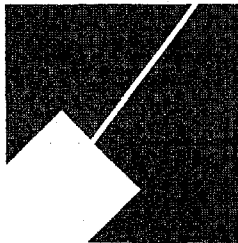


M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, www.mncppc.org

**MCPB**  
**Item # 1**  
**February 2, 2005**

**MEMORANDUM**

**DATE:** January 25, 2006

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief, Development Review Division *Rd K*  
Carlton Gilbert, Zoning Supervisor, Development Review Division *CG*

**FROM:** Dan Janousek *DJ* Development Review Division (301-495-4564)

**REVIEW TYPE:** Development Plan Amendment

**CASE NUMBER:** DPA-06-01

**PROJECT NAME:** Woodmont View

**APPLICANT:** Laurence Lipnick and Battery Lane, LLC

**LOCATION:** NW Corner of Woodmont Avenue and Battery Lane

**ZONE:** PD-75

**SECTOR PLAN:** Bethesda CBD Sector Plan

**FILING DATE:** June 30, 2005

**PUBLIC HEARING:** February 14, 2006, 2<sup>nd</sup> Floor, Council Office Building  
Hearing Examiner: Grossman

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**STAFF RECOMMENDATION: APPROVAL of the Development Plan Amendment**

The staff makes note that there is no opposition to the Development Plan Amendment at this time and recommends that the amendment be placed on the first available District Council agenda without the necessity of a public hearing by the Hearing Examiner.

**SUMMARY**

The applicant, Laurence Lipnick and Battery Lane, LLC, seek to amend the Woodmont View development plan to construct an 8-story condominium. The purpose of the applicant's plan is to provide a mixed-use transit-oriented project within walking distance of both the Medical Center Metro and Bethesda Metro that will be compatible with adjacent development. The amendment changes the number of units from 10 town houses to 46 medium high-rise condominium units, including 8 Moderately Priced Dwelling Units (MPDUs), one single-family house on the north end of the property and 1,408 sq. ft. of restaurant commercial use.

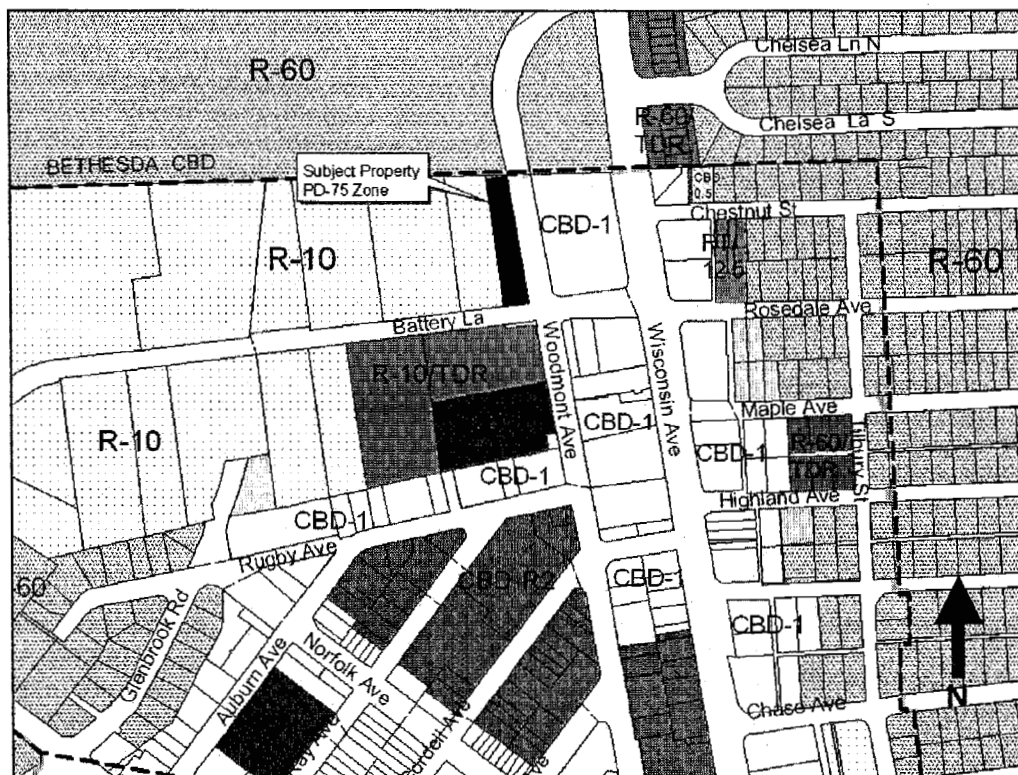
## Property Description

The subject property consists of approximately on-half acre in the Bethesda CBD Metro Station Policy Area described in the Bethesda CBD Sector Plan. The property is designated as the "Trunnell property". It is known as Part of Lot 48, Block 2, Northwest Park, Plat No. 134, and is bounded by Woodmont Avenue to the east, Battery Lane to the south, Lot 22, Block 2, to the west, and the National Institutes of Health (NIH) to the north. The property has approximately 340 feet of frontage along Woodmont Avenue and 60 feet of frontage on Battery Lane. At the north end of the property is a 3 story single-family home. At the south end of the property is a four-story office building, which the applicant plans to demolish. The property is substantially paved with a gradual slope downward from east to west and upward from north to south along Woodmont Avenue, and there are no natural resources, such as wetlands, streams, flood plains or forest on the property.

## Surrounding Area

Technical Staff typically describes the surrounding area as a basis of analysis of a development plan amendment. The surrounding area provides a transition into the Bethesda CBD. This specific area was described previously in the District Council's approval. The area contains a mix of zones and uses including residential, commercial and institutional. It extends out from the intersection of Battery Lane and Woodmont Avenue to the Battery Lane Urban Park to the west, Norfolk Avenue and Chase Avenue to the south, Wisconsin Avenue to the east and the *National Library of Medicine* on the *National Institutes of Health (NIH)* campus to the north. The area to the north is zoned R-60, including NIH. Surrounding the subject property are R-60, R-10, R-10/TDR, and CBD zoned properties.

Figure 1. Zoning



## Previously Approved Development Plan

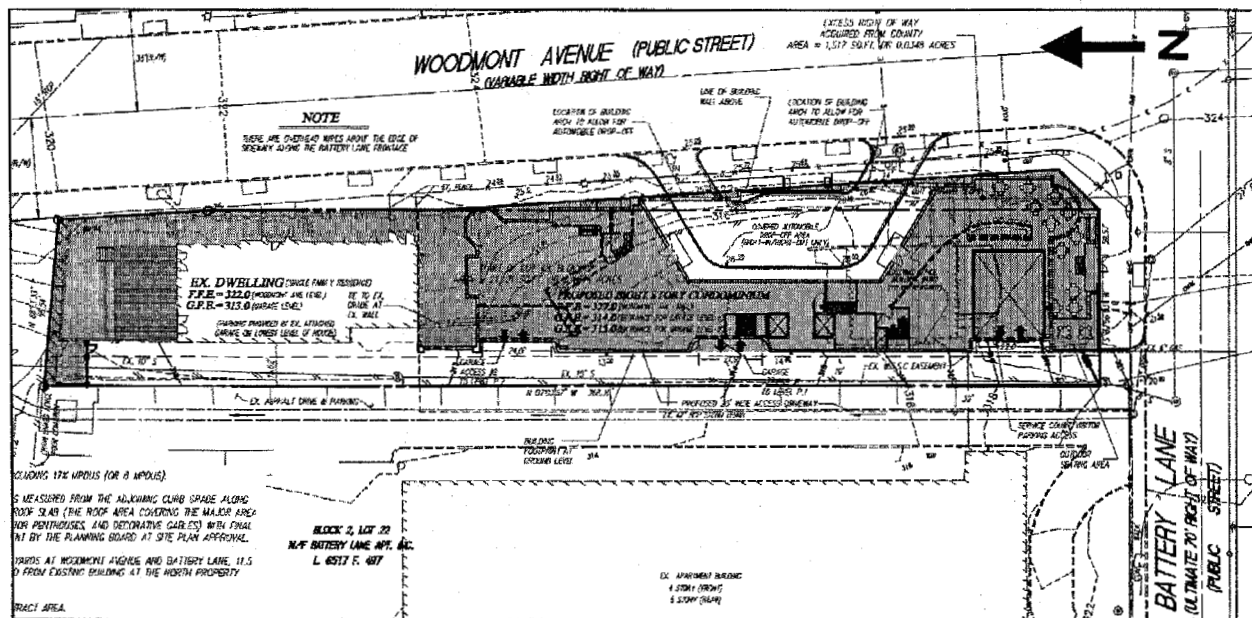
The previously approved development plan was certified in 2004 exclusively for 10 single-family town houses and the existing single family dwelling on the north end of the property. No commercial use was approved. The existing single-family house is permitted and is considered a nonconforming use, and the applicant dedicated 596 square feet of right of way along Battery Lane, which was a requirement.

## Proposed Development Pan Amendment

Since the previous approval, the applicant has acquired approximately 1,500 square feet of right of way along Woodmont Avenue from the County. The proposed development plan amendment for 46 medium high-rise condominiums includes 8 Moderately Priced Dwelling Units (MPDUs) units and 1,408 sq. ft. of restaurant use on the first floor. As before, the existing single-family house is retained and can be considered a nonconforming use, since all types of residential uses are permitted in the PD-75 Zone except detached, single-family houses. The condominium building will be oriented towards the intersection of Woodmont Avenue and Battery Lane. Walk-in entrances to the condominium building front on Woodmont Avenue from underneath a recessed, at-grade, vehicle drop-off area. There is another pedestrian entrance directly to Battery Lane.

The property is currently accessed by auto from Battery Lane. Residents and guests will have private garage access from this same location. Automobiles will enter a proposed driveway at the rear (east) side of the building and may drive down into two separate underground garage entrances. A separate service dock is provided. An existing common driveway agreement between the applicant and the adjacent property owner exists.

Figure 2. Amendment to Development Plan (excerpt)



Note: The proposed amendment is fully depicted on Attachment 1.

Green space, provided at the minimum required by the ordinance (30%), is on the upper floor of the building for the condominium, and at the ground level surrounding the single-family dwelling. The lot provides 25 feet of truncation at the corner of Woodmont Avenue and Battery Lane.

Table 1. Comparison of previously approved and proposed development plans

	<b>Previous Council Approval &amp; Certified Plan</b>	<b>Amendment Proposed for Approval</b>
<b>Gross Tract Area</b>	23,238 sq. ft.	<b>22,618 sq. ft.</b>
<b>Net Lot Area</b>	21,101 sq. ft	<b>21,101 sq. ft.</b>
<b>Green Area</b>	7,000 sq. ft (30.1%)	<b>7,146 sq. ft (31.6%)</b>
<b>Dwelling Units</b>	10 Town Houses 1 SF House	<b>38 Condominiums</b> 1 SF House
<b><u>MPDUs</u></b>	0	<b><u>8 MPDU Condominiums</u></b>
<b>Total</b>	11	<b>47</b>
<b>Commercial</b>	0	<b>1,408 sq. ft</b>

The development plan carries forward several binding elements from the previously approved development plan and binding elements contained in District Council Resolution #15-563. These binding elements were revised to reflect the amendment, including the provision of MPDUs. New binding elements were added which will help to achieve compatibility and compliance with the zone. One binding element was dropped regarding an easement on the north end of the property. Staff is satisfied that the easement is depicted on the development plan and will eventually be recorded by the applicant during the minor subdivision process. With District Council approval, binding element #2 would allow the Planning Board flexibility to approved revised building height at site plan review. Binding elements #5 and #8 are new.

**Binding Elements DPA-06-01**

1. The maximum number of dwelling units will be 47, including 17% MPDUs (or 8 MPDUs).
2. The building height is proposed for 79 feet 4 inches measured from the adjoining curb grade along Woodmont Avenue to the highest point of the main roof slab (the roof area

covering the major area of the building excluding mechanical, access, elevator penthouses, and decorative gables) with final height measurement subject to review and adjustment by the Planning Board at site plan approval.

3. The minimum setbacks will be 0 feet for the front yards on Woodmont Avenue and Battery Lane, 11.5 feet for the side yard to the west, and 40.5 feet for the rear yard from the existing building at the north property line.
4. The minimum green space will be 30% of the gross tract area.
5. All green areas (including the active/passive recreation rooftop green area) for the condominium building will be accessible to all residents of the condominium building.
6. The maximum building coverage will be 60% of the site area.
7. The minimum number of parking spaces for the residential units will be 54, and the number of parking spaces required for the commercial use will comply with the Zoning Ordinance.
8. This property is subject to a Common Driveway Agreement recorded at Liber 26425, Folio 122 among the Land Records of Montgomery County. The Common Driveway Agreement sets forth the agreement between the applicant and the adjacent property owner to share certain portions of their respective properties for mutual ingress and egress from Battery Lane in order to achieve more efficient, convenient, and safer access to both properties.

### **ADDITIONAL REVIEW REQUIREMENTS**

If the District Council approves the amended development plan, the plan must be certified and filed as provided in section 59-D-1.64. Then, the applicant must comply with all applicable provisions specified in Chapter 50 of the County Code, including any exemptions allowed to platting specified in Chapter 50-9.

### **COMMUNITY ISSUES**

There are no community issues specifically affecting this application. Staff recommends that the Hearing Examiner place the subject amendment on the first available District Council agenda without the necessity of a public hearing.

### **ANALYSIS**

As stated in the Zoning Ordinance, this zone is in the nature of a special exception, and development plans shall be approved or disapproved upon findings that it is or is not proper for the comprehensive and systematic development of the county. Staff believes that the

development plan amendment application satisfies all of the requirements for a development plan in Section 59-D-1.61(a)-(e).

### **Conformance with Sector Plan**

The amendment conforms to many of the recommendations of the Bethesda CBD Sector Plan, approved and adopted in 1994. The Sector plan recommends the PD-75 Zone for the property. The amendment is consistent with the use and density indicated by the Sector Plan, and does not conflict with the General Plan, the County's capital improvements program or other applicable plans and policies. The Sector plan recommends the development of housing within the central business district to achieve a more balanced demand on the transportation network (page 28), and generally, the retention of affordable housing near the Metro. More specifically, the Sector Plan calls for "a northern gateway" to the Woodmont Triangle area with the redevelopment at the corner of Woodmont Avenue and Battery Lane (pg. 90). The residential use is consistent with existing and planned land use in the surrounding area. The commercial use is oriented towards the intersection of Woodmont Avenue and Battery Lane and fit into the fabric of the urban environment of the Bethesda CBD.

The proposal conforms to many of the urban design guidelines in the Sector Plan (Page 92). Off street parking is hidden underground, and the building is oriented towards Woodmont Avenue for the main entrance and along Battery Lane, both goals of the Sector Plan. The Sector Plan anticipated the assembly of the subject property and the adjacent property (Site 1), but it also includes specific guidelines for the subject property if assembly does not occur (page 94). The proposal is consistent with the specific guidelines in terms of streetscape development, building orientation, and vehicular access, but not with building height or front building setbacks along Battery Lane. However, the building height provided will be compatible with adjacent development and will integrate mutually compatible uses.

The Planned Development Zone contains no specific standards for building height in the PD-75 Zone. The Sector Plan does provide guidelines for building height. The building height for the condominiums is 79 feet, which is 18 feet, or 22% higher than the 65 feet maximum height recommendation in the Sector Plan. The 22% additional height is allowed by the zoning ordinance per Sec. 59-D-1.61 if it is provided with the commitment that the applicant will contribute 15% or more MPDUs. The applicant is providing 17% MPDUs on site. The proposal offers architectural features, including rooflines that are compatible with adjacent development and the existing dwelling on the property. The proposed height is higher than adjacent mid-rise residential development to the west, but it is lower than adjacent residential development at 8400 Wisconsin Avenue, which is 100 feet.

The Planned Development Zone contains no specific standards for building setbacks. In the Sector Plan, building setbacks are recommended to be the same as the existing setbacks along Battery Lane in order to retain green space while buffering the residential uses from the roadway. The proposal at the corner of Woodmont and Battery Lane, which is on a rather small site, makes the provision of a deep setback on Battery Lane difficult to achieve given the density sought by the applicant. The proposal will result in a distinctive visual character and identity called for in the purpose clause of the zone, and staff believes that the proposal will be compatible with adjacent development.

A small amount of commercial space is present in the application. Although commercial uses in this location are not recommended in the Sector Plan, the District Council may permit commercial uses in the PD-75 Zone. Staff believes that the small amount of commercial space in the proposal will not adversely affect the surrounding land uses and will be compatible with the proposal and surrounding development and encourage a maximum of social and community interaction and activity described in the purpose clause of the PD-75 zone.

## **Other Issues**

### ***Public Facilities***

The subject property is served by water and sewer public utilities, and these facilities have adequate capacity to serve the property. The existing public storm drain on the adjoining property, contiguous to the subject property, has adequate capacity to take storm water runoff away from the subject property. There is no evidence that problems for local fire, police, or health clinics will be generated because of the proposal.

### ***Schools***

Montgomery County Public Schools finds capacity adequate in the Bethesda, Chevy Chase cluster (see attached). The development is expected to generate four (4) elementary, one (1) middle school and one (1) high school student.

### ***Environment***

Analysis provided by Environmental Technical Staff indicates that there are no serious environmental issues associated with this application (see attached memorandum).

### ***Transportation***

Analysis provided by Transportation Technical Staff indicates that there are no serious transportation issues associated with this application (see attached memorandum).

## **CONCLUSION**

Upon review of the amendment staff concludes that it generally conforms to the recommendations of the Sector Plan, is consistent with the purpose clause for the PD-75 zone, and satisfies the development standards for the PD-75 Zone. The plan is appropriate for the location and is compatible with the surrounding development. For these reasons, staff recommends approval of DPA-06-01.

### **Attachments:**

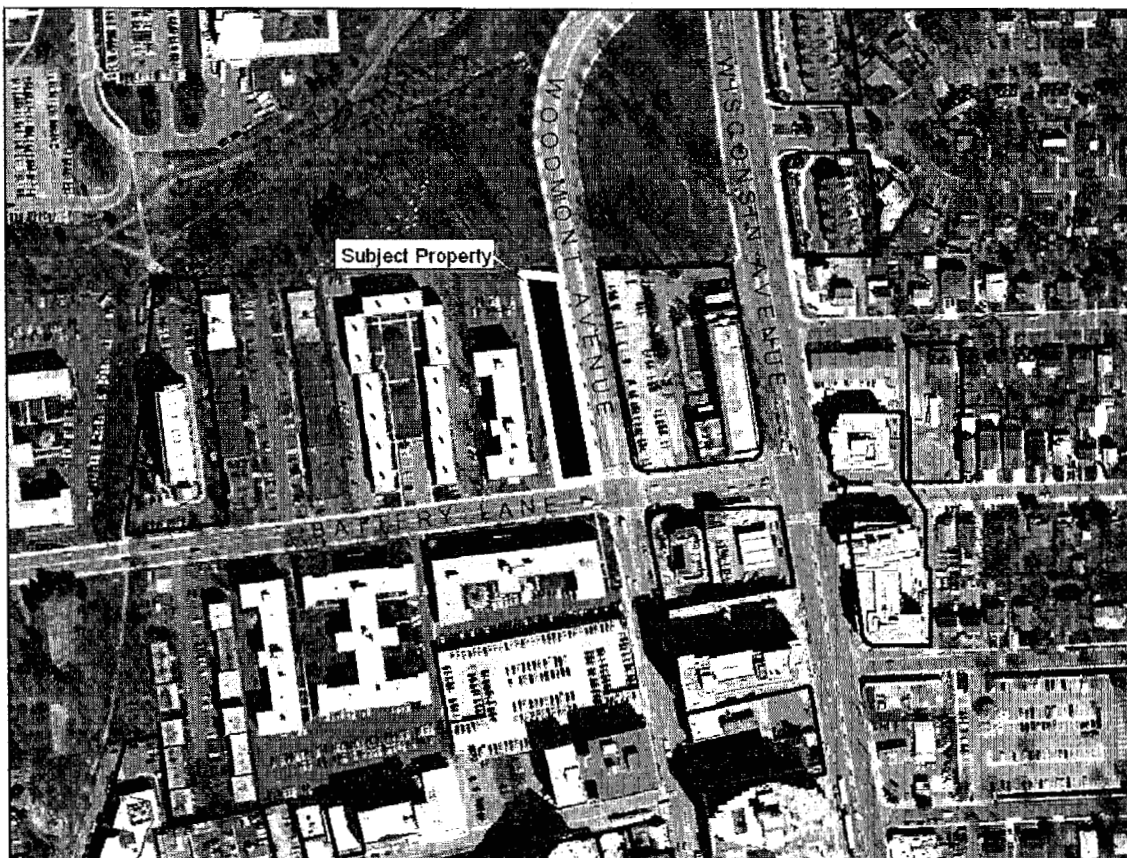
Location Map  
Site Plan  
Illustrative Elevations

Attachment 1  
Attachment 2  
Attachment 3

Community Based Planning Report  
Environmental Planning Report  
Transportation Planning Report  
MCPS Referral Letter

Attachment 4  
Attachment 5  
Attachment 6  
Attachment 7

Overhead Aerial View of Subject Property (Preliminary Plans outlined)





Aerial View of Subject Property Location



Aerial View of Subject Property

