






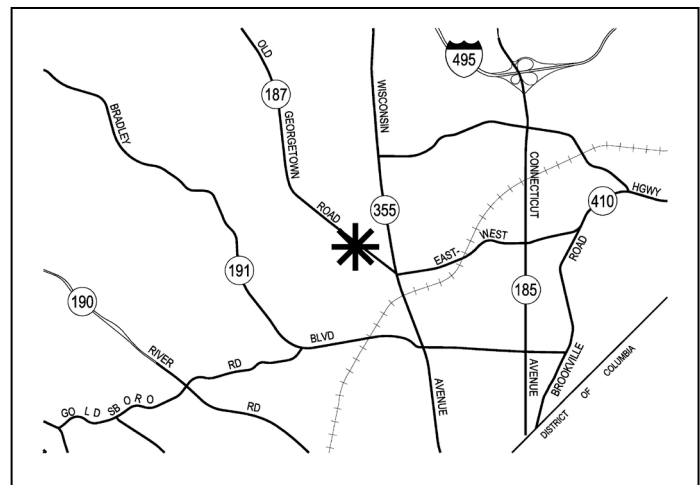
Kolius Property, Preliminary Plan No. 120190200

-  Grace Bogdan, Planner Coordinator, Area 1, Grace.Bogdan@montgomeryplanning.org, 301.495.4533
-  Stephanie Dickel, Acting Supervisor, Area 1, Stephanie.Dickel@montgomeryplanning.org, 301.495.4527
-  Elza Hisel-McCoy, Chief, Area 1, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

Completed: 11.4.2019

Description

- Proposal to create two lots for two existing buildings;
- Current use(s): 4,235 square feet of non-residential uses;
- Located at the intersection of Cordell Avenue and Wilson Lane;
- 0.24 acres zoned CRT 2.25 C 1.5 R 0.75 H 35 in the 2017 *Bethesda Downtown Sector Plan*;
- Applicant: William Kolius;
- Acceptance date: July 31, 2019.



Summary

- Staff recommends approval of the Preliminary Plan with conditions.
- The existing parcel contains two buildings, which the Applicant proposes to maintain on two separate lots. No new development is proposed at this time.
- The Applicant will accommodate and participate in the implementation of a future 10-foot sidepath on the Wilson Lane frontage as recommended in the 2017 *Bethesda Downtown Sector Plan*.

SECTION 1: RECOMMENDATION AND CONDITIONS

PRELIMINARY PLAN 120190200

Staff recommends approval of Preliminary Plan No. 120190200 subject to the following conditions:

1. Approval is limited to two lots: one lot for an existing two-story building and one lot for an existing one-story building.
2. Prior to recordation of any plat associated with the Subject Application, the Applicant must record revised density transfer agreements and the book and page of the recorded agreements must be noted on the plat.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter, dated September 20, 2019, except for Comment 4 in the letter, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter excluding Comment 4, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. In accordance with the MCDOT letter, the Applicant must participate in a pro-rata share basis for the Wilson Lane sidepath. Prior to approval of a certified preliminary plan, the Applicant must provide an engineer’s cost estimate for the sidepath for review and approval by MCDOT. The payment must be made prior to recordation of any plat associated with the Subject Application.
5. The Applicant must dedicate all road rights-of-way to the full width recommended by the *Bethesda Downtown Sector Plan*, and show on the record plat(s) the following:
 - a. A dedication of the Wilson Lane frontage necessary to provide the Sector Plan recommended 80-foot right-of-way between the Subject Property line and right-of-way centerline, as illustrated on the Certified Preliminary Plan, and
 - b. A dedication of the Cordell Avenue frontage necessary to provide the Sector Plan recommended 50-foot right-of-way between the Subject Property line and right-of-way centerline, as illustrated on the Certified Preliminary Plan.
6. Prior to approval of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a. Show resolutions and approval letters on the certified plan.
 - b. Modify data table to reflect standards approved by the Planning Board.
 - c. Demonstrate that a 10-foot wide sidepath can be accommodated on the north side of Wilson Lane within the dedicated right-of-way.
 - d. Add a note stating any future redevelopment is subject to the green cover requirements of the 2017 *Bethesda Downtown Sector Plan*.

SECTION 2: SITE DESCRIPTION

Site Vicinity and Analysis

Subject Property

The Preliminary Plan consists of parts of Lots 1 & 3 of the Battery Park subdivision, created by Plat 304 in 1925 (Subject Property or Property). The Subject Property consists of two existing buildings located at 5004 Cordell Avenue and 5021 & 5027 Wilson Lane in the Woodmont Triangle District of the Bethesda Downtown area. The Property has a tract area of 0.24 acres.

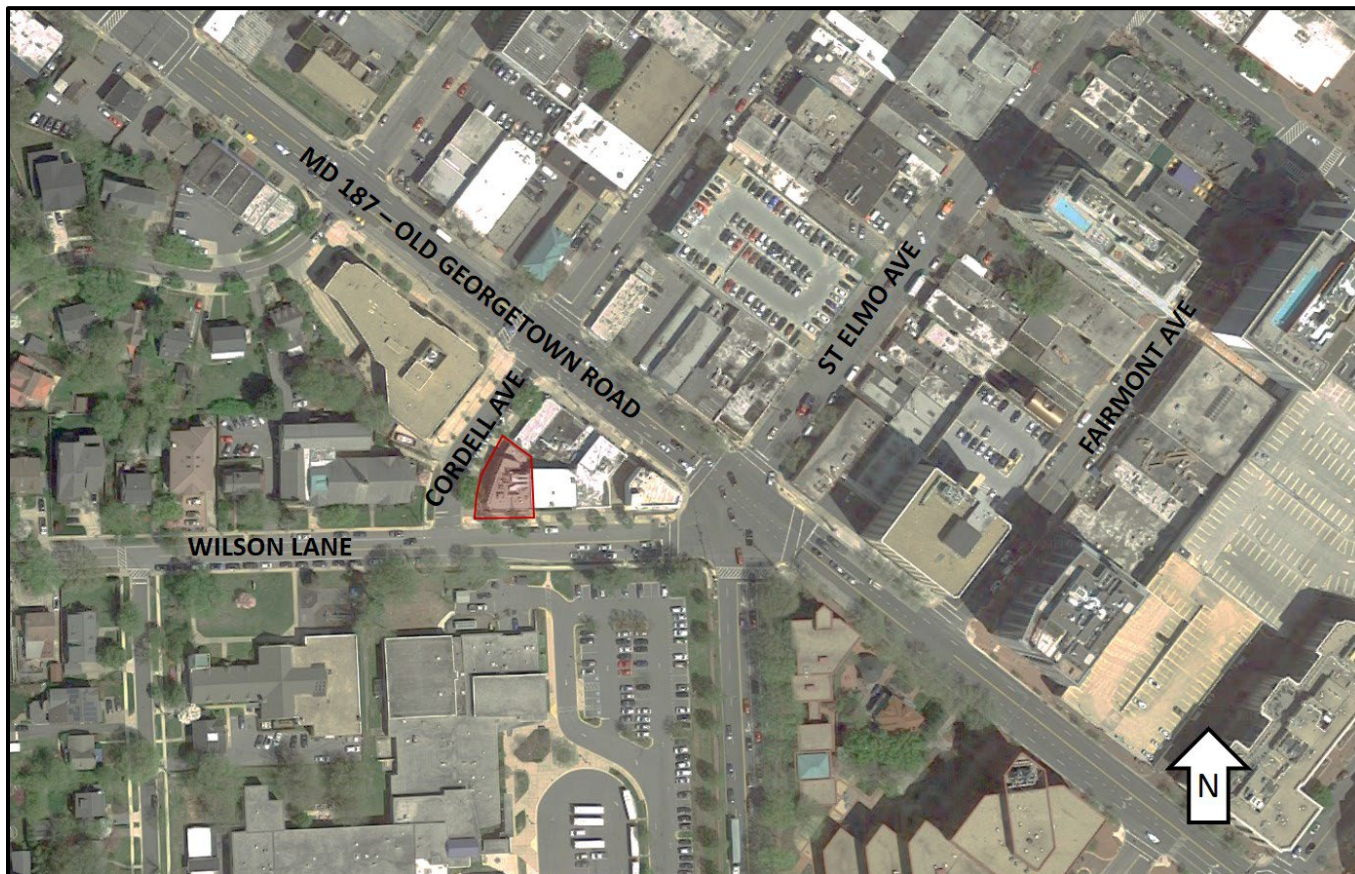


Figure 1 - Aerial View

Site Analysis

The Property is zoned CRT 2.25 C 1.5 R 0.75 H 35 and is currently improved with approximately 4,362 square feet of non-residential uses within two separate commercial buildings. The two-story building is located at 5021 & 5027 Wilson Lane and the one-story building is at 5004 Cordell Avenue. There are no known rare, threatened, or endangered species on site; there are no 100-year floodplains, stream buffers, or wetlands on site. There are no known historic properties on site.

Surrounding Uses

The Property is on the western edge of Downtown Bethesda, within a triangle formed by Cordell Avenue, Wilson Lane, and Old Georgetown Road which predominantly contains retail establishments. Confronting the Property to the south and southwest, across Wilson Lane, is Bethesda Elementary School and Bethesda Presbyterian Church which then transitions to single family residential. Across Cordell Avenue to the west and northwest is Church in Bethesda and PrepMatters, an educational/tutoring service.

SECTION 3: PROJECT DESCRIPTION

Proposal

The Project proposes to subdivide the existing parcel into two lots, each containing one existing building. As proposed, Lot A tract area will be 3,015 square feet and Lot B tract area will be 496 square feet. As designed, no building will cross lot lines. The Applicant does not propose any development with the Preliminary Plan and has indicated any future development would follow standard method requirements. Any future redevelopment of the Property is subject to the requirements in Section 59.7.3.4 to determine if a site plan is necessary.

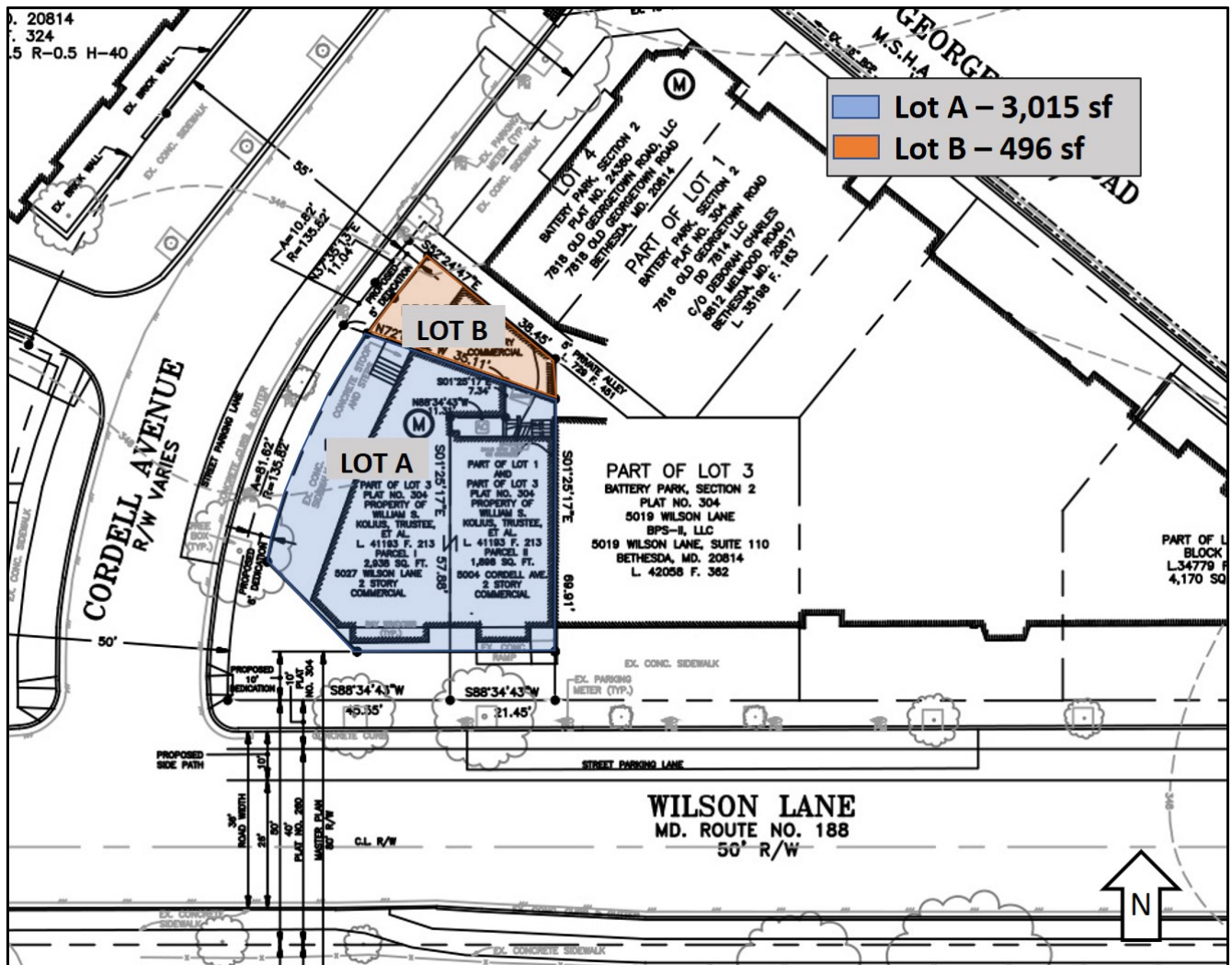


Figure 2 - Lotting Diagram



Figure 3 – 5004 Cordell Ave, 5021 & 5027 Wilson Lane Site Photos

Density Transfers

This Site was previously a “sending property” for density in two separate development approvals (8008 Wisconsin Ave - 920150020 and the Claiborne - 320170030) which total 8,520 square feet of transferred density. This density has been proportionally subtracted from each of the proposed lots density potential, as shown in Table 1. As conditioned, the Applicant will be required to record revised density transfer agreements to reflect the remaining density potential for each proposed lot.

Table 1: Potential Density for Proposed Lots

	Lot A	Lot B
Tract Area	9,223	1,173
Prior/Proposed Dedications	6,208	677
Site Area	3,015	496
FAR Allowed (2.25)	20,752	2,639
FAR Transferred	8,110	410
FAR remaining	12,642	2,229
Existing Buildings	4,063	299

Transportation

Access and Circulation

The Application does not propose any physical changes to the Site. As a result, the Site access and circulation for all travel modes will not change. No vehicular access is provided on the Subject Property and on-street parking is available along Cordell Avenue and Wilson Lane. Pedestrians can access the buildings from existing sidewalks along Cordell Avenue and Wilson Lane. As recommended in the Sector Plan, the Applicant proposes dedication along the Wilson Lane frontage for the planned 10-foot sidepath as shown on the Preliminary Plan and will participate in the implementation.

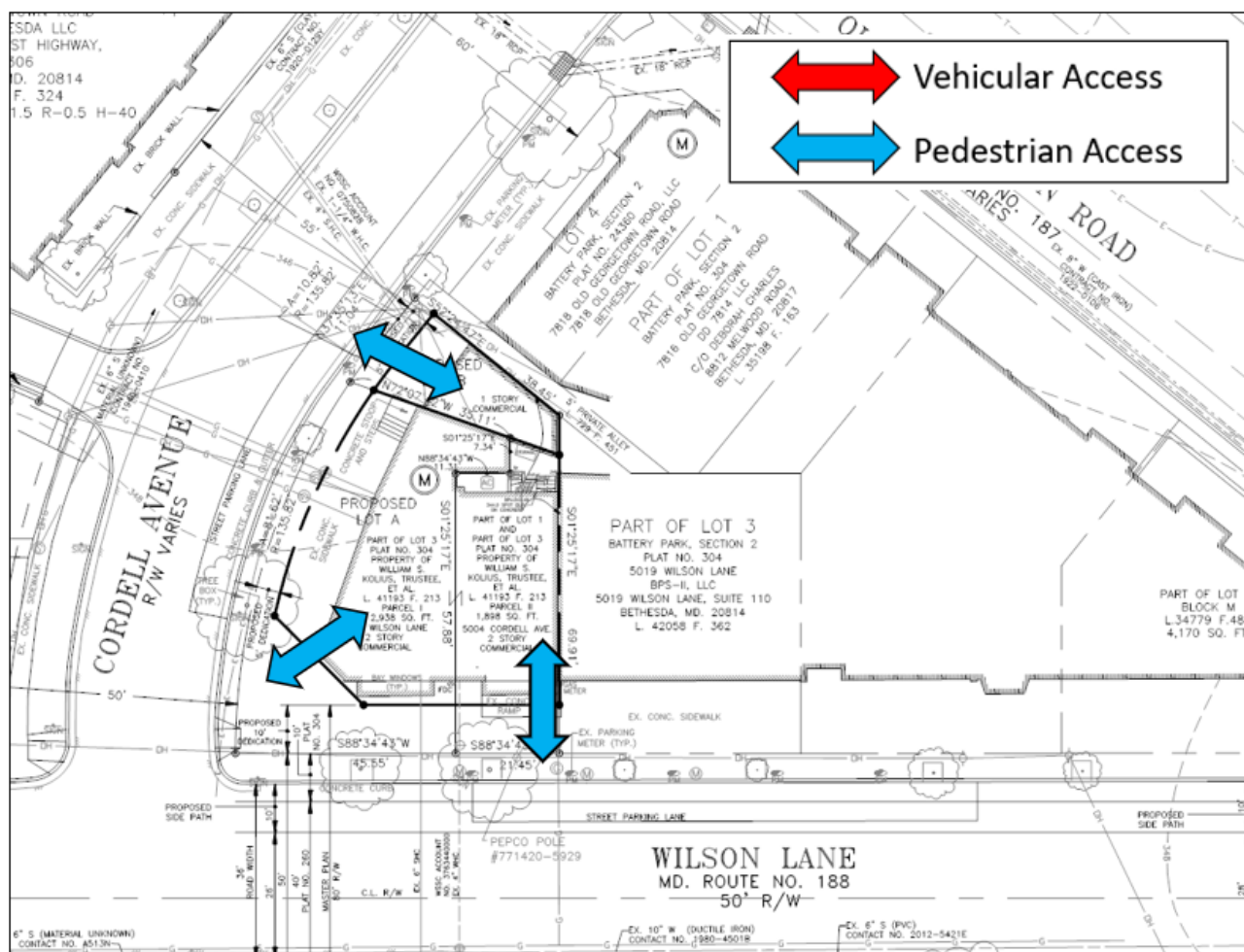


Figure 4 - Pedestrian and Vehicular Circulation

Community Outreach

The Applicant held a pre-submittal public meeting at the Davis Community Library located at 6400 Democracy Boulevard on March 12, 2019. The Applicant has complied with all submittal and noticing requirements, and Staff has not received correspondence from community groups or citizens as of the date of this report.

SECTION 4: ANALYSIS & FINDINGS - PRELIMINARY PLAN 120180210

This Preliminary Plan creates two lots that will accommodate the two existing non-residential buildings. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision taking into account the recommendations included in the Sector Plan, and for the type of development or use contemplated. The Application has been reviewed by other applicable County agencies, all of which have recommended approval of the Preliminary Plan.

Section 50.4.3.E.2.F.iii 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 that ensures adequate sight distance is available and creates space for traffic channelization and other traffic control devices. The regulation also allows the Planning Board to specify a greater or lesser truncation depending on the specific sight distance and traffic operation needs at the intersections adjacent to the Subject Property. The Applicant is

providing less than the required truncation at the intersection of Cordell Avenue and Wilson Lane as the existing building location does not allow for the full required truncation. The proposed non-standard truncation is appropriate because adequate sight distance already exists at these locations.

1. *The layout of the subdivision, including size, width, shape, orientation and diversity 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*
 - a. *The block design is appropriate for the development or use contemplated*
The length, width, and shape of the block are consistent with Section 50.4.3.B of the Subdivision Code. The existing block contains several small non-residential uses and a shared pedestrian alley. All parking and deliveries are accommodated on Cordell Avenue and Wilson Lane.
 - b. *The lot design is appropriate for the development or use contemplated*
The lot design, including size, width, shape, and orientation is consistent with Section 50.4.3.C of the Subdivision Code. The proposed lots accommodate the existing uses and conform to the standards set forth in Section 59.4.4.7 of the Zoning Ordinance. There is no development proposed as part of this Application. The existing buildings are proposed to remain, and the lots have been designed to ensure no existing buildings cross lot lines.
 - c. *The Preliminary Plan provides for required public sites and adequate open areas*
The Site was reviewed for compliance with Section 50.4.3.D, "Public Sites and Adequate Public Facilities," of the Subdivision Code. There are no Sector Plan recommendations for public facilities or local recreation requirements for the Subject Property.
 - d. *The Lot(s) and uses comply with the basic requirements of Chapter 59*
The lots were reviewed for compliance with the dimensional requirements for the CRT 2.25 C 1.5 R 0.75 H 35 zone as specified in the Zoning Ordinance. The lots meet all the dimensional requirements for minimum lot area, frontage, width, and setbacks in the CRT zone and the existing buildings and uses comply with these requirements. A summary of this review is included in Table 2.

Table 2: Preliminary Plan Data Table CRT Zone

PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	
		Lot A	Lot B
Minimum Lot Area	n/a	3,015 sf	496 sf
Lot Width at front lot line	n/a	69.97 ft Cordell Ave 61.63 ft Wilson Lane	20.14 ft
Setbacks			
Front	0'	Must meet minimum ¹	
Side	0'	Must meet minimum ¹	
Rear	0'	Must meet minimum ¹	

¹ As determined by MCDPS at the time of building permit.

2. *The Preliminary Plan substantially conforms to the Master Plan*

The Preliminary Plan substantially conforms with the recommendations of the Sector Plan.

a. Land Use

The Sector Plan calls for mixed use development within this area of the Woodmont Triangle District. The Application does not propose any development, however the existing buildings have been and will continue to be used for mixed, non-residential uses.

b. Environment

Green Cover

This Application cannot accommodate Sector Plan recommendations of onsite green cover. The Subject Property, which consists of two modest buildings constructed in 1923 with limited roof space and lack proper structural support for an intensive green roof system. These existing buildings will remain undisturbed. However, Staff is recommending a condition of approval to add a note to the Certified Preliminary Plan stating that any future redevelopment is subject to the green cover requirements of the 2017 *Bethesda Downtown Sector Plan*.

c. Circulation Systems Recommendations

The Sector Plan recommends “complete streets” improvements to the roadway network that increase the connectivity, safety and quality for all modes of transportation (Page 34). This vision was recently updated by the 2018 *Bicycle Master Plan*, which recommends a separated bike network within the Bethesda Downtown. The Project incorporates the master plan recommended 10-foot sidepath on Wilson Lane by dedicating adequate right-of-way for its future implementation. The Applicant will be required to coordinate with MCDOT to make a financial contribution towards the design and implementation of the planned sidepath.

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

Pedestrian and bicycle access to the Property is proposed directly from existing sidewalks along Wilson Lane and Cordell Avenue. Bicycle access will be enhanced on Wilson Lane upon completion of the MCDOT sidepath project, discussed below.

Vehicular access to the Property is provided along a private alleyway accessed from Cordell Avenue. Pedestrians can access the property from existing sidewalks along Cordell Avenue and Wilson Lane. Dedication for the planned 10-foot sidepath along the northern side of Wilson Lane is required as shown on the Preliminary Plan.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2017 *Bethesda Downtown Sector Plan*, the 2013 *Countywide Transit Corridors Functional Master Plan*, the 2018 *Bicycle Master Plan* and 2018 *Master Plan of Highways and Transitways* recommend the following master plan facilities along Property frontage:

1. Wilson Lane, along the southern frontage, as an arterial with a minimum right-of-way width of 80' (40' from the center line); a 10-foot sidepath.
2. Cordell Avenue, along the western frontage, as a business district street with a minimum right-of-way width of 50' (25' from centerline).

MCDOT recommends in their letter, dated September 20, 2019, that the Applicant provide the necessary dedication along Wilson Lane per the Master Plan and dedication should be up to the building (Comment #4). The Applicant is proposing adequate dedication along both Cordell Avenue and Wilson Lane as recommended in the Sector Plan, however Staff is not in support of requiring further dedication up to the existing building because such dedication would be in excess of Sector Plan recommendations and is not

necessary to accommodate pedestrian or vehicular circulation. Therefore, as reflected in Condition 3, Staff is accepting the MCDOT letter and associated comments with exclusion of Comment #4.

Adequate Public Facilities

A transportation exemption statement, dated April 29, 2019, satisfied the Local Area Transportation Review (LATR) for the Subject Application because the Project generates fewer than 50 net new peak hour person trips. There is no proposed construction and no increase in square footage, which results in zero net new trips.

a. Other Public Facilities and Services

Public facilities will be adequate to serve the Site. Since the Project does not add any new residential units, there will be no impact on the public school system. Both the Maryland State Highway Administration and Department of Permitting Services Fire Code Enforcement Section recommend approval of the Subject Application without conditions because there is no land disturbance associated with the Project.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied*

A Forest Conservation Exemption (42019137E) for the Subject Property was confirmed by Montgomery County Planning Department Staff on March 14, 2019. This Application is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2) because the proposed activity occurs on a tract of land less than 1 acre and will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen tree or champion tree, and reforestation requirements would not exceed 10,000 square feet. The project's tract area is approximately 0.11 acres and no forest, specimen trees or champion trees exist on the Property.

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

This Application has been granted a waiver from submitting a Stormwater Management Concept from the Montgomery County Department of Permitting Services (MCPDS) on March 22, 2019. Under this application, there will be no land disturbance or change in drainage runoff. Peak 10-year design discharge from the site is 0.66 cubic feet per second (cfs), which meets the waiver criteria of 3 cfs or less. All subject streets are fully developed and improved, and there will be no additional storm drainage impacts as the site drains to the gutter and does not require direct connection to any Montgomery County storm drain system.

6. *Any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied*

There are no other applicable provisions specific to this Property necessary for approval of the subdivision.

CONCLUSION

The proposed lots meet all of the requirements established in the Subdivision Code and Zoning Ordinance and conform to the recommendations of the 2017 *Bethesda Downtown Sector Plan*. Access to the lots is adequate and all public facilities have been deemed adequate to serve this Application. The Application was reviewed by other applicable County agencies, all of which have recommended approval of the plan. Therefore, Staff recommends approval of the Preliminary Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Forest Conservation Exemption Letter
- B. Agency Letters



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

March 14, 2019

William S. Kolius
11936 Man-O-War Lane
Berling, MD 20811

Re: Forest Conservation Exemption Request and Simplified NRI/FSD No. 42019137E
Property Name: Kolius Property (5004 Cordell Avenue and 5027 Wilson Lane)
Action Taken: Exemption Confirmed & Existing Conditions Plan Approved

Dear William S. Kolius:

On March 13, 2019, Montgomery County Planning Department Staff received an Existing Conditions Plan for 5004 Cordell Avenue and 5027 Wilson Lane (Kolius Property). This Existing Conditions Plan is part of a Chapter 22A-5(s)(2) Exemption Request for an activity on a small property. A Preliminary Plan of Subdivision Application is being filed in conjunction with this forest conservation exemption request.

A Chapter 22A-5(s)(2) Exemption Request is for an activity on a tract of land of less than 1 acre that will not result in the clearing or more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree, and not result in reforestation requirements more than 10,000 square feet.

The project's tract area is approximately 0.11 acres. The proposed construction limits of disturbance area is less than 1 acre. No forest, specimen trees or champion trees exists on the property. This activity does not trigger reforestation requirements.

The Forest Conservation Exemption Request No. 42019137E for 5004 Cordell Avenue and 5027 Wilson Lane (Kolius Property) is confirmed. The Existing Conditions Plan submitted on March 13, 2019 for the project is approved. Any changes from the confirmed Forest Conservation Exemption Request and approved Existing Conditions Plan may constitute grounds to rescind or amend any approval actions taken.

Sincerely,

Stephen Peck
Senior Planner
Development Applications and Regulatory Coordination
M-NCPPC - Montgomery County Planning Department

CC: Charles Grimsley, Landmark Engineering Inc.



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Al R. Roshdieh
Director

September 20, 2019

Ms. Grace Bogdan, Planner Coordinator
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Preliminary Plan No. 120190200
Kolius Property

Dear Ms. Bogdan:

We have completed our review of the preliminary plan dated August 5, 2019 that was reviewed by the Development Review Committee at its August 20, 2019 meeting. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services (DPS) in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

Significant Comments

1. Obtain waiver from the Montgomery County Planning Board for reduced truncation.
2. The applicant must participate in a pro-rata share basis towards the construction of a master planned shared use path along the Wilson Lane Street frontage. The applicant must provide an engineer's cost estimate for the separate bike lanes along their Wilson Lane street frontage that will include contingencies and be approved by MCDOT prior to certified preliminary plan. The cost shall include, but not be limited to, repaving, restriping, flex posts, signing and other related improvements for the separated bike lanes. The payment must be made prior to the issuance of record plat.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

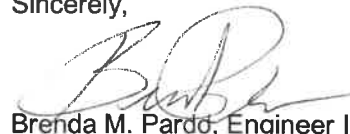
www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

3. There is no proposed increase in impervious area. Therefore, no storm drain study is required.
4. Necessary dedication along Wilson Lane to be per Master Plan and dedication should be up to building.
5. We defer to MSHA for access and improvements to Wilson Lane (MD Route 188).

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact myself for this project at brenda.pardo@montgomerycountymd.gov or at (240) 777-7170.

Sincerely,



Brenda M. Pardo, Engineer III
Development Review Team
Office to Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Brenda\Preliminary Plan\Kolius Property\Letter\120190200-Kolius Property-DOT Preliminary Plan Letter_09.20.19

cc: Letters notebook

cc-e: Charles Grimsley
Jody Kline
Atiq Panjshiri
Sam Farhadi
Rebecca Torma

Landmark Engineering, Inc.
Miller, Miller & Canby
MCDPS RWPR
MCDPS RWPR
MCDOT OTP