



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
12/18/03
Item #3

MEMORANDUM – LOCAL MAP AMENDMENT

DATE: December 12, 2003
TO: Montgomery County Planning Board
VIA: John Carter, Chief, Community-Based Planning *JJC*
FROM: Bill Landfair, AICP, for the Department of Park and Planning *WEL*
(301) 495-4555

SUBJECT: **Local Map Amendment No. G-815:** 4302 East West LLC, applicant – reclassification of 5,780 square feet of land from the R-60 Zone to the O-M Zone – located at 4302 East West Highway, Bethesda – Bethesda CBD Sector Plan

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of Local Map Amendment No. G-815 for the following reasons:

1. The reclassification to the O-M Zone is in accordance with the intent and recommendations for the subject property contained in the 1994 Bethesda CBD Sector Plan.
2. The reclassification to the O-M Zone satisfies the requirements of the purpose clause.
3. The reclassification to the O-M Zone will be compatible with existing and planned land uses in the surrounding area.

INTRODUCTION

The applicant, 4302 East West LLC, is seeking reclassification of 5,780 square feet of land from the R-60 Zone (Residential, one-family) to the O-M Zone (Office building, moderate intensity) located at 4302 East West Highway, Bethesda. The property is identified as Lot 2, Meadowbrook Village Subdivision, in the Seventh Election District of Montgomery County. The property is improved with a single-family residence, which has been converted into an office use.

BACKGROUND

A. Description of Property

The subject property is located on the south side of East West Highway (MD 410) approximately 100 feet west of the intersection with Montgomery Avenue. The property is located within the Bethesda CBD Sector Plan area. The site is trapezoid in shape with 70 feet of frontage along East West Highway. An existing two-story brick and frame structure occupies the center of the property. This building was formerly a single-family residence, which was renovated into an office use. Primary access to the site is from East West Highway. The front yard and adjacent public right-of-way is paved to accommodate parking. The rear yard is also paved for parking and to provide access to a one-car garage in the lower level of the structure. The rear yard has access to Montgomery Avenue via an easement through the adjacent lot to the east. The topography reflects a slope in grade from the front yard to the rear yard. There are no specimen or significant trees on site.

B. Surrounding Area

The O-M Zone is a floating zone and evaluation of the zoning issues requires delineation of a surrounding area. In a floating zone application, the surrounding area is less rigidly defined than required with a Euclidean zone application. In general, the defined surrounding area takes into account those areas, which are most directly affected by the proposed development, and any special study areas, which may have been defined by a master or sector plan. In this case, staff defines the surrounding area as coinciding with the boundaries of the Montgomery Triangle Corridor district defined in the Bethesda CBD Sector Plan. The corridor extends along East West Highway and Montgomery Avenue, from Pearl Street on the west to the bridge over the Georgetown Branch right-of-way on the east. It includes properties north of the Georgetown Branch and East West Highway.

The Montgomery Triangle contains a mix of office and residential uses. High-rise buildings facing East West Highway include two apartment buildings and an office complex. Other uses in the area include Our Lady of Lourdes Church, the front section of Bethesda-Chevy Chase High School, and a health club. There are a number of single-family structures and small office buildings scattered throughout the area. To the north of the subject property, across East West Highway, are single-family homes in the R-60 Zone and the Bethesda-Chevy Chase High School. To the east is an office use located in a converted single-family home in the O-M Zone. To the south is a parking garage structure serving a nearby office complex in the C-O Zone. To the west is another office use located in a converted single-family home in the O-M Zone.

C. Intended Use and Approval Procedures

The applicant has requested reclassification from the R-60 Zone to the O-M Zone to permit the use of an existing structure on the subject property as an office in connection with it's construction business. The interior of the 2,604 square foot building has been renovated for that purpose. There are no plans at this time to make any exterior changes to the property.

The applicant has provided a property survey and other supporting documentation allowing a comparison of the proposed use of the property with the applicable development standards as shown in the table below:

Development Standards	Required/Allowed	Provided
Lot Coverage	60% maximum	21%
Building Height	5 stories maximum	2 stories
Green Area	10% minimum	39%
Floor Area	1.5 FAR	.45 FAR
Parking	2.4/1000 sq. ft. = 7 spaces	9 spaces*
Setbacks --- from the street	15 feet	21 feet
--- other lot line	7 feet (est.)	8.5 feet/23 feet

* There are no delineated parking spaces on the subject property. The applicant states that existing pavement (including that located within the adjacent public right-of-way) functionally accommodates up to nine spaces. Staff notes, however, that the State Highway Administration will not allow required spaces to be located within the public right-of-way.

In addition to the local map amendment, the proposed use of the subject property will require approval of a site plan by the Montgomery County Planning Board as set forth in division 59-D-3 of the Zoning Ordinance.

D. Zoning History:

1. SMA G-711: R-60 Zone confirmed; 10/11/94
2. 1958 County-wide Comprehensive Zoning: R-60 Zone confirmed
3. 1954 Regional District Zoning: R-60 Zone enacted and mapped

There have been no previous local map amendments, special exceptions, or variance applications granted for the subject property.

E. Master Plan Recommendation:

1. Land Use: Residential, one-family/Office building, moderate intensity
2. Zoning: R-60/O-M

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: Water and sewer lines abut the subject property. On the north side of East West Highway there is a 10" water line and on the south side there is a 4" water line. It may be necessary to upgrade the 4" line to an 8" line to accommodate the commercial use of the property. In the alternative, the property could connect directly to the 10" line if necessary (Source: WSSC Development Services Group)
2. Roadways
 - a. East West Highway: Designated in the Sector Plan as a major highway, M-20, with a 120-foot right-of-way. The segment in the vicinity of the subject property is a five-lane, undivided roadway. It is one of two main roads in the Montgomery Triangle Corridor and with Montgomery Avenue makes a one-way couplet through the CBD.
 - b. Montgomery Avenue: Designated in the Sector Plan as a business district street with an 80-foot right-of-way. As noted above, it is one of the two main roads in the area and with East West Highway makes a one-way couplet through the CBD.
 - c. Pearl Street: Designated in the Sector Plan as a business district street. A north-south roadway, it intersects with East West Highway and Montgomery Avenue.
 - d. Chelton Road: Designated as a secondary residential street. A north-south roadway, it intersects with East West Highway near the subject property.

ANALYSIS

A. Master Plan

The rezoning will be in accordance with the intent and recommendations for the subject property contained in the 1994 Bethesda CBD Sector Plan. The property is located within the Montgomery Triangle Corridor district defined by the Sector Plan. The future land use and zoning recommendations for the district are illustrated in Figure 4.30 of the Sector Plan. As shown in that figure, low-density office use and the O-M Zone are specifically recommended for the subject property. Additional language found on page 116 of the Sector Plan recommends the O-M Zone for the "scattered single-family houses" located in the triangle of land created by East West Highway, Montgomery Avenue, and Pearl Street. The rezoning will also contribute to the implementation of the Sector Plan objectives found on page 114. These include improving the sense of a gateway to Bethesda along East West Highway; allowing attractive, compatible redevelopment on properties with low density; and protecting the nearby single-family neighborhood from negative impacts.

B. Purpose Clause

The purpose clause for the O-M Zone is found in Section 59-C-4.310 of the Zoning Ordinance and states in relevant part:

It is the purpose of the O-M zone to provide locations for moderate-intensity office buildings in areas outside of central business districts. It is intended that the O-M zone be located in areas where high-intensity uses are not appropriate, but where moderate intensity office buildings will not have an adverse impact on the adjoining neighborhood. This zone is not intended for use in areas which are predominantly one-family residential in character.

The rezoning will satisfy the requirements of the purpose clause. The Bethesda CBD Sector Plan clearly designates the subject property for the O-M Zone. The property lies between two similar properties that have been rezoned to O-M and have been converted to office use. The development standard for the zone limits density to a moderate 1.5 FAR. The existing structure converted into an office use will maintain a density of .45 FAR. The location of the property will serve as an appropriate transition between the single-family neighborhood to the north, across East West Highway, and the higher intensity office and residential uses of the Montgomery Triangle Corridor district closer to the CBD. While there are single-family homes nearby, the surrounding area cannot be considered one-family residential in character. Most of the surrounding area is a mix of office, high-rise residential, and institutional uses.

C. Compatibility

The rezoning will be compatible with existing and planned land uses in the surrounding area. The subject property remains the only property along the south side of East West Highway within the Montgomery Triangle Corridor district that is zoned for single-family residential use. The O-M Zone will provide an appropriate transition between the single-family residential uses north of East West Highway and the higher intensity office and residential uses closer to the CBD. It will also permit an opportunity for site plan review to ensure that Sector Plan objectives are met and that design issues, including parking, landscaping, and lighting, are appropriately addressed.

D. Transportation Issues

Local Area Transportation Review

The Transportation Planning staff has reviewed the rezoning application and finds that it meets all requirements of Local Area Transportation Review. Based on the application of appropriate office trip generation rates, the conversion of the existing 2,604 square foot residential structure to office space will generate four weekday peak-hour trips. This is well below the 50 trips that would require a traffic study.

Policy Area Review/Staging Ceiling Analysis

The subject property is located within the Bethesda CBD policy area, which has a remaining capacity of 863 jobs and 161 housing units as of November 30, 2003. The application, therefore, passes the Policy Area Review test.

Access and Circulation

Primary vehicular access for the subject property will remain the same with a single driveway entrance from East West Highway permitting two-way movement. Secondary access to Montgomery Avenue will also remain the same via an easement through the adjacent lot. An existing 8-foot sidewalk along East West Highway will facilitate pedestrian access to the property.

Parking

A total of seven parking spaces are required for the proposed office use. These spaces cannot be located within the public right-of-way. The subject property is not located within the Bethesda Parking Lot District.

D. Environmental Issues

Forest Conservation

An approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) has been approved for the subject property and an exemption has been granted from the requirement for a Forest Conservation Plan. The rezoning application qualifies for an exemption of the Forest Conservation Law because the subject property is less than one acre in size, no forest will be cleared, there are no specimen or significant trees, and reforestation requirements will be less than 10,000 square feet.

Water Quality

The subject property is located in the Coquelin Run tributary of the Lower Rock Creek watershed. The *Countywide Stream Protection Strategy* assesses this subwatershed as having fair stream and habitat conditions, labeling it as a Watershed Restoration Area.

E. Citizen Concerns

The staff has not received any comment from citizens in the surrounding area regarding this application.

D. Conclusion

The staff recommends approval of Zoning Application G-815 with a finding that the reclassification to the O-M Zone is in accordance with the intent and recommendations for the subject property contained in the 1994 Bethesda CBD Sector Plan, satisfies the requirements of the purpose clause, and will be compatible with existing and planned land uses in the surrounding area.

Attachments

Vicinity Map
Property Survey
Record Plat
Sector Plan Figure 4.30
Zoning Map