

JUL 2 3 2013

MCPB No. 13-103

Preliminary Plan No. 120130120

Edgemoor

Date of Hearing: July 11, 2013

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on February 14, 2013, 4825 Montgomery Lane, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 0.149 acres of land in the TS-R zone, located 250 feet west of the intersection of Woodmont Avenue and Montgomery Lane. ("Subject Property""), in the Bethesda CBD Policy Area, Bethesda Central Business District (CBD) Sector Plan ("Master Plan") area; and

WHEREAS, Applicant's Preliminary Plan application was designated Preliminary Plan No. 120130120, Edgemoor ("Preliminary 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 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 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.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 120130120 to create one lot on the Subject Property, subject to

Approved as to

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the following conditions:1

- 1) This Preliminary Plan is limited to one lot containing four multi-family units.
- The certified Preliminary Plan must contain the following note:

 Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
- The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") Water Resources Section in its stormwater management concept letter dated February 3, 2013, and hereby incorporates them as conditions of this approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated June 10, 2013, and hereby incorporates them as conditions of this approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of this approval.
- 5) The Applicant must show on the final record plat the following right-of-way dedications consistent with the 1994 Approved and Adopted *Bethesda CBD Sector Plan* and Subdivision Regulation requirements:
 - Montgomery Lane: Dedicate an area 1.0 foot wide along the Site frontage to provide a distance of 26 feet between the property line and right-of-way centerline, and
 - b. West Lane: Dedicate an area 2.5 feet wide along the Site frontage to provide a distance of 25 feet between the property line and right-of-way centerline.
- 6) Prior to recordation of a plat, the Applicant must satisfy provisions for access and improvements as required by MCDOT.

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.

- 7) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
- 8) The Applicant must comply with the binding elements of County Council Resolution No. 17-626 approving Local Map Amendment G-908.
- 9) The Subject Property is within the Bethesda-Chevy Chase School Cluster area. The Applicant must make a School Facilities Payment to MCDPS at the high school level at the applicable unit rate for which any building permit is issued for a new residential unit. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
- 10) The record plat must show all necessary easements.
- 11) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 12) The record plat must reflect all areas under Homeowners Association ownership.
- 13) No clearing, grading, or recording of plats is permitted prior to certified site plan approval.

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 Preliminary Plan substantially conforms to the Master Plan.

The Master Plan recommended the Transit Station Residential (TS-R) zone for the site. The Subject Property was rezoned to the TS-R zone under Local Map Amendment (G-908) and approved by the County Council on 12/4/12.

The Master Plan placed the Subject Property in the Transit Station Residential District and recommended that any development follow not only the recommendations and guidelines for this district, but also the general objectives and principles for the entire Master Plan area which included stepping down building heights from the Metro Center to adjacent areas, identifying a building's entrance in the façade design and locating the entrance at street level.

This Preliminary Plan is consistent with the Master Plan's land use objective to increase the flexibility in the TS-R Zone to allow the district to achieve a low rise, high density "urban village" pattern." The Plan's objective has been met as the site was rezoned to the TS-R zone and this project is creating a lower density, low rise type housing product in the Transit Station Residential District.

The multi-family residential building for four dwelling units on 6,525 square foot lot is equivalent to a density of 27 dwelling units per acre. This is below the minimum of 45 dwelling units per acre recommended in the Master Plan, but the proposed FAR of 2.5, is fully consistent with the Master Plan recommendations, and utilizes the maximum FAR permitted in the TS-R zone.

The building's height of 65 feet (ultimately 69 feet to the parapet wall) is consistent with other nearby residential uses of comparable heights less than 65 feet that have been developed with densities between 24 and 36 dwelling units per acre. The 65 foot building height provides a transition between the taller TS-R developments abutting to the east and the townhouses to the west along Arlington Road and the height is consistent with "step down building heights" recommended by the Plan.

The Preliminary Plan provides private open space along the eastern lot line of the site to serve future residents. This space will consist of an enclosed courtyard, with a walkway and landscaping. Additionally, each unit will have balconies that will serve as private open space for future owners. Public open space is provided along the Subject Property's frontage on Montgomery Lane and West Lane to serve new residents and workers throughout the Bethesda area as envisioned by the Master Plan. These public open space components and pedestrian enhancements include new or upgraded sidewalks, street lighting, and Bethesda streetscaping.

Section 59-C-8.41. (1) (A) and (B) of the Zoning Ordinance permit a property of less than 18,000 square feet to be in the TS-R, if is "recommended in the applicable master or sector plan and if the property is adjacent to or confronting other parcels either classified or under application for the TS-R zone." The subject property of 6,525 square feet (gross) met both of these criteria and encouraged a smaller scale development for the site and did not create an isolated parcel among the other nearby TS-R zoned properties.

The Preliminary Plan shows a five story (65 feet) low-rise building that is significantly lower than the adjacent building to the east. The low rise building has been designed to fully utilize the site's dimensions and fill out the parcel. The Master Plan recommends a building height of no more than 65 feet. The Preliminary Plan is consistent with the Master Plan height recommendation as the building will be five stories with a height of 65 feet to the roof line plus an additional four feet to the top of the parapet wall. The Application is also consistent with the Master Plan guidance to step down building heights from the Bethesda Metro Center properties to achieve desirable and compatible transitions to adjacent areas.

The Preliminary Plan provides a building setback of approximately 19 feet from the curb along both Montgomery and West Lanes. The Edgemoor (abutting to the east)

and the City Houses Townhouses (confronting to the south) have setbacks from Montgomery Lane of approximately 15 and 25 feet, respectively. The building setbacks fit within the urban form and low density pattern of development the Master Plan seeks to achieve as the lot is "filled out" by the building design and the lot's small size. The Preliminary Plan provides a building setback that is consistent with setbacks for other residential developments along Montgomery Lane.

The building's residential image and reduced sense of bulk were achieved through design features. The reduced sense of bulk was addressed through the articulated design of each façade and the creation of a base, middle and top for the building. The building materials, building height and façade treatments communicate a residential image and thus meet the Master Plan recommendations on urban design guidelines for the Subject Property.

The front entrance to the building is located on Montgomery Lane in keeping with the Plan's recommendation. The Master Plan also recommended that Montgomery Lane be a pedestrian oriented mixed street designed to accommodate a true "mix" of pedestrians, bicyclists and motorized vehicles. Montgomery Lane will encourage street life and provide a direct pedestrian connection between the Bethesda Public Library on Arlington Road and the Metro Station to the east. The building's entrance on Montgomery Lane will increase pedestrian activity along the street, and the absence of driveway entrances and curb cuts onto Montgomery Lane will reinforce this street as a pedestrian route.

Garage parking on the street level is provided along West Lane. Each garage unit is a double bay and is equipped with garage doors that close to screen views of the parked vehicles.

The Preliminary Plan is consistent with the Master Plan's guidance as the Subject Property is deemed an infill development given the small lot size. The small lot size coupled with the proposed small residential building will contribute to the "fine-grain" of the neighborhood by providing a compact, yet detailed structure instead of a larger single structure that overwhelms the Subject Property and surrounding area.

2. Public facilities will be adequate to support and service the area of the approved subdivision.

Vehicular access to the subject site is provided by West Lane and connects to the four private two-car garages on the street level of the building. A public sidewalk is provided along the site's frontage on West Lane where none presently exists and the existing sidewalk along Montgomery Lane is improved. Both actions produce a continuous sidewalk system around the entire site. Additionally, sidewalks are provided on site internally to facilitate service access to the rear of the Subject Property.

The Subject Property is located approximately 1,000 feet from the entrance to the Bethesda Metro Station and is served by Metrobus and Ride-On routes and the Bethesda Circulator shuttle.

The Master Plan recommended Montgomery Lane, between Arlington Road to the west and Woodmont Avenue to the east, as a two-lane business district "mixed" street with parking on one side, and with a minimum right-of-way width of 52 feet. Montgomery Lane is designated as a "Biker Friendly Area" in the Master Plan and is not recommended for specific bicycle facility improvements. Nor is it recommended for any bicycle facilities in the 2005 Countywide Bikeway Functional Master Plan.

The Master Plan identified West Lane, between Montgomery Lane and its terminus to the north, as a two-lane business district street with a minimum right-of-way width of 48 feet. West Lane is not identified for future bicycle improvements in either the Master Plan or the 2005 Countywide Bikeway Functional Master Plan.

The Application dedicates an area of 308 square feet of right-of-way. This dedication consists of: a 1.0 foot wide area along the site's frontage on Montgomery Lane, and a 2.5 foot wide area along the site's frontage on West Lane. This dedication increases the Montgomery Lane and West Lane public rights-of-way to 52 feet and 48 feet, respectively.

The Subject Property will generate less than 30 peak-hour trips 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. Based on site trip generation analysis, the Application satisfies the LATR requirements of the APF test.

Section 50-26(c)(3) of the Subdivision Regulations requires that the property lines of corner lots be truncated 25 feet from the intersection. This provides additional right-of-way area at intersections and ensures that adequate sight distance is available and creates space for traffic channelization. The regulation also allows the Planning Board to specify a greater or lesser truncation depending on the specific sight distance and channelization needs at the intersections adjacent to the Subject Property.

The Applicant requested no truncation at the intersection of Montgomery and West Lanes. A full truncation at this intersection would negatively impact the design of the development and the relationship of the building to the public street. The Montgomery County Department of Transportation has expressed no objection to approval of the Preliminary Plan without full truncation as a full truncation at this intersection is not necessary because of the low volume of traffic on each roadway. For these reasons, the Planning Board finds that the proposed truncation in this location is appropriate at this intersection.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the Subdivision Staging Policy resolution currently in effect and will be adequate to serve the Subject Property. The Subject Property is within the Bethesda Chevy Chase cluster area, which is currently operating between 105- 120% of capacity at the high school level, and a school facilities payment is required. Electrical, telecommunications, and gas services are also available to serve the Subject Property.

3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.

The Subject Property is recorded as Lot 23, Block 13A in the Edgemoor Subdivision and fronts on two public rights-of-ways, Montgomery and West Lanes. It is being re-recorded to meet the master plan recommendations for additional dedication along both rights-of-ways.

4. The Application satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code, and Chapter 22A.

The Preliminary Plan is exempt from the forest conservation requirements as there is no forest clearing or tree cutting will occur on the site. An exemption letter (#42012104E) was issued on January 31, 2012 for the Preliminary Plan.

5. All storm water management requirements shall be met as provided in Chapter 19, article II, Sections 19-20 through 19-35.

The Montgomery County Department of Permitting Services has reviewed the Application and determined by letter dated February 3, 2013 that the Application meets the storm water management requirements contained in Chapter 19, of the Montgomery County Code.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-35(h), and that prior to the expiration of this validity period, a final record plat for all

property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records; 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 Vice Chair Wells-Harley, 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