



**4311 Montgomery Avenue, Local Map Amendment, G-913**



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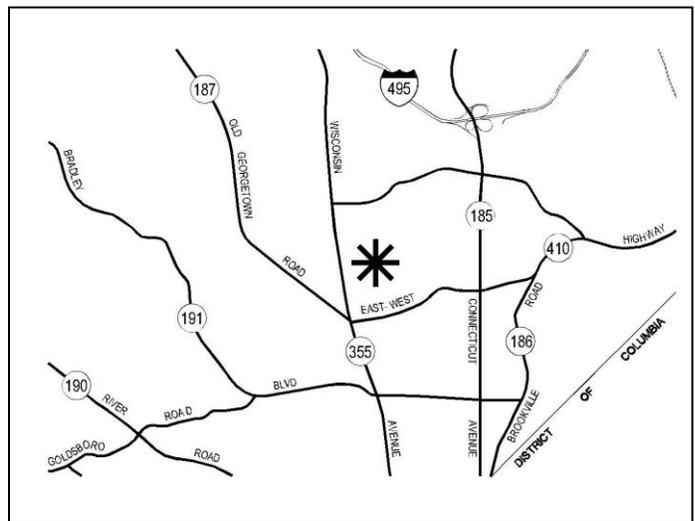


Robert Kronenberg, Acting Chief, Area 1, Robert.kronenberg@montgomeryplanning.org, 301-495-2187

**Completed: 10/19/12**

**Description**

- Located at 4705 West Virginia Avenue, east of the intersection with Wisconsin Avenue
- R-60, 1994 Bethesda CBD Sector Plan, 8,550 square feet
- Requesting a Local Map Amendment with a Schematic Development Plan to rezone the property to C-T
- Applicant: 4311 Montgomery Avenue, LLC
- Submitted date: July 9, 2012 (ZHE)
- Hearing Examiner date: November 16, 2012



**Summary**

Staff Recommendation: Approval of the C-T Zone with the accompanying Schematic Development Plan

The subject application consists of one lot, totaling 8,550 square feet, located at 4705 West Virginia Avenue in Bethesda. The applicant is requesting a rezoning of this area from the R-60 Zone to the C-T Zone. The lot is improved with a one-family detached residential dwelling unit. The zoning request for the C-T Zone proposes to retain the existing dwelling unit, and utilize C-T zone development standards that will allow for modest expansion in the future. The proposed use is general office.

The application complies with the purpose clause of the C-T Zone, the proposed development is compatible with existing uses in the area, and the applicant's proposal is generally consistent with the 1994 Bethesda CBD Sector Plan recommendations for the site. Staff recommends that, if the application is approved, parking, landscaping, and screening undergo detailed review at the site plan stage.

**RECOMMENDATION:** Staff recommends **approval** of Local Map Amendment G-913 for the following reasons:

- 1) The proposed Local Map Amendment is consistent with the purpose clause of the C-T zone.
- 2) The proposed Local Map Amendment conforms to the Bethesda Central Business District (“CBD”) Sector Plan.
- 3) The requested Commercial-Transitional (C-T) zone is compatible with the surrounding uses.

### **DATA SUMMARY**

Current Zone and Use:	The site is zoned R-60 and developed with a one-family detached dwelling unit.
Purposed Zone and Use:	The C-T zone is proposed for this site. The schematic development plan proposes general office use within the existing one-family dwelling unit on the site.
Sector Plan Consistency:	The project complies with the recommendations contained in the Approved and Adopted Bethesda CBD Sector Plan.
Maximum FAR:	Required: 0.50; Existing Building 0.475
Maximum Lot Coverage:	Required: 30%; Existing Building 29.85%
Minimum Green Area:	Required: 10%; Existing Building 45.55%
Building Height:	Required: 24 ft.; Existing Building 23 ft.

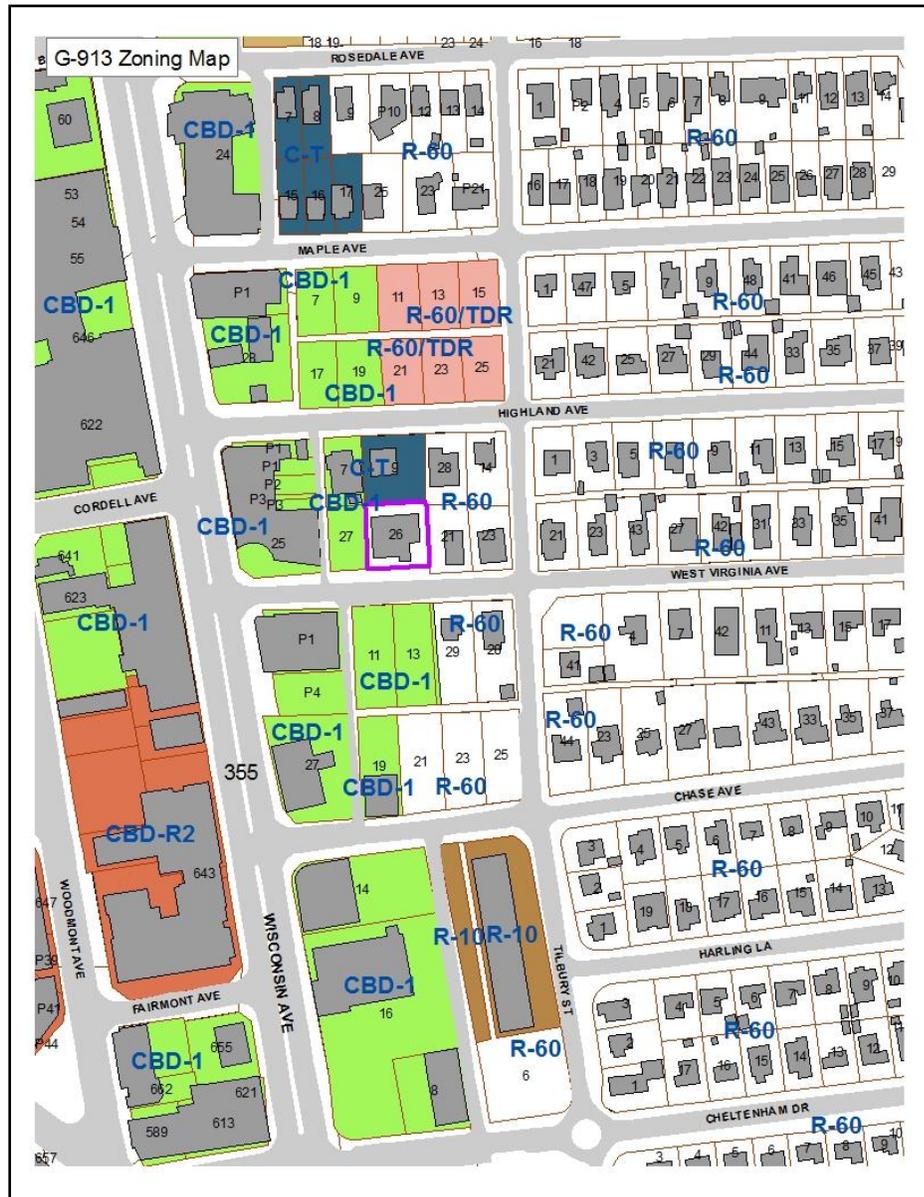
### **BACKGROUND**

The Applicant, 4311 Montgomery Avenue, LLC, for G-912 seeks a local map amendment (rezoning), pursuant to §59-H-1.1 of the Montgomery County Zoning Ordinance, to reclassify a 8,550 square foot lot from the R-60 Zone to the C-T Zone.

The application was filed under the optional method of application process, which allows the applicant to restrict development standards or use of the property to less than the maximum permitted in the requested zone. Such binding limitations are shown on a schematic development plan that is submitted with the application, and these limitations, if approved, must also be reiterated in covenants filed in the land records of Montgomery County.

The Office of Zoning and Administrative Hearings has scheduled a public hearing date for this application on November 16, 2012, in the Stella B. Werner Council Office Building at 100

Maryland Avenue, Rockville, Maryland. Before the Hearing Examiner's proceedings, the Montgomery County Planning Board will conduct a public hearing of the application on November 1, 2012, at 8787 Georgia Avenue, Silver Spring, Maryland.



## DESCRIPTION OF PROPERTY

The subject site is located at 4705 West Virginia Avenue in Bethesda. The site, Lot 26, is 8,550 square feet in size and rectangular in shape, measuring approximately 90 feet wide and 94 feet deep, with about 90 feet of street frontage along West Virginia Avenue. The property is relatively flat. The adjacent property to the west of the subject site is used as a parking lot for nearby commercial uses in the CBD-1 zone. Further west are commercial properties also zoned CBD-1. Immediately north of the subject site is a building that is residential in character but

used as office space in the C-T zone. The adjacent property to the east is zoned R-60 and contains a one-family detached residential dwelling unit. South of the subject site across West Virginia Avenue is a parking lot, Lot 44, which is owned and operated by Montgomery County. The Bethesda metro station is approximately 1600 feet away.



*Front view of Lot 26 from West Virginia Avenue*

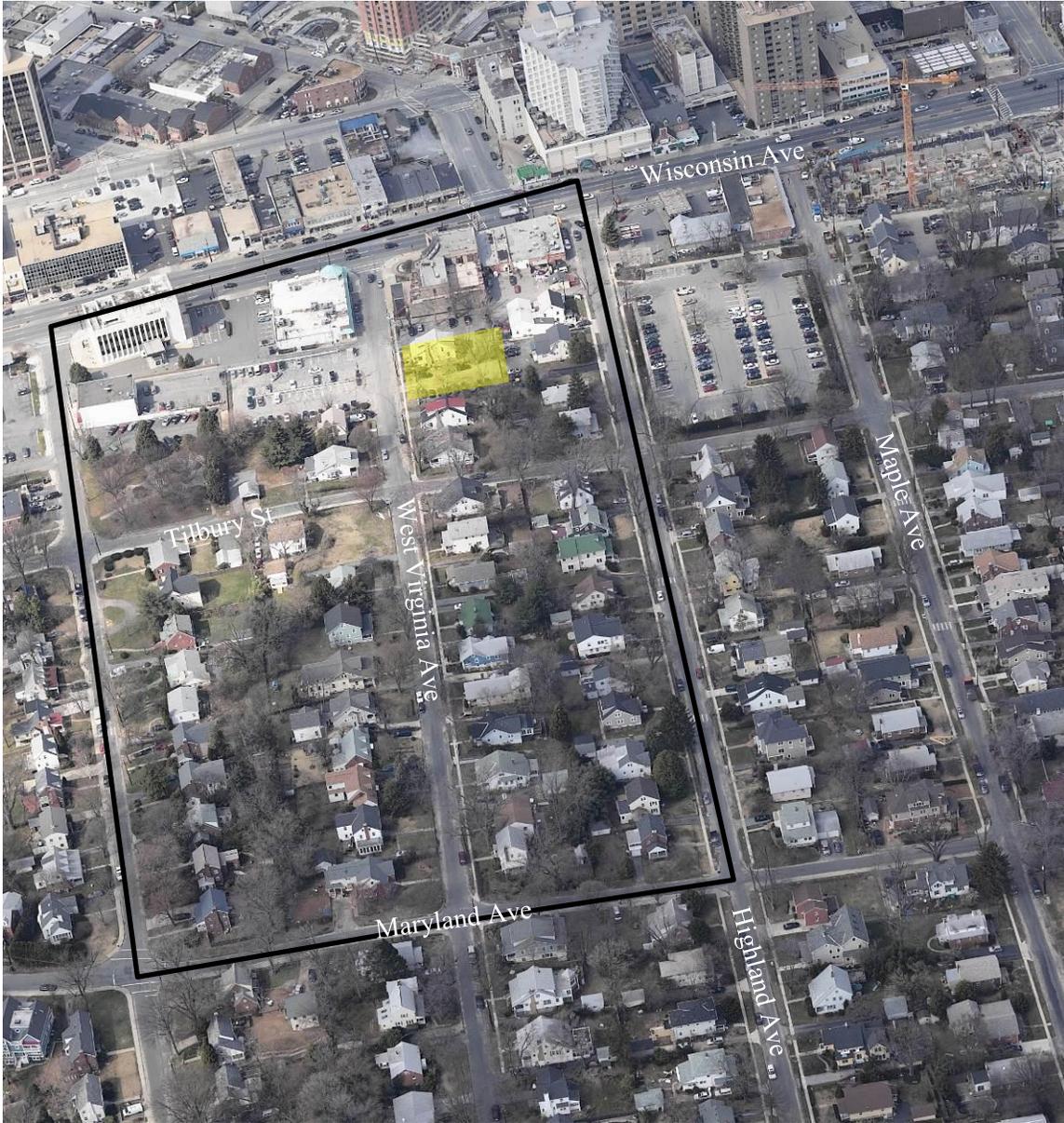


*Rear view of Lot 26*

## **SURROUNDING AREA**

A surrounding area must be identified in a floating zone application so compatibility can be properly evaluated. For the subject site, the surrounding area is generally formed by Wisconsin Avenue to the west, Highland Avenue to the north, Maryland Avenue to the east, and Chase Avenue on the south. This area is appropriate for determining whether the proposed zone will be compatible with surrounding uses because it uses Wisconsin Avenue, which is a major arterial roadway, as a clear demarcation between more dense development to the west of the roadway and less dense development on the east. The boundary also captures surrounding properties that may be affected by the rezoning. An aerial image of the selected neighborhood is depicted on the following page.

The area to the east of the defined neighborhood is residential in character, made up of a mix of older one-family homes as well as more recently redeveloped lots containing single-family homes zoned R-60. A commercial property zoned C-T is directly north of the subject property. The parking lots on the west and south of the subject property are zoned CBD-1, and further west across Wisconsin Avenue is the Bethesda Central Business District.



*Selected Neighborhood*

**PROPOSAL**

The applicant is not proposing any construction or changes to the current building on the property at this time, however, the applicant has introduced binding elements that will allow for expansion of the 4,062 square foot building in the future to a building of up to 4,275 square feet in size. The C-T zone, with the proposed binding elements, would allow the applicant to use the two story structure as general office space rather than for residential purposes.

The existing house footprint is centrally located on the lot and complies with the development standards of the R-60 zone. It is set back 17.7 feet from the eastern property line, 15.2 feet from the western property line, 25.3 feet from the rear property line, and 25.1 feet from the

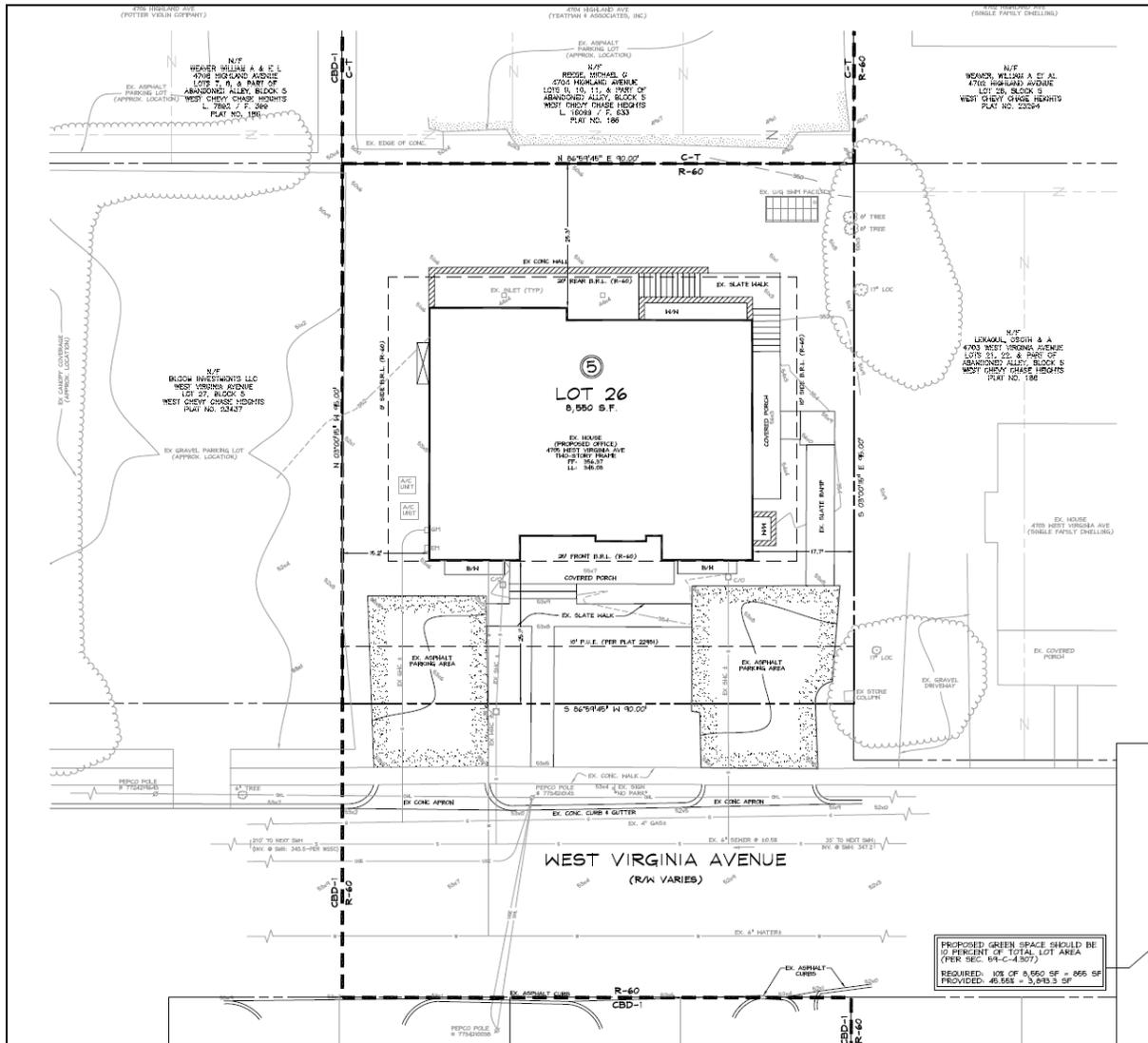
West Virginia Avenue right-of-way. There are two existing asphalt parking areas located off of the street, one near the eastern property boundary and the other near the western property boundary, which the applicant proposes to retain to provide five on-site parking spaces. The site is within the parking lot district and therefore no parking is required on-site.

The applicant's schematic development plan differentiates between elements of the proposal that are legally binding and elements that are merely illustrative.<sup>1</sup> The applicant has proposed binding elements to the schematic development plan that will allow for minimal expansion in the future. The proposed binding elements for the subject application are listed below, followed by the illustrative portion of the plan.

1. Development and use shall be limited to 4,275 square feet floor area of development, with associated signage, parking, landscaping, lighting and infrastructure improvements.
2. The project shall be developed in one phase.
3. The following height limitation shall apply to the development: up to 24 feet for the building.
4. The following minimum building setbacks shall apply:
  - a) From West Virginia Avenue: 10 feet
  - b) From all other lot lines: 15 feet
5. The following green area shall apply: minimum 10%
6. The property, including open space, will be subject to site plan review. General building, open space, parking locations, landscaping/lighting, and number of parking spaces to be determined at site plan.

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<sup>1</sup> §59-H-2.5



*Illustrative Portion of Schematic Development Plan*

Staff supports these binding elements, with the exception of binding element #2. Binding element #2 is unnecessary since the existing building is proposed to remain on the site and the other binding elements allow for potential expansion in the future. Additional square footage can be constructed in the future, per provision 59-C-4.302(a) and (c) of the Zoning Ordinance, which relates to new construction, re-use of existing building, remodeling, and reconstruction in the C-T zone. The provision states:

- (a) For new construction, a building permit can be issued only on a lot with a minimum front lot line of 100 feet on a public street. For this purpose, “new construction” does not include either remodeling an existing structure or reconstruction as the result of fire or other catastrophe, as regulated in paragraphs (c) and (d) below.

Paragraph (c) is applicable in this case, which states:

- (c) For remodeling of a building existing at the time the C-T zone is granted, the board may, at the time of site plan approval, approve an expansion of the gross floor area of the building, provided the increase:
  - (1) Is compatible with neighboring residential and commercial uses; and
  - (2) Does not exceed 40 percent.

The project has 90 feet of street frontage, but this is permissible since the existing building will remain and new construction is not proposed. Any future building addition will be capped at 213 square feet per the binding elements and thus fall under the definition of remodeling for the C-T zone.

If the rezoning is approved and the project proceeds to site plan and the site plan includes only the existing building footprint, any future addition to the building will trigger further site plan review, which could help ensure the building retains its residential character.

### **C-T ZONE PURPOSE CLAUSE**

59-C-4.301. Purpose.

The purpose of the C-T zone is to provide sites for low-intensity commercial buildings which, singularly 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;  
or
- (b) On property so located that it is between and adjoining or separated only by a street, highway, or utility right-of-way from both of the following uses:
  - (1) Existing or proposed one-family residential uses; and
  - (2) Existing high-intensity commercial uses. As used herein, the term "high-intensity commercial use" refers to any commercial or central business district development with an existing height that is greater than 40 feet. The term "high-intensity commercial use" does not include development in the C-1 zone.

In other words, to satisfy the purpose clause of the C-T zone, one of two possible locational requirements must be met: The proposed rezoning must (1) be designated for the C-T Zone in the relevant master or sector plan, **or** (2) be proposed on a property that acts as a buffer between single-family residential homes and high intensity commercial areas with buildings taller than 40 feet. Staff does conclude that the subject property is recommended for the C-T Zone in the Bethesda CBD Sector Plan, for the reasons discussed in the Master Plan compliance section of this report.

The second requirement is not applicable because the adjacent parking lot on Lot 17 does not qualify as a high intensity commercial use. The adjacent parking lot is shown in the following picture.



*Parking lot on Adjacent Lot 17*

## **DEVELOPMENT STANDARDS**

The application and associated schematic development plan satisfy the development standards of the C-T zone, as described in the chart on the following page.

Development Standard	Permitted/Required	Proposed	Applicable Zoning Provision
Maximum Lot Coverage	30 percent	29.85 percent	§59-C-4.303(a)
Maximum Building Height	24 ft	23 ft	§59-C-4.303(a)
Maximum Floor Area	0.5 FAR	0.475 FAR	§59-C-4.304
Building Setback from Street Right-of-Way	10 ft	25.1 ft	§59-C-4.305(a)
Building Setback for Building w/ Windows (west side)	15 ft	15.2 ft	§59-C-4.305(b)(1)
Building Setback from Adjoining Residential Zone (east side)	15 ft	17.7 ft	§59-C-4.305(b)(2)
Minimum Green Area	10 percent	45.55 percent	§59-C-4.306
Parking	None required	5 spaces	§59-C-4.307(b) and §59-E-3.7

The building on the property has been constructed to the dimensions included in the chart above, however the applicant requests that binding elements that restrict the applicant only to the dimensions required by the zone be included. Greater flexibility will allow the applicant to make minor additions or alterations to the building in the future, if necessary.

## **SECTOR PLAN CONFORMANCE**

### **1994 Bethesda CBD Sector Plan**

The 1994 Approved and Adopted Bethesda CBD Sector Plan (“Plan”) recommends the subject site be zoned C-T with either retail and service employment (Figure 4.25, page 104) or low-density office employment (Figure 4.27, page 110). The applicant’s request adheres to these recommendations.

Furthermore, the Plan gives more specific recommendations for the subject property as well as other nearby properties in what is defined as the East Bethesda Transition Area on page 107 of the Plan. The Plan states that “this area forms a transition between the single family houses of

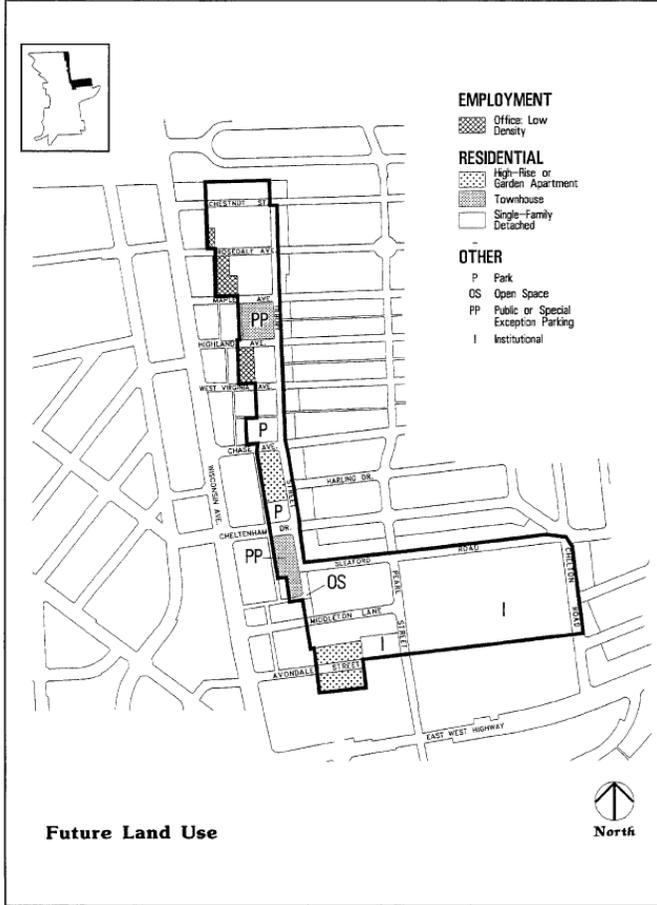
East Bethesda and the Central Business District”, and is “characterized by low-density, primarily residential development, green open spaces, and paved parking lots screened with landscaping.” On page 108 of the Plan, the plan goes into greater detail about the section of single-family houses between Chestnut Street and West Virginia Avenues. Long-term stability of the area is a raised as an issue because it is unknown whether these houses will be well maintained in a safe and relatively quiet neighborhood. Three objectives were identified:

1. Ensure the stability of land uses in the transition area to preserve East Bethesda as a single family neighborhood.
2. Provide parking to serve the needs of the adjacent commercial establishments. Keep overflow parking and cut-through traffic from having an undesirable impact on the East Bethesda neighborhood.
3. Provide low-density housing.

This proposal to rezone the subject site from the R-60 to the C-T zone will contribute to the stability of land uses by confirming future office use on the site. The applicant improved the property when they replaced an underutilized parking area with the existing residential structure. The 4,062 square foot structure provides a strong street presence and an opportunity to meet the needs of a small business and continue as a stable use in the transition area. The applicant is providing five parking spaces on-site. There are also two on-street parking spaces along the site’s West Virginia Avenue frontage and a public parking lot is located across the street for easy visitor access. Across West Virginia Avenue, there is a public parking lot where visitors to the building will also have the option to park. This public parking lot and the private parking lot next to the site supplement parking for the more dense development along Wisconsin Avenue. The applicant is not providing housing but the proposed use as an office in a one family house serves as an adequate transition to low-density housing. Transitions like this building will add to the aesthetic appeal of West Virginia Avenue as one drives eastward to reach one family homes in the neighborhood.

EAST BETHESDA TRANSITION AREA

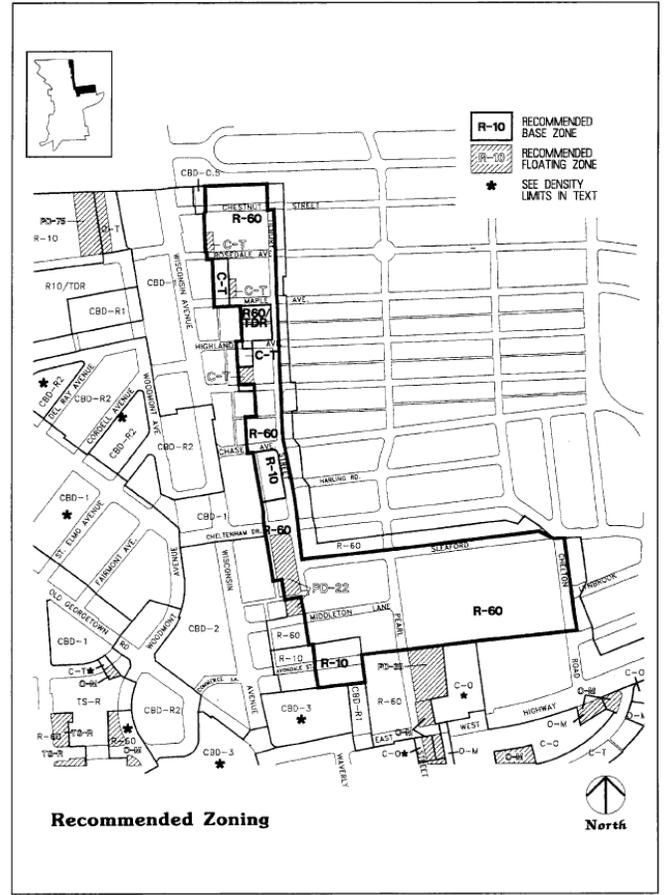
FIGURE 4.27



page 110

EAST BETHESDA TRANSITION AREA

FIGURE 4.28



page 111

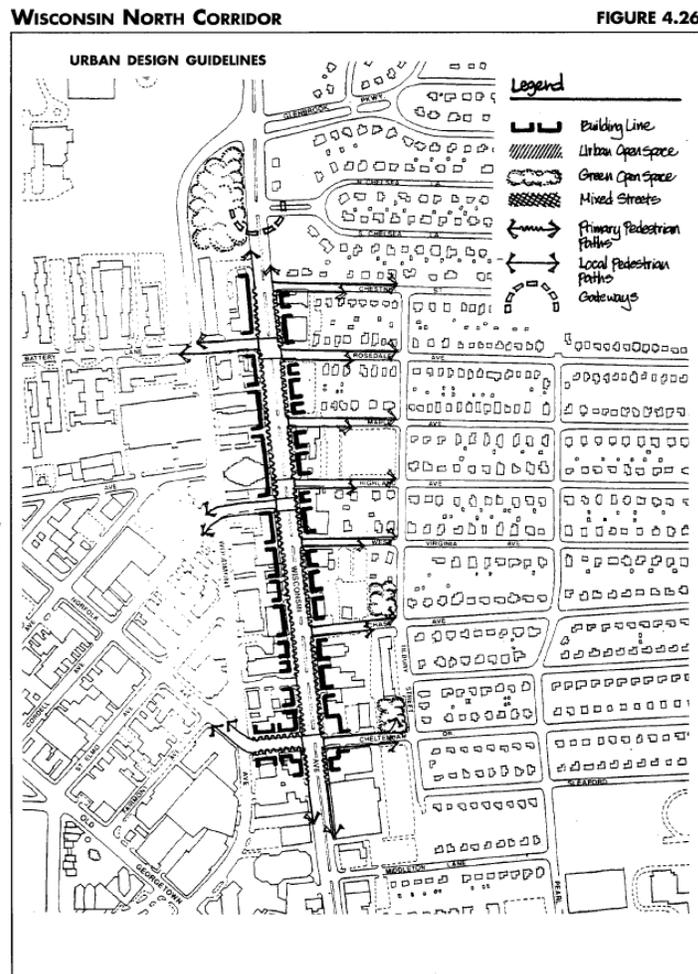
The Plan provides additional detail with regards to the application site. More specifically, the following excerpt refers to the subject property on page 109 of the Plan:

*The Plan also retains the 1976 Plan recommendation for R-60 (C-T) zoning for Lots 18, 19, and 20 (block 5) on the north side of West Virginia Avenue. Applications for C-T zoning on these lots will be considered to be in accordance with the Sector Plan for individual parcels. Where an existing structure is on more than one lot or where a structure previously existed on two lots as on Lots 19 and 20 (block 5), these lots should be considered a single lot. Otherwise, if assembly should take place, C-T zoning would not be considered favorably. Any additions or expansions of existing structures or any new construction should be residential in scale and character to achieve compatibility with the adjacent single-family houses.*

The property was recorded by plat on May 26, 2004 that combined lots 18, 19 and 20 to create Lot 26 in the West Chevy Chase Heights subdivision (Attachment A). Originally, one house crossed the boundary of lots 19 and 20 and another house was located on lot 18. Prior to recordation, the house on lots 19 and 20 was demolished and the property was used as a parking area. The house on what was previously lot 18 remained until the applicant purchased lot 26 in October of 2011 and demolished the one and a half story one-family dwelling unit that was built in 1923. Following demolition of that house in 2011, a new one-family detached residential dwelling unit was constructed on lot 26. The existing house is two stories and 4,062 square feet in size.

A different individual combined Lots 18, 19, and 20, block 5, and recorded the plat for Lot 26 on May 26, 2004. Lot 26 was recorded as R-60 zoned property as a single lot at that time. The applicant purchased Lot 26 in 2011, and now seeks zoning approval from R-60 to C-T for a single lot. Because the site was one lot zoned R-60 at the time of application submittal, staff must review the subject property as a single lot rather than three previous individual parcels. The construction that took place on the lot in 2012 to build the existing structure occurred under the R-60 zoning classification. The concern for consolidation in the plan was to prevent consolidation and then redevelopment under the C-T standards to a commercial scale. But the applicant purchased a previously consolidated lot and redeveloped the property under the R-60 standards. The dwelling unit is residential in scale and has the appearance of a house on every facade. The applicant has proposed a binding element to cap the square footage of the building at 4,275 square feet, and any addition to the building in the future will trigger site plan review.

On page 106 of the Bethesda CBD Sector Plan, Urban Design Guidelines designate West Virginia Avenue from Wisconsin Avenue to Tilbury Street as a local pedestrian path. The applicant has constructed a 5 foot wide sidewalk along the site frontage but has not planted any street trees. The placement of street trees along the site's West Virginia Avenue street frontage would satisfy the intent of the Urban Design Guidelines of the Sector Plan. Staff suggests that if the rezoning is approved, the applicant be required to plant street trees as part of site plan review.



In conclusion, the subject property can be rezoned to the C-T zone in accordance with the Master Plan recommendations.

## **COMPATIBILITY**

The proposal is compatible with adjacent development in the surrounding area with regards to the use and building location. The parking, however, is not residential in scale. Two curb cuts that are double wide are present on the property, but other lots in the defined residential neighborhood do not contain curb cuts of this width and number. Staff suggests the parking areas be further reviewed as site plan, if the application is approved. Additional screening and landscaping should be a consideration in the future to achieve greater compatibility.

The applicant has submitted an exhibit to demonstrate the existing building is residential in scale and character and compatible with the adjacent single-family houses in the R-60 zone. The applicant emphasizes in the exhibit that the existing dwelling unit is appropriate for the Commercial Transitional zone as a transitional use between more intense CBD-1 uses and R-60 one-family homes. The applicant's exhibit is included in attachment C.

## **PUBLIC INTEREST**

The C-T Zone requires that the proposed rezoning bear sufficient relationship to the public interest to justify its approval. When evaluating the public interest it is customary to consider master plan conformance and other public interest factors such as adverse impacts on public facilities or the environment. The proposed rezoning of the application site bears sufficient relationship to the public interest. Construction of the primary structure has been completed and there will be no additional demands on public utilities or further adverse environmental impacts. The proposal substantially conforms to the applicable recommendations in the Bethesda CBD Sector Plan.

## **COMMUNITY CORRESPONDENCE**

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence on either application as of the date of this report.

## **ADDITIONAL CONSIDERATIONS**

### **Adequate Public Facilities**

*Water and Sewer.* Public water and sewer connections were established when the applicant constructed the building earlier this year. Since no further building modifications or additions are proposed at this time, the Washington Suburban Sanitary Commission (WSSC) did not comment on the application.

*Transportation and Roadways.* A full APF test for the site will be required at site plan. The proposed development is expected to generate a maximum of eight weekday peak hour trips during the morning and evening weekday periods.

*Schools.* Staff has not received comments from Montgomery County Public Schools (MCPS) regarding the proposal's potential impact on the school system. However, due to the commercial nature of the application, no impact should result on the school system.

## **Environment**

There are no environmental features of concern on this proposal, as outlined in the Environmental Planning Interoffice Memorandum included in Attachment D.

## **CONCLUSION**

Staff recommends that Local Map Amendment G-913 be approved with the revised binding elements proposed by Staff, listed below.

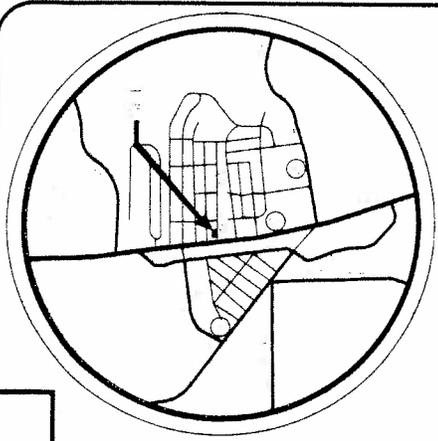
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3. The following minimum building setbacks shall apply:
  - a) From West Virginia Avenue: 10 feet
  - b) From all other lot lines: 15 feet
4. The following green area shall apply: minimum 10%
5. The property, including open space, will be subject to site plan review. General building, open space, parking locations, landscaping/lighting, and number of parking spaces to be determined at site plan.

## **ATTACHMENTS**

- A. Record Plat
- B. Schematic Development Plan
- C. Applicant's Compatibility Exhibit
- D. Transportation Planning Interoffice Memorandum
- E. Environmental Planning Interoffice Memorandum

**PLAT NO.** 5-26-04

**BURGESS & NIPLÉ**  
WEST CHEVY CHASE HEIGHTS  
P.B. 2 PN. 186



VICINITY MAP

**OWNER'S CERTIFICATION**

We, the undersigned, owner(s) of the property described herein, hereby adopt this plan of subdivision, establish the minimum building restriction lines and grant to Montgomery County, MD, those easements 10 feet wide adjacent, contiguous and parallel to all street right of way lines as required by Montgomery County Ordinance No. 4-115. Said plan shall be relinquished at such time as the public improvements on the abutting rights-of-way have been completed and accepted for maintenance by Montgomery County, Maryland.

Further, we grant to the Potomac Electric Power Company, Verano/MO, Washington Gas Light and to their respective successors and assigns, an easement in, on and over the land hereon described as Public Utility Easement, as hereon "P.U.E.", with said terms and provisions of such a grant being incorporated herein by this reference Liber 3834, Folio 457.

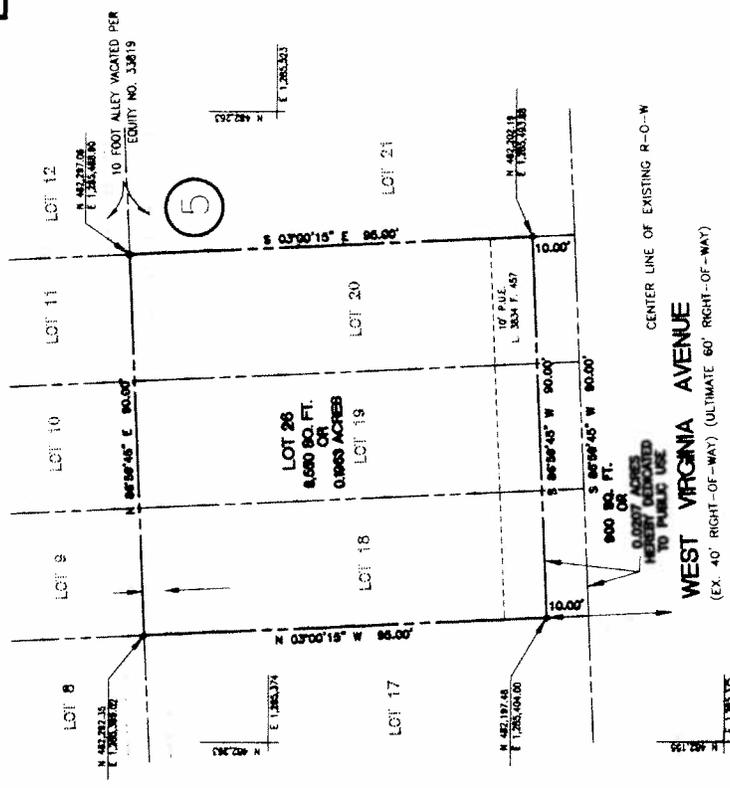
As owner of this subdivision, we our successors and assigns, will cause of property corner markers and any other required monumentation to be set by a registered Maryland Surveyor in accordance with Section 50-24 (a)(2) of the Montgomery County Code.

There are no recorded suits, actions of law, liens, leases, mortgages or trusts affecting the property included in this plan of subdivision, except certain deeds of trust and all parties in interest thereto, have below indicated their assent.

Date: 5-26-04  
 Lewis Bloom, Bloom Investments, LLC  
 President  
 Thomas R. H. [Signature]  
 Columbus Bank, Trustee

Bloom Investments, LLC  
 A Maryland Limited Liability Company  
 [Signature]  
 Witness  
 [Signature]  
 Witness

**WEST CHEVY CHASE HEIGHTS**  
 SUBDIVISION RECORD PLAT  
 LOT 26 - BLOCK 5  
 A RESUBDIVISION OF  
 LOTS 18, 19 AND 20 - BLOCK 5  
 BETHESDA (7th) ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND  
 SCALE - 1" = 20' OCTOBER, 2003



**WEST VIRGINIA AVENUE**  
 (EX. 40' RIGHT-OF-WAY) (ULTIMATE 60' RIGHT-OF-WAY)  
 CENTER LINE OF EXISTING R-O-W

**SURVEYOR'S CERTIFICATE:**

I hereby certify that the information shown hereon is true to the best of my professional knowledge and belief, that it is a resubdivision of WEST CHEVY CHASE HEIGHTS, BLOCK 5, LOT 18 conveyed by John D. Stevens, Trustee to Bloom Investments, LLC by deed dated April 23, 2002 and recorded among the Land Records of Montgomery County, Maryland in Liber 3834, Folio 457, and also being a resubdivision of WEST CHEVY CHASE HEIGHTS, BLOCK 5, LOTS 19 and 20 conveyed by Plink Inc. to Bloom Investments, LLC by deed dated July 22, 2004 and recorded among the aforesaid Land Records in Liber 21408 at Folio 654, and that the Owner's Declaration hereon and all property markers and other boundary monuments shown hereon are as delineated hereon in accordance with the provisions of Section 50-24 (a)(2) of the Montgomery County Code.

DATE: July 22, 2004  
 [Signature]  
 CHARTERED SURVEYOR  
 MARYLAND REGISTRATION NO. 514

DATE: July 8, 2004  
 [Signature]  
 PROFESSIONAL ENGINEER  
 MARYLAND REGISTRATION NO. 10059

\* The total area included on this plat of subdivision is 9450 square feet, of which 900 square feet is dedicated to public use.

- NOTES**
- All terms, conditions, agreements, restrictions and requirements associated with any preliminary plan, site plan, subdivision map, or other plan, showing development of this property, approved by the Planning Board and Planning Board are intended to survive unless modified by further action of the Board. The official public files for any such plan are maintained by the Planning Board and are available for public review during normal business hours.
  - This property appears on Tax Map HX23 and is zoned R-60.
  - This plat is limited to the use and conditions of the original subdivision including the number of vehicular trips generated by the original three lots. Any changes to the uses of the site will require Planning Board approval.
  - This Subdivision Record Plat is not intended to show every matter affecting the ownership and use, nor every matter restricting the ownership and use, of this property. The Subdivision Record Plat is not intended to replace an examination of title or to depict or note all matters affecting title.
  - This plat conforms with the requirements for Minor Subdivision Record Plat approvals contained in Section 50-35A of Montgomery County Subdivision Regulations, being Chapter 50 of the County Code. This plat conforms with the provisions of lots 18, 19 & 20, Block 5 as provided for in Section 50-35 A (a)(3).
  - The approval of this plat is predicated on the adequacy an availability of public streets and water.

APPROVED  
 [Signature]  
 M.A.C.P. & P.C. RECORD FILE NO. 683-99

APPROVED  
 [Signature]  
 MONTGOMERY COUNTY PLANNING BOARD  
 SECRETARY/TREASURER

APPROVED  
 [Signature]  
 MONTGOMERY COUNTY, MARYLAND  
 DEPARTMENT OF PERMITTING SERVICES  
 JULY 22, 2004  
 [Signature]  
 PERMITTING OFFICER

RECORDED  
 PLAT NO. [ ]  
 PIA

**BURGESS & NIPLÉ**  
 170 ROLLINS AVENUE ROCKVILLE, MARYLAND, 20852-4099  
 PH. (301) 468-9400 FAX (301) 468-9669

MSA 684 2150-14  
 683-99



# IMMEDIATE NEIGHBORHOOD MAP



## IMMEDIATE NEIGHBORHOOD BUILDING SITES

	Address	Lot Description	Block	Subdivision	Zoning	Enclosed Area (sq. ft.) <sup>1</sup>
<b>Site</b>	4705 West Virginia Avenue	Lot 26	5	West Chevy Chase Heights	C-T <sup>2</sup>	3,780
<b>1</b>	8015 Wisconsin Avenue	Pt. of Lot 3	5	West Chevy Chase Heights	CBD-1	1,560
	8017 Wisconsin Avenue	Pt. of Lot 3	5	West Chevy Chase Heights	CBD-1	936
	8019 Wisconsin Avenue	Pt. of Lot 2 / Pt. of Lot 3	5	West Chevy Chase Heights	CBD-1	1,404
	8021 Wisconsin Avenue	Pt. of Lot 1 / Pt. of Lot 2	5	West Chevy Chase Heights	CBD-1	1,560
	8023 Wisconsin Avenue	Pt. of Lot 1	5	West Chevy Chase Heights	CBD-1	1,560
<b>2</b>	4706 Highland Avenue	Lot 7 / Lot 8 / Pt. of Abandoned Alley	5	West Chevy Chase Heights	CBD-1	2,770
<b>3</b>	4704 Highland Avenue	Lots 9-11 / Pt. of Abandoned Alley	5	West Chevy Chase Heights	C-T	2,022
<b>4</b>	4702 Highland Avenue	Lot 28	5	West Chevy Chase Heights	R-60	3,769
<b>5</b>	4700 Highland Avenue	Lot 14 / Lot 15 / Abandoned Alley	5	West Chevy Chase Heights	R-60	1,380
<b>6</b>	8001 Wisconsin Avenue	Lot 25	5	West Chevy Chase Heights	CBD-1	12,263
<b>7</b>	4707 West Virginia Avenue	Lot 27	5	West Chevy Chase Heights	CBD-1	N/A
<b>8</b>	4703 West Virginia Avenue	Lot 21 / Lot 22 / Pt. of Abandoned Alley	5	West Chevy Chase Heights	R-60	1,312
<b>9</b>	4701 West Virginia Avenue	Lot 23 / Lot 24 / Abandoned Alley	5	West Chevy Chase Heights	R-60	1,664
<b>10</b>	7935 Wisconsin Avenue	Pt. of Lots 1-3	9	West Chevy Chase Heights	CBD-1	9,291
<b>11</b>	Parking for 7901 Wisconsin Avenue	Pt. of Lot 4 / Pt. of Lot 5	9	West Chevy Chase Heights	CBD-1	N/A
<b>12</b>	Public Parking on West Virginia Ave.	Lot 11 / Lot 12	9	West Chevy Chase Heights	CBD-1	N/A
<b>13</b>	Public Parking on West Virginia Ave.	Lot 13 / Lot 14	9	West Chevy Chase Heights	CBD-1	N/A
<b>14</b>	4702 West Virginia Avenue	Lot 29	9	West Chevy Chase Heights	R-60	4,048
<b>15</b>	4700 West Virginia Avenue	Lot 28	9	West Chevy Chase Heights	R-60	1,624

<sup>1</sup>Enclosed area based on available Tax Record Data as of 10/02/2012

<sup>2</sup>Proposed zoning

# **SITE**

**4705 West Virginia Avenue**

**Lot 26, Block 5**

**West Chevy Chase Heights**

**Zoning: R-60 (Proposed CT)**

**Enclosed Area (Sq. Ft.): 3,780**



1

8015 Wisconsin Avenue

Pt. of Lot 3, Block 5

West Chevy Chase Heights

Zoning: CBD-1

Enclosed Area (Sq. Ft.): 1,560



**1**

**8017 Wisconsin Avenue**

**Pt. of Lot 3, Block 5**

**West Chevy Chase Heights**

**Zoning: CBD-1**

**Enclosed Area (Sq. Ft.): 936**



**1**

**8019 Wisconsin Avenue**

**Pt. of Lot 2 / Pt. of Lot 3, Block 5**

**West Chevy Chase Heights**

**Zoning: CBD-1**

**Enclosed Area (Sq. Ft.): 1,404**



1

8021 Wisconsin Avenue

Pt. of Lot 1 / Pt. of Lot 2, Block 5

West Chevy Chase Heights

Zoning: CBD-1

Enclosed Area (Sq. Ft.): 1,560



**1**

**8023 Wisconsin Avenue**

**Pt. of Lot 1, Block 5**

**West Chevy Chase Heights**

**Zoning: CBD-1**

**Enclosed Area (Sq. Ft.): 1,560**



2

**4706 Highland Avenue**

**Lot 7 / Lot 8 / Pt. of Abandoned Alley, Block 5**

**West Chevy Chase Heights**

**Zoning: CBD-1**

**Enclosed Area (Sq. Ft.): 2,770**



**3**

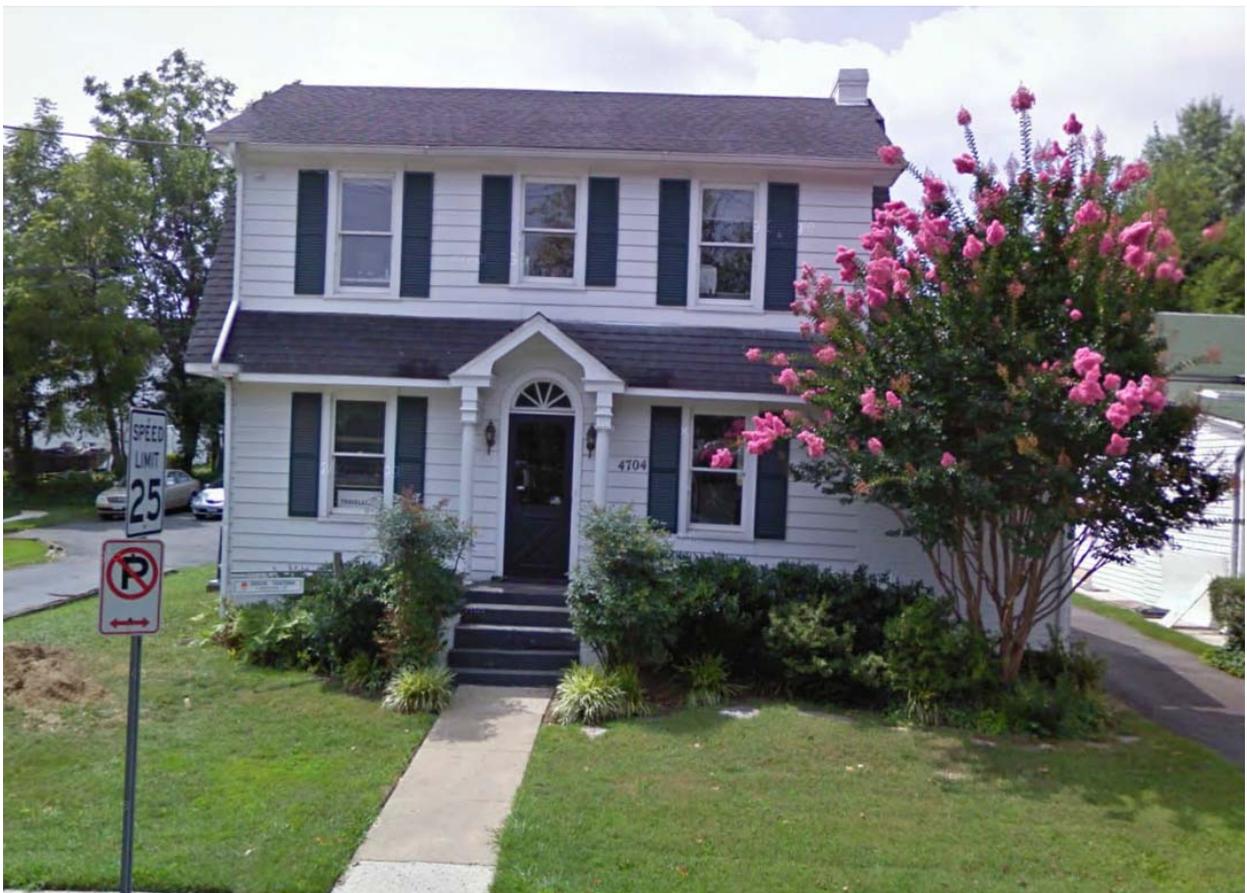
**4704 Highland Avenue**

**Lots 9-11 / Pt. of Abandoned Alley, Block 5**

**West Chevy Chase Heights**

**Zoning: C-T**

**Enclosed Area (Sq. Ft.): 2,022**



**4**

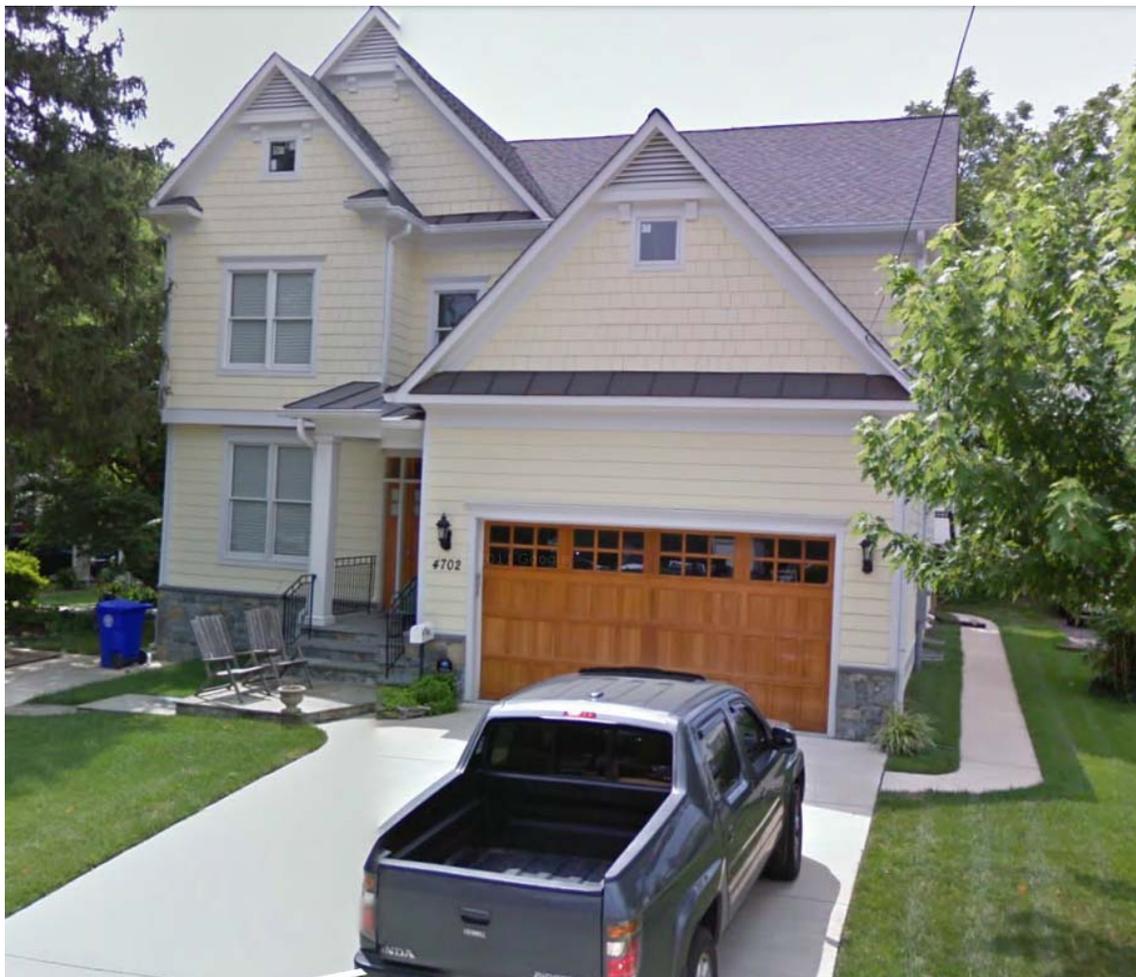
**4702 Highland Avenue**

**Lot 28, Block 5**

**West Chevy Chase Heights**

**Zoning: R-60**

**Enclosed Area (Sq. Ft.): 3,769**



**5**

**4700 Highland Avenue**

**Lot 14 / Lot 15 / Abandoned Alley, Block 5**

**West Chevy Chase Heights**

**Zoning: R-60**

**Enclosed Area (Sq. Ft.): 1,380\***

**\*May not reflect building permit issued in 1993**



6

8001 Wisconsin Avenue

Lot 25, Block 5

West Chevy Chase Heights

Zoning: CBD-1

Enclosed Area (Sq. Ft.): 12,263



Date: July 2009

7

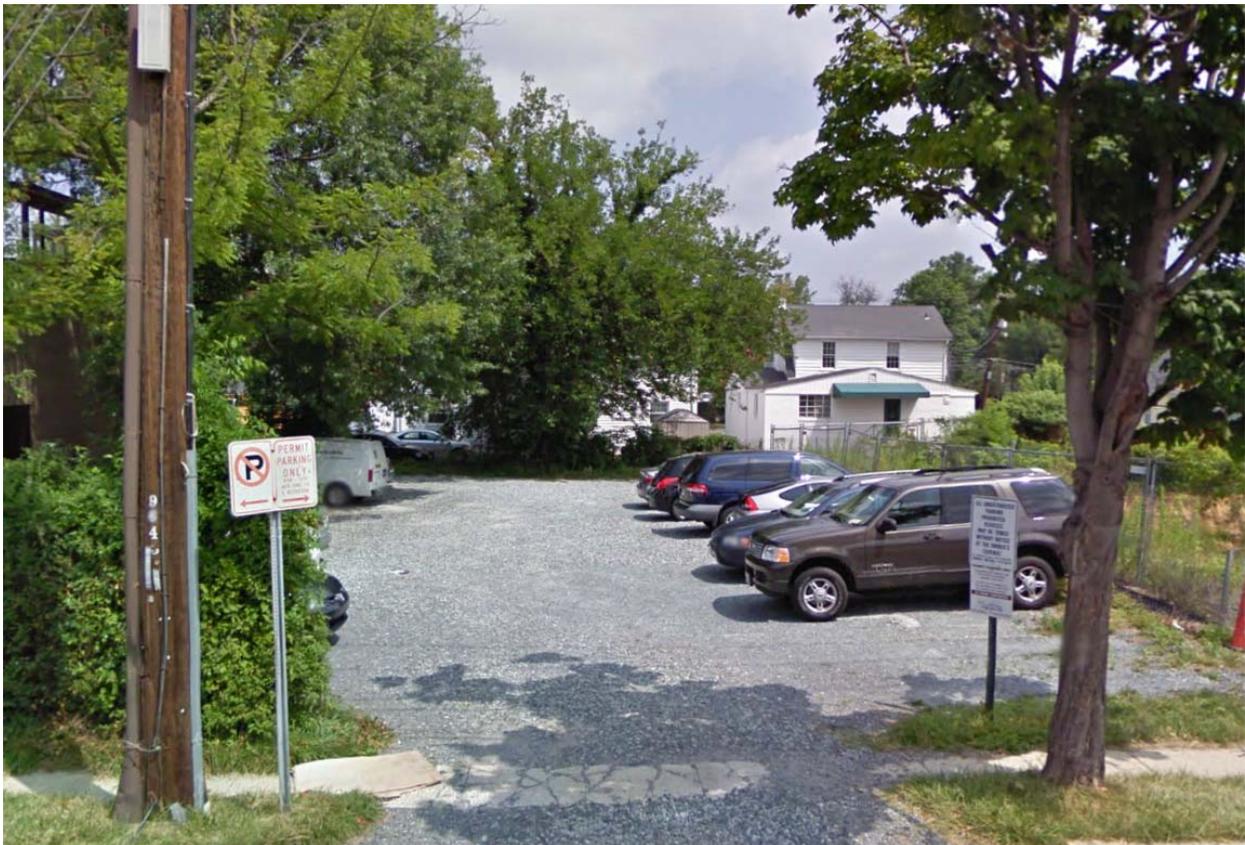
**4707 West Virginia Avenue**

**Lot 27, Block 5**

**West Chevy Chase Heights**

**Zoning: CBD-1**

**Enclosed Area (Sq. Ft.): N/A**



8

**4703 West Virginia Avenue**

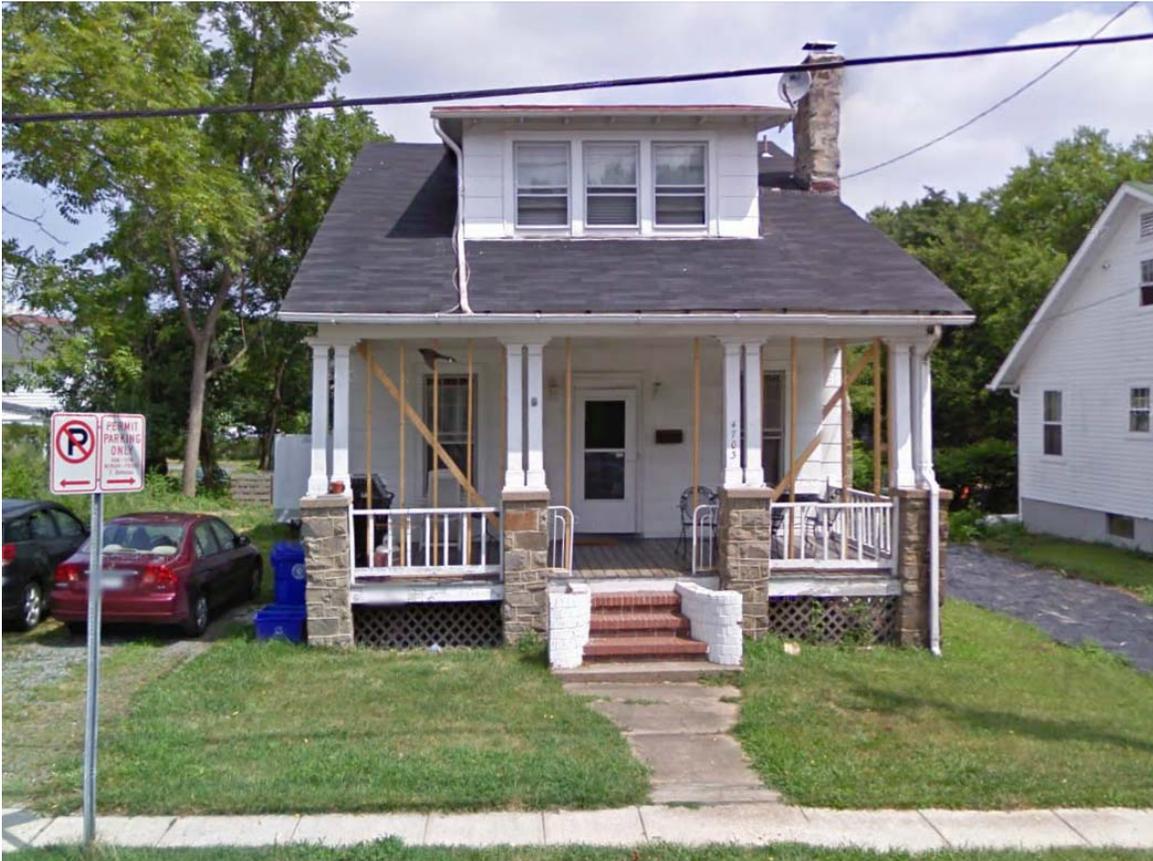
**Lot 21 / Lot 22 / Pt. of Abandoned Alley, Block 5**

**West Chevy Chase Heights**

**Zoning: R-60**

**Enclosed Area (Sq. Ft.): 1,312\***

**\*May not reflect building permits issued in 2009 and/or 2011**



9

**4701 West Virginia Avenue**

**Lot 23 / Lot 24 / Abandoned Alley, Block 5**

**West Chevy Chase Heights**

**Zoning: R-60**

**Enclosed Area (Sq. Ft.): 1,664**



**10**

**7935 Wisconsin Avenue**

**Pt. of Lots 1-3, Block 9**

**West Chevy Chase Heights**

**Zoning: CBD-1**

**Enclosed Area (Sq. Ft.): 9,291**



**11**

**Parking for 7901 Wisconsin Avenue**

**Pt. of Lot 4 / Pt. of Lot 5, Block 9**

**West Chevy Chase Heights**

**Zoning: CBD-1**

**Enclosed Area (Sq. Ft.): N/A**



**12**

**Public Parking on West Virginia Ave.**

**Lot 11 / Lot 12, Block 9**

**West Chevy Chase Heights**

**Zoning: CBD-1**

**Enclosed Area (Sq. Ft.): N/A**



**13**

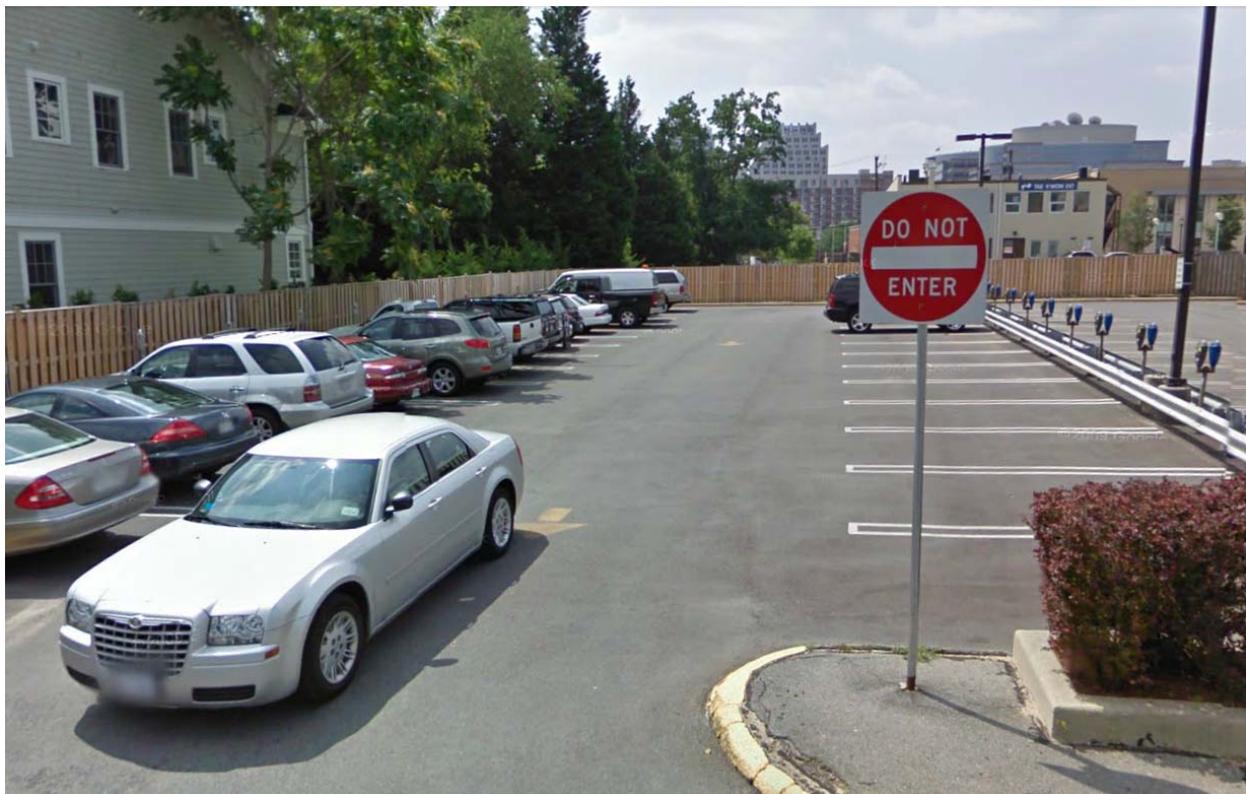
**Public Parking on West Virginia Ave.**

**Lot 13 / Lot 14, Block 9**

**West Chevy Chase Heights**

**Zoning: CBD-1**

**Enclosed Area (Sq. Ft.): N/A**



**14**

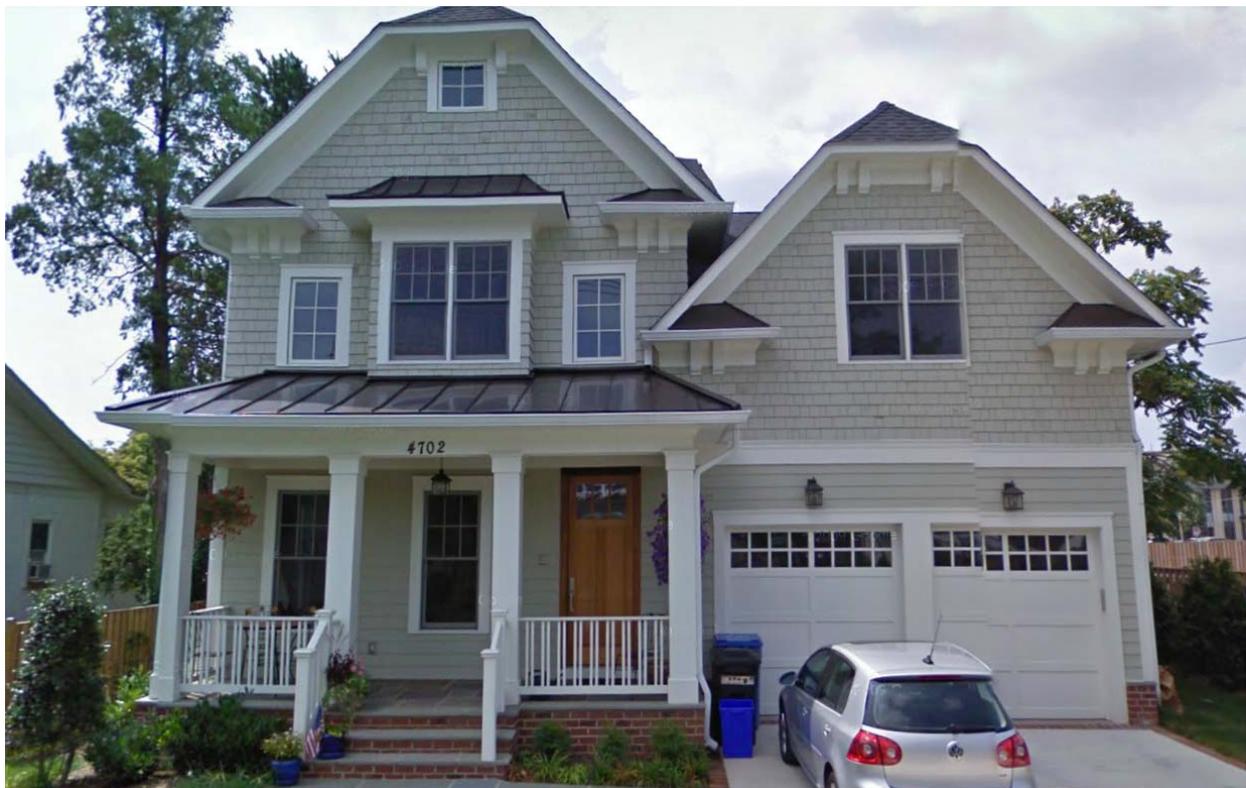
**4702 West Virginia Avenue**

**Lot 29, Block 9**

**West Chevy Chase Heights**

**Zoning: R-60**

**Enclosed Area (Sq. Ft.): 4,048**



**15**

**4700 West Virginia Avenue**

**Lot 28, Block 9**

**West Chevy Chase Heights**

**Zoning: R-60**

**Enclosed Area (Sq. Ft.): 1,624**





# MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

## MEMORANDUM

October 12, 2012

TO: Erin Grayson

FROM: Cherian Eapen

SUBJECT: Local Map Amendment No. G-913  
Request to rezone 4705 West Virginia Ave from the R-60 Zone to the C-T (Commercial-Transitional) Zone  
4311 Montgomery Avenue, LLC ("Applicant")  
North side of West Virginia Avenue, between Tilbury Street and Wisconsin Avenue  
Bethesda CBD Policy Area

This memorandum presents the Adequate Public Facilities (APF) and Plan review for the subject application to rezone 4705 West Virginia Avenue ("Property") in Bethesda from the R-60 zone to the C-T zone.

The Property is located along the north side of West Virginia Avenue between Tilbury Street to the east and Wisconsin Avenue (MD 355) to the west, and is approximately 2,500 feet from the Bethesda Metro Station entrance to the corner of Wisconsin Avenue/East-West Highway (MD 410)/Old Georgetown Road (MD 187) intersection in Bethesda. The immediate area is also served by Metrobus routes J2, J3, and J7 along Wisconsin Avenue, with bus stops approximately 400 feet to the west of the Property.

## **RECOMMENDATIONS**

The following transportation planning comments are recommended to be part of the Planning Board recommendations for the subject application, noting that these comments may or may not satisfy APF or other Plan requirements at the time of filing of any future site plan for the Property.

1. The Applicant must limit development on the Property to 3,625 SF of Office and 2,350 SF of Showroom (Miscellaneous) uses.
2. The Applicant must provide the necessary frontage dedication as well as roadway and sidewalk improvements along West Virginia Avenue as recommended by the Bethesda CBD Sector Plan. These improvements must be coordinated with the Montgomery County Department of Transportation (MCDOT).
3. The Applicant must satisfy Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) requirements of the APF test required under the regulatory requirements in effect at the time of the filing of any future site plan for the Property.

**DISCUSSION**

Recommended Area Roadways and Pedestrian/Bikeway Facilities

The July 1994 Approved and Adopted *Bethesda CBD Sector Plan* recommends the following nearby transportation facility:

- West Virginia Avenue, between Tilbury Street to the east and Wisconsin Avenue to the west, as a two-lane business district street with a minimum right-of-way width of 60 feet.

Adequate Public Facilities Review

- Trip Generation

The peak-hour trip generation estimate for the proposed uses on the Property based on trip generation rates included in the *LATR/PAMR Guidelines* is provided in Table 1.

**TABLE 1  
SUMMARY OF SITE TRIP GENERATION –  
PROPOSED 4705 WEST VIRGINIA AVENUE DEVELOPMENT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Proposed Development						
3,625 SF Office	4	1	5	1	4	5
2,350 SF Showroom (Miscellaneous)	2	1	3	1	2	3
Total Trips						
Existing Density – 1 Single-Family Dwelling Unit	0	1	1	1	0	1
<b>“Net” Additional Trips</b>	<b>6</b>	<b>1</b>	<b>7</b>	<b>1</b>	<b>6</b>	<b>7</b>

Source: Integrated Transportation Solutions, Inc. 4705 West Virginia Avenue Transportation Statement. Revised October 2, 2012.

As shown in Table 1, the proposed uses with credit for the existing use on the Property are estimated to generate 7 peak-hour trips during weekday morning and evening peak periods.

- Local Area Transportation Review

A Transportation Statement (dated October 2, 2012) was submitted by the consultant for the Applicant for the subject application per the *LATR/PAMR Guidelines*.

Since the proposed uses on the Property will not generate 30 or more peak-hour during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods, a traffic study was not required for the subject application. With documentation of site trip generation as above (Table 1), the subject application satisfies the LATR requirements of the APF test.

- Policy Area Mobility Review

To satisfy the PAMR requirements of the APF test, and per the policy in place that offer a PAMR trip credit for CBD developments, a development located within the Bethesda CBD Policy Area is required to mitigate 25 percent of “new” peak-hour trips generated by the development using Countywide trip generation rates, and is then offered a credit on the PAMR trip mitigation requirement equivalent to any reduction in peak-hour trips achieved by the development as a result of its location within the CBD.

As shown in Table 2, using Countywide trip generation rates, the density proposed on the Property after credit for the existing use would generate 8 peak-hour trips during the weekday morning peak period and 17 peak-hour trips during the weekday evening peak period (Line C1). With the requirement to mitigate 25% of the “new” peak-hour trips, the PAMR mitigation requirement for the development are 2 peak-hour trips during the weekday morning peak period and 4 peak-hour trips during the evening peak period (Line D1).

Using the Bethesda CBD trip generation rates (as shown in Table 1 and Table 2), the density proposed on the Property after credit for the existing use on the Property would generate 7 peak-hour trips during the weekday morning and evening peak periods (Line G1).

The PAMR CBD trip credit, which is the difference in trips between the Countywide and CBD trip generation for the density proposed on the Property, is 1 peak-hour trip during the weekday morning peak period and 10 peak-hour trips during the weekday evening peak period (Line H1). With the above credits, it is seen that the PAMR mitigation requirement for the development is partially mitigated during the morning peak hour (requiring mitigation of 1 peak-hour trip) and fully mitigated during the evening peak-hour.

Based on the above analysis presented in the Transportation Statement, the Applicant is proposing to make a payment of \$11,700 to MCDOT (to mitigate 1 peak-hour trip) and satisfy the PAMR requirements of the APF test.

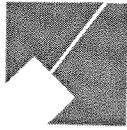
**TABLE 2  
PAMR MITIGATION REQUIREMENT CALCULATION  
PROPOSED 4705 WEST VIRGINIA AVENUE DEVELOPMENT**

	Morning Peak-Hour	Evening Peak-Hour
<b>Site Trip Generation – (Countywide Rates)</b>		
<b>A. Proposed Density</b>		
3,625 SF Office	5	8
2,350 SF Showroom (Miscellaneous)	4	10
Total Peak-Hour Trips (A1)	9	18
<b>B. Existing Density</b>		
1 Single-Family Dwelling Unit (B1)	1	1
<b>C. Net New Trips (C1 = A1 – B1)</b>	<b>8</b>	<b>17</b>
<b>D. PAMR Mitigation Requirement (D1 = C1 x 0.25)</b>	<b>2</b>	<b>4</b>
<b>Site Trip Generation – (CBD Rates)</b>		
<b>E. Proposed Density</b>		
3,625 SF Office	5	5
2,350 SF Showroom (Miscellaneous)	3	3
Total Peak-Hour Trips (E1)	8	8
<b>F. Existing Density</b>		
1 Single-Family Dwelling Unit (F1)	1	1
<b>G. Net New Trips (G1 = E1 – F1)</b>	<b>7</b>	<b>7</b>
<b>H. Trip Credit for CBD Location (H1 = C1 – G1)</b>	<b>1</b>	<b>10</b>
<b>I. Adjusted PAMR Mitigation Requirement (I1 = H1 – D1)</b> [PAMR: Excess/Pass = +ve; Deficit/Fail = -ve]	<b>-1</b> (Fail PAMR)	<b>+6</b> (Pass PAMR)

Source: Integrated Transportation Solutions, Inc. 4705 West Virginia Avenue Transportation Statement. Revised October 2, 2012.

CE/-

mmo to EG re 4705 West Virginia Ave.doc



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

**MEMORANDUM**

TO: Erin Grayson, Senior Planner, Area 1

FROM: Tina Schneider, Senior Planner, Area 1

DATE: August 13, 2012

SUBJECT: G-913L Local Map Amendment  
4705 West Virginia Avenue  
West Chevy Chase Heights  
Bethesda, MD 20814  
NRI/FSD: 42012194E

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Environmental Planning staff in Area 1 has reviewed the application for a local zoning map amendment on 4705 West Virginia Avenue, West Chevy Chase Heights, Bethesda, Maryland. The two-story single-family detached residence is proposed for conversion to office use with parking spaces provided on-site. The Montgomery County Forest Conservation Law is not applicable as the tract of land is less than 40,000 square feet and no additional construction are proposed. There is no existing forest or any tree save concerns associated with this request.

Environmental Planning Staff recommends approval of the special exception for the following reasons:

1. The site is exempt from submitting a forest conservation plan under Chapter 22A-5 of the County code.
2. There is no land disturbance proposed with the associated local map amendment.