



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
12/5/02
Item #2

MEMORANDUM

DATE: November 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 *WPL*

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

CASE NUMBER: G-802
APPLICANT: David Fogel and Ilana Bar-Lavav
LOCATION: 7920 Old Georgetown Road, Bethesda

FILING DATE: September 10, 2002
PLANNING BOARD: December 5, 2002
PUBLIC HEARING: December 18, 2002

STAFF RECOMMENDATION

APPROVAL of Zoning Application No. G-802 and the Schematic Development Plan for the following reasons:

1. The reclassification to the C-T 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 C-T Zone satisfies the requirements of the purpose clause.
3. The reclassification to the C-T Zone will be compatible with existing and planned land uses in the surrounding area.

INTRODUCTION

This zoning application is a request for reclassification from the R-60 Zone (Residential, one-family) to the C-T Zone (Commercial, transitional) of 6,866 square feet of land located at 7920 Old Georgetown Road, Bethesda. The property is identified as Lot 7, Block K of Section No. 2, Battery Park subdivision, in the Seventh Election District of Montgomery County. The use of the property will be in accordance with a Schematic Development Plan submitted in association with the application. The property is improved with a single-family residence, which is proposed to be converted into an office use.

BACKGROUND

A. Description of Property

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.

B. Surrounding Area

The C-T 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 application, staff defines the surrounding area as coinciding with the boundaries for the Old Georgetown Road Corridor defined in the Bethesda CBD Sector Plan, from Glenbrook Road east to Wilson Lane; and the single-family neighborhood located east of Exeter Road and north of Wilson Lane.

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, 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.

C. Intended Use and Approval Procedures

The applicants have requested reclassification from the R-60 Zone to the C-T Zone. The use of the property will be in accordance with a Schematic Development Plan containing a number of binding elements. The applicants propose to convert the existing residence on the subject property into an office use to accommodate their psychiatric practice. One parking space will be located in the front yard and 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.

The elements of the proposed development as set forth on the Schematic Development Plan are as follows:

Elements	Required/Allowed	Provided
Lot Area	N.A.	6,866 sq. ft.
Gross Floor Area	N.A.	3,433 sq. ft.
Floor Area Ratio	0.5	0.5
Building Coverage	30%	27%
Building Height	24 feet	24 feet
Green Area	10% min	43%
Parking	2.4/1000 sq. ft. = 9 spaces	* 5 spaces on-site
Setbacks --- from the street	10 feet	*25 feet
--- side yard	0 feet	* 7 feet/22.9 feet
--- rear yard	15 feet	* 20 feet

* Indicates binding elements

In addition to the zoning application, development will be subject to site plan approval by the Montgomery County Planning Board as set forth in division 59-D-3 of the Zoning Ordinance. Site plan approval is required for re-use of a building existing at the time the C-T Zone is granted as well as for remodeling, rebuilding or new construction.

D. Zoning History:

1. SMA G-711: R-60 Zone confirmed; 10/11/94
2. SMA G-20: R-60 Zone confirmed; 12/06/77
3. 1958 County-wide Comprehensive Zoning: R-60 Zone confirmed
4. 1954 Regional District Zoning: R-60 Zone enacted and mapped

E. Master Plan Recommendation:

1. Land Use: Single-family residential/Commercial transitional
2. Zoning: R-60/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: Water and sewer lines abut the subject property. Local service is deemed adequate and the impact from rezoning is considered negligible (Source: WSSC Development Services Group)
2. Roadways
 - a. Old Georgetown Road: Designated in the Sector Plan as a major highway, M-4, with a 100-foot right-of-way. The segment in the vicinity of the subject property is a five-lane, undivided roadway with an existing variable right-of-way of approximately 80 feet.
 - b. Wilson Lane: Designated as a two-lane arterial road, A-83, with a variable right-of-way.
 - c. Glenbrook Road: Designated as a two-lane, tertiary residential street.
 - d. Del Ray Avenue: Designated as a two-lane, tertiary residential street.

ANALYSIS

A. Master Plan

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. [Emphasis supplied].

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

B. Purpose Clause

The purpose clause is found in Section 59-C-4.301 of the Zoning Ordinance and states in relevant part:

The purpose of the C-T zone is to provide sites for low-intensity commercial buildings which, singly or in groups, will provide an appropriate transition between one-family residential areas and high-intensity commercial development. The C-T zone is intended to constitute a margin of limited width at the border between a commercial area and a one-family residential area. For that reason, the C-T zone can only be applied:

- (a) In areas designated for the C-T zone on adopted and approved master or sector plans...*

The subject property satisfies this requirement. 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. Reclassification to the C-T Zone will continue 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.

C. Compatibility

The proposed C-T Zone will be compatible with existing and planned land uses in the surrounding area. It will provide an appropriate transition between commercial development and a residential neighborhood. 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 a residential scale and character. The front lawn will be retained in grass, with one parking space, and a walkway from the sidewalk to the front entrance. This area will be landscaped with materials to be determined at site plan review. The remaining 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.

D. Transportation Issues

Local Area Transportation Review

A traffic statement was prepared to evaluate the impact of the proposed rezoning on area transportation. Based on the application of appropriate office trip generation rates, the conversion of the single-family residence to 3,433 square feet of general office will generate five trips in both the morning and evening peak periods. When subtracting the existing trips generated by the residence from future trips, the net increase will be even less, four trips in the morning and evening peak periods.

Policy Area Review/Staging Ceiling Analysis

The subject property is located within the Bethesda CBD policy area, which has a remaining capacity of 826 jobs and 414 housing units as of October 31, 2002.

Access and Circulation

The subject property will have access from Old Georgetown Road via a driveway accommodating two-way movement. A walkway will connect the front entrance to the building with the existing sidewalk along Old Georgetown Road. The rear entrance will be handicap accessible via a ramp.

Off-site Parking

A total of five parking spaces are provided on-site and the requirement for the use is nine spaces. The subject property is located within the Bethesda Parking Lot District and may utilize public parking facilities to satisfy the requirements of Article 59-E.

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 zoning application qualifies for an exemption of the Forest Conservation Law because it proposes a modification of existing developed property, no forest will be cleared, no clearing will take place within a stream buffer, and it does not require a new subdivision plan.

Water Quality

The subject property is located in the Lower Mainstem Bethesda subwatershed of the Lower Rock Creek watershed. The *Countywide Stream Protection Strategy* assesses this subwatershed as having poor stream conditions and fair habitat conditions, labeling it as a Watershed Restoration Area. Efforts are being made to comprehensively examine and address stormwater management, stream restoration, and habitat improvement opportunities.

Stormwater management concept and sediment/erosion control plans must be submitted to the Montgomery County Department of Permitting Services as part of subsequent approval procedures. Water quality and quantity control shall be expected to protect the integrity of the Lower Mainstem Bethesda subwatershed.

E. Citizen Concerns

The staff has received a letter from the Battery Park Citizens Association in support of the zoning application (attached as an exhibit). The citizens association finds the reclassification consistent with the recommendations of the Bethesda CBD Sector Plan and will result in the restoration of a property that will be compatible with adjoining single-family homes. Staff understands from the applicant that adjoining property owners are in support as well.

D. Conclusion

The staff recommends approval of Zoning Application G-802 and the Schematic Development Plan with a finding that the reclassification to the C-T 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 FOR
G-802



Map compiled on November 27, 2002 at 6:46 AM | Site located on base sheet no - 209NW05

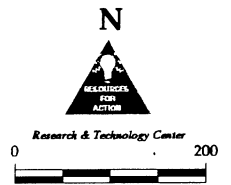
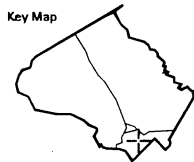
NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map

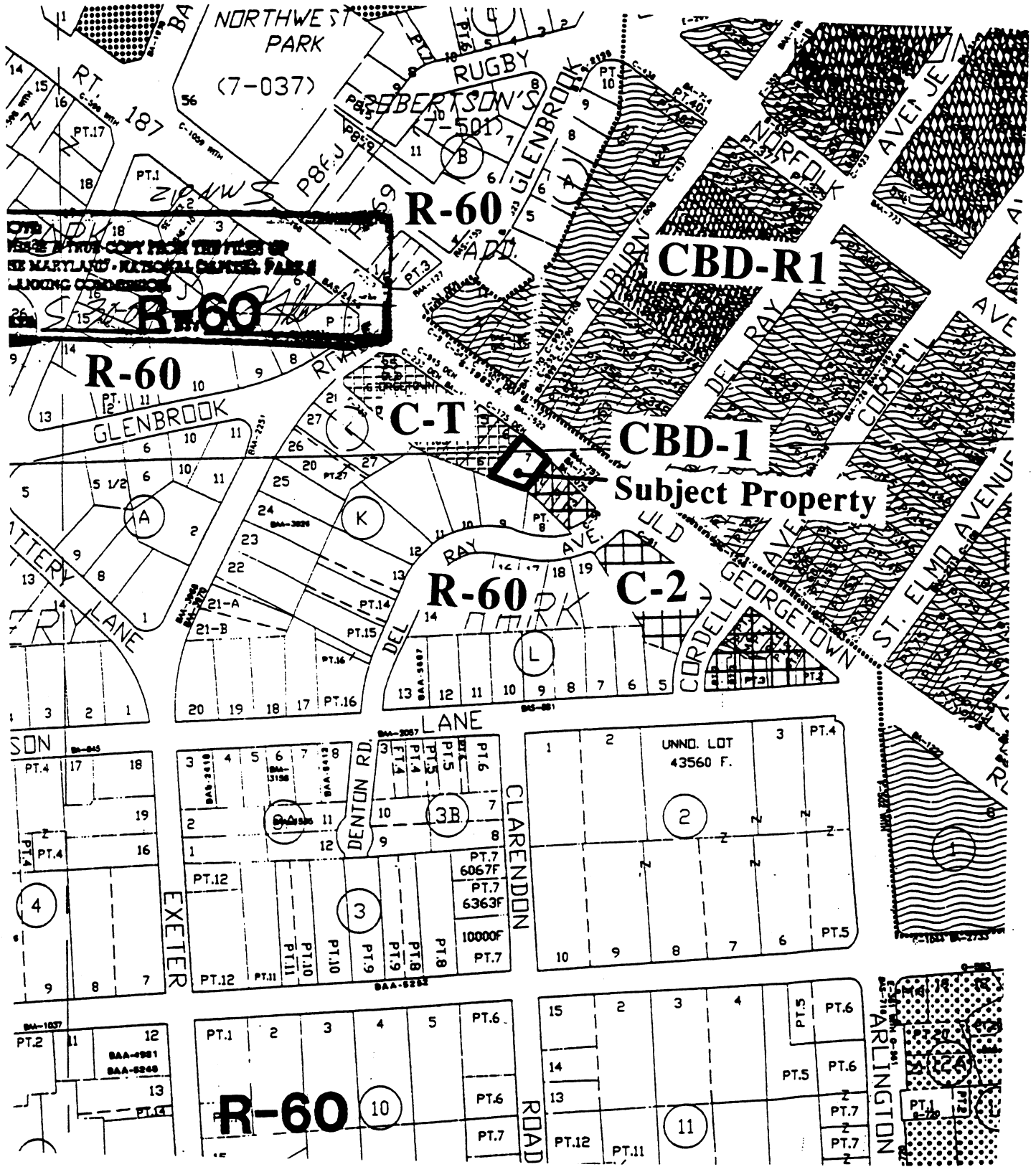


1 : 2400

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

●●●●●● SURROUNDING AREA

EXISTING ZONING



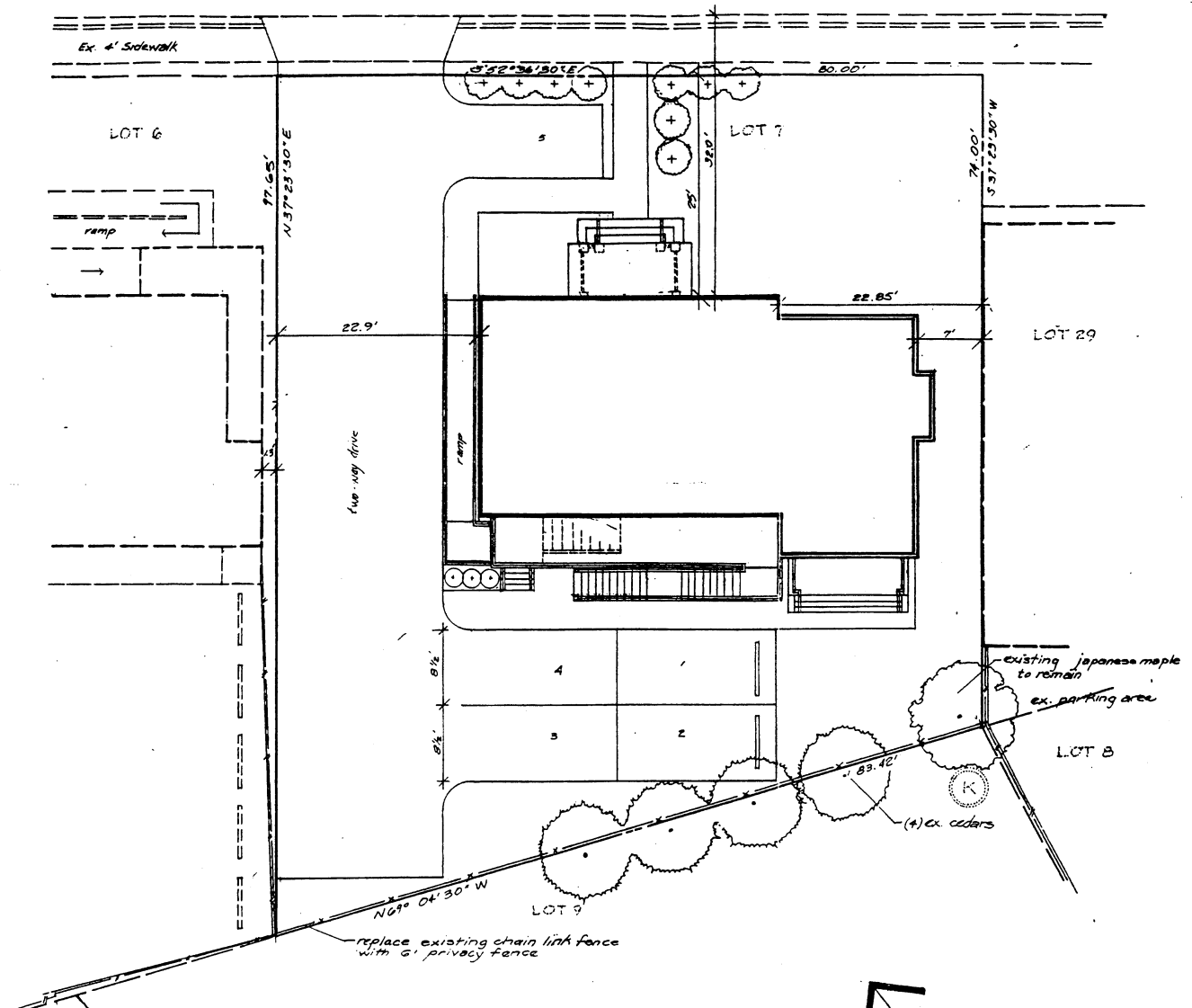
NOT A TRUE COPY FROM THE FILES OF THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Subject Property

SCHEMATIC DEVELOPMENT PLAN

Old Georgetown Road

(R/W varies)



SITE DATA

1. Owner / Applicant: David Fogel / Ilana Bar-Levav
2. Site Area: 6,866 square feet / 0.158 Acre
3. Existing Zoning: R-80
4. Proposed Zoning: C-T
5. Proposed Use: General Office

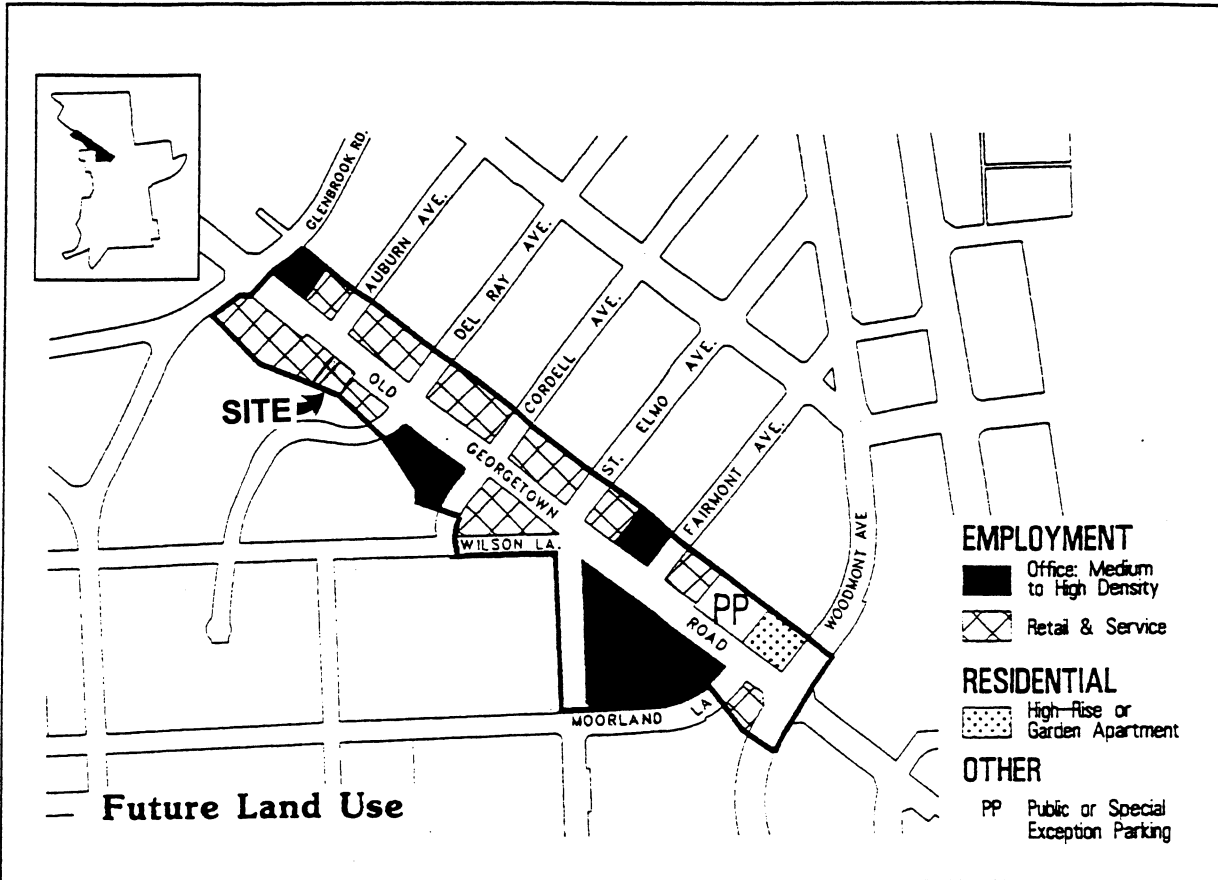
LAND USE & DEVELOPMENT STANDARDS

C-T Element	Permitted / Required	Provided
Lot Area	N.A.	6,866 s.f.
Proposed Use	Sec. 59-C-4.2	General Office
Building Coverage	30% maximum	27%
Building Height	24 feet maximum	24 feet
Floor Area Ratio	0.5 maximum	0.5
Setbacks		
From Old Georgetown Rd	10' minimum	25'
Side lot line	0'	7' and 22.9'
Rear lot line	15' minimum	20'
Green Area	10% minimum	43%
Parking	9 spaces (3,433 sf @ 2.4 sp/1000 sf)	*5 spaces on site

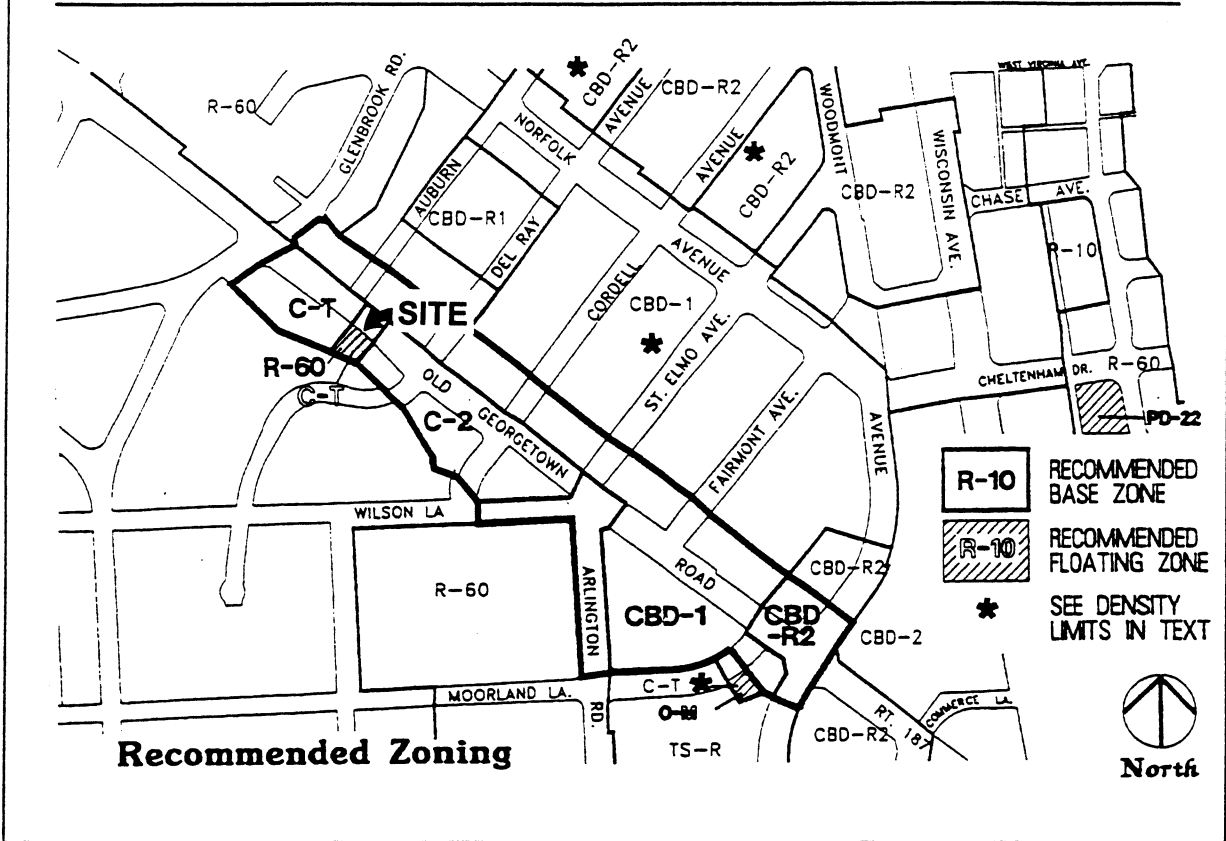
*Indicates binding elements

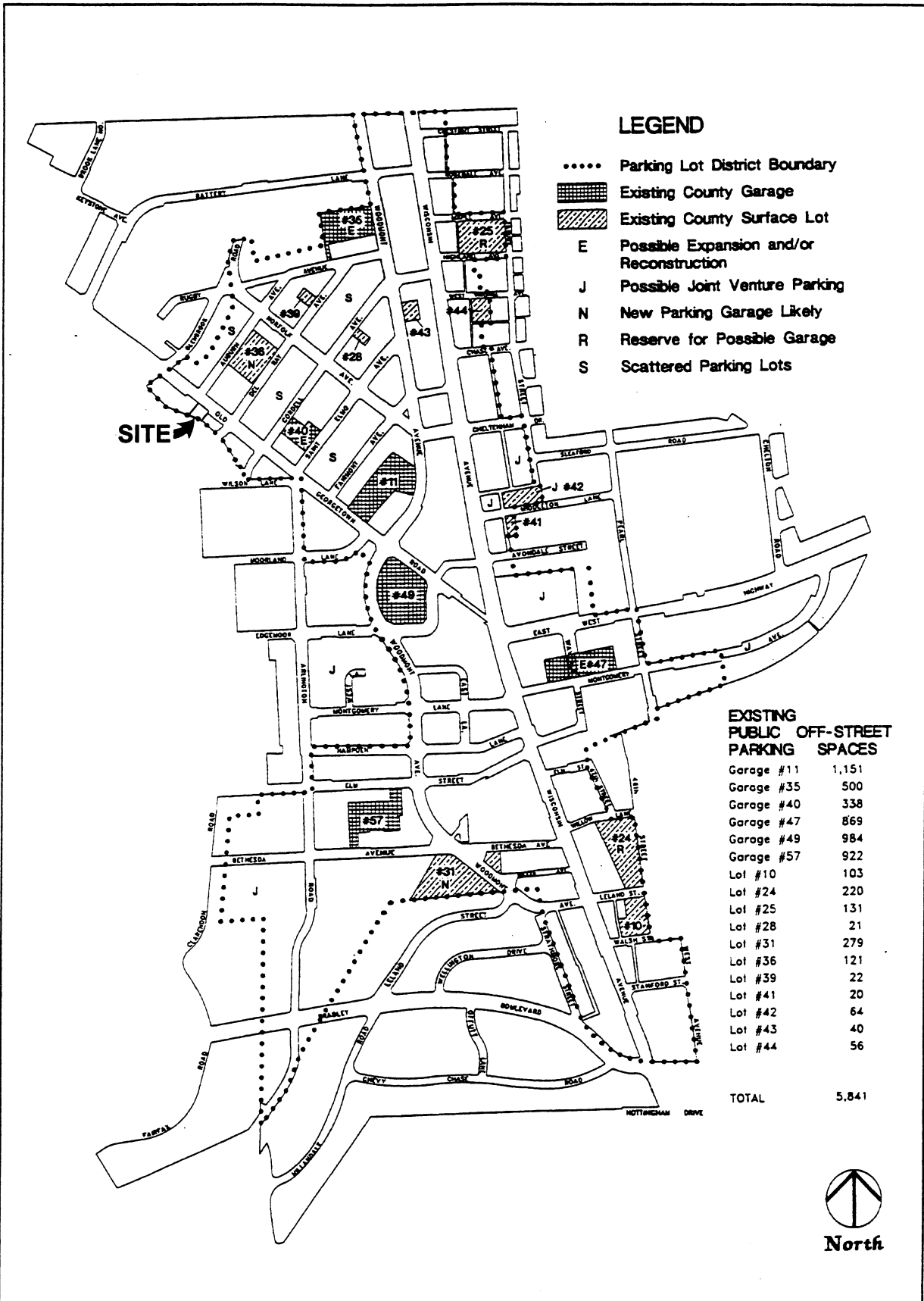
GENERAL NOTES

1. Boundary information based on Section No. 2, Battery Park record plat, by James H. Starkey, Plat Book 3, Plat No. 280, recorded August 24, 1923.
2. House location and improvements based on Location Drawing by Capitol Surveys, Inc. and field survey by P.G. Associates for Lot 7, and Site Plan by O.J. Hussey, AIA for Lot 8.
3. NR/FSD: Property is exempt from the requirements of Chapter 22A, Article II in accordance with Section 22A-5(s).
4. The property is not located within a special protection area.
5. There are no rock outcroppings, scenic views, or historic sites on the property.
6. This development is not dependent on any CIP project.
7. This development will occur in one stage.
8. The property is located within the Bethesda Parking Lot District and is identified in the Bethesda CBD Sector Plan as a property that may utilize public parking facilities to satisfy the requirements of Article 59-E, pursuant to Section 59-C-4.307(b) of the Zoning Ordinance.



page
88





Battery Park Citizens Association

Chartered 1927
7908 Glenbrook Rd.
Bethesda, MD 20814

November 25, 2002

Ms. Francoise M. Carrier
Director and Hearing Examiner
Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Avenue
Room 200
Rockville, Maryland 20850

RE: David Fogel and Ilana Bar-Levav/Rezoning Application
for 7920 Old Georgetown Road. Applicant G-802

Dear Ms. Carrier,

The Battery Park Citizens Association wishes to go on record as supporting this Application which would rezone the subject property from R-60 to C-T. The change is in keeping with the recommendation of the adopted Bethesda Central Business District Sector Plan. It will also permit a viable restoration of a deteriorated residential property and will be aesthetically compatible with abutting residential uses in Battery Park.

The Association also wishes to commend both the attorney (Mr. Robins) and the applicants for their forthright approach to and cooperation with our community on this matter. They came to Battery Park well before the filing to discuss their proposed use with the Association. They responded to our position that we could, in principle, support a C-T rezoning, but would not acquiesce to an application for a Special Exception. Our neighborhood is plagued along Old Georgetown Road by proliferating home occupations, special exceptions, occupancy of questionable legality and inadequate County enforcement. Mr. Robins, the applicants, and their design team then prepared plans for the-site and building restoration, appeared at our September meeting and received our endorsement. We wish all potential developers were as sensitive and forthcoming.

Sincerely,

Signed SM

Susan Garges
President

CC: The Hon. Derick Berlage, MNCPPC
Martin Klauber, Esq.
Steven A. Robins, Esq.