



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB
6/19/03
Item #2**

MEMORANDUM - DEVELOPMENT PLAN AMENDMENT

DATE: June 13, 2003
TO: Montgomery County Planning Board
VIA: John Carter, Chief, Community-Based Planning *JAC*
FROM: Bill Landfair, AICP, for the Department of Park and Planning *WRL*
SUBJECT: **Development Plan Amendment No. 03-2** – Sandy Spring Builders, LLC, requests an amendment to the development plan approved in Local Map Amendment G-720 to permit a mixed-use development consisting of six residential townhouses with 1,000 square feet of office within one of the units, 4905 Edgemoor Lane, Bethesda, TS-R Zone, Bethesda CBD Sector Plan

FILING DATE: March 21, 2003
PUBLIC HEARING: September 2003

RECOMMENDATION

The staff recommends **APPROVAL** of Development Plan Amendment No. 03-2.

The staff notes that the owner of an adjoining property is in opposition to the development plan amendment and has requested that a public hearing be held by the Hearing Examiner prior to consideration of the amendment by the District Council. At this time, the Hearing Examiner's office has tentatively scheduled the hearing for September 2003, with a final date to be determined.

SUMMARY

The applicant, Sandy Spring Builders, LLC, requests an amendment to the development plan approved in Local Map Amendment G-720. That development plan permits eight residential townhouses with no non-residential component as the approved land use for the subject property. The development plan amendment will permit a mixed-used development consisting of six residential townhouses with 1,000 square feet of office within one of the units. The subject property is located at 4905 Edgemoor Lane, Bethesda, in the TS-R Zone.

The staff finds that the proposed development will satisfy all of the requirements of the TS-R (Transit Station - Residential) Zone, will meet the requirements for a development plan amendment and bears sufficient relationship to the public interest to justify approval.

As noted above, an adjoining property owner is in opposition to the amendment because he believes it will adversely impact his property. He is also concerned about the future viability of his property, which is adjacent to the subject property on the north side. The property is zoned R-60 and recommended for the TS-R Zone in the Master Plan. However, it is too small to meet the minimum development standards for the zone. The applicant is aware of these concerns and expressed a willingness to discuss them with the property owner.

BACKGROUND

Subject Property - The subject property is located in the northeast quadrant of the intersection of Arlington Road and Edgemoor Lane. This location is just east of the Bethesda Central Business District (CBD) and within 1,000 feet of the Bethesda Metro Station. The property is comprised of 12,832 square feet and is identified as part of Lot 1, Block 14, Edgemoor Subdivision. It contains a residential structure, which is currently used as professional office. A driveway entrance from Arlington Road provides access to a small parking lot located in the rear.

Surrounding Area - The surrounding area is defined as bounded by Woodmont Avenue on the east, Moorland lane on the north, Hampden Lane on the south, and properties fronting on the west side of Arlington Road on the west. This area coincides with the area defined in G-720. To the north of the subject property are residential structures in the R-60 and TS-R Zones that have been converted into professional offices. To the east is a high-rise multi-family building in the TS-R Zone. Further to the east is the Bethesda CBD and the Bethesda Metro Station. Confronting to the south are residential townhouses in the TS-R Zone (approved under G-720). Confronting to the west are the playfields for the Bethesda Elementary School. The Bethesda Public Library is located diagonally across the intersection to the southwest. Further to the west is the Edgemoor single-family residential community in the R-60 Zone. The nearest home in that community is approximately 300 feet from the subject property.

Zoning and Land Use History - The subject property was zoned R-60 through the Regional District Zoning of 1954. This zoning was later reconfirmed in the County-wide Comprehensive Zoning of 1958, Sectional Map Amendment G-20 in 1977, and Sectional Map Amendment G-711 in 1994. In 1996, with the granting of G-720 by the District Council, the property was rezoned to TS-R. The subject property has also been the subject of a special exception application. In 1967, the Board of Appeals granted a special exception for a non-resident dental office in BA-2183. The Board revoked the special exception in 2002 because the property had been rezoned to TS-R and the office use is a permitted use in that zone making the special exception unnecessary.

Proposed Development – The applicant proposes to construct six residential townhouses with 1,000 square feet of office within one of the units. The townhouses will front along Arlington Road with a setback of 15 feet from the future property line (following dedication of seven feet for additional right-of-way) in accordance with the recommendation of the Sector Plan. As shown in the land use plan for the development plan amendment, the site design provides public use space along both the Arlington Road and Edgemoor Lane frontages (as previously approved in G-720) as well as private outdoor spaces for the residents. The private use space (identified as active and passive recreation on the land use plan) is provided by roof top terraces with direct access from each townhouse.

A total of 12 parking spaces will be provided on-site in conformance with Section 59-E-3.7 of the Zoning Ordinance. The garage spaces for five of the townhouses are located in the rear, lower level of the townhouses, and accessed from Edgemoor Lane. The southernmost end unit with the office space will have a separate driveway to provide a van accessible space (for use during office hours) within the unit for persons with disabilities. Off-site spaces will be provided for the remaining visitor/staff and resident parking in accordance with Section 59-E-3.4 of the Ordinance.

Approval Procedures - In addition to the development plan amendment, the review process for the proposed development includes review and approval of a Preliminary Plan of Subdivision and Site Plan by the Planning Board

ANALYSIS

Master Plan

Master Plan Compliance

The development plan amendment is in general conformance with the 1994 Bethesda Sector Plan. The subject property is located in the Transit Station Residential District identified in the Sector Plan as an area envisioned as being low-rise and high-density, with lower densities along Arlington Road to allow townhouse development and higher densities to the east near Woodmont Avenue. The proposed office within one of the residential townhouses is allowed in the TS-R Zone and is recognized as a compatible use in the Sector Plan.

Urban Design Guidelines

The proposed development will comply with the urban design guidelines in the Sector Plan in terms of height, setbacks and the location of parking. While the Sector Plan called for sloped roofs, the applicant has chosen a flat roof style, providing for roof top terrace space for the residents. The result is that the 35-foot height limit called for in the Sector Plan is met along Arlington Road, although the units may appear bulkier at the top that they would have, had they chosen sloped roofs. Flat roofs are prevalent in current housing market architecture.

The applicant will provide the Bethesda streetscape along Arlington and Edgemoor Roads. The 10% public use space provided on site along Arlington Road will be further defined when the proposal goes through site plan review.

Required Findings - There are five specific findings related to approval of a development plan amendment found in Section 59-D-1.61 of the Zoning Ordinance. These findings relate to compliance with the Master Plan, consistency with the requirements of the zone and compatibility with surrounding development, circulation and access, preservation of natural features, and perpetual maintenance of common areas. The required findings are set forth below:

- (a) *That the zone applied for is in substantial compliance with the use and density indicated by the master plan or sector plan, and that it does not conflict with the general plan, the county capital improvements program or other applicable county plans and policies.*

The subject property is presently zoned TS-R in accordance with the recommendations of the Bethesda CBD Sector Plan for the Transit Station Residential District (pages 80-85). The Sector Plan recommends mixed use for the subject property and permits office uses in locations fronting on Arlington Road. The Sector Plan recommends a minimum density of 45 dwelling units per acre everywhere except locations on Arlington Road, where there is no minimum density required in order to allow townhouse development at lower densities. The proposed mixed-use development will result in a density of 13 dwelling units per acre. The development will not be dependent on any CIP program.

- (b) *That the proposed development would comply with the [intent and] purposes, standards, and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.*

The proposed development will satisfy the requirements of the TS-R Zone and will provide for the maximum safety, convenience, and amenity of the residents of the development as well as be compatible with adjacent development. The development will comply with the urban design guidelines of the Sector Plan with

respect to building setbacks, height, and location of parking (page 85) and will implement the streetscape concepts previously established by other nearby TS-R developments. In terms of density, bulk, and arrangement of buildings, the development will provide an appropriate transition between the higher density uses located to the east and the single-family residential community to the west.

59-C-8.21. Intent.

The TS-R and TS-M zones are intended to be used as follows:

- (a) *Both the TS-R and TS-M zones are intended to be used in transit station development areas as defined in section 59-A-2.1, and the TS-R zone may also be used in areas adjacent to central business districts, within 1,500 feet of a metro transit station.*

The subject property is currently zoned TS-R and located in an area designated as a Transit Station Residential District by the Bethesda CBD Sector Plan (page 80). The site is approximately 1,000 feet from the Bethesda Metro Station.

- (b) *The TS-R zone is intended for locations where multi-family residential development already exists or where such development is recommended by an approved and adopted master plan.*

The surrounding area contains a number of multi-family residential developments in mid to high-rise buildings. The Master Plan's preferred form of development for the area is "a low-rise, high-density urban village" (page 82).

- (c) *The TS-M zone is intended for locations where substantial commercial or office uses already exist or where such uses are recommended by an approved and adopted master plan.*

Not applicable. The subject property is zoned TS-R.

- (d) *In order to facilitate and encourage innovative and creative design and the development of the most compatible and desirable pattern of land uses, some of the specific restrictions which regulate, in some other zoning categories, the height, bulk and arrangement of buildings and the location of the various land uses are eliminated and the requirement substituted that all development be in accordance with a plan of development meeting the requirements of this division.*

The proposed development will be in conformance with the development standards for the TS-R Zone as demonstrated in the following table:

DEVELOPMENT STANDARDS

	<u>Required/Permitted</u>	<u>Proposed</u>
Minimum Area (59-C-8.41):	18,000 s.f. min.	n/a
DENSITY OF DEVELOPMENT		
Floor Area Ratio (59-C-8.42(a)):	2.5 FAR max.	1.5 FAR (19,771 s.f.)
Dwelling Units Per Acres (59-C-8.42.(b)):	150 d.u./ac.max. (70 d.u.'s)	13 d.u./ac (6 d.u.'s)
OPEN SPACE		
Public Use Space (59-C-8.43(a)):	10% NTA min. (1,085 s.f.)	10% (1,085 s.f.)
Active & Passive Recreation (59-C-8.43(b)):	20% NTA min. (2,170 s.f.)	20% (2,170 s.f.)
Total Open Space:	30% NTA min.. (3,255 s.f.)	30% (3,255 s.f.)
PARKING TABULATION (59-E-3.7)		
6 townhouse d.u.'s @ 2 parking spaces per d.u.	12 spaces	12 spaces
900 s.f. Med. Office @ 4 spaces per practitioner	4 spaces	
Parking Credits (59-E-3.33)		
- Location within a CBD (10%)	0.4 spaces	
- Location within 1,600 ft. of Metrorail Station (5%)	<u>0.2 spaces</u>	
Commercial Subtotal	4 spaces	4 spaces
TOTAL SPACES	<u>16 spaces</u>	<u>16 spaces*</u>

* Each townhome contains a two-car garage. During office hours, the garage for the townhouse that includes the practitioner's office will be used for one van accessible space for persons with disabilities. Off-site spaces will be secured for the remaining visitor/staff and resident parking in accordance with section 59-E-3.4.

TRACT AREA TABULATION

Gross Tract Area (GTA)	20,332 s.f
- Area Previously Dedicated to Public Use	7,500 s.f
Residue	<u>12,840 s.f.</u>
- Area to be Dedicated to Public Use	1,245 s.f.
Net Tract Area (NTA)	<u>11,589 s.f.</u>

59-C-8.22. Purposes of the TS-R zone.

- (a) *To promote the effective use of the transit station development areas and access thereto;*

The proposed development will utilize the flexible development standards of the TS-R Zone to implement the specific recommendations of the Sector Plan for the Transit Station Residential District. The project will utilize the existing improved public roadway system for vehicular access and will implement streetscape concepts along the property frontage for improved pedestrian access.

- (b) *To provide residential uses and certain compatible non-residential uses within walking distance of the transit stations;*

The proposed development will provide the mix of uses recommended by the Sector Plan within a convenient walking distance (approximately 1,000 feet) of the Bethesda Metro Station.

- (c) *To provide a range of densities that will afford planning choices to match the diverse characteristics of the several transit station development areas within the county; and*

The proposed development will provide townhouses with an overall density of 13 dwelling units per acre consistent with the recommendation of the Sector Plan. This density and unit type will provide an appropriate transition between the higher density uses located to the east and the single-family residential community to the west.

- (d) *To provide the maximum amount of freedom possible in the design of buildings and their grouping and layout within the areas classified in this zone; to stimulate the coordinated, harmonious and systematic development of the area within the zone, the area surrounding the zone and the regional district as a whole; to prevent detrimental effects to the use or development of adjacent properties or the surrounding neighborhood; to provide housing for persons of all economic levels; and to promote the health, safety, morals and welfare of the present and future inhabitants of the regional district and the county as a whole.*

The proposed development contributes to the coordinated, harmonious and systematic development of the surrounding area by being consistent with the land use and urban design recommendations of the Sector Plan, implementing the streetscape concepts previously established by other nearby TS-R developments, and establishing an appropriate transition

with neighboring uses based on density, setbacks, bulk, and building arrangement.

- (c) *That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.*

The proposed development will improve the vehicular and pedestrian circulation systems relative to existing conditions. The existing driveway on Arlington Road will be eliminated improving the movement of traffic along the roadway, which is designated as an Arterial. Access for the development will be limited to two driveways on Edgemoor Lane, which is designated as a Business District street. Improvement of the streetscape will benefit the existing pedestrian network along both Arlington Road and Edgemoor Lane and will connect with the public use space provided on site.

- (d) *That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3.*

The proposed development will minimize grading to prevent soil erosion and preserve the natural features of the site. The submitted Natural Resource Inventory/Forest Stand Delineation indicates no forest or specimen trees on site. There are no forest conservation requirements to preserve natural vegetation or other natural features. There are no requirements for water resource protection beyond those required for Department of Permitting Services permits. There will be an increase in the amount of imperviousness but this is relatively small given the amount of existing imperviousness on the site. Approximately 30 percent of the property will be open space and extensive landscaping and streetscape is proposed.

- (e) *That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient.*

The applicant has submitted pro forma Homeowners Association documentation with the development plan amendment describing the responsibilities of the Association members in regards to the perpetual maintenance of recreational, common, and quasi-public areas. The applicant understands that this documentation will be required at site plan review.

Transportation

Local Area Transportation Review (LATR)

The development plan approved in G-720 for eight residential townhouses results in a trip generation rate of four vehicle trips in both the morning and evening peak hour of the weekday peak period. The development plan amendment proposing six townhouses with 1,000 square feet of office within one of the units will generate five vehicle trips in both the morning and the evening peak hour of the weekday peak period. Therefore, the amendment will result in one additional trip in both peak hours. The total vehicle trip generation remains below the 50-trip threshold requiring a traffic study. Therefore, transportation planning staff has no objection to approval of this application as it relates to LATR.

Site Access and Circulation

The proposed internal vehicular and pedestrian circulation systems and points of external access are deemed safe, adequate, and efficient.

Policy Area Review/Staging Ceiling Analysis

The site is located within the Bethesda CBD Policy area, which has a remaining capacity of 847 jobs and 414 housing units as of May 31, 2003.

Environment

Forest Conservation

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) has been approved for this site. A Forest Conservation Plan (FCP) exemption has been granted because the proposed activity occurs on a tract less than or equal to 1.5 acres in size, where there is no existing forest, afforestation requirements would be less than 10,000 square feet, and no specimen or champion trees will be disturbed.

Environmental Guidelines

The subject property is not located within a Special Protection Area or inside a 100-year floodplain boundary. There are no streams or stream valley buffers within the property.

Watershed Protection

The property is in the Willett Branch subwatershed of the Little Falls Watershed. The *Countywide Stream Protection Strategy* (CSPS) lists the Willett Branch as having poor stream and habitat conditions. Seventy percent of the stream channel is enclosed in storm drains or in a concrete lined ditch.

Impervious surface from the existing house and parking lot cover approximately half the site. The amount of additional imperviousness resulting from the proposed development is relatively small (approximately 3,000 square feet), but it does contribute to a higher velocity of water runoff during a storm and could eventually lead to increased soil erosion downstream. If there is a sufficient amount of increased runoff, coupled with runoff from properties draining onto the proposed development, the Department of Permitting Services (DPS) will likely require that the water runoff be treated for quality control with a best management practice measure. An approved stormwater management plan illustrating compliance with DPS regulations is required prior to preliminary plan approval. In addition, the Little Falls watershed in which this project is located is heavily impacted by urbanization and much of it has been channelized in the upper reaches.

Noise, Air Quality, and Dust

Noise is not expected to adversely affect this site. Furthermore, this use is not expected to present noise issues. The proposed land use is not expected to degrade air quality nor is dust expected to be a problem.

Community Issues – The owner of the adjoining property to the north is in opposition to the development plan amendment because he believes that it will adversely impact his property. Specifically, the property owner is concerned about the four-foot building setback from the side yard of his property. Staff notes that the development plan approved in G-720 proposed no setback from the property line. The property owner is also concerned about the future viability of his property, which is zoned R-60 and improved by a residential structure that has been used as an office. The County Department of Permitting Services recently determined that this office was illegal because it did not have a special exception. The property is recommended for the TS-R Zone in the Master Plan but is too small to meet the minimum development standards for the zone. The applicant is aware of these concerns and expressed a willingness to discuss them with the property owner.

The applicant has met several times with the Edgemoor Citizens Association. Staff understands that while the Association has not taken an official position, it has not expressed any opposition to the amendment. Staff has discussed the application with a number of residents in the surrounding area. With the exception of two citizens, who expressed concerns regarding the proposed office, there was general support for the amendment.

Conclusion - Upon review of the development plan amendment the staff finds that the proposed development satisfies all of the requirements of the TS-R Zone, meets the requirements for a development plan amendment and bears sufficient relationship to the public interest to justify approval.

Attachments