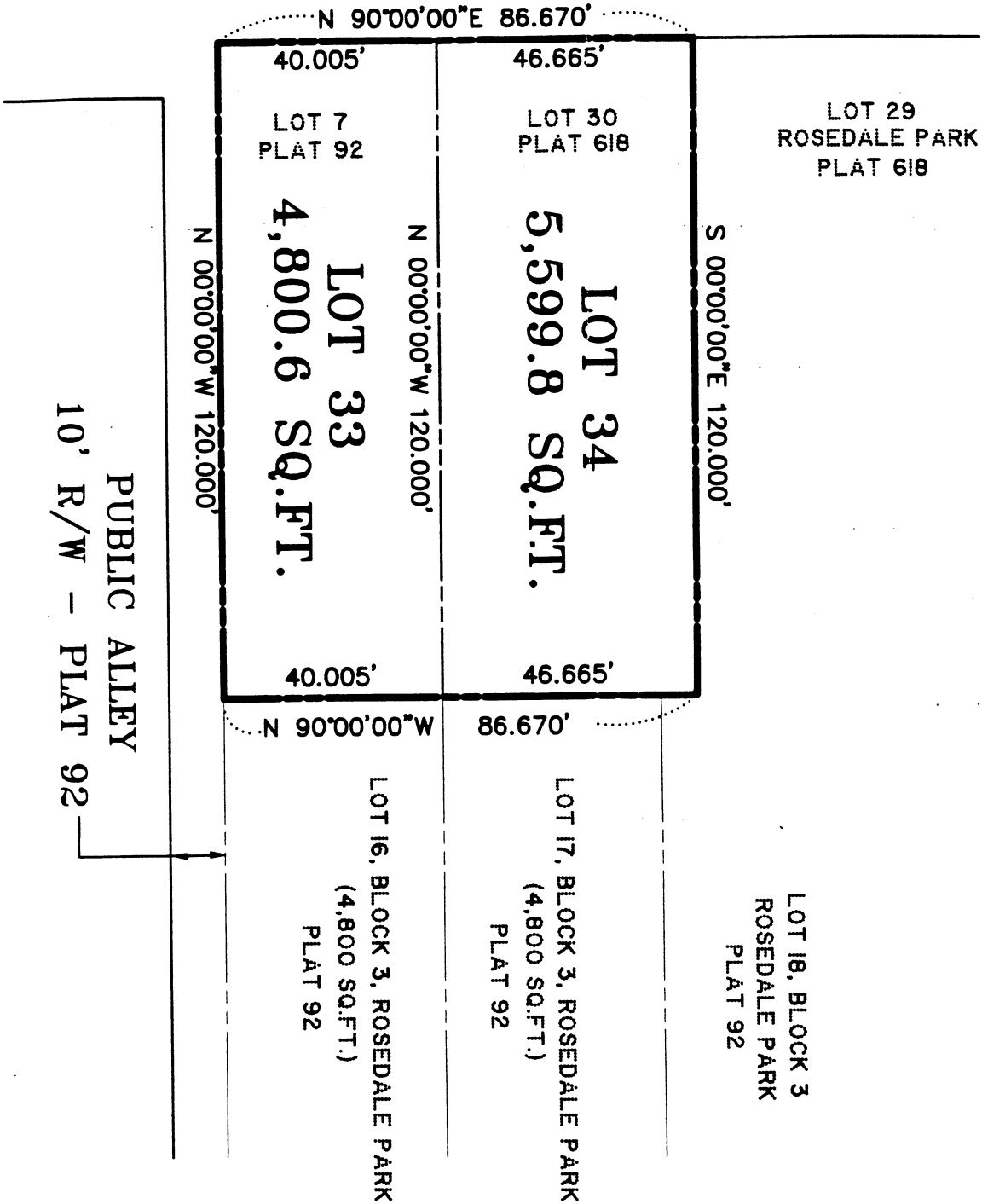
1. Boundary compiled from plats.
2. On-site topographic features from a survey by Dewberry & Davis, LLC, August 2000. Adjacent information and utility locations from record.
3. There are no 100-year flood plains or wetlands on site according to available records.
4. There are no historic resources on site according to MNCPPC Locational Atlas of Historic Sites in Montgomery County, MD, 1976.
5. Watershed: Rock Creek, Sub-watershed 12; Class I waters.
6. A waiver for stormwater management quantity and quality control will need to be requested.



# PLAT OF CORRECTION

CHESTNUT STREET

40' R/W - PLAT 92



# ZONING MAP

