

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

May 9, 2025

MCPB No. 25-046

Administrative Subdivision No. 620250090

Tevis Place

Date of Hearing: April 17, 2025

## **RESOLUTION**

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

WHEREAS, on October 8, 2024, TM Associates Development (“Applicant”) filed an application for approval of an administrative subdivision plan of property that would create one (1) lot and 154 units on 1.56 acres of land in the CR-3.0, C-1.5, R-2.5, H-200 zone, located at 11800 Nebel Street (“Subject Property”), in the North Bethesda Metro Station Policy Area and 2010 *White Flint Sector Plan* (“Sector Plan”) area; and

WHEREAS, Applicant’s administrative subdivision plan application was designated Administrative Subdivision Plan No. 620250090, Tevis Place (“Administrative Subdivision Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20250410, and Mixed-Income Housing Community (MIHC) Plan No. E20250010; 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 April 7, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on April 17, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 3-0; Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor, with Chair Harris and Commissioner Bartley being necessarily absent.

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Approved as to  
Legal Sufficiency:

/s/ Matthew Mills  
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Administrative Subdivision Plan No. 620250090 to create one (1) lot for 154 units on the Subject Property, subject to the following conditions:<sup>1</sup>

### **General Approval**

1. This Administrative Subdivision Plan is limited to one (1) lot for 154 multifamily dwelling units.

### **Adequate Public Facilities**

2. The Adequate Public Facilities (“APF”) review for the Administrative Subdivision Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

### **Plan Validity Period**

3. The Administrative Subdivision Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Administrative Subdivision Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

### **Outside Agencies**

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 21, 2025, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section in its stormwater management concept letter dated April 1, 2025, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.

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<sup>1</sup> 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 Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated January 28, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Administrative Subdivision Plan approval.

### **Other Approvals**

8. Except clearing and grading associated with the demolition of the existing building and paving, there shall be no clearing or grading of the site before recordation of the plat.
9. If an approved Mixed-Income Housing Community Plan or amendment for the Subject Property substantially modifies the lot or right-of-way configuration shown on this Administrative Subdivision Plan, the Applicant must obtain approval of an Administrative Subdivision Plan amendment before certification of the Mixed-Income Housing Community Plan.

### **Transportation**

10. The Applicant must provide dedication, and show on the record plat all land necessary to accommodate forty feet (40 ft) from the existing pavement centerline along the Subject Property frontage for Nebel Street.
11. Before the recordation of the plat, the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a ten-foot-wide (10 ft) sidewalk, six-foot-wide (6 ft) pedestrian/bicycle buffer, five-foot ten-inch-wide (5 ft 10 in), bike lane (existing) and three- and one-half foot (3 ft 6 in) wide street buffer along the Property frontage on Nebel Street.

### **Record Plats**

12. The record plat must show necessary easements and all areas under common ownership.

### **Certified Administrative Subdivision Plan**

13. The certified Administrative Subdivision Plan must contain the following notes:

*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 Administrative Subdivision Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of Mixed-Income Housing Community 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.*

14. Before submittal of the Certified Administrative Subdivision Plan, the Applicant must show resolutions and approval letters on the certified set.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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 Administrative Subdivision Plan meets the requirements of Chapter 50, Section, 6.1.G to create a lot for a MIHC.*

- A. *The Planning Board approves a Mixed-Income Housing Community plan under Section 59-7.3.7, including a finding of adequate public facilities under the standards of Section 50-4.3.J, before approval of the plat.*

MIHC Plan No. 620250090 has been approved concurrently with the Subject Administrative Subdivision. Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations as discussed under 2C, below.

- B. *Any required road dedications, or covenants for future dedications, and associated public utility easements are shown on the record plat.*

As conditioned and described in 2C below, required road dedications and associated public utility easements will be shown on the plat.

- C. *Forest conservation plan approval, stormwater management, and environmental protection requirements, if applicable, are satisfied before approval of the plat.*

As described in 2E below, the Subject Applications satisfy the requirements for forest conservation and stormwater management. There are no additional environmental protection requirements.

- D. *When located in a special protection area, all applicable special protection area requirements and guidelines are satisfied before approval of the plat.*

The Property is not located within a special protection area.

2. *The Administrative Subdivision Plan meets the technical review requirements of Chapter 50, Section 4.3.*

- A. *The layout of the subdivision, including size, width, shape, orientation, and density of lots, and location and design of roads is appropriate for the subdivision*

*given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

*1) The block design is appropriate for the development or use contemplated.*

The lot is within an existing block which is appropriate for the multifamily building and associated amenities.

*2) The lot design is appropriate for the development or use contemplated.*

The size, width and shape of the lot adequately accommodates the multifamily building, parking, and amenities. The subdivision also includes dedication along Nebel Street as required by the *White Flint Sector Plan*.

*3) The Administrative Subdivision Plan provides for required public sites and adequate open areas.*

The *White Flint Sector Plan* and the Zoning Ordinance (Chapter 59) do not require any public sites or open areas on this Property. The Project provides private outdoor amenity space for the residents in the rear of the building and an entry plaza, streetscape improvements, and landscaping along the Nebel Street frontage.

*4) The Lot(s) and Use comply with the basic requirements of Chapter 59*

A MIHC is a limited use in the CR Zone, and it must contain at least 150,000 square feet of new Multi-Unit Living uses with at least 30 dwelling units. The Application proposes 190,000 square feet of Multi-Unit Living uses with 154 dwelling units.

A MIHC must also satisfy one of the four affordability criteria listed under Section 59-3.3.4.A. The Application will satisfy the affordability requirement under Section 59-3.3.4.A.1 such that “at least 50% of the units [are] built under a government regulation or binding agreement that limits the price charged for at least 30 years, and [are] affordable to households earning 60% or less of Area Median Income (AMI).” As required by Section 59-7.3.7.B.2.a, the Applicant submitted a legally binding commitment letter, accepted by the Planning Director, that the MIHC will meet the requirements of Section 59-3.3.4. The letter indicates the Applicant’s intention to exceed the MIHC affordability requirement by designating all of the units as MPDUs, with at least half priced as affordable to households earning under 60% AMI. In addition, the Applicant will enter into an MPDU Agreement to Build with DHCA, ensuring affordability of the MPDUs for 99 years.

The lot complies with the basic requirements of Chapter 59 as demonstrated by the data table (Table 1).

*Table 1: Data Table*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved</b>
<b>Tract Area (sf)</b>	n/a	67,825
Prior Dedication	n/a	14,315
Proposed Dedication	n/a	1,926
<b>Site Area (sf)</b>	n/a	51,584
<b>Density [GFA (sf)/FAR]</b>		
Mapped Commercial	101,737.5/ 1.5	0
Mapped Residential	169,562.5/2.5	169,562.5/2.5
Mapped Total	203,475/3.0	169,562.5/2.5
MPDU Requirement (min)	15%	50%
MPDU Bonus Density	101,737.50 /1.5 <sup>1</sup>	20,437.50/0.30
Total with MPDU bonus	271,300/4	190,000/2.80
<b>Building Height (ft)</b>	200	≤ 200
<b>Public Open Space (min sf)</b>	0	n/a
<b>Minimum Setbacks (ft)</b>	Established by MIHC Plan	
<b>Vehicle Parking Spaces</b>	0 (min) <sup>2</sup> /246 (max)	Up to 77 <sup>3</sup>

<sup>1</sup> The Project is eligible for a 60% bonus density for providing 50% of the units as MPDUs.

<sup>2</sup> Off-street parking is not required for a MIHC within a red policy area (in this case, the North Bethesda Metro Station).

<sup>3</sup> The Planning Board approves flexibility to provide fewer than 77 parking spaces.

*B. The Administrative Subdivision Plan substantially conforms to the Master Plan.*

The Project aligns with the goals and recommendations of the 2010 *White Flint Sector Plan* (Sector Plan) which envisions the transformation of the area from an auto-oriented suburb into an urban center of residences and businesses where

people walk to work, shops, and transit (p.6). The Property is located in the Sector Plan's Metro East District, North Bethesda Center Block 1. The Sector Plan recognizes the proximity of the Metro station to this area, and recommends rezoning the Property, and two nearby properties along Nebel Street, to allow for assembly or independent redevelopment (p. 30). The Project advances the overall Sector Plan vision and Metro East District recommendations by replacing the existing, outdated two-story commercial building with an affordable multifamily community within walking distance of the North Bethesda Metro Station, a grocery store, and other area amenities. The redevelopment of the Subject Property with 154 affordable multifamily units and a variety of unit types (ranging from 1-4 bedrooms) helps achieve the Sector Plan goal to accommodate a variety of households with different unit types and sizes (p. 25).

The Sector Plan's key sustainability goals are to minimize carbon emissions and to create a healthy, livable environment by improving air and water quality (p.49). The Project helps further the Plan's sustainability goals by redeveloping with a compact building footprint, pursuing Passive House Institute US (PHIUS) Zero certification, increasing tree canopy coverage, and improving the Property's stormwater management capabilities.

The Sector Plan recommends a transit focused, multi-modal mobility system, with improved pedestrian and bicyclist access to reduce automobile use (p.50). The Project's frontage improvements will enhance the pedestrian and bicyclist experience along Nebel Street. The frontage improvements will also contribute to the Plan's envisioned Recreation Loop (pages 59 and 61), a signed pathway connecting important area locations.

*C. Public facilities will be adequate to support and service the area of the subdivision.*

*1) Roads and other Transportation Facilities*

*a) Existing Roads*

Nebel Street has an existing 70-foot right-of-way with an 11-foot-wide sidewalk and a five-foot ten-inch-wide separated bike lane with a three-and-a-half-foot wide striped street buffer along the Property frontage. The Master Plan of Highways and Transitways classifies Nebel Street as a Downtown Boulevard with an 80-ft right-of-way and three to four planned travel lanes.

*b) Proposed Public Roads*

An additional five feet will be dedicated along the Property's Nebel Street frontage. A five-foot dedication on the opposite side of Nebel Street is needed to achieve the ultimate 80-foot right-of-way width. The Application includes an interim cross-section to show Nebel Street after construction of the Project, and an ultimate cross-section to demonstrate sufficient right-of-way for the 80-foot-wide cross section.

The existing sidewalk located at the back of curb will be replaced with a ten-foot-wide sidewalk and a six-foot pedestrian/bicycle buffer per the *Complete Streets Design Guide*. The existing separated bike lane will be upgraded with concrete median buffers to protect cyclists from the adjacent vehicle travel lane.

*2) Local Area Transportation Review (LATR)*

The Property is located within the North Bethesda Metro Station Policy Area and the Project is a Mixed Income Housing Community Plan. As such, the Project is exempt from a LATR study under the 2025 *LATR Guidelines* (p. 3-4).

*3) Schools*

*a) School Impact Area Classification*

The Project is located within the North Bethesda Metro Station Policy Area, which is categorized as an Infill Impact Area by the 2024-2028 Growth and Infrastructure Policy.

*b) Enrollment Impact Estimate*

As shown in Table 2, the Project is estimated to generate six elementary school students, two middle school students, and two high school students during an average year throughout its life.

*Table 2: Student Enrollment Impact Estimate  
 (reflects Updated FY2025 Student Generation Rates)*

Type of Unit	Net Number of Units	Infill ES Student Generation Rate	ES Student Estimate	Infill MS Student Generation Rate	MS Student Estimate	Infill HS Student Generation Rate	HS Student Estimate
SF Detached	0	0.206	0.000	0.103	0.000	0.156	0.000
SF Attached	0	0.176	0.000	0.095	0.000	0.133	0.000
MF Low-rise	0	0.073	0.000	0.033	0.000	0.049	0.000
MF High-rise	154	0.041	6.314	0.017	2.618	0.019	2.926
<b>TOTALS</b>	<b>154</b>		<b>6</b>		<b>2</b>		<b>2</b>

*c) Annual School Test Results*

The Updated FY2025 Annual School Test, approved by the Planning Board on December 19, 2024, and effective since January 1, 2025, is applicable. The Project is served by Luxmanor Elementary School, Tilden Middle School, and Walter Johnson High School. The student enrollment and capacity projections of these schools in the Updated FY2025 Annual School Test, which evaluates the 2028-2029 school year, are noted in Table 3.

*Table 3. Updated FY2025 Annual School Test Projections (2028-2029 School Year)*

	Program Capacity	Enrollment	% Utilization	Seat Surplus or Deficit
Luxmanor ES	746	769	103.1%	-23
Tilden MS	1,264	1,106	87.5%	+158
Walter Johnson HS <sup>2</sup>	2,299	2,175	94.6%	+124

<sup>2</sup> Projected enrollment is modified to estimate the impact of the Charles W. Woodward High School Reopening (CIP P651908) and the Northwood HS Addition/Facility Upgrades (CIP P651907), reflecting the scope of the boundary study approved by the Board of Education on March 28, 2023.

Under the Updated FY2025 Annual School Test results, Luxmanor Elementary School, Tilden Middle School, and Walter Johnson High School are not placed in Utilization Premium Payment (UPP) tiers, as shown in Table 4 and no UPPs are required. In addition, the estimated number of students generated (see Table 2) do not exceed the adequacy ceilings identified in Table 4.

*Table 4. Updated FY2025 Annual School Test Results*

	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Luxmanor ES	No UPP	51	127	239
Tilden MS	No UPP	278	411	601
Walter Johnson HS	No UPP	284	584	929

*4) Other Public Facilities and Services*

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the subdivision.

Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

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

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s Environmental Guidelines as further discussed in the findings for Forest Conservation Plan F20250410, which are included in a separately approved resolution and are incorporated herein.

*E. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

MCDPS approved a Stormwater Management Concept on April 1, 2025. The plan proposes to meet required stormwater management goals via micro-bioretenion and green roof. A partial waiver has also been granted. The Project does not have any water quality plan or floodplain requirements.

- F. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 4.3.M.*

Not applicable to this Property. The Applicant has had no actual or constructive notice of a burial site, and the Site is not included in the Montgomery County Cemetery Inventory.

- G. Any other applicable provision specific to the property and necessary for approval of the Administrative Subdivision is satisfied.*

No other provisions apply to the Subdivision.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

May 9, 2025

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

\* \* \* \* \*

**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 Hedrick, seconded by Vice Chair Pedoeem, with a vote of **3-0-2**; Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor of the motion, Chair Harris and Commissioner Bartley abstaining, at its regular meeting held on Thursday, May 1, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair  
Montgomery County Planning Board