**MEMORANDUM**

DATE: March 9, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Supervisor *CC*
Development Review Division *DM*

FROM: Dolores Kinney, Senior Planner (301) 495-1321
Development Review

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision of Part of Lots 443, 444, 447, 449 and Lot 627

PROJECT NAME: The Rugby Condominium

CASE #: 120060290 (Formerly 1-06029)

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: CBD-1

LOCATION: Located on the north side of Rugby Avenue at the intersection of Auburn and Rugby Avenues, approximately 300 feet east of Norfolk Avenue

MASTER PLAN: Bethesda Chevy Chase Central Business District (CBD) Sector Plan

APPLICANT: 4851 Rugby Avenue, LLC

ENGINEER: VIKI, Inc.

ATTORNEY: Shulman, Rogers, Gandal, Pordy & Ecker, P.A.

HEARING DATE: March 30, 2006

STAFF RECOMMENDATION: Approval, pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 71 multi-family dwelling units including 15% (11) MPDUs.
- 2) Compliance with conditions of approval for Project Plan #920060050 (formerly #9-06005).
- 3) Final number of dwelling units and MPDU's as per condition #1 above to be determined at the time of site plan.
- 4) Compliance with conditions of MCDPWT letter dated, March 9, 2006, unless otherwise amended.
- 5) Revise preliminary plan to reflect building height of 90 feet.
- 6) Compliance with the conditions of approval of the MCDPS stormwater management approval dated October 7, 2005.
- 7) Prior to building permit, the applicant shall enter into a traffic mitigation agreement to participate in the Bethesda Transportation Management Organization.
- 8) Applicant shall provide one bike rack in front of the building entrance and three bicycle lockers in the proposed structured parking garage.
- 9) The applicant shall participate with other development projects and the County, including Park and Planning and DPWT, in funding the reconfiguration of the intersection of Rugby Avenue at Auburn Avenue for improved pedestrian access and safety. Applicant's participation shall not exceed \$5,000 and shall expire five years after site plan approval. Relocation of the crosswalk, inclusive of handicap access ramps, will need coordination with local transit services.
- 10) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 11) Other necessary easements.

SITE DESCRIPTION:

The property, identified as Part of Lots 443, 444, 447, 449 and Lot 627 (Subject Property), is on the north side of Rugby Avenue, approximately 800 feet west of the intersection with Wisconsin Avenue (MD 355) (Attachment A). The Subject Property is zoned CBD-1 and contains a gross tract area of 0.47 acres (20,258 s.f.). Previous dedication reduced the gross square footage of the tract to 15,835 square feet. Several structures currently exist on the property and will be removed.

PROJECT DESCRIPTION:

This is a preliminary plan application to create one (1) lot for a maximum of 71 multi-family dwelling units including 15% (11) MPDUs (Attachment B). This preliminary plan is being reviewed concurrently with Project Plan #920060050 (Formerly #9-06005). Access to the site will be directly from Rugby Avenue.

DISCUSSION:

Master Plan Compliance

The proposed preliminary plan is subject to the 1994 Sector Plan for the Bethesda Central Business District and the Woodmont Triangle Amendment. The 1994 Sector Plan for the Bethesda Central Business District recommends residential development at the northern end of the district. The 2006 Woodmont Triangle Amendment does not specifically identify the site but maintains the CBD-1 zone and encourages the development of housing. Section 59-C-6.235(b)(1) of the Zoning Ordinance requires a maximum height of 90 feet for optional method development. The preliminary plan proposes 15% (11) MPDUs on site and a residential building height of up to 90 feet in accordance with the project plan.

Transportation

Local Area Transportation Review

Based on the transportation review of 75 residential units, 23 AM peak hour trips and 23 PM peak hour trips are anticipated during a regular weekday. As such, the development does not require a traffic impact study per the LATR Guidelines. However, a detailed traffic impact statement was provided to discuss the likely impact to adjacent transportation infrastructure.

In staff's opinion, this applicant should enter into a transportation mitigation agreement with the Bethesda Transportation Management Organization. By doing so, information pertaining to transit agency announcements could be made available to encourage communication between local employers and/or rideshare programs, etc. The benefit of such participation is to provide another means of informing the traveling public of alternative transportation options in the hopes of reducing local traffic congestion.

The traffic impact statement concluded that no significant impact or increase in congestion is anticipated. All nearby intersections currently operate within the established Bethesda CBD Critical Lane Volume (CLV) threshold of 1800 vehicles.

ANALYSIS

Staff's review of Preliminary Plan #120060290 (formerly 1-06029), The Rugby Condominium, indicates that the plan conforms to the 1994 Sector Plan for the Bethesda Central Business District and the Woodmont Triangle Amendment. The proposed preliminary plan is consistent with the master plan goals to encourage redevelopment and housing in the north end of the central business district.

The applicant must provide adequate recreation amenities. The amenity package will provide a Facility Plan for Battery Lane Urban Park as identified in the recently approved Woodmont Triangle Amendment to the 1994 Sector Plan for the Bethesda

Central Business District (CBD), and consideration of contributions. The development of the facility plan will be coordinated with M-NCPPC staff, including staff from Park and Planning & Resource Analysis.

The property is exempt from forest conservation because the tract is less than 1.5 acres in size, there is no existing forest, afforestation requirements would be less than 10,000 square feet, and no specimen or champion trees will be disturbed.

Staff also finds that the proposed preliminary plan complies with all agency requirements and Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the area of the proposed subdivision, as shown in Attachment C. Staff further finds that the size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision.

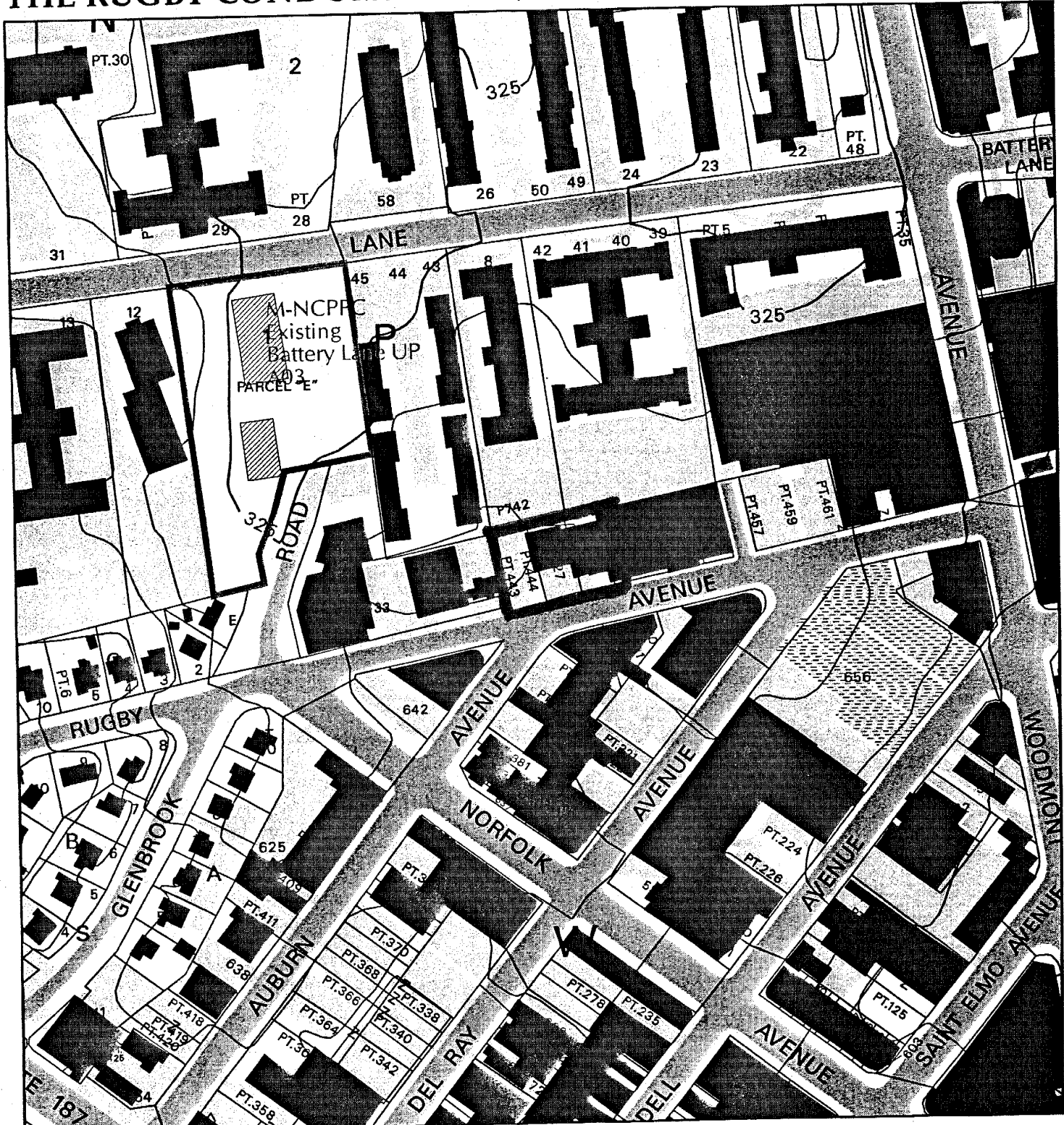
CONCLUSION:

Staff concludes that Preliminary Plan #120060290 (formerly 1-06029) The Rugby Condominium, conforms to the land use objectives of the 1994 Sector Plan for the Bethesda Central Business District and the Woodmont Triangle Amendment and meets all requirements of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan, subject to the above conditions.

ATTACHMENTS:

Attachment A	Vicinity Map
Attachment B	Preliminary Plan
Attachment C	Data Table
Attachment D	Agency Correspondence

THE RUGBY CONDOMINIUM (120060290)



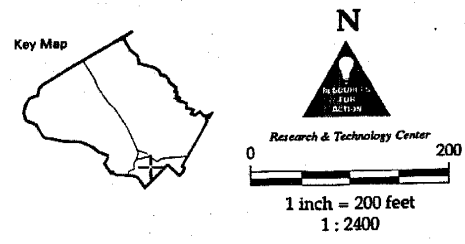
Map compiled on January 25, 2006 at 12:19 PM | Site located on base sheet no - 210NW05

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THE RUGBY CONDOMINIUM (120060290)



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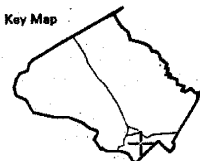
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Key Map



1 inch = 200 feet
1 : 2400

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