



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Item #**  
**MCPB 5-31-07**

**MEMORANDUM**

**DATE:** May 21, 2007  
**TO:** Montgomery County Planning Board  
**VIA:** Rose Krasnow, Chief *R&K*  
 Robert Kronenberg, Acting Supervisor *R&K*  
 Development Review Division  
**FROM:** Elza Hisel-McCoy, Assoc. AIA, LEED-AP *EH*  
 Development Review Division  
 (301) 495-2115



**REVIEW TYPE:** **Limited Site Plan Amendment**  
**PROJECT NAME:** 4933 Fairmont Avenue  
**CASE #:** 82004009A  
**APPLYING FOR:** Approval for additional building area to enclose an exterior exit stair  
**REVIEW BASIS:** Div. 59-D-3.7 of Montgomery County Zoning Ordinance.

**ZONE:** CBD-2  
**LOCATION:** Fairmont Avenue, 200 feet east of Old Georgetown Road  
**MASTER PLAN:** Bethesda CBD

**APPLICANT:** Rickman Development Limited Partnership  
**FILING DATE:** October 30, 2006  
**HEARING DATE:** May 31, 2007

**STAFF RECOMMENDATION:** Staff recommends **Approval** of Site Plan Amendment (82004009A) for additional building area to enclose an exterior exit stair. The terms and conditions of all applicable prior regulatory approvals and agreements, including the approved Site Plan (820040090), remain in full force and effect, except as modified by this amendment.

**Summary**

**Plan Approval**

The Planning Board approved Site Plan 820040090 with conditions on January 15, 2005, for 2,581 square feet of commercial office, and 2,625 square feet of residential on 0.08 acres. The certified site plan was approved on April 28, 2004.

## Analysis of the Limited Amendment

### Background

In 2004, the Applicant received Planning Board approval for the construction of a 4-story mixed use building in the Bethesda CBD, in what was then the CBD-1 zone (the site is now CBD-2). Currently under construction, the building is expected to feature ground floor retail, second story office, and two floors of residential, with one apartment per floor. In 2006, the Montgomery County Department of Permitting Services required the building owner to enclose an open stair at the rear of the building. As this action modifies the built area of the building and, therefore, its FAR, lot coverage, and rear setback, the Applicant submitted a site plan amendment on October 30, 2006.

### Applicant's Requests

This site plan amendment modifies the approved site plan to enclose an open staircase at the rear of the building. These changes are limited to:

1. Increase the allowable non-residential area from 2,581 square feet to 2,801 square feet, an increase of 220 square feet;
2. Increase the allowable total building area from 5,206 gross square feet to 5,722 gross square feet, an increase of 512 square feet, inclusive of the additional 220 square feet of non-residential area;
3. Increase the building lot coverage from 57.6 percent (1,512 square feet) to 68.8 percent (1,805 square feet);
4. Decrease the rear building setback from 27 feet, 5 inches, to 22 feet, 9 inches, a reduction of 4 feet, 8 inches.

### Staff Position

In response to the Applicant's proposal, staff finds that:

1. The increase in allowable non-residential area yields an FAR of 0.83, well within the maximum 2 FAR (6,750 square feet) allowed by the CBD-2 zone;
2. The increase in allowable total area yields an FAR of 1.7, well within the maximum 3 FAR (10,125 square feet) allowed by the zone;
3. The increase in building lot coverage is within the 75 percent allowed by the zone;
4. The decreased rear building setback is greater than the minimum 15 feet required by the zone.

Staff finds the proposed amendment to be consistent with the provisions of Section 59-D-3.7 of the Montgomery County Zoning Ordinance for site plan amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan. Therefore, Staff recommends **APPROVAL** of the Site Plan Amendment for 4933 Fairmont Avenue (Site Plan No. 82004009A) for modifications to the approved site plan.

### **ATTACHMENTS:**

- A. Site Description and Vicinity Map
- B. Planning Board Opinion for Site Plan 819860380

## ATTACHMENT A

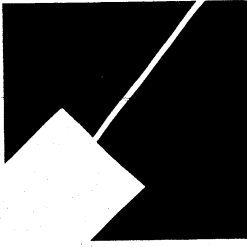
### Site Description and Vicinity

This property is located on Fairmont Avenue in the Bethesda CBD, between Old Georgetown Road and Norfolk Avenue.



ATTACHMENT B:  
PLANNING BOARD OPINION FOR SITE PLAN 82004090

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

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**MONTGOMERY COUNTY PLANNING BOARD**

**OPINION**

**DATE MAILED:** January 16, 2004  
**SITE PLAN REVIEW #:** 8-04009  
**PROJECT NAME:** 4933 Fairmont Avenue, Bethesda

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*Action: Approval subject to conditions. Motion was made by Commissioner Robinson, seconded by Commissioner Wellington, with a vote of 5-0, Commissioners Berlage, Robinson, Bryant, Perdue and Wellington voting for.*

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The date of this written opinion is January 16, 2004, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before February 16, 2004 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this Site Plan shall remain valid for as long as Lot 63, Plat Book C, Page 38 is valid, and as provided in Section 59-D-3.8.

On January 15, 2004, Site Plan Review #8-04009 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with the approved development plan or a project plan for the optional method of development if required;*
2. *The Site Plan meets all of the requirement of the CBD-1 zone;*
3. *The location of the buildings and structures, the open spaces, the landscaping, and the pedestrians and vehicular circulation systems are adequate, safe, and efficient;*
4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development;*
5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation;*



**STAFF RECOMMENDATION FOR SITE PLAN:** The staff recommends approval of Site Plan #8-04009 for 2,581 gross square feet (gfs) of commercial and 2,625 square feet of residential in the CBD-1 Zone on approximately 2,625 square feet, with the following conditions:

1. Signature Set  
Prior to signature set approval of the site/landscape plans the following revisions shall be made and/or information provided, subject to staff review and approval:
  - a. Show all easements, Limits of Disturbance, Rights-of-way, development program inspection schedule, opinion, numbers and dates of approval on the drawing;
2. Public Use Space  
The proposed on-site public use space shall not be less than the proposed 262.5 square feet or 10 percent of the net lot area of the site. The proposed off-site public use space shall not be less than 10 percent (250 square feet), with a total combined on-site and off-site public use space of 20 percent (512.5 square feet). The space shall be easily and readily accessible to the general public and used for public enjoyment.
3. Streetscape  
Landscape and Lighting plan to show the following:
  - a. Provide streetscape improvements on the north side of Fairmont Avenue along the frontage of the property in accordance with the Bethesda Streetscape Plan (April 1992). Improvements to include replacement of existing sidewalk, relocation of curb, special paving along the frontage of the property, installation of one 4-4.5" caliper 'Green Vase' Zelkova within a tree well as specified in the Bethesda Streetscape Plan;
  - b. Provide planting details and notes;
  - c. Provide details for all proposed paving materials;
  - d. The applicant shall accept the maintenance and responsibility for the proposed improvements within the on-site public use area;
  - e. All utilities to be located underground along the frontage of the subject property parallel to Fairmont Avenue.
4. Site Plan Enforcement Agreement  
Submit a Site Plan Enforcement Agreement, including Development Program for review and approval prior to approval of the signature set as follows:
  - a. Development Program to include a phasing schedule as follows:
    - 1) Street tree planting, streetscape, on-site and off-site amenities must be installed as the building is completed;
    - 2) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
    - 3) Coordination of each section of the development and roads;
    - 4) Phasing of dedications, stormwater management, sediment and erosion control, public use spaces and amenities or other features;
  - b. No clearing or grading prior to M-NCPPC approval of signature set of plans.
5. Stormwater Management

Condition of MCDPS stormwater management concept approval dated September 18, 2003.

6. Transportation Planning

Remove the central curb cut from Fairmont Avenue and install a handicapped accessible ramp consistent with the approval from the Montgomery County Department of Public Works and Transportation.

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