



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

JUL 23 2013

MCPB No. 13-104
Site Plan No.8 20130150
Edgemoor
Date of Hearing: July 11, 2013

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on February 14, 2013, 4825 Montgomery Lane, LLC ("Applicant") filed an application for approval of a site plan for one building with four multi-family units, 65 feet in height on 0.149 of an acre (6,525 square feet) of TS-R zoned-land, located approximately 250 feet west of the intersection of Woodmont Avenue and Montgomery Lane, Lot 23, Block A of the Edgemoor Subdivision ("Subject Property"), in the Bethesda CBD Policy Area, Bethesda Central Business District Sector Plan ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820130150, Edgemoor ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated June 28, 2013, setting forth its analysis, of and recommendation for approval, of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 11, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the Hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below:

Approved as to
Legal Sufficiency

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
M-NCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820130150 for one building with four multi-family units, 65 feet in height for 0.149 of an acre (6,525 square feet), the Subject Property, subject to the following conditions:¹

Conformance with Previous Approvals

1. Development Plan Conformance

The Applicant must comply with binding elements of County Council Resolution No. 17-626 approving Local Map Amendment G-908.

2. Preliminary Plan Conformance

The Applicant must comply with conditions of approval for Preliminary Plan No 1-2013012, as listed in the Planning Board Resolution, unless amended.

Environment

3. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any use and occupancy certificate, the Applicant must inform M-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to staff a written report for public record purposes only from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.

4. Stormwater Management

The development is subject to Stormwater Management Concept approval conditions dated February 3, 2013 unless amended and approved by Montgomery County Department of Permitting Services (MCDPS).

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

Site Plan

5. Landscape

Prior to submission of a certified site plan and subject to review and approval by Staff, the Applicant must submit a revised landscape plan to include foundation plantings and ground cover along the building's eastern façade and additional plantings in the planting strip adjacent to the retaining wall along the eastern lot line.

6. Surety

Prior to issuance of the first building permit, the Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The Applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety must include plant material and on-site lighting within the relevant phase of development.
- c. Prior to issuance of a building permit, the Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the applicant and incorporates the cost estimate.
- d. The bond/surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

7. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by MNCPPC staff prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Off-site frontage improvements, including sidewalks, street trees, and lighting, must be installed prior to issuance of the final use and occupancy permit. Street tree planting may wait until the next growing season.
- b. On-site amenities including, but not limited to, sidewalks, retaining walls, and trash receptacles must be installed prior to release of final use and occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the final sediment control plan, and M-NCPPC inspection and approval of all tree areas.
- d. The development program must provide phasing for installation of on-site landscaping and lighting.

- e. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, and other features.
- f. The Applicant must complete all frontage and internal access improvements as shown on the Site Plan prior to receiving an occupancy permit.

8. Certified Site Plan

- a. No clearing, grading or recording of plats prior to certified Site Plan approval.
- b. The Site Plan must reflect the additional landscaping adjacent to the building's foundation (eastern façade) and in the planting strip between the walkway and retaining wall along the eastern property line.

BE IT FURTHER RESOLVED, that all site development elements as shown on Edgemoor drawings stamped by the M-NCPPC on May 23, 2013 for the Site Plan and June 5, 2013 for the landscape plan are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64,*

The Site Plan conforms to all non-illustrative elements of the development plan and all binding elements of County Council Resolution No. 17-626 which approved Local Map Amendment G-908 and rezoned the Subject Property from the R-60 zone to the TS-R zone. The following binding elements were included in approval of the development plan:

1. *Density: Maximum number of dwelling units is 4.*
2. *Building Height will be 5 floors.*
 - *A maximum height to the top of the roof is 65 feet.*
 - *A maximum height to the top of the parapet wall is 69 feet.*
3. *The primary pedestrian entrance to the proposed building shall be from Montgomery Lane.*
4. *The Applicant must provide dedication along the Subject Property's frontage on Montgomery Land and along the Subject Property's frontage on West Lane.*
5. *Vehicular access to the Subject Property will be from West Lane.*

The Application calls for four units to be constructed in one multi-family building. The maximum height will be 69 feet to the top of the parapet wall. To the top of the roof, the building will be 65 feet. The building as designed will have its primary entrance for pedestrians on Montgomery Lane. The Site Plan and concurrent Preliminary Plan show dedication along both Montgomery and West Lanes of 1.0 feet and 2.5 feet respectively. West Lane will serve as the vehicular access point to the Subject Property as all the garage units are located along West Lane. The Site Plan conforms to all non-illustrative elements of the approved Development Plan

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the TS-R Zone.

Data Table for TS-R Zone

PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan
Minimum Tract Area	18,000 sf	6,525 sf ¹
Building Height	N/a	65 ft ²
Number of Units	N/a	4 ³
Density of Development		
Floor Area Ratio	2.5	2.5
Maximum Residential Dwelling Units per Zoning	150	27
Building Setbacks		
West Lane	N/a	19 ft
Montgomery Lane	N/a	19 ft
Open Space		
Minimum Public Use Space	10% (622 sf)	10% (630 sf)
Minimum active/passive recreation	20%(1,244 sf))	21% (1,344 sf)
Total minimum open space	30%(1,866 sf)	31% (1,974 sf)
Parking	8 spaces	8 spaces
MPDUs	n/a	N/a

¹Under Section 59-C-8.41(1) (A) and (B) of the Zoning Ordinance a property less than 18,000 square feet is permitted.

² Bethesda CBD Sector Plan recommended height limit is 65 feet, as determined by MCDPS at the time of Site Plan.

³Limited to four dwelling units by a binding element of the Development Plan (G-908)

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Buildings and Structures

The building's main entrance will be on Montgomery Lane in keeping with the Master Plan's recommendation of building entrances on this street to activate it with pedestrian activity. This entrance also provides easy access to the existing network of sidewalks in the surrounding neighborhood. The footprint of the building is designed to fully utilize the lot's small size. LEED (Leadership in Energy and Environmental Design) is incorporated into the design of both the building and site. The building's location provides ease of access to the Bethesda Metro Station approximately 1,000 feet east of the Site on Wisconsin Avenue. The Board finds the location of the building's entrance is adequate and efficient, while fulfilling the Master Plans' recommendation for a pedestrian oriented mixed street.

b. Open Space

The open space area is safe, adequate, and efficient. It consists of an enclosed courtyard along the development's eastern lot line, which serves as the active passive recreation space for the project. The courtyard contains a brick walkway that provides access from Montgomery Lane to the building's courtyard entrance as well as around the building and serves as a secondary access point for residents and deliveries. The open space area is provided by a courtyard along the development's eastern lot line. Landscaping and lighting are provided to enhance this open space. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent properties. Additionally, each unit will have a balcony that will provide outdoor open space for residents. Public open space is provided by the new lighting, brick sidewalks and enhanced landscaping along both Montgomery and West Lanes. The open space is adequate and efficiently provides a safe and comfortable environment for future residents. This Application exceeds the 30 percent requirement for open space by providing 10 percent of the site area as public open space and 21 percent of the site as active/passive open space.

c. Landscaping

The landscape plan creates a safe and efficient pedestrian experience along Montgomery Lane with street trees, shrubs and new lighting. A trellis is located adjacent to each garage door. This trellis will be landscaped with vines and flowering shrubs and provide shade and vegetation to a defined architectural façade. It will also add an element of interest to residents and pedestrians in the neighborhood. In addition, landscaping efficiently screens the transformer and concrete pad in the front yard. The courtyard, its walkway and trees define the open space and create an identity for this small space. As conditioned, the landscaping proposed for the courtyard will provide additional foundation plantings, such as shrubs and ground cover, along the building's foundation (eastern façade) and between the retaining wall and walkway along the eastern property line. These additional plant materials will soften views of the building's base and the retaining wall and create a more pleasant experience for project's future residents and visitors to the site.

d. Recreation Facilities

Under the 1992 M-NCPPC Recreational Guidelines, this project is exempt from the requirement to provide recreational facilities because it contains fewer than 25 single family dwelling units. However, there are several M-NCPPC facilities located nearby that offer recreational opportunities to future residents. These facilities include: Caroline Freeland Urban Park located at the intersection of Hamden Lane and Arlington Road less than a ¼ mile from the site; the Capital Crescent Trail beginning at corner of Bethesda and Woodmont Avenues roughly less than a 0.25 mile from the site; and the Elm Street Urban Park located on Elm Street, east of Wisconsin Avenue roughly slightly less than 0.75 mile from the site.

e. Pedestrian and Vehicular Systems

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Safety is enhanced by the provision of a new sidewalk on West Lane where none exists now. With these recommended Site Plan improvements, there will be minimal impacts to pedestrian circulation. The vehicular circulation into the site has been design to safely channel traffic from West Lane into each private garage entrance. Additionally, Montgomery Lane is a one-way street (westbound) from its intersection with Woodmont Avenue to West Lane. This traffic restriction will ensure that the development does not create traffic impacts in the surrounding neighborhood and provides an efficient, adequate and safe atmosphere for pedestrians and vehicles.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The Site Plan is compatible with adjacent development in the surrounding area. The majority of the surrounding properties are zoned TS-R and have been developed with multi-family buildings or townhouses. The structure has been designed to ensure compatibility with these existing structures through the use of comparable building heights and an architectural design that complements the confronting townhouses on Montgomery Lane and does not overwhelm the site or surrounding properties with its bulk or scale.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Site Plan is exempt from the requirements of Chapter 22A regarding the Forest Conservation Law. The MCDPS Stormwater Management Section approved the stormwater management concept on February 3, 2013.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 23 2013 (which is the date that this resolution is mailed to all parties of record); and

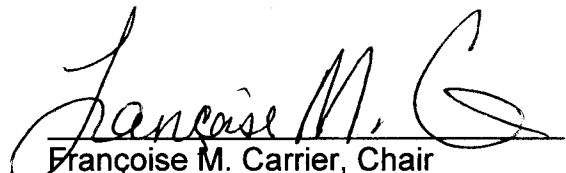
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Anderson, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Presley voting in favor, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, July 11, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board