



Item #8
MCPB
5.22.03

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

MEMORANDUM

DATE: May 15, 2003
TO: Montgomery County Planning Board
VIA: Joseph R. Davis, Chief
Michael Ma, Supervisor *Ma*
Development Review Division
FROM: Mary Beth O'Quinn *MBO*
Planning Department Staff
(301) 495-1322

REVIEW TYPE: Site Plan Review
CASE #: 8-03020
PROJECT NAME: Fogel/Bar-Levav Property
APPLYING FOR: Approval of 3,433 sf General Office Space

REVIEW BASIS: Montgomery County Zoning Ordinance
Division 59-D-2: Site Plan Requirement for the C-T Zone

ZONE: C-T Zone
LOCATION: Old Germantown Road, 128 feet NW of Del Ray Avenue
MASTER PLAN: Bethesda
APPLICANT: David Fogel and Ilana Bar-Levav
FILING DATE: March 25, 2003
HEARING DATE: May 22, 2003

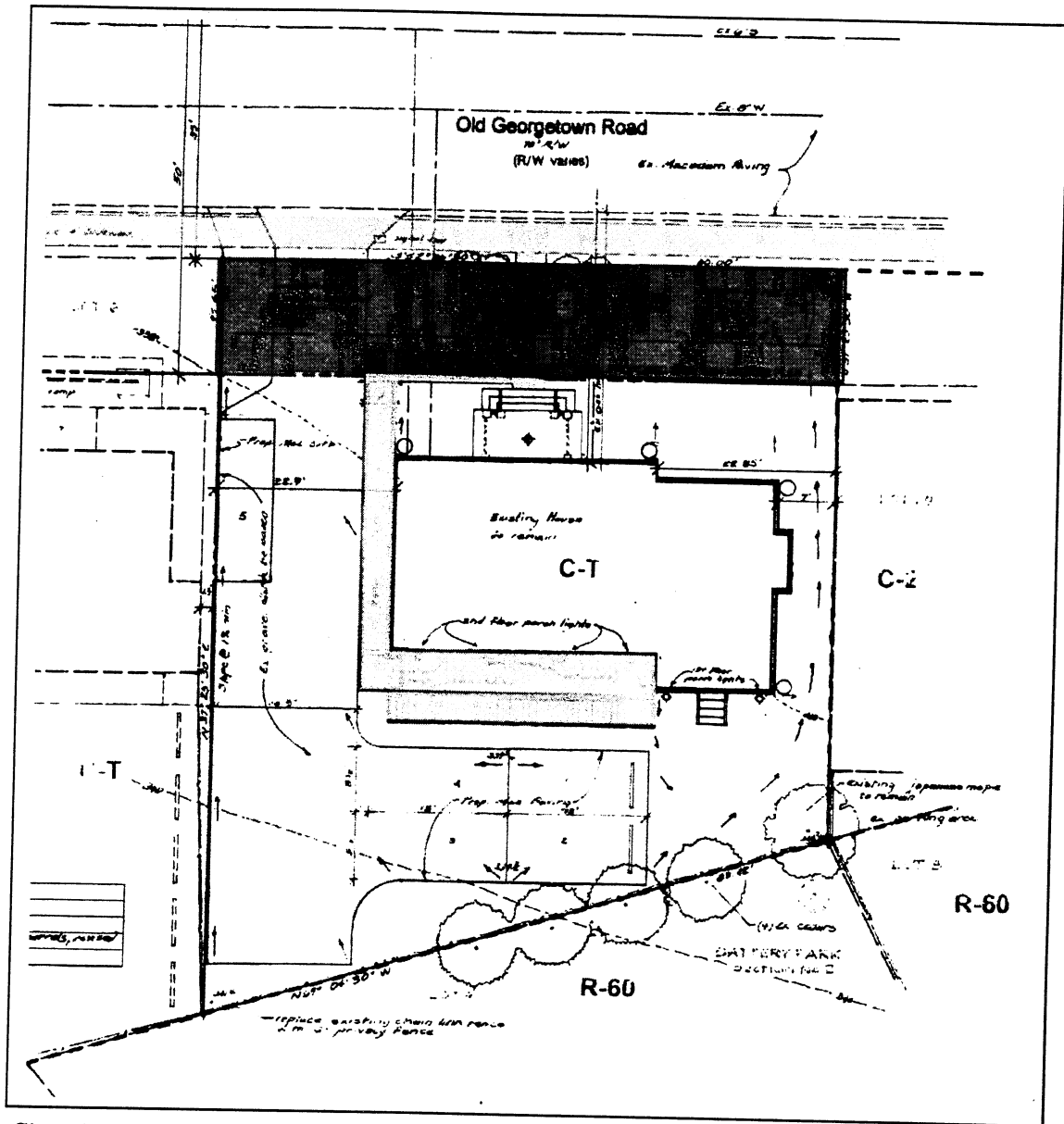


STAFF RECOMMENDATION: Approval of 3,433 sf General Office Space, subject to the following conditions:

1. Stormwater Management
Conditions of MCDPS stormwater management concept approval dated March 14, 2003.
2. Transportation Planning
The Applicant shall convey at no cost to the State Highway Administration, within 120 days from the date of occupancy of the structure, a maximum of 15' wide stripe of land along the entire frontage of the Subject Property for public improvements to Old Georgetown Road. In consideration of this conveyance and upon approval by the State Highway Administration, the Applicant, its successors or assigns: (1) shall not be required to pay for or contribute to the costs of any future improvements to Old Georgetown Road and/or the streetscaping along the entire frontage of the Subject Property, except for a sidewalk and street trees (implementation to occur when the adjacent properties incur similar obligations); (2) shall not be denied the right of vehicular and pedestrian access off Old Georgetown Road to the Subject Property, and (3) the State Highway Administration shall replace the existing

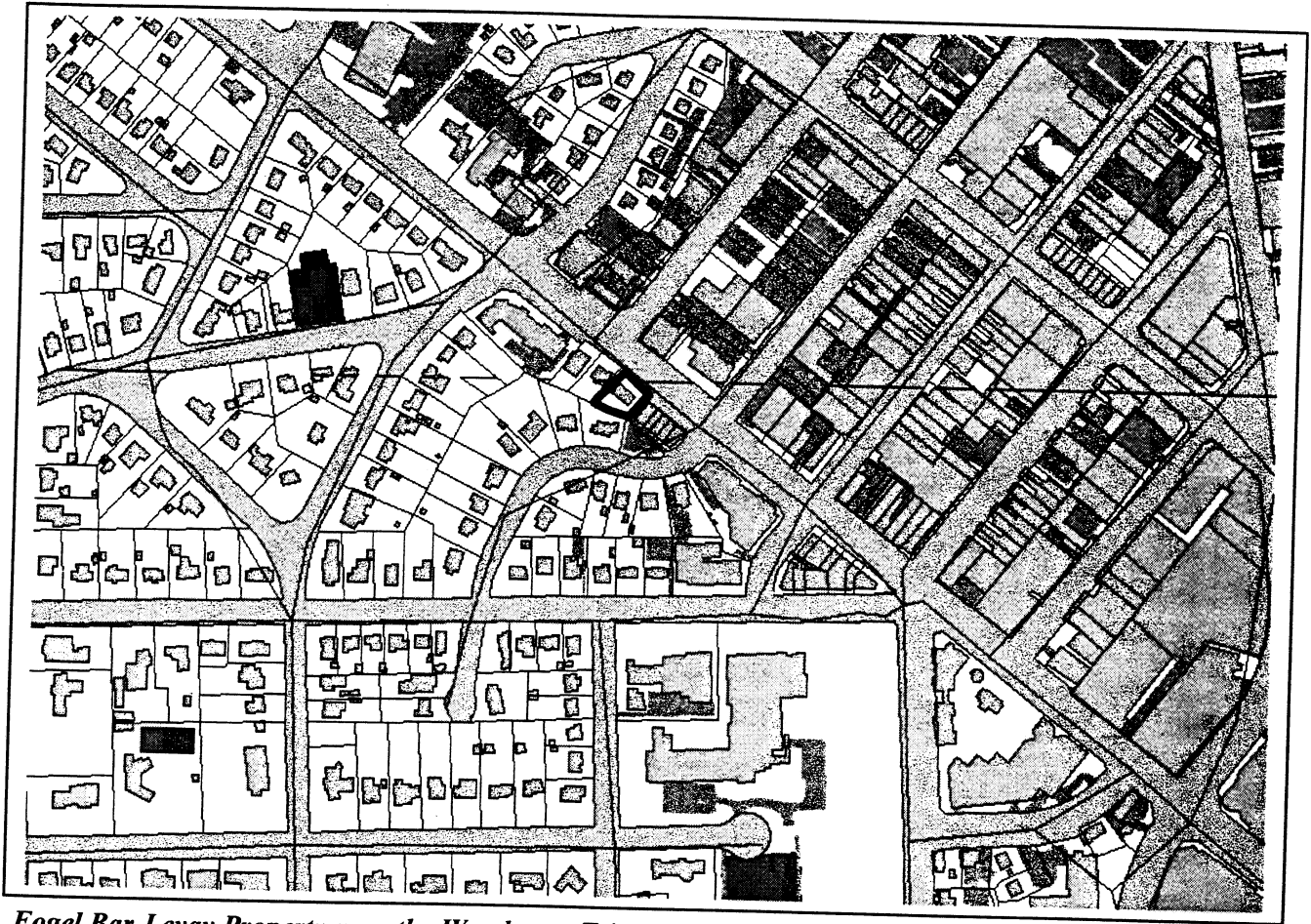
ISSUES ADDRESSED IN THE COURSE OF SITE PLAN REVIEW

In the course of site plan review, staff and applicant reviewed parking, lighting, landscape planting. The primary issue of review consisted of the Transportation Planning and Community Based Planning recommendations for the applicant's conveyance of right-of-way at the street frontage of Old Georgetown Road (MD187).



Site Plan for the Fogel/Bar-Levav Property
The land area shown in red is to be conveyed to the
State Highway Administration, as per Site Plan Condition #2.

PROJECT DESCRIPTION: Surrounding Vicinity



Fogel Bar-Levav Property near the Woodmont Triangle

Immediately to the east of the subject property are commercial businesses within a one-story building in the C-2 Zone, with parking to the rear accessed from Del Ray Avenue. To the west of the subject property are two single-family residences zoned C-T and utilized by a medical office and a florist, with parking to the rear and shared access from Old Georgetown Road. West of these properties is a 3 to 4 story office building with surface parking in the C-T Zone. Facing the subject property to the north,

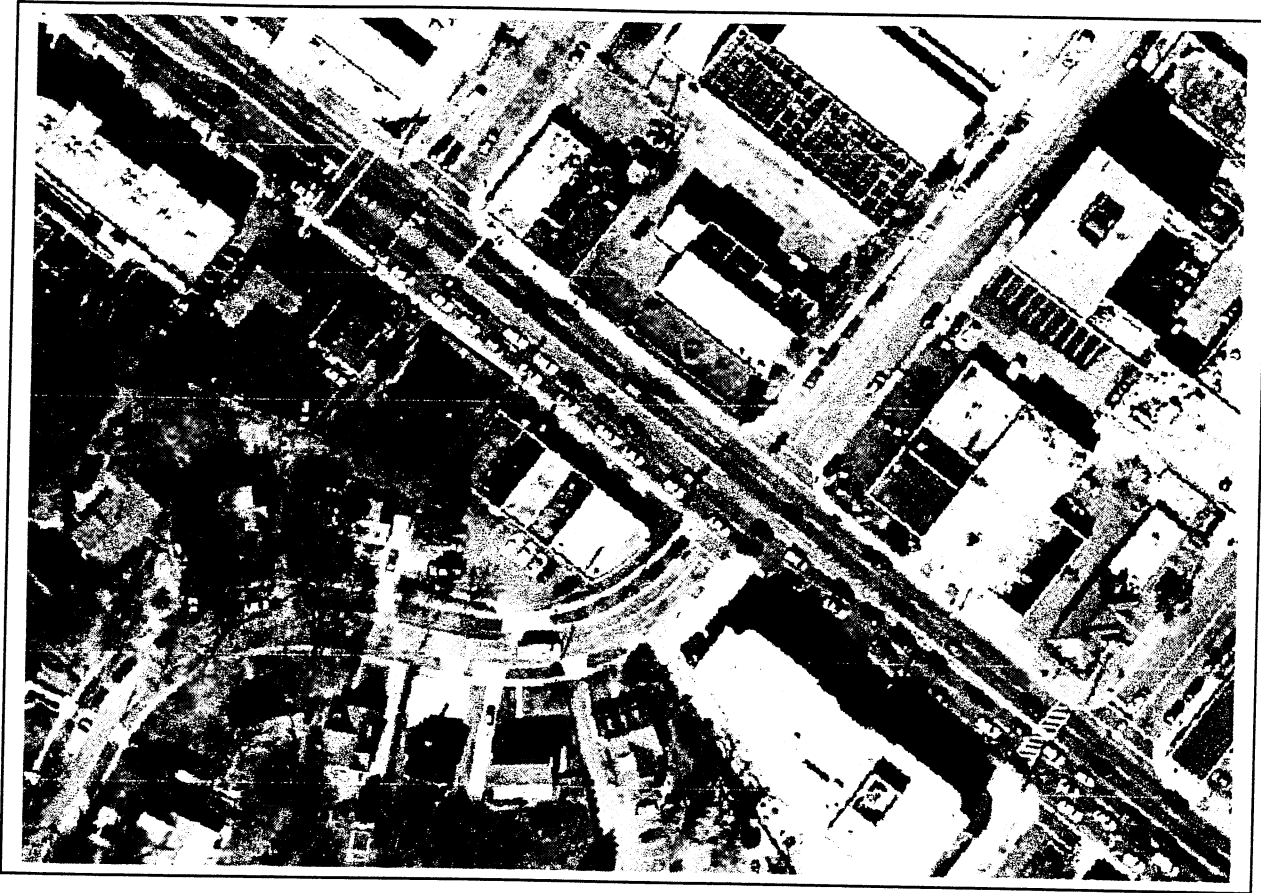
across Old Georgetown Road, are a variety of commercial uses, including a 10-story office building, an automobile filling station, a restaurant and a number of convenience uses in lower-rise buildings. A multi-level public parking garage is under construction northeast of this commercial frontage, between Auburn and Del Ray Avenues. To the south of the subject property are single-family homes in the R-60 Zone.



Aerial photograph of the Woodmont Triangle Old Georgetown Road is shown running from the upper left to the lower right of the image.

PROJECT DESCRIPTION: Site Description

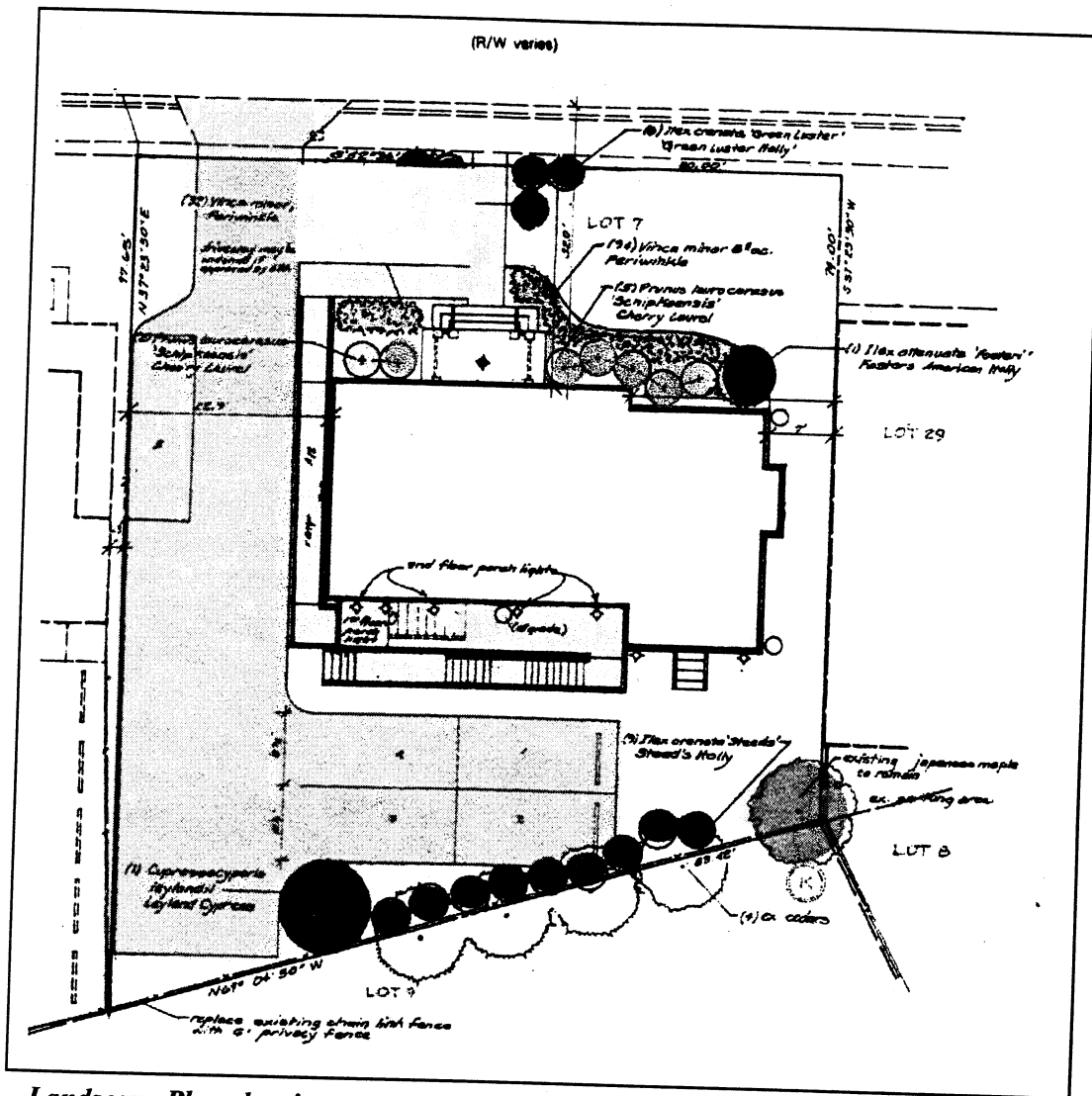
The subject property is located on the south side of Old Georgetown Road between Glenbrook Road and Del Ray Avenue. The property is located in the Bethesda CBD Sector Plan area. The lot is trapezoid in shape with 80 feet of road frontage. An existing two-story brick and siding residence occupies the site. An existing driveway entrance provides access from Old Georgetown Road. The site is relatively flat with vegetation consisting of a few scattered trees and overgrown shrubs. A chain-link fence separates the rear yard of the property from a residence to the south, and a board fence separates it from adjoining parking areas to the east and west. The tax account number for the property is 07-00439714.



Aerial photograph showing the site, which is located within the Bethesda CBD

PROJECT DESCRIPTION: Proposal

The subject proposal seeks to convert the existing one-family residence to a professional (physician) office. One parking space will be located in the front yard temporarily until the conveyance of the 15-foot area for State Highway Administration right-of-way. Four parking spaces will be provided in the rear yard. Based on the amount of office space proposed, a total of nine spaces are required. A note on the Schematic Development Plan indicates that the property is located within the Bethesda Parking Lot District and may utilize public parking facilities to satisfy the requirements of Article 59-E of the Zoning Ordinance. Entrances to the office building will be accommodated at both the front and rear facades with handicap access. The proposal features attractive building-mounted lighting fixtures. The parking at rear will be screened by a variety of evergreen species. The 22-foot wide driveway will provide capacity for additional extra parking or stacking lanes.



Landscape Plan showing evergreen screening at the rear of the site and the varied ornamental planting at the front facing Old Georgetown Road

PROJECT DESCRIPTION: Prior Approvals

The proposal was the subject of an Amendment to the Zoning Ordinance Map G-802 for reclassification of the property identified as Lot 7, Block K of Section No. 2, Battery Park subdivision, in the Seventh Election District of Montgomery County from the R-60 Zone to the C-T (Commercial Transition) Zone, filed under the optional method 59-H-2.5. The approval of the Schematic Development Plan, as shown on the subject site plan, limits the development in scale and character. The proposed property will be converted from converted from a one-family residence into an office use.

Binding Elements of the Zoning Map Amendment G-802

# Schematic Development Plan	Site Plan Review Resolution
1. <i>Side yard setbacks to be maintained at 7 feet (East Side) and 22.9 feet (West Side)</i>	The Site Plan shows conformance with these binding elements.
2. <i>Rear Yard Setback to be maintained at 15 feet minimum.</i>	The Site Plan conforms to this binding element.
3. <i>Applicant and/or assigns to participate in the Bethesda Parking Lot District.</i>	The Site Plan Enforcement Agreement to include the binding element.
4. <i>Applicant to provide five parking spaces on site, with the exception that one space at the property front may be deleted if the State Highway Administration acquire additional right of way at the property frontage.</i>	The Site Plan conforms to this binding element.

ANALYSIS: Development Standards

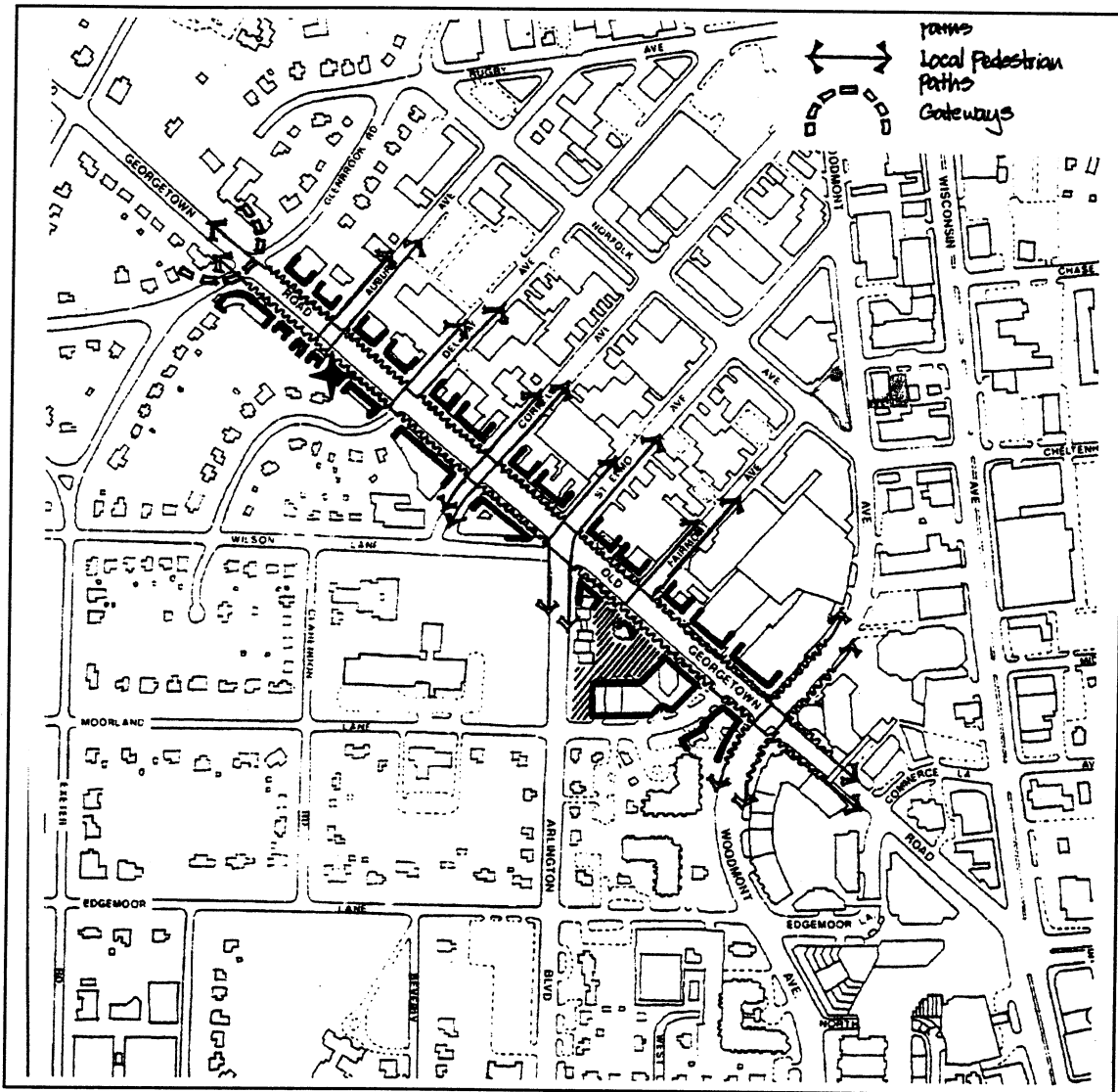
Fogel Bar-Levav Property - Site Plan 8-03028 Development Standard - Commercial Transition Proposed Use 59-C-4.2 General Office	G-799 Amendment Binding Elements	C-T Zone Proposed
Gross Site Area Net Site Area [after conveyance by deed] Dedication to Public Use [Conveyance per Site Plan Condition #2]		0.158 acres (6,866 sf) 5,686 sf (.13 acres) 1,200 sf (15 feet for ROW)
Green Area 59-C-4.306	10%	43%
Building Coverage Density FAR *	30% maximum 0.5 maximum	27% 0.5
Setbacks 59-C-4.305 [Binding Elements] Building setback from street ROW (shown on Master Plan) East Side Yard West Side Yard Rear Yard	10 feet minimum 0 feet 0 feet 15 feet minimum	25 feet * 7 feet 22.9 feet 20 feet
Building Height 59-C-4.303(a) Parking Tabulation 59-C-4.308 ** [Binding Element] Standard parking on site [2.4 spaces/1,000 sf]	24 feet maximum 9 spaces	24 feet 5 spaces**
Other Zoning Requirements * Additional ROW to be conveyed to State Highway Administration ** Property located within the Bethesda Parking Lot District and may utilize public parking facilities		

ANALYSIS: Master Plan Conformance

The subject property is located in the Bethesda CBD Sector Plan area. The Sector Plan notes that the property is zoned R-60, however, on pages 87 and 88, the Plan explicitly recommends the C-T Zone as the appropriate floating zone for the property. The objective of the Plan is to preserve the predominantly low-density, low-scale commercial character of the Old Georgetown Road corridor. More specifically, the Sector Plan states:

The Plan recommends that low-density commercial uses continue along the south side of Old Georgetown Road. Properties should retain the existing zoning. The one property that is zoned R-60, 7920 Old Georgetown Road, is suitable for the C-T Zone.

The Sector Plan also indicates on page 24 that the subject property has potential for redevelopment.



The Bethesda CBD Sector Plan describes Urban Design goals for Old Georgetown Road.

FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with the approved Schematic Development Plan Amendment.*
2. *The Site Plan meets all of the requirements of the zone in which it is located. See project Data Table above.*
3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*
 - a. **Buildings**

The location of the building is retained as per its previous use as a one-family home. The siting of the structure allows efficient and safe use of the site for its proposed function, along with adequate space for parking, vehicular and pedestrian access and open space appropriate to the neighborhood.
 - b. **Open Spaces**

The open space is appropriate for the site, and helps to create a successful transition between commercial and residential, as sought in the Master Plan. The placement of the parking at the rear allows the landscaping at the front of the building to become more visible from the street and enhance the appearance of Old Georgetown Road.
 - c. **Landscaping and Lighting**

The landscaping and lighting is adequate and efficient. Site lighting is proposed as building-mounted fixtures that accentuate the architectural features while providing safe lighting levels and efficient illumination for critical pedestrian passages. The landscaping proposed will screen the rear yard parking from surrounding neighbors. Landscaping facing Old Georgetown Road consists of clusters of holly trees on each side of the lead walk at the public sidewalk, foundation planting about the building perimeter with ornamental trees strategically placed.
 - d. **Recreation**

The proposal is exempt from Recreation Requirements.
 - e. **Vehicular and Pedestrian Circulation**

The provision of the entrances at both the front and rear increases the efficiency of site use, and allows options for entry and egress, enhancing the pedestrian circulation and privacy for patients entering or leaving the premises. The entry drive at 22 feet in width provide adequate space for two-way vehicular traffic, and increases the safety for turning movements into and out of the site onto Old Georgetown Road.
4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.*

The Bethesda CBD Sector Plan clearly designates the property for the C-T Zone. This is the only property that remains residential along the south side of Old Georgetown Road, between Glenbrook Road and Del Ray Avenue. The property's reclassification to the C-T Zone will extend the low-density commercial uses in this block and provide an appropriate transition between the high intensity commercial development of the Bethesda CBD to the east and the single-family neighborhood to the west and south.

The proposed conversion of the property's use to office space is compatible with existing and planned land uses in the surrounding area. Restoration of the subject property, which has been in a state of disrepair for some time, will ensure the stability of land uses in the area and protect adjoining residences. The existing structure will be renovated and will maintain its residential scale and character. The front lawn will be retained in grass with a lead walk from the sidewalk to the front entrance, surrounded by attractively varied plant materials. Four parking spaces will be located in the rear yard and screened from residences by a six-foot, privacy fence along the rear property line. Approximately 40 percent of the property will be retained as green area.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The site is exempt from Forest Conservation.

Resolution No.: 15-94
Introduced: March 11, 2003
Adopted: March 11, 2003

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

By: County Council

SUBJECT: Application No. G-802 For Amendment To The Zoning Ordinance Map, Stephen A. Robins, Attorney For David Fogel And Ilana Bar-Lavav, Opinion And Resolution On Application

Tax Account No. 07-00439714

OPINION

Application No. G-802, filed on September 10, 2002 by David Fogel and Ilana Bar-Lavav, Applicants, requests reclassification from the R-60 Zone to the C-T (Commercial Transition) Zone of 6,866 square feet of land known as Lot 7, Block K of Section No. 2, Battery Park subdivision, and located at 7920 Old Georgetown Road in Bethesda, in the 7th Election District. The application was filed under the Optional Method authorized by Code §59-H-2.5, which permits binding limitations with respect to land use, density and development standards or staging.

The Hearing Examiner recommended approval of the application on the basis that the C-T Zone at the proposed location would satisfy the requirements of the purpose clause; that the proposed reclassification would be compatible with existing and planned land uses in the surrounding area; and that the proposed reclassification bears sufficient relationship to the public interest to justify its approval. The Planning Board and Technical Staff provided similar recommendations. The District Council agrees with these conclusions.

The subject property is located on the south side of Old Georgetown Road between Glenbrook Road and Del Ray Avenue. It is trapezoidal in shape, with 80 feet of road frontage. It is developed with an existing two-story brick and siding dwelling and existing driveway providing access from Old Georgetown Road. The site is relatively flat, with vegetation limited to a few scattered trees and overgrown shrubs. A chain-link fence separates the rear yard of the property from a residence to the south, and a board fence is in place separating the property from adjoining parking areas to the east and west.

The surrounding area for this application coincides with the boundaries of the Old Georgetown Road Corridor defined in the *1994 Bethesda CBD Sector Plan*. This area stretches from Glenbrook Road southeast to Wilson Lane, and includes a single-family neighborhood located east of Exeter Road and north of Wilson Lane. Immediately east of the property is a one-story building in the C-2 Zone, with commercial businesses and parking to the rear that is accessed from Del Ray Avenue. (The parking is located on property zoned R-60, pursuant to a special exception.) To the west of the subject property are two single-family

Georgetown Road between Glenbrook Road and Del Ray Avenue. Its redevelopment under the C-T Zone would continue the low-density commercial uses on this block and provide an appropriate transition between the high-intensity commercial development of the Bethesda Commercial Business District to the east and the single-family neighborhood to the west and south.

The District Council finds that the proposed development would be compatible with existing and planned land uses in the surrounding area. The surrounding area is made up of office, retail

and service uses, with a small amount of multi-family apartments located several blocks from the subject site and single-family residential homes abutting to the rear. The existing low-density commercial uses along this stretch of Old Georgetown Road provide an appropriate transition between high-density commercial development and the residential neighborhoods adjoining to the rear of the Old Georgetown Road lots. The proposed rezoning and use of the subject property would contribute to this transition. Moreover, restoration of the subject property, which has been in a state of disrepair for some time, helps to ensure the stability of land uses in the area and protect adjoining residences to the rear. The existing structure is to retain its residential scale and character, and most of the front lawn is to remain in grass. The parking space in the front of the property would be screened by landscaping, and the four parking spaces at the back of the property would be screened from adjoining residences by a six-foot privacy fence.

The District Council further determines that the proposed zoning bears sufficient relationship to the public interest to justify it. The proposed zoning complies with the specific recommendation of the Sector Plan. Both the Planning Board and its Technical Staff recommended approval of the application, which serves as a strong indication that the proposed zoning would be consistent with current planning policies for this area of the County. The evidence demonstrates that the proposed rezoning and development would have no measurable impact on traffic and transportation, and no significant effect on other public facilities or the environment. It is worth noting, in addition, that this application received the support of the local citizens' association.

For these reasons and because to grant the instant zoning application would aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be granted 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-802 for the reclassification from the R-60 Zone to the C-T (Commercial Transition) Zone of 6,866 square feet of land known as Lot 7, Block K of Section No. 2, Battery Park subdivision, and located at 7920 Old Georgetown Road in Bethesda, in the 7th Election District, is hereby approved in the amount requested; provided that, within 10 days of receipt of the District Council's approval resolution, the Applicant must submit the schematic development plan, Ex. 31, for certification in accordance with §59-D-