



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

MCPB No. 20-012
Sketch Plan No. 32015004B
St. Elmo Apartments
Date of Hearing: March 5, 2020

MAR 13 2020

RESOLUTION

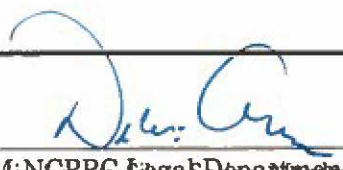
WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, on February 25, 2015, by Resolution MCPB No. 15-17, the Planning Board approved Sketch Plan No. 320150040, to allow a total of 309,968 square feet of development (including Sending and Subject Property), of which 263,956 square feet (up to 256,300 square feet of residential development and up to 15,488 square feet of non-residential uses) will be used to construct a mixed use project on 0.70 acres of CR 5.0 C 1.0, R 4.75, H 145T zoned land located on Fairmont Avenue and St. Elmo Avenue, approximately 275 northwest of Old Georgetown Road ("Subject Property") in the Woodmont Triangle Amendment to the Bethesda CBD Sector Plan area; and

WHEREAS, on May 25, 2017, by Resolution No. 18-835, the Montgomery County Council approved and adopted the 2017 *Bethesda Downtown Sector Plan*, which rezoned the Subject Property to CR 5.0 C 5.0 R 5.0 H 225 within the Bethesda Overlay Zone; and

WHEREAS, on October 11, 2018, the Planning Board approved an amendment to Sketch Plan No. 32015004A (MCPB No. 18-102) to a) increase density by 66,044 square feet, from 263,956 to 330,000 square feet, including up to 245 units of multi-family residential uses with 15 percent MPDUs and 16,000 square feet of commercial space, b) increase the height by 51 feet from 174 feet to a maximum of 225 feet, c) receive 14,863 square feet of density transfer, and d) receive up to 162,012 square feet of density from the Bethesda Overlay Zone with a payment to the PIP; and

WHEREAS, on November 20, 2019, the St Elmo Apartments LLC ("Applicant") filed an application for approval of an amendment to the previously approved sketch plans to reduce the amount of previously approved non-residential uses from 16,000 square feet to 6,000 square feet, increase the number of dwelling units from 245 to up to 279 units while remaining at the previously approved maximum density of 330,000

Approved as to
Legal Sufficiency: 

square feet and maximum height of 225 feet and modify public benefit categories on the Subject Property; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 32015004B, St. Elmo Apartments ("Sketch 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 February 24, 2020, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on March 5, 2020, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain binding elements and conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 32015004B, to reduce the amount of previously approved non-residential uses from 16,000 square feet to 6,000 square feet, increase the number of dwelling units from 245 to up to 279 units while remaining at the previously approved maximum density of 330,000 square feet and maximum height of 225 feet and modify public benefit categories on the Subject Property, by modifying the following conditions:¹

1. Density

The Sketch Plan is limited to a maximum density of 330,000 square feet of total development, including up to 279 residential units and up to 6,000 square feet of non-residential uses, on the Subject Property. The maximum number of dwelling units and use mix will be determined at Site Plan. The maximum density includes up to 162,012 square feet of density from the Bethesda Overlay Zone (BOZ) with a Park Impact Payment (PIP). The final square footage and associated PIP will be determined at Site Plan.

5. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. and this Sketch Plan is amended. Total points must equal at least 100 and be chosen from at least four

¹ For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a. Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance and BOZ overlay, and providing a through block connection;
- b. Diversity of uses and activities, achieved by providing small business opportunities and enhanced access for the disabled;
- c. Quality of Building and Site Design, achieved through exceptional design, public art, public open space, and structured parking; and
- d. Protection and Enhancement of the Natural Environment, achieved through purchase of building lot terminations, installation of a cool roof, and energy conservation and generation through incorporation of materials and systems that exceed the required minimums.

BE IT FURTHER RESOLVED that all other sketch plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan as revised by previous amendments, and all findings not specifically addressed remain in effect.

1. *Meet the objectives, general requirements, and standards of this Chapter;*

Sketch Plan Amendment 32015004B requests to increase the number of residential units from 245 to 279 units, decrease non-residential uses from 16,000 square feet to 6,000 square feet, and modify public benefit categories to add enhanced access for the disabled as a category. The data table has been updated to reflect the proposed changes. As amended, the Project is consistent with the previously approved maximum density and consistent with the standards of Section 59.4.5.4 of the Zoning Ordinance as shown in the following amended Data Table:

Table 1: Sketch Plan Data Table

Property Information				
Subject Property				
CR 5.0 C-5.0 R-5 H-225			30,625 sf (0.70 ac)	
Prior Dedication			5,000 sf (0.11 ac)	
Site Area			25,625 sf (0.59 ac)	
Sending Property				
CR 3.0 C-3.0 R-2.75 H-110			15,625 sf (0.36 ac)	
Prior Dedication			2,500 sf (0.06 ac)	
Site Area			13,125 (0.30) sf	
Total Site Area			38,750 sf (0.89 ac)	
Total Tract Area			46,250 sf (1.06 ac)	
Section 59.4	Development Standard	Permitted/ Required	Approved with Sketch Plan 32015004A	Proposed
	Residential Density (GFA/ FAR)	153,125 sf (5)	314,000 sf	324,000 sf (10.57)
	Commercial Density (GFA/FAR)	153,125 sf (5)	16,000 sf	6,000 sf (0.20)
	Bethesda Overlay Zone Density	n/a	162,012 sf	162,012 sf
	Sending Property Density	46,875 sf (3) ¹	14,863 sf	14,863 sf
	Total FAR/GFA	n/a	330,000 sf	330,000 sf (10.77)
	Building Height			
	CR 5.0 C-5.0 R-5 H-225	225 feet	225 feet	225 feet
	Public Open Space (min)	0	5,150 sf	5,150 sf
	Minimum Setbacks			
	Front (St. Elmo/Fairmont)	0	1.3'/5.3'	1'/5'
	Side (West/East)	0	0/20'	0/22' ²

¹ 32,012 square feet of commercial density to remain at Sending Property

² Setback provided for through block connection from St. Elmo Avenue to Fairmont Avenue

6. *Propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;*

For the proposed development, the Zoning Ordinance requires 100 points in four categories. This Sketch Plan Amendment requests to add a subcategory under Diversity of Uses and Activities for providing enhanced access for the disabled and reducing the points requested for small business opportunities. The data table (Table 2) below demonstrates that the project will continue to meet the requirements of the Zoning Ordinance and provide sufficient public benefit points with the added subcategory. All other categories and related findings remain unchanged.

Table 2: Public Benefits Calculations

Public Benefit	Incentive Density Points	
	Max Allowed	Requested
59.4.7.3C: Connectivity and Mobility		
Minimum Parking ¹	20	6.5
Through-Block Connection ¹	30	15
59.4.7.3D: Diversity of Uses and Activities		
Small Business Opportunities	20	0
Enhanced Access for the Disabled	20	3.2
59.4.7.3E: Quality of Building and Site Design		
Exceptional Design ¹	30	15
Public Art	20	15
Public Open Space	30	20
Structured Parking	20	20
59.4.7.3F: Protection and Enhancement of the Natural Environment		
Building Lot Termination (BLT)	30	6.08
Cool Roof	15	10
Energy conservation and generation ¹	25	15
TOTAL		132.58

¹Denotes Sector Plan priority

Quality of Building and Site Design

Enhanced Access for the Disabled: The Applicant requests 3.2 points for constructing dwelling units with interiors that satisfy the American National Standards Institute A117.1 Residential Type A standards or an equivalent County Standard.

This Amendment does not alter the intent, objectives, or requirements in the originally approved Sketch Plan and all previous findings remain in effect.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; and

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of 32015004B, St. Elmo Apartments, received by M-NCPPC

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of 32015004B, St. Elmo Apartments, received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 13 2020 (which is the date that this Resolution is mailed to all parties of record); and

* * * * *

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 Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, March 5, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board