



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

**MCPB #**  
**MCPB 12/18/2008**

**MEMORANDUM**

**DATE:** December 1, 2008  
**TO:** Montgomery County Planning Board  
**VIA:** Rose Krasnow, Chief *RK*  
 Robert A. Kronenberg, Supervisor *RAK*



**FROM:** Development Review Division  
 Molline Smith, Senior Planner *MS*  
 Development Review Division  
 (301) 495-4573 (301) 495-2187  
[Molline.Smith@montgomeryplanning.org](mailto:Molline.Smith@montgomeryplanning.org)

**REVIEW TYPE:** **Limited Site Plan Amendment**  
**CASE #:** **82000017D**  
**PROJECT NAME:** Gateway 270 West – Lot 11- Building 4  
**APPLYING FOR:** Amendment to: 1) Convert Lot 11 Building 4 from 60,872 square feet of research and development/warehouse to 40,512 square feet of research and development/warehouse, 9,356 square feet of health club, and 11,004 square feet of daycare 2) include an outdoor play area of 3,000 square feet 3) remove of 10 parking spaces 4) add of two 6' concrete walks to connect the existing building to the onsite sidewalk system, and 5) modify to the proposed landscaping.

**REVIEW BASIS:** Div. 59-D-2.6 of Montgomery County Zoning Ordinance for Minor Plan Amendments

**ZONE:** I-3  
**LOCATION:** Located west of Gateway Center Drive and east of I-270, within the Transit Corridor District in Clarksburg.  
**MASTER PLAN:** Clarksburg Master Plan  
**APPLICANT:** FP Gateway 270, LLC.  
**FILING DATE:** November 03, 2008  
**HEARING DATE:** December 18, 2008

**BACKGROUND**

Preliminary Plan

The Preliminary Plan for Gateway 270 West (19870410) was approved on December 14, 1989 for 14 lots on 63.87 acres of land in the I-3 zone. Montgomery County Planning Board found the Preliminary Plan (1987041) to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County amended), and approved the plan subject to specified conditions.

### Site Plans

The Site Plan (820000170) for Gateway 270 was presented to the Montgomery County Planning Board on March 16, 2000 (Planning Board opinion dated July 25, 2000) for the approval of 254,637 square feet of warehouse/R&D in the I-3 zone for the entire property.

Amendment A, submitted as Mandatory Referral No. 050306 F&RS-1 for approval of site alterations associated with the location of an Interim Fire Station in Building 2, was approved on January 6, 2006. Site modifications included the construction of an access ramp bound by retaining walls, removal of 12 parking spaces for the ramp and removal of 2 parking spaces for a back-up generator.

Amendment B was approved by the Montgomery County Planning Board on July 26, 2007 for the relocation of a test chamber, cooling, and dehumidifying dry equipment on the rear side of the existing Building 4 (enclosed by a 10' tall chain linked fence), and the installation of two 3-4' caliber shade trees along the existing forest conservation easement area or within an existing planting island.

Amendment C was submitted as a minor amendment on June 5, 2008 for the addition of two sets of metals stairs on the rear side of Building 4, and the addition of a 4' wide concrete walk on the north side of the building. The total amount of disturbance was limited to 400 square feet. The site plan was approved by the Planning Director on June 23, 2008.

### **Analysis of the Limited Amendment to the Site Plan**

The amendment proposes to convert 60,872 square feet of research and development/warehouse into 40,512 square feet of research and development/warehouse, 9,356 square feet of health club, and 11,004 square feet of daycare within the existing footprint of Building 4. The proposed daycare, within the existing building, would be located on the northern side and the associated outdoor play facility would be located to the west side of the existing building. The approximate 3,000 square foot outdoor play area is situated within an existing parking lot with a proposed 4' vinyl fence, bollards and/or a green space with additional landscaping. The removal of 10 striped existing parking spaces (in order to accommodate the proposed play area) does not affect their required parking, as they have provided more than enough spaces. The proposed 6' concrete walks would be located on the northern side of the building (adjacent to the childcare facility). The additional walks are based on the configuration of the existing building's entries/exits.

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

## **PUBLIC NOTICE AND COMMENT**

A notice regarding the subject site plan amendment was sent to all parties of record by the applicant on November 4, 2008. Staff has received comments from an adjacent property owner, regarding increased traffic, parking and potential accidents on Gateway Center Drive.

The Applicant has responded to the correspondence noting that the proposed uses decrease the amount of trips generated by the day care and health club vs. the previously proposed office use.

## **STAFF RECOMMENDATION FOR SITE PLAN AMENDMENT:**

Staff recommends **Approval** of the Site Plan Amendment (82000017D). The terms and conditions of all applicable prior regulatory approvals and agreements, including the approved Site Plan No. 82000017C, remain in full force and effect, except for the following modifications:

- 1) Convert 60,872 square feet of research and development to 40,512 square feet of research and development/warehouse, 9,356 square feet of health club, and 11,004 square feet of daycare on Lot 11-Building 4. As a result of this revision the parking calculations have been modified and a traffic brief has been submitted.
- 2) Outdoor play area of 3,000 square feet has been added to Lot 11-Building 4 that includes a four foot vinyl fence, bollards and green space. The play area requires removal of existing striping for 10 parking spaces. In addition, two 6' concrete walks have been proposed that connect to the existing onsite sidewalk system, and modifications to the landscaping.

## **ATTACHMENTS**

- A. Letter from the Applicant dated October 28, 2008
- B. Site Vicinity and Description
- C. Letter of Correspondence (from Stern & Thornton, P.A.)

**ATTACHMENT A**



October 28, 2008

Mr. Robert Kronenberg  
MNCPPC Development Review Division  
8787 Georgia Ave.  
Silver Spring, MD 20910

Re: Gateway 270 # 82000017D  
Limited Site Plan Amendment

Dear Mr. Kronenberg:

The purpose of this letter is to inform you of the proposed modifications to the approved Gateway 270 Site Plan that necessitated a Limited Site Plan Amendment. The modifications are related to the revised uses on Lot 11, Building 4 and the installation of an outdoor play area on Lot 11, Building 4.

1. Revised use: Lot 11, Building 4 was originally approved for 60,872 square feet of research & development/warehouse. The revision to the plan will revise the use to 40,512 SF of research & development/warehouse, 9,356 SF of health club, and 11,004 SF of childcare. As a result of this revision the parking calculations have been modified and a traffic brief has been submitted.
2. Outdoor play area: A 3,000 SF outdoor play area has been added to Lot 11, Building 4 that includes a four foot white vinyl fence (as specified on sheet C-7C of the revised Site Plan). The play area requires the removal of striping for 10 parking spaces. In addition, two 6' concrete walks have been proposed that connect the existing building to the existing onsite sidewalk system.

With the exception of these changes, the revised plans match the approved Site Plan.

If you have any questions regarding this limited revision, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren Wirth", is written over the typed name.

Lauren Wirth

**Site Description and Vicinity**

The 8.50-acre property is bounded by Gateway Center Drive to the east, Clarksburg Road to the north and Washington National Pike 270 at the rear boundary line to the west. I-270 intersects Clarksburg Road (exit 18 off of I-270) on the southwest side of the site. Gateway 270 Corporation Park is located on the east side, directly across from building 4 along Gateway Center Drive. The site abuts an 80' Potomac Erosion Easement and a stream valley buffer. The site is zoned I-3.

Lot 11 currently contains a 60,872 square foot commercial building divided up into 6 different leased spaces. The total number of existing parking spaces (183) upon the installation of the proposed child play area is enough to meet the county requirement. Three different stormwater management facilities surround the site, are located within 1/4 mile or less from building 4.



**ATTACHMENT C**

LAW OFFICES  
**STERN & THORNTON, P.A.**  
127 WEST PATRICK STREET  
FREDERICK, MARYLAND 21701-5584  
(301) 663-5335

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SEYMOUR B. STERN  
DOUGLAS K. THORNTON

KAREN L. SMITH

November 26, 2008

Ms. Lauren Wirth  
Macris, Hendricks and Glascock, P.A.  
9220 Wightman Road  
Suite 120  
Montgomery Village, MD 20886

RE: Gateway 270 – Limited Site Plan Amendment  
M-NCP&PC # 8200017D  
MHG Project No. 08.193

Dear Ms. Wirth:

Our law firm represents COMSTAR Federal Credit Union “COMSTAR”. We are in receipt of your letter dated November 4, 2008 regarding a modified site plan for Lot 11, Building 4.

COMSTAR is concerned about safety issues involving ingress and egress to the parking lot for Building 4 from Gateway Center Drive. At the point where the hill crests, it is difficult to see people turning. My client advises me that there have been a number of accidents at this location. You and I spoke on the phone and you indicated a traffic study was conducted and also perhaps a site distance study.

Our client realizes that there will be increased traffic on Gateway Center Drive and more specifically, an increase of traffic flow in and out of the parking lot for Building 4. This will cause an even greater safety issue.

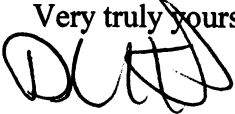
Please provide me with a copy of the traffic and site distance studies. My client is concerned that a health club and a day care center will pose even more safety issues for cars turning in and out of Lot 4's parking area.



November 26, 2008  
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Please let me know the date of the hearing before the Maryland National Capital Park and Planning Commission.

Thank you for your cooperation in this matter.

Very truly yours,  
  
Douglas K. Thornton

DKT/ald  
cc: COMSTAR Federal Credit Union  
Mr. Robert A. Kronenberg - MNCPPC