




**SDPA-12-1 & Special Exception S-2830, Wildwood Medical Center, LLC**

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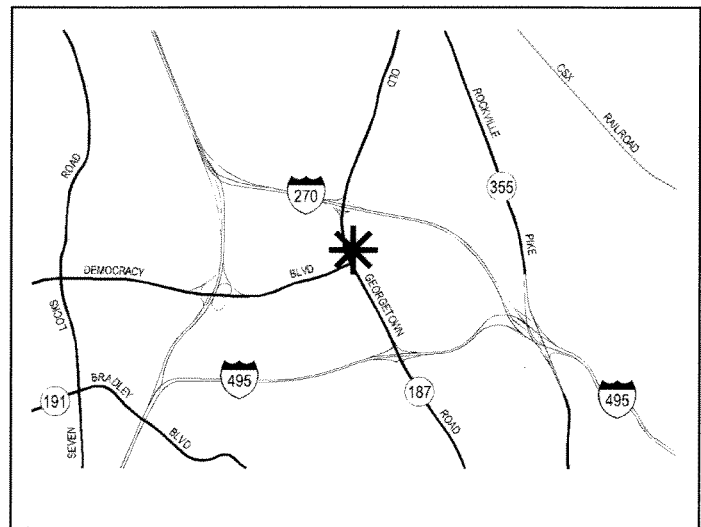
Completed: 06/29/12

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**Description**

SDPA 12-1 is a request to amend a previously approved schematic development plan in order to replace a 3-story office building with a 5-story, 58 unit residential apartment building.  
S-2830 is a special exception request to permit the construction of 58 residential units in the O-M Zone. Of these 58 units, 35% (21 units) are proposed as productivity housing units under the special exception provisions of Sec. 59-G-2.36.2(b)(2).

- Location: 10401 Old Georgetown Road on 3.5 acres in the O-M zone, North Bethesda/Garrett Park Master Plan
- Filing Date: February 22, 2012
- Applicant: Wildwood Medical Center, LLC



**Summary**

*Staff Recommendation: Approval of the Amended Schematic Development Plan (SDPA) and Approval of the Special Exception with conditions.*

The subject property ("Property"), comprising 3.5 acres of land, was reclassified from the R-90 zone to the O-M zone in 2007 by application No. G-851 and associated Schematic Development Plan ("SDP"). This application seeks simultaneous approval of an amendment to the SDP and a special exception for dwelling units pursuant to Sections 59-H-2.5 and 59-G-2.36.2 of the Zoning Ordinance. In 2007, the approved SDP permitted retention of a three-story, 36,423-square foot medical office building; construction of a 3,460-square foot bank with drive-through lanes, which is now constructed and in operation; and construction of a new 30,000-square foot, three-story office building (with structured parking) which has not been built. The approval included 274 total parking spaces (163 structured spaces and 111 surface spaces).

The application would amend the SDP to allow a five-story, 58 unit apartment building in lieu of the previously approved three-story office building with a total of 225 parking spaces (111 surface parking spaces and 114 parking spaces underneath the apartment building). To accommodate the new use, several of the previously approved binding elements require modification, including those regarding land use, building height, setbacks, and floor area. Details of the binding elements are discussed below. Significantly, the Board of Appeals (BOA) must also approve a shared parking arrangement for this mixed-use development.

The proposed development is generally consistent with all applicable standards of the O-M zone and applicable requirements of the Zoning Ordinance and is in accord with the land use recommendations of the North Bethesda/Garrett Park Master Plan. The proposed development conforms to the purpose clause for the O-M zone in as much as dwellings are a permitted use as a special exception in the O-M Zone. Staff believes that with the recommended conditions as specified on pages 16-17, the proposed use conforms to the applicable requirements and regulations for approval of a Special Exception for a residential dwelling use.

If the SDPA is approved by the County Council and the special exception is approved by the Board of Appeals, the proposed development will be subject to preliminary plan amendment and site plan amendment review.

#### **SITE DESCRIPTION**

The subject property is a 3.5-acre platted parcel in the O-M zone recorded as Lot N541, Parcel C of the Wildwood Manor Shopping Center subdivision; it is contiguous with the shopping center but not a part of it. The property is located in the southeast quadrant of the intersection of Old Georgetown Road (MD 187) and Rock Spring Drive. The property is developed with a three-story 36,423-square foot medical office building, a 3,460-square foot bank and associated surface parking. There are approximately 206 surface parking spaces on-site. The property has approximately 340 feet of frontage on Old Georgetown Road. The site's parking area interconnects with a gas station abutting the southwest corner of the site and, at three locations along its southern boundary, with the Wildwood Shopping Center. Both the gas station and shopping center have direct access to Old Georgetown Road. The subject property abuts Berkshire Drive to the west, but has no vehicular connection to it.

The property slopes moderately down from the northwest corner to the southeast corner. It is landscaped with trees and shrubs near the existing office building and bank within the parking area and along Old Georgetown Road. The site contains no sensitive environmental features.



*Aerial photo*

### **SURROUNDING AREA**

Staff defines the surrounding area to be generally bounded by I-270 to the north, Farnham Drive to the east, Old Georgetown Road to the west, and Cheshire Drive to the south. The surrounding area is characterized by a mixture of residential, office, and institutional uses classified in the R-90 and C-1 zones. Surrounding properties to the north and east are developed with one-family detached dwellings in the R-90 and R-90/TDR zones. Properties to the west are developed with a retail shopping center in the C-1 zone and a mix of one-family detached dwellings and townhouses in the R-60 zone. Properties to the south are developed with a retail shopping center in the C-1 zone (Wildwood Shopping Center). Although the shopping center is classified in the C-1 zone, the center's parking lot that is adjacent to the subject property operates pursuant to a special exception (CBA-1667) under the R-90 zone. A gasoline station, zoned C-1, abuts the subject property to the west. A special exception (S-1903) was approved in 1992 for an upgrade and rebuild of this site.



### **ZONING HISTORY**

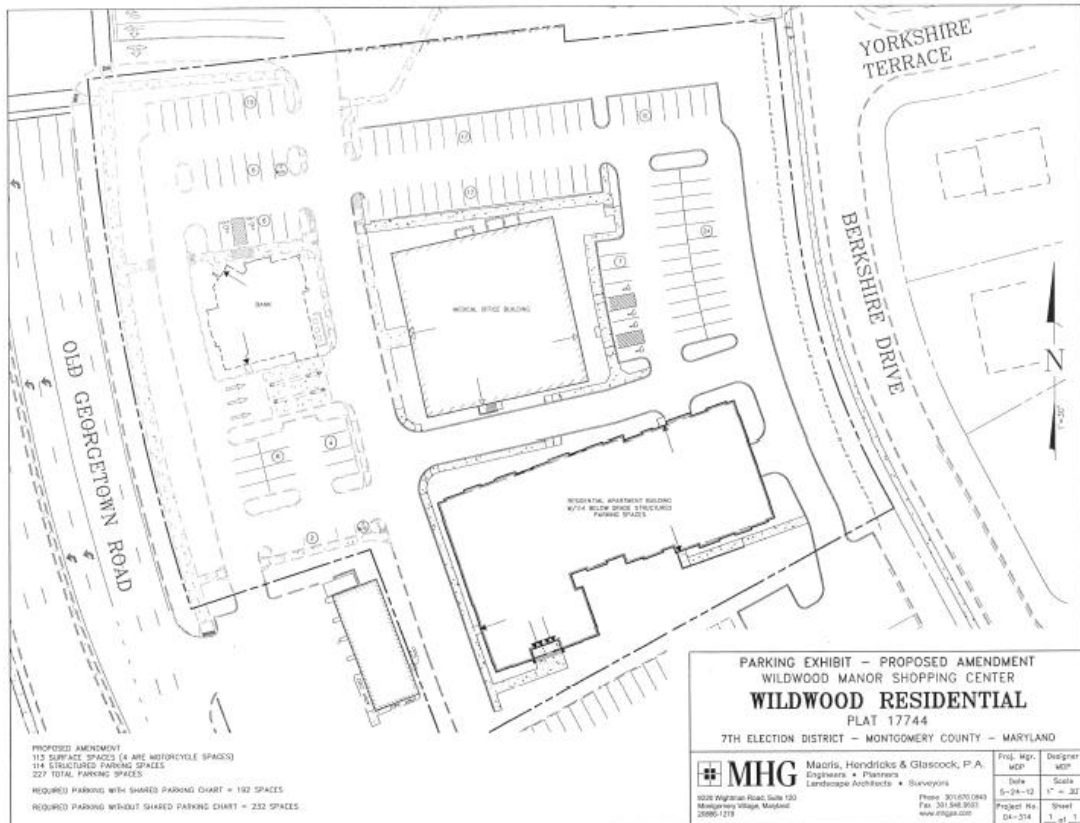
The subject property was classified under the R-90 zone in the 1954 comprehensive zoning of the area. In 1964, the Board of Appeals approved special exception number BA-1631, allowing construction of a medical office building on the property. The R-90 zoning was reaffirmed by Sectional Map Amendment in 1992 (G-706). The subject property was rezoned from the R-90 zone to the O-M zone by Local Map Amendment G-851 on November 27, 2007, which was submitted under the Optional Method of development requiring an SDP and establishing binding elements with respect to land use, development standards, and staging. The Opinion issued by the County Council is appended to this staff report. In 2009, the Planning Board approved a Preliminary Plan 11989271A and Site Plan 820080240. These plans were approved in association with the approval of G-851 and associated SDP in 2007.

### **PROPOSED DEVELOPMENT**

The Applicant is proposing to construct a 58-unit multi-family building that will include 56 two-bedroom units and two one-bedroom units. Thirty-five percent of those units will be made available for tenants at productivity housing rates consistent with standards stipulated by the Department of Housing and Community Affairs (DHCA). According to the Applicant, the apartment building will not have on-site management; maintenance services being handled by the same employees that maintain the existing office building and the subject property itself.

The proposed building will be five stories (50 feet) at its highest point, tapering down to four stories and then three stories on the eastern end of the building. The Applicant is proposing landscape screening on the east facades of the fourth and fifth floor roof tops in an effort to soften the view of the building from the Wildwood residential community. A 30-foot buffer, between the right-of-way line Berkshire Drive and the paved area for circulation on the subject property, will include existing trees and enhanced landscaping that will eliminate direct lines of site to the apartment building. The proposed building will be setback approximately 60 feet from the eastern property line.

The Applicant proposes 225 on-site parking spaces, of which 114 will be located underneath the apartment building and 111 will be available in the surrounding surface parking lot that serves the existing medical office building and bank. The parking structure underneath the proposed apartment building is designed such that parking for the residential units will be isolated from parking accessible for visitors to the apartment building and patrons/employees of the two office buildings on site. The upper level of the parking structure, which is presently designed to provide 47 spaces, will be freely accessible for visitors or office employee vehicles. The lower level will provide 67 spaces and will be designated as secure parking for the residential units thereby ensuring sufficient parking for the 58 dwelling units. Vehicular access to the lower level will be restricted by a gated access point located within the parking structure. The proposed apartment building will have a community room, a fitness center, and a business office. The building will include an entry lobby for residents and visitors.



**BINDING ELEMENTS**

The Applicant chose to follow the optional method of application. The optional method requires submission of a SDP that specifies which elements in the plan are illustrative and which are binding. Illustrative elements of the SDP may be changed during site plan review, but the binding elements cannot be changed without a separate application to the District Council for an amendment to the SDP. In light of the new proposal, several of the binding elements applicable to the previously approved office building require modification, specifically with regard to land use, building height, setback and floor area. The Applicant has submitted an SDPA with modified Binding Elements and Design Criteria as shown below.

CATEGORY	PERMITTED/REQUIRED	BINDING ELEMENT
LAND USE	See Section 59-C-4.2 for O-M Zone	<ol style="list-style-type: none"> <li>1. <u>Uses Permitted</u> <ol style="list-style-type: none"> <li>A. <u>Existing three story building</u> Offices, general and offices, professional and business. Leasable office space must not exceed 30,000 square feet.</li> <li>B. <u>Existing 3,471 square foot building</u> Offices, general and professional (bank), excluding medical practitioners.</li> <li>C. <u>Proposed five story residential</u> Building containing not more than fifty-eight (58) residential dwelling units, including a minimum of 35% Productivity Housing Units (PHU's).</li> </ol> </li> <li>2. There will be no vehicular access between the Subject Property and Berkshire Drive.</li> <li>3. Roof top mechanical equipment on the proposed residential building will be located as far westward on the building as is practicable (to reduce visibility from residences to the east) and will be screened in such a manner as to reduce visibility and the appearance of height.</li> <li>4. Running the entire length of the Subject Property between the easternmost property line of the Subject Property (the right-of-way for Berkshire Drive) and the paved area for vehicular circulation on the Subject Property, there will be</li> </ol>

		<p>a green space, at least 30 feet wide, as a buffer to screen the parking area, including the blocking of headlights of cars exiting the garage, and to screen the lower portions of the buildings.</p> <p>Within this green space the only land uses will be:</p> <ol style="list-style-type: none"> <li>(1) An approximately 6 foot high board-on-board fence;</li> <li>(2) Shade trees;</li> <li>(3) Evergreen plantings on both sides of the fence selected and located to block headlight glare.</li> </ol> <p>5. The building has been designed to rise in height as it progresses from east to west. As a result, there will be a rooftop over a three-story section of the building and a rooftop over a four-story section of the building. On these rooftops, in addition to any environmental/stormwater management features that may be located on such rooftops, there will be planters, or appropriate tree planting containers, containing trees at a height and at a spacing interval intended to screen and reduce the visibility year round of the east facing fourth floor and fifth floor facades.</p>
BUILDING HEIGHT	See Section 59-G-2.36.2(b)(2) (Not greater than 5 stories or 50 feet in height)	<p>6. The residential building shall be 5 stories or 50 feet in height as measured from the average elevation of finished ground surface along the front of the building (per Zoning Ordinance).</p> <p>7. The building design, including height of respective floors, will be substantially consistent with elevations submitted in companion Special Exception Case No. S-2830. Pedestrian circulation related to the residential building will be substantially consistent with pedestrian network features shown on the approved Special Exception Plan in companion Special Exception Case No. S-2830.</p>
BUILDING SETBACKS	See Section 59-C-4.313	<p>8. Bank Building</p> <ul style="list-style-type: none"> <li>● Not closer than 50 feet to Old Georgetown Road right-of-way</li> </ul>

	<p>Office Buildings</p> <ul style="list-style-type: none"> <li>● Not less than 113 feet to abutting property line (north)</li> <li>● Not less than 145 feet to rear (Berkshire Drive) right-of-way</li> </ul> <p>Residential Buildings</p> <ul style="list-style-type: none"> <li>● Not less than 16 feet to abutting property line (south)</li> <li>● Not less than 60 feet to rear (Berkshire Drive) right-of-way</li> </ul>
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FLOOR AREA RATIO	See Section 59-C-4.312 (1.5 FAR)	9. FAR shall not exceed 1.3
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**DESIGN CRITERIA TO BE CONSIDERED AT SITE PLAN**

1. Development of the Subject Property will be in accordance with the conditions of approval of a stormwater management plan relating to certain features of “green building” technology for the proposed residential building. If any of the major assumptions on which the stormwater management plan approval is predicated change, due to unforeseen circumstances, the applicant must reapply to Montgomery County, Maryland for a new stormwater management plan approval.
2. New freestanding lighting fixtures will be the same as, or similar to existing lighting in terms of style, height, and wattage. Any lighting fixtures affixed to or associated with the residential building on the Subject Property will be designed, located and operated to provide adequate security lighting and to illuminate the parking and walkway areas, not the buildings themselves. The details of a lighting plan are to be determined at the time of site plan review following completion of the zoning phase.
3. In the unpaved portion of the right-of-way of Berkshire Drive, subject to obtaining necessary permits from Montgomery County, Maryland, the following conditions will exist:
  - A. An approximately four foot wide concrete sidewalk will be installed in the Berkshire Drive right-of-way. The sidewalk will be extended beyond the southern limits of the Subject Property to connect to an existing staircase that provides access to the Wildwood Shopping Center.
  - B. Street trees will be planted in the Berkshire Drive right-of-way, per Montgomery County specifications, between said sidewalk and the street curb.
  - C. Existing trees and shrubs within the Berkshire Drive right-of-way are to be preserved to the extent practicable.



4. Landscaping shown on the companion "Landscaping Plan" (Sheets LS-1 & LS-2) is intended to provide, among other things, a sightly, all season, green buffer along the Berkshire Drive right-of-way. The landscaping shown is illustrative only. Final locations, sizes and species of landscape materials will be determined at the time of site plan review.
5. At the time of site plan review, the applicant will have selected, and will use exclusively, a name or identifier for the project which will not include the word "Wildwood" in the title.

## **PUBLIC FACILITIES**

Public facilities and services are available and will be adequate to serve the proposed development. The property is served by public water and sewer systems. The application has been reviewed by the Montgomery County Fire and Rescue Service which has determined that the Property has 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 Property. Electrical, gas, and telecommunications services are also available to serve the Property.

Schools – The estimated student generation for this development is 3 elementary school students, 3 middle school students, and 2 high school students. The property is located in the service areas of Ashburton Elementary School, North Bethesda Middle School, and Walter Johnson High School. Enrollment at Ashburton Elementary School is projected to remain over capacity through 2017-18 school years. A feasibility study for an addition at the school is scheduled for FY 2013. Enrollment at North Bethesda Middle School also is projected to remain over capacity through the 2017-18 school years. A feasibility study for an addition at the school is scheduled for FY 2013. Enrollment at Walter Johnson High School is projected to exceed capacity in the 2016-17 and 2017-18 school years. There are currently no plans for an addition at this school.

The current Subdivision Staging Policy, school test for FY 2012 requires a school facility payment at the elementary and middle school levels. The FY 2013 school test, that goes into effect on July 1, 2012, will require a school facility payment at the middle and high school levels.

## **TRANSPORTATION**

Site Location and Vehicular Site Access Points - The subject property is located on the east side of Old Georgetown Road (MD 187) between Democracy Boulevard and Rock Spring Drive. The vehicular access points are directly from Old Georgetown Road opposite of Rock Spring Drive and via the internal driveways connecting the Property to the Wildwood Shopping Center adjoining the southern property line. The Wildwood Shopping Center can be accessed at four other curb cuts -- from Old Georgetown Road opposite of Democracy Boulevard, at the Cheshire Drive/Grosvenor Lane intersection, and from two interim curb cuts between them.

Master-Planned Roadways and Bikeways - In accordance with the 1992 North Bethesda/Garrett Park Master Plan and the 2005 Countywide Bikeways Functional Master Plan, the master-planned roadway and bikeway designations are:

1. Old Georgetown Road is designated as a major highway, M-4, with a recommended 120-foot right-of-way. According to the *Countywide Bikeways Functional Master Plan*, a shared use path, SP-1, is designated along Old Georgetown Road between Democracy Boulevard and Cheshire Lane.

As a requirement for Preliminary Plan No. 11989271A, the Applicant had completed Record Plat No. 24091 that includes dedication for an additional 3.5 feet of right-of-way for a total of 60 feet from the centerline of Old Georgetown Road that was recorded on May 20, 2010.

2. Rock Spring Drive is designated as an arterial, A-81, with a recommended 80-foot right-of-way. According to the *Countywide Bikeways Functional Master Plan*, a signed shared roadway, SR-59, is designated along Rock Spring Drive between Old Georgetown Road and Fernwood Road.
3. Democracy Boulevard is designated as a major highway, M-5, with a recommended 120-foot right-of-way from Bells Mills Road to Old Georgetown Road.
4. According to the *Countywide Bikeways Functional Master Plan*, a shared use path, SP-2, is designated along Democracy Boulevard between Old Georgetown Road and Gainsborough Road.
5. I-270 East Spur is designated as a freeway, F-1, with a recommended 300-foot right-of-way.

Berkshire Drive is not listed in the *Master Plan* and is considered a tertiary residential street with a 50-foot right-of-way.

#### Traffic Mitigation Requirements

The Applicant does not have to enter into a Traffic Mitigation Agreement with Montgomery County Department of Transportation (MCDOT) and the Planning Board to participate in the North Bethesda Transportation Management District (TMD) because the site is located outside the TMD's boundary.

#### Parking

The number and location of the proposed parking spaces for the proposed residences and existing office visitor/employees must comply with the requirements of the County Code and Zoning Ordinance. The Applicant is proposing to allow parking by visitors/employees of the adjacent existing office buildings in the upper level of the apartment garage.

Pedestrian Facilities

With the improvements described in the conditions of approval, pedestrian facilities would not be adversely impacted by the proposed residential development. The existing sidewalks along the property frontage of Old Georgetown Road and Berkshire Drive were required to be upgraded to the current standards under the 2009 approvals of Preliminary Plan 11989271A and Site Plan 820080240.

Available Transit Service

Ride On routes 6, 26, and 96 and Metrobus routes J-1, J-2, and J-3 operate on the adjacent Old Georgetown Road frontage.

Local Area Transportation Review (LATR)

Table 1 shows the projected net reduction in peak-hour trips generated by the replacement land use within the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.).

Table 1: Net Reduction in Peak-Hour Trips

<i>Land Uses</i>	<i>Square Feet Or Units</i>	<i>Site-Generated Peak-Hour Trips</i>	
		<i>Morning</i>	<i>Evening</i>
<b>Previously Approved General Office</b>	<b>30,000 sf</b>	<b>43</b>	<b>63</b>
<b>Proposed Mid-Rise Apartments</b>	<b>58 units</b>	<b>26</b>	<b>28</b>
<b>Net Reduction in Peak-Hour Trips</b>		<b>-17</b>	<b>-35</b>

In accordance with the *Local Area Transportation Review and Policy Area Mobility Review Guidelines*, a traffic study is not required to satisfy Local Area Transportation Review (LATR) test because the number of peak-hour trips generated by the proposed apartment building is less than the trips generated by the previously-approved office building.

Table 2 below shows total number of peak-hour trips generated from the overall Wildwood Manor site:

Table 2: Total Overall Site Peak-Hour Trips

<i>Land Uses</i>	<i>Square Feet/Units</i>	<i>Site-Generated Peak-Hour Trips</i>	
		<i>Morning</i>	<i>Evening</i>
<b>Proposed Mid-Rise</b>	<b>58 units</b>	<b>26</b>	<b>28</b>
<b>Existing Medical Office</b>	<b>36,423sf</b>	<b>90</b>	<b>135</b>
<b>Existing Bank</b>	<b>3,470sf</b>	<b>6</b>	<b>24</b>
<b>Total Peak-Hour Trips</b>		<b>122</b>	<b>187</b>

The result of the traffic study prepared for the 2008 approval was that the intersection of Old Georgetown Road and Rock Spring Drive/Wildwood Manor Driveway exceeded its congestion standard.

The required intersection improvement – a second westbound approach lane on Wildwood Manor Driveway at the intersection with Old Georgetown Road – has been completed.

#### Other Nearby Traffic Conditions

The two nearby intersections with Old Georgetown Road at Democracy Boulevard/Wildwood Shopping Center Driveway and Cheshire Drive did not exceed their CLV congestion standard. An operational problem exists at the closely-spaced intersections along Cheshire Drive at Old Georgetown Road and at Grosvenor Lane-Wildwood Shopping Center Driveway. Limited storage for the westbound Cheshire Drive traffic between Old Georgetown Road and at Grosvenor Lane-Wildwood Shopping Center Driveway causes backups during peak hours. Another external traffic impact is the projected increase on Old Georgetown Road of approximately 1.6% by the expanded National Naval Medical Center (and renamed Walter Reed National Military Medical Center). The existing traffic problems, however, are not adversely impacted by the proposed apartment building that replaces the previously-approved office building and generates fewer site-generated peak-hour trips.

#### Policy Area Mobility Review (PAMR)

Under the current *Subdivision Staging Policy*, a revised PAMR test will be required at preliminary plan review because the number of new peak-hour trips generated by the proposed apartment building is less than the new trips generated by the previously approved office building. The previously required mitigation of 25 new peak-hour trips is reduced to 14 new peak-hour trips.

In 2008, the Applicant was required to provide non-auto transportation improvements such as handicapped ramps and static transit information signs. The revised APF test would be to pay \$11,000 (i.e., amount is based on the original subdivision filing date) times the 14 new PAMR trips equaling at least \$154,000 towards the cost of non-auto transportation improvements. As described in the recommended conditions, off-site non-auto transportation improvements must be identified, located within the North Bethesda Policy Area, and approved by MCDOT, State Highway Administration (SHA), and/or Department of Permitting Services (DPS) prior to certification of the amended site plan. These improvements must be implemented prior to release of any building permit.

#### **MASTER PLAN**

The proposed development is consistent with recommendations in the Approved and Adopted (1992) North Bethesda-Garrett Park Master Plan. Although there are no specific recommendations in the Master Plan for subject property at 10401 Old Georgetown Road, several land use objectives of the Master Plan will be implemented with this residential development, including increasing “the variety of housing stock, including affordable housing,” and encouraging “a mixture of land uses in redeveloping areas to promote variety and vitality” (p.33). Further, the location of the development along Old Georgetown Road is appropriate since it is within an area that is “best served by transportation infrastructure” (p.33). Old Georgetown Road is identified in the Master Plan as a Green Corridor. The Green Corridors policy is intended to address “the visual effects of roadways and abutting properties. The Green Corridors policy is recommended to “protect and enhance the residential character of the

Planning Area” (p.250). The Applicant’s landscape plan should be modified at site plan to include street (shade) trees along the frontage of Old Georgetown Road.

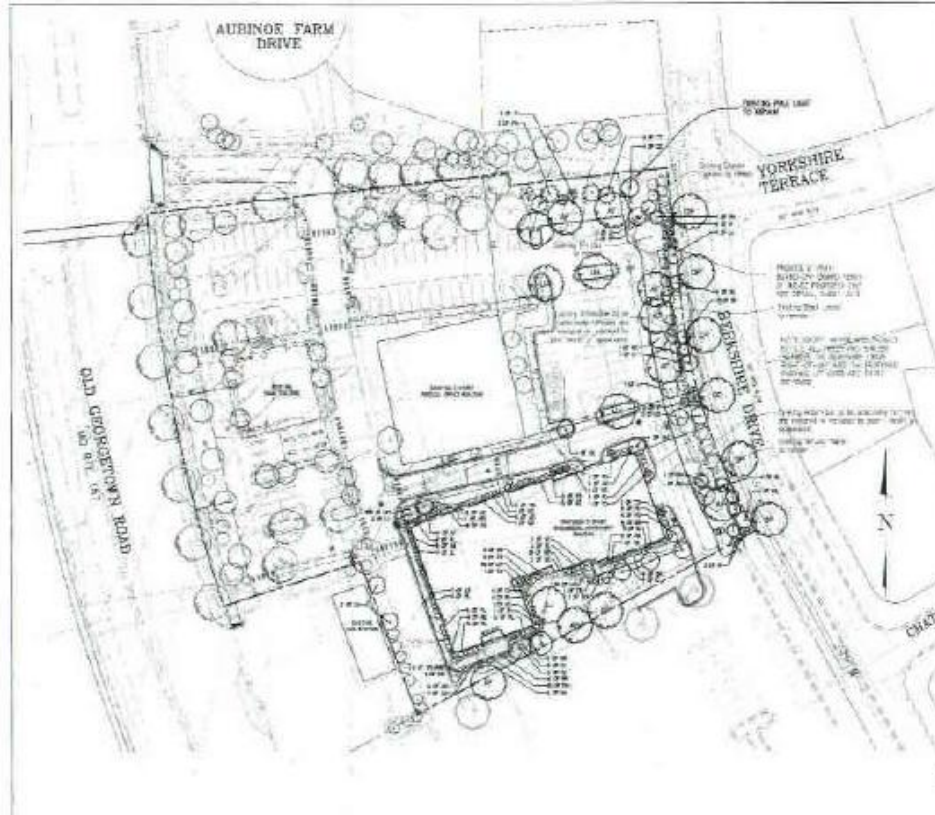
#### **ENVIRONMENT**

An exemption from preparing a Forest Conservation Plan (FCP) was approved by Park and Planning staff on February 8, 2012. The project was deemed exempt from Chapter 22A, Section 22A-5(t) because the project was a modification to an existing developed property and (1) the modification would not remove more than 5,000 square feet of forest, (2) the modification did not affect any forest in a stream buffer or forest located on property in a special protection area, which would require a water quality plan, and (3) the modification did not require approval of a new subdivision plan.

This project will require a Preliminary Plan Amendment at which time the FCP exemption will become void. The approval of a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the entire parcel will be required. A new FCP with a variance application for specimen tree impacts will be required as part of the Preliminary Plan Amendment application.

#### **LANDSCAPING IMPROVEMENTS**

In conformance with the approved Schematic Development Plan and the amended SDPA, the Applicant is proposing generous plantings and fencing along the perimeter of the site to the north and east, providing a buffer between the office and proposed residential buildings and the one-family residential areas. These plantings consist of a mix of evergreen and deciduous trees and shrubs that will provide interest, beauty, and screening. The fencing is a combination of privacy and split rail fencing as appropriate. Internal landscaping provides a good amount of canopy over the parking and sidewalk areas. The proposed lighting is similar to the existing fixtures and provides a safe environment but will not cause excessive glare or spill-over toward the residential areas.



### **Circulation Improvements**

Access to the site will continue to be provided via a driveway from Old Georgetown Road, but will be modified by this application for safer circulation to ensure accessibility for emergency vehicles. The layout will continue to provide access to the adjacent commercial parking lot; no direct vehicular access is provided to Berkshire Drive. New sidewalks along both frontage roads and through the interior of the site will connect the site to nearby neighborhoods and shopping areas.



*On-site Circulation Movement*

**Purpose Clause of O-M Zone (59-C-4.31):**

It is the purpose of the O-M zone to provide locations for moderate-intensity office building in areas outside of central business districts. It is intended that the O-M zone be located in areas where high intensity uses are not appropriate, but where moderate intensity office buildings will not have an adverse impact on the adjoining neighborhood. This zone is not intended for use in areas which are predominantly one-family residential in character. The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses and, in itself, shall not be sufficient to require the granting of any application.

The proposal would replace a previously approved moderate-intensity non-residential use with a less intense residential use. As a result, the residential character of the proposed apartment building will make it more compatible with existing residential uses adjacent to the site. The proposed residential development will occupy a larger footprint than the approved office building, requiring special design treatments, physical separation, and enhanced landscape features to ensure compatibility of the proposed use with its surroundings. The 58-unit, 5-story building is consistent with the scale of the moderate-intensity level of development for the site that was found to be compatible with existing uses in the surrounding areas when the reclassification of the property to the O-M zone occurred. The proposed structure is consistent with the level of development intended by the O-M zone for areas outside of central business districts and near adjoining residential neighborhoods, where high density intensity uses would not be appropriate. The proposed residential building with the revised binding

elements, therefore, will be compatible with its surroundings and be in compliance with the purpose clause of the O-M zone.

### **COMMUNITY CONCERNS**

Staff has received letters and numerous e-mails expressing concerns and issues about the Application to develop a residential apartment building on the subject site. Most notably, the residents in the Wildwood Manor Civic Association have expressed concern that the parking on the site is inadequate and that this proposal will only make the parking situation worse. The residents believe that shared parking will not work as the existing medical building and bank are in heavy use during weekday peak hours. Other concerns include noise from the apartment garage entrance that is proposed to be located on the eastern end of the building and the height of the proposed building. Staff has analyzed these issues and finds that the concerns can be addressed as described in the Findings of this staff report.

### **RECOMMENDATION AND CONDITIONS**

Staff recommends approval of the special exception, subject to the following conditions:

1. All evidence, testimony and exhibits of record are binding on the petitioner;
2. The Applicant must limit subsequent preliminary and site plan amendments to a maximum of 58 mid-rise apartments in addition to the 36,423 square feet of existing medical office space, limited to 30,000 square feet of leasable office space, and 3,470 square feet of bank uses;
3. The Applicant must provide a minimum of 225 total parking spaces on-site;
4. The Applicant must receive approval of an amended preliminary plan and site plan by the Planning Board;
5. At the time of preliminary plan amendment, the Applicant must satisfy the Policy Area Mobility Review (PAMR) test by installing and/or funding off-site non-auto transportation improvements as determined by the total number of units and unit types approved by the preliminary plan.
6. At the time of preliminary plan amendment, the Applicant must provide sidewalks with at-grade crossing or handicapped ramps around the entire proposed apartment building and to the nearby buildings on the site.
7. At the time of the site plan amendment, the Applicant must provide the number and location of parking spaces for the proposed residences and existing office visitor/employees as required in the County Code and Zoning Ordinance while demonstrating security for the residential parking.
8. At the time of the site plan amendment, the Applicant must provide bicycle parking for visitors and residents as determined by the total number of units and unit types approved by the site plan.
9. Prior to release of any building permits for each proposed phase, the non-auto transportation improvements must be provided either by making a payment via an acceptable financial instrument determined by the Maryland State Highway Administration (SHA) or Montgomery County Department of Transportation (MCDOT) .



10. Shade trees must be provided along Old Georgetown Road in conformance with the Master Plan, as determined at Site Plan.

## FINDINGS

### Inherent and Non-inherent Adverse Effects

A special exception must not be granted absent the findings required by Section 59-G-1 of the Montgomery County Zoning Ordinance. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with the inherent effects, are a sufficient basis to deny a special exception.

The inherent adverse effects associated with this particular residential dwelling includes: (1) buildings on-site; (2) parking facilities to accommodate residents, employees, patients and visitors; (3) recreation facilities and pedestrian linkages; (4) lighting; (5) traffic to and from the site by staff, visitors and residents; and (6) noise associated with the delivery of supplies, loading, and garbage pick-up.

In reviewing the application, there are no non-inherent adverse effects associated with the proposed use, **except for potential parking issues**. This is compounded by errors in the Application. Four aspects of the Applicant's parking calculations are incorrect or unclear and when corrected have been analyzed in light of the applicable sections of the Ordinance:

1. The Applicant maintains that 227 parking spaces are being provided and the plans submitted only depict 225: 111 surface and 114 garage.
2. Under Section 59-G-2.36.2(b)(4), "A minimum of one (1) on-site parking space per dwelling unit must be provided. Additional parking *spaces must be provided up to the total required by the relevant standards of Section 59-E-3.7*, except that *the Board may approve shared parking in accordance with the provisions of Section 59-E-3.1 to accommodate these additional spaces*" (*emphasis added*). Thus, the correct calculation is 1.25 spaces per 1-bedroom and 1.5 spaces per 2-bedroom, regardless of whether the units are productivity housing or not. One space is the minimum so the Applicant could not provide less through any sort of waiver or other provision in the code, but they *must* provide additional spaces up to the total required by 59-E-3.7. Eighty-seven (87) spaces are required for the residential building and 247 for the overall site if the shared parking calculation is not used.

3. The provision that the Board of Appeals (BOA) may approve shared parking allows the applicant to calculate under Section 59-E-3.1. Under Section 59-E-3.1, the shared parking provisions allow an Applicant to calculate parking based on a matrix covering various parking scenarios, namely, weekday, weekend, daytime, and evening. In this case, the Applicant incorrectly placed the bank parking under “retail”, although the base parking calculation was made under “office”. The correct calculation should be 160 office spaces and 87 residential spaces. Testing under the various parking scenarios, the scenario requiring the most uses must be accommodated. In this case, it is the weekday daytime scenario, which requires provision of at least 204 spaces. The Applicant is providing 225 spaces, which is above the minimum required. The Applicant has provided six reasons why the Board of Appeals should accept the shared parking calculation (Attached) and staff agrees with all but one of them: “The fact that the ‘Required parking is only nine (9) spaces more than actual ‘Provided’ parking (236 required – 227 provided = 9)”. As shown, these numbers are incorrect (should be 236 – 225 = 11) but the minimum number of spaces are provided and supported by the analysis. If the BOA does not accept the shared parking analysis allowed by the Ordinance, a larger garage underneath the residential building should be built to satisfy the non-shared parking requirement for this site.
4. The submitted special exception site plan and the amended schematic development plan shows that the existing 3-story medical office building footprint consists of 36,423 square feet. The Applicant maintains that 6,423 square feet of that number is identified as storage area and does not count towards the parking requirement as allowed under 59-E-3.7. Therefore, the Applicant is basing the parking requirement on 30,000 square feet of building space which requires 150 parking spaces. Staff notes that in previous approvals, including rezoning, preliminary plan and site plan, the parking requirement was based on 36,423 square feet which was approved with 183 parking spaces under the approved site plan 2009. The Applicant states that the building has been renovated since that time, and a more precise allocation of building space was conducted that identifies the storage area which does count towards required parking. To date, the Applicant has not submitted a precise survey of the existing building that shows 6,423 square feet of storage area. The Applicant notes that to the extent that parking calculations shown on previous approvals for the subject site included gross floor area associated with storage area in the building, they were in error.

The other inherent characteristics of size, scale, and scope associated with the proposed application are minimal and not likely to result in any unacceptable noise, traffic disruption, or environmental impacts at the proposed location. The proposed scale of the five-story building is designed in a manner that complements the surrounding residential characteristics: stepping up from detached units within a residential neighborhood to mid-rise multi-family units along Old Georgetown Road. Activity for residents will be provided through local services and proposed community room and exercise facilities. Existing tree buffers and enhanced landscaping is proposed in order to maintain the general character of the neighborhood. The less intense residential use would result in less traffic to and from the site than the previously approved office use. Also, the area is “served by transportation infrastructure” (p.33) by Metrobus (J-2 and J-3) and Montgomery County Ride On (#6 and #70) serving nearby roadways of Old Georgetown Road and Democracy Boulevard. There are adequate and safe pedestrian links proposed

and existing for the residents. The location of the loading dock on the north side of the building minimizes noise impacts on nearby residences.

**59-G-1.21. General Conditions.**

(a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

(1) Is a permissible special exception in the zone.

*The subject property is zoned O-M. Residential dwellings are an allowed special exception in the O-M Zone*

(2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.

*With the recommended conditions, the requested special exception will satisfy the standards and requirements prescribed in Section 59-G-2.36.2 of the Zoning Ordinance as described further below.*

(3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

*The proposed special exception will be in conformance with the recommendations of the North Bethesda-Garrett Master Plan, which was adopted in 1992. Several land use objectives of the Master Plan will be implemented with this residential development, including increasing the variety of housing stock, including affordable housing, and encouraging a mixture of land uses in redeveloping areas to promote variety and vitality.*

*Further, the location of the development along Old Georgetown Road is appropriate since it is within an area that is "served by transportation infrastructure" (p.33). Metrobus (J-2 and J-3) and Montgomery County Ride On (#6 and #70) serve nearby roadways of Old Georgetown Road and Democracy Boulevard.*

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

*The proposed use will be in harmony with the general character of the surrounding residential neighborhood and commercial areas considering population density, design, scale, and bulk of the proposed new structure. The scale and height of the new residential building (50 feet maximum) will be constructed with a two-story underground garage that will help to preserve green space and landscaping will provide sufficient buffering from the existing residential neighborhood to the east. The traffic generated by the residential use can be adequately accommodated by the existing roadway network. Parking provided under the shared use provisions of the ordinance are supported by proximity to retail, services, bus lines, etc.*

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

*The use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood because appropriate buffering is provided.*

- (6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

*The use will not cause any objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the subject site, irrespective of any adverse effects the use might have elsewhere in the zone. The residential nature of the use will fit harmoniously within the context of the surrounding residential and commercial developments. All exterior lighting will be installed and maintained in a manner not to cause glare or reflection into abutting properties. Loading and service areas have been located on the north side of the proposed building to minimize impacts of noise and fumes. The proposed fence will also prevent headlight intrusion.*

- (7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.

*The proposed special exception is located on commercially zoned land that contains office and retail uses. The approval of this special exception request will not increase the number, intensity, or scope of special exception uses such as to have any adverse effect*

*or to alter the residential nature of such areas. The language in the Master Plan is intended to protect the integrity of residential neighborhoods which is not applicable in this case.*

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

*The use will have no such effect on the area irrespective of any adverse effects it might have if established elsewhere in the zone. The proposed multi-family housing development will enhance the welfare of workers and residents in the area by increasing the variety of housing options near employment centers. This in turn will help to ease traffic congestion.*

- (9) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.

(A) If the special exception use requires approval of a preliminary plan of subdivision, the Planning Board must determine the adequacy of public facilities in its subdivision review. In that case, approval of a preliminary plan of subdivision approval must be a condition of granting the special exception.

(B) If the special exception

- (i) does not require approval of a new preliminary plan of subdivision; and
- (ii) the determination of adequate public facilities for the site is not currently valid for an impact that is the same as or greater than the special exception's impact;

then the Board of Appeals or the Hearing Examiner must consider whether the available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application was submitted.

*If approved, the special exception will require approval of an amended preliminary plan of subdivision. Roads and schools will be further addressed per the subdivision staging policy in effect at that time. The subject site is adequately served by other public facilities. The Property is located in Water and Sewer Category W-1/S-1. The Bethesda Fire Station #26 is located near the site. Public bus service is provided along Old Georgetown Road, and the Grosvenor-Strathmore and White Flint Metro stations are approximately two miles from the property. A stormwater management plan concept plan has been approved by the Department of Permitting Services (DPS).*

- (C) With regard to public roads, the Board or the Hearing Examiner must further find that the proposed development will not reduce the safety of vehicular or pedestrian traffic.

*The Applicant provided a traffic analysis that shows that the traffic impacts anticipated from the proposed residential building use will have less of an impact on the surrounding transportation network than what was expected from the office building. There is no evidence that the use will reduce the safety of vehicular or pedestrian traffic. Access points from Old Georgetown Road are deemed to be safe and efficient and on-site vehicular and pedestrian circulation systems shown on the application are adequate.*

**59-G-1.23 General Development Standards**

- (a) Development Standards. The special exception is subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.23 or in Section G-2.

*The proposed special exception satisfies the development standards of the O-M zone, and the proposed multi-family building has been designed to comply with the requirements of Sections G-1.23 and G-2. The development standards are as shown in the following table:*

*Development Standards for the O-M Zone*

<b><u>Development Standard</u></b>	<b><u>Permitted/ Required</u></b>	<b><u>Previously Approved</u></b>	<b><u>Proposed for Approval</u></b>
<b><u>Net Lot Area (acres)</u></b>	n/a	3.5	3.5
<b><u>Max. Building Coverage (%)</u></b>	60	n/a	22
<b><u>Max. Building Height (feet)</u></b>			
Proposed Residential Building	60 (5 stories)	n/a	Not greater than 5 stories or 50 feet
<b><u>Max. Floor Area Ratio (FAR)</u></b>	1.5	0.46	1.27
<b><u>Min. Building Setbacks (feet)</u></b>			
Old Georgetown Road Right-of-Way	15	50	54
Berkshire Drive Right-of-Way	15	130	62
Adj. to Property Line (R-90 zone to south)	1 ft. per 3 ft. of height	16	19
Adj. to Property Line (R-90 zone to north)	1 ft. per 3 ft. of height	n/a	119
<b><u>Min. Green Area (%)</u></b>	10	n/a	40

<b><u>Min. Parking Spaces (without shared parking calculation)</u></b>	<u>247</u>	<u>274</u>	<u>225</u>
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(b) **Parking Requirements.** Special exceptions are subject to all relevant requirements of Section 59-E.

*The applicant is proposing a total of 225 spaces (111 surface parking spaces and 114 underground spaces). The applicant proposes to use the shared parking concept for mixed-uses in order to satisfy the parking requirement of the site and is requesting that the Board of Appeals (BOA) approve shared parking in accordance with the provisions of Section 59-E-3.1. The table below is breakdown of the parking requirement for the existing and proposed uses on-site in accordance with Section 59-E:*

Proposed 58-unit Residential Building

2 1-bedroom @ 1.25 sp/du = 3 spaces  
 56 2-bedroom @ 1.50 sp/du = 84 spaces  
 58 units (total) = 87 spaces required for Residential

Non-Residential Uses on Site

Existing Med. Office 5 /1K = 150 spaces  
 (30,000<sup>1</sup> sq. ft.)  
Existing Bank 2.7/1K  
(3,741 sq.ft.) = 10 spaces  
 Total = 160 spaces required for Non-Residential Uses

**Total Required on Site = 247 parking spaces**

Shared Parking Calculation showing only parking scenario requiring the most spaces

<u>Section 59-E-3.1(a)</u>			
<u>Use</u>	<u>Base</u>	<u>Weekday</u>	
		<u>6am-6pm</u>	<u>% use</u>
<u>Office (Bank included)</u>	<u>160</u>	<u>160</u>	<u>100%</u>
<u>Residential</u>	<u>87</u>	<u>44</u>	<u>50%</u>
<u>Total</u>	<u>247</u>	<u>204</u>	
<u>Total Shared Parking Requirement</u>			<u>204</u>
<u>Total Parking Proposed</u>			<u>225</u>

<sup>1</sup> Based on a precise survey of the existing building during the most recent renovation, 6,423 square feet of area previously counted towards the parking requirement has been removed as storage area as allowed under 59-E-3.7.

(c) **Minimum Frontage.**

*Not applicable*

- (d) **Forest conservation.** If a special exception is subject to Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.

*This subject property is exempt from Chapter 22A of the Montgomery County Forest Conservation Law because no more than 5,000 square feet of forest will be cleared. The proposed special exception does not affect any forest in a stream valley buffer or located on property in a special protection area.*

(e) **Water quality plan.**

*A water quality plan is not required for the proposed special exception. A stormwater management concept plan and waivers have been approved by Montgomery County. (See attached letters).*

(f) **Signs.**

*The applicant is not proposing any signage on the special exception site plan at this time. Any signage proposed by the applicant must comply with Chapter 59-F of the Zoning Ordinance.*

(g) **Building compatibility in residential zones.**

*Not applicable.*

- (h) **Lighting in residential zones.** All outdoor lighting must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into adjacent residential properties.

*The lighting plan adequately and efficiently covers the main vehicular access to the site, as well as the parking, and loading areas; in order to create a safe vehicular and pedestrian environment. The lighting levels do not exceed 0.1 foot candles along the northern and eastern boundaries of the site.*

**Sec. 59-G-2.36.2. Dwellings.**

- (a) Dwellings in a commercial or industrial district must be compatible with existing or planned development on the same lot or tract and be compatible with the surrounding area. Dwellings developed in a commercial or industrial district may be combined with proposed or existing office, retail or industrial development or may be developed in lieu of non-residential development, provided there remains adequate land zoned for such development to serve the immediate neighborhood.

*Provided that the project is developed within the binding elements stipulated in the SDPA application and the conditions specified under the recommended approval of the special exception, both the structure and the use of the subject property are compatible*



*with both the commercial and residential uses that surround the property. The use is a mixed-income residential building that will provide attractive, convenient, and affordable housing in close proximity to nearby employment and commercial centers. The use will complement and enliven the commercial uses in the surrounding area. The project proposes a residential density that conforms to the applicable standards of the zone.*

- (b) Dwellings in a commercial or industrial district are subject to the following standards:
- (1) Not more than twenty-five percent (25%) of the land which is either zoned or recommended for commercial or industrial zoning in the applicable approved and adopted master plan may be used for housing.

*The use is the only residential project on commercial or industrial zoned land in the master plan area and represents less than 25% of that zoning. The footprint of the proposed residential building covers approximately 16,670 square feet of land area, or 10.94% of the total site area (152,334 square feet).*

- (2) Dwellings in a commercial or industrial district must meet the development standards of the applicable zone concerning minimum setbacks, green area, and lot coverage. The base residential density is 6.0 units per acre, which may be increased up to 21.5 units per acre if at least 35 percent of the units are productivity housing for households with incomes at and below the area wide median income, as provided for in Chapter 25B, Article IV, of the County Code. The maximum height allowed in the applicable commercial zone may be adjusted not to exceed a total height of 50' to accommodate residential development above a commercial structure as authorized under Sec. 59-G-1.23. These standards apply to all buildings on a site, including those that contain housing. The required green area may be adjusted to assure compatibility of uses, or to accommodate housing if not otherwise feasible or appropriate.

*The proposed project satisfies all of the development standards listed above for the O-M zone. The proposed density is 16.6 units per acre. The special exception will provide 35% of its housing incomes for incomes at and below 75% of the area wide medium income level pursuant to Section 25B-17(j) of the County Code and Executive Regulation 19-98. The proposed building will be five stories tall at its highest point and will be no more than 50 feet in height as measured from the average grade along the building's Old Georgetown Road frontage. Green area provided over the entire site is approximately 40%. Lot coverage is approximately 22%.*

- (3) Access must be provided by one or more direct driveways to a public street. The entrance must be located and appropriately lighted to assure safe access for residents, whether or not commercial or industrial uses on the same lot are in operation.

*The proposed project will have direct egress and ingress to the property via Rock Spring Drive that intersects with Old Georgetown Road. Furthermore, the property will have supplemental access from the south linking to both the*

*Wildwood Shopping Center and two signalized intersections from the shopping center to Old Georgetown Road. The attached circulation plan shows the on-site circulation pattern of vehicles entering from the main driveway to the proposed residential building's parking garage that will contain a total of 114 parking spaces for residents, employees, visitors and other patrons of the site. A separate right turn lane on the westbound side of the main driveway was required to be completed in conjunction with construction of the previous approved 3-story office building. That intersection improvement has been completed and is currently operational.*

- (4) A minimum of one (1) on-site parking space per dwelling unit must be provided. Additional parking spaces must be provided up to the total required by the relevant standards of Section 59-E-3.7, except that the BOA may approve shared parking in accordance with the provisions of Section 59-E-3.1 to accommodate these additional spaces.

*Parking ratios are based on the number of bedroom units. In this case, the applicant is proposing 56 two bedroom units and 2 one bedroom units. The required parking ratio for two bedroom units is 1.5 spaces per two-bedroom unit and 1.25 spaces per unit for one bedroom units. Based on this formula, a total of 87 parking spaces are required for the residential building. (See Table above)*

*The Applicant is using a parking ratio formula based on 35 market rate two bedroom units at 1.5 spaces per unit, 2 one-bedroom units at 1.25 spaces per unit and 21 productivity housing units at 1 space per unit. Based on this formula, 76 parking spaces are required. This is incorrect and is not in compliance with the special exception standard as noted in the parking analysis above.*

*The subject site will be served by 225 total parking spaces, of which 114 will be located in a 2-story garage underneath the apartment building and 111 spaces will be available in the surrounding surface parking lot that serves the existing medical office building and bank. The Applicant is requesting that the BOA approve shared parking in accordance with the provisions of Section 59-E-3.1., which staff supports.*

- (5) The property must be located in an area served by public water and sewer and is in Water Category 1 and Sewer Category 1.

*The subject property is served by public water and sewer and is in categories W-1 and S-1.*

(b) Design plan.

- (1) In addition to submitting such other information as may be required, a design plan of proposed development must also be submitted at the time the application is made. The design plan must show the size and shape of the subject property, the location of all buildings and structures, the area devoted to parking, any recreation

facilities to be provided, all access roads and drives, the topography and existing major vegetation features, the proposed grading, landscaping and screening plans and such other features necessary for the evaluation of the plan.

*Such a design plan of proposed development has been submitted. Final design aspects will be completed with the site plan amendment.*

- (2) No special exception, building permit or certificate of occupancy may be granted or issued except in accordance with a design plan of development approved by the Board of Appeals. The Board may condition its approval of a design plan on such amendments as determined necessary to assure an internally compatible development which will have no adverse effect on the surrounding community.

## **CONCLUSION**

Staff finds that the Schematic Development Plan Amendment (SDPA-12-1) is consistent with the purposed clause and all applicable standards for the O-M zone, and is in accord with the land use recommendations of the 1992 North Bethesda-Garrett Park Master Plan. Therefore, staff recommends approval of SDPA-12-1.

Staff recommends that application S-2830, for a special exception to permit the development of 58 residential units located at 10401 Old Georgetown Road, be approved subject to the conditions found in the staff report.

CWG:ha: n:\area2\gilbert\Wildwood Center SDPA-12-2 S-2830

## Attachments

1. Aerial Map
2. G-851 approved schematic development plan
3. Amended schematic development plan & site plan
4. Landscape plan
5. Architectural building elevation
6. Master Plan memo
7. Transportation planning memo
8. Environmental planning memo
9. Stormwater management letters
10. Letters in opposition
11. County Council Opinion G-851
12. Applicant's shared parking analysis & observed parking conditions

# WILDWOOD MEDICAL CENTER, LLC (S-2830)



Map compiled on March 29, 2012 at 7:46 AM | Site located on base sheet no - 213NW06 | Date of Orthophotos: April 2006 - Used with permission from Montgomery County Government

### NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:4400 scale aerial photography using stereo photogrammetric methods.

The map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate as of up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map other than for general planning purposes, is not recommended. - Copyright 1996

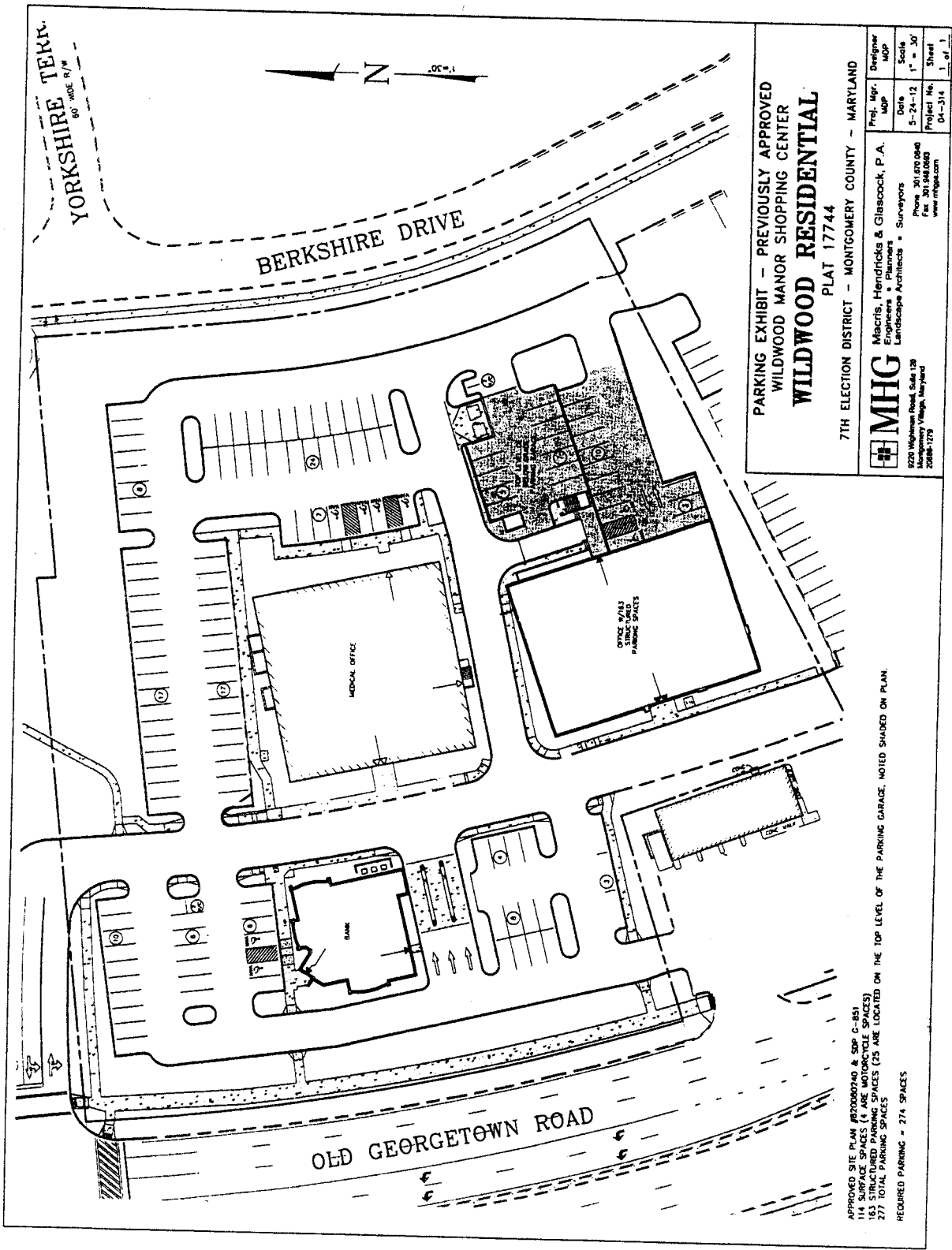
Key Map



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**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8207 George Avenue - Silver Spring, Maryland 20910-2760

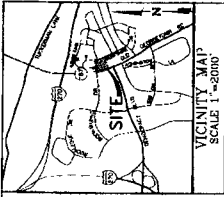


PARKING EXHIBIT - PREVIOUSLY APPROVED  
 WILDWOOD MANOR SHOPPING CENTER  
**WILDWOOD RESIDENTIAL**  
 PLAT 17744

7TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

<b>MHG</b>	Macris, Hendricks & Glascock, P.A. Engineers & Planners Landscape Architects • Surveyors	Proj. No. MAP	Dist. No. MAP
8220 Walkway Blvd, Suite 129 Montgomery Village, Maryland 20888-1278	Phone: 301.870.0840 Fax: 301.840.0883 www.mhgpa.com	Date 5-24-12	Scale 1" = 30'
		Project No. D4-314	Sheet 1 of 1

APPROVED SITE PLAN #B20080740 & SGP C-851  
 183 SURFACE SPACES (4 ARE MOTORCYCLE SPACES)  
 277 TOTAL PARKING SPACES  
 REQUIRED PARKING = 274 SPACES



**WILWOOD MANOR SHOPPING CENTER, PARCEL B**  
**THE FLATS AT WILDWOOD**  
 PLAT 17744

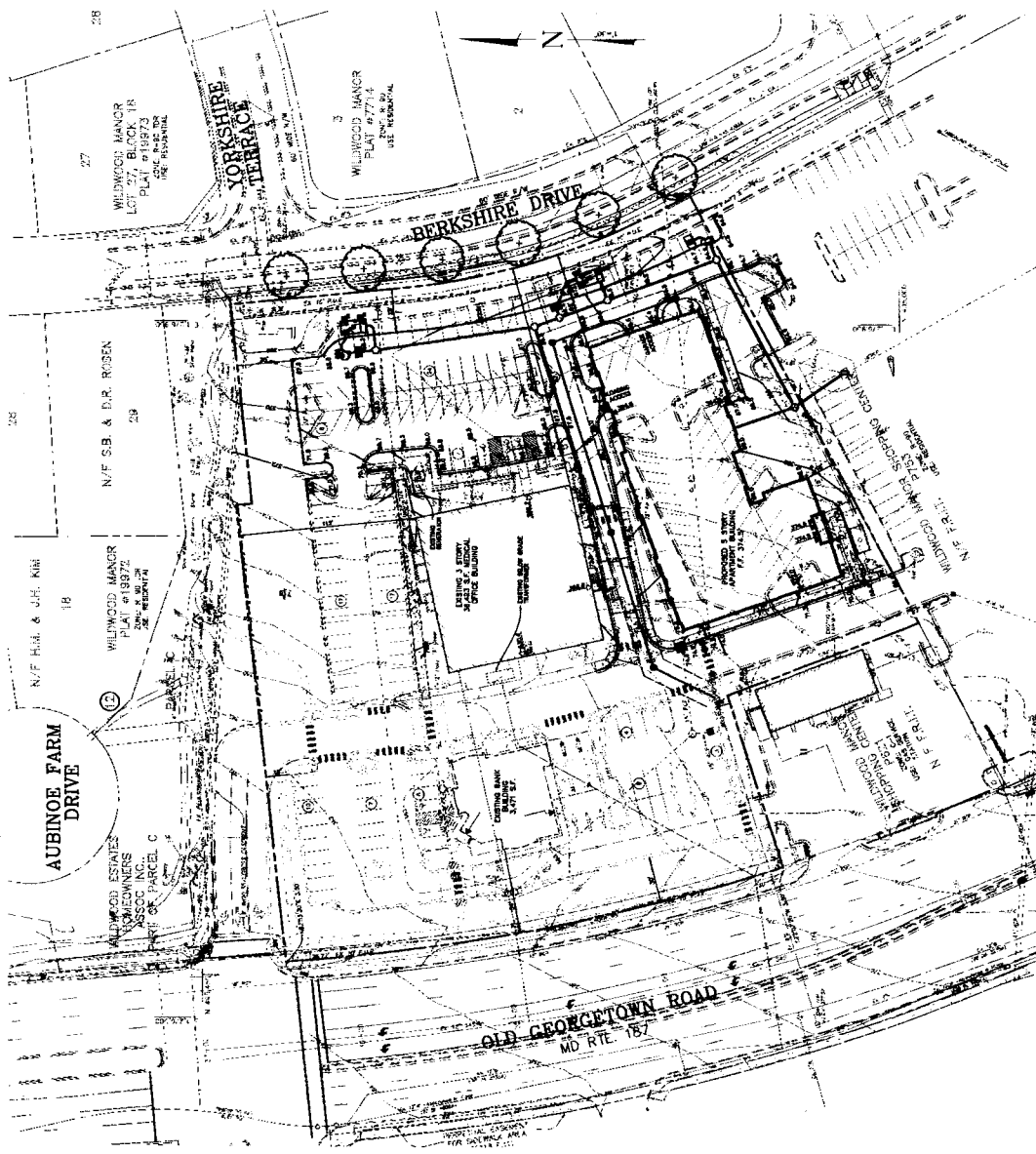
1. APPROVED BY THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, MARYLAND, ON 04/11/2011.  
 2. APPROVED BY THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, MARYLAND, ON 04/11/2011.  
 3. APPROVED BY THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, MARYLAND, ON 04/11/2011.

NO.	DATE	DESCRIPTION	BY	FOR
1	04/11/2011	APPROVED BY THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, MARYLAND, ON 04/11/2011.		
2	04/11/2011	APPROVED BY THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, MARYLAND, ON 04/11/2011.		
3	04/11/2011	APPROVED BY THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, MARYLAND, ON 04/11/2011.		

THE MAP SHOWS  
**SPECIAL EXCEPTION PLAN**  
**WILDWOOD MANOR SHOPPING CENTER, PARCEL B**  
**THE FLATS AT WILDWOOD**  
 PLAT 17744

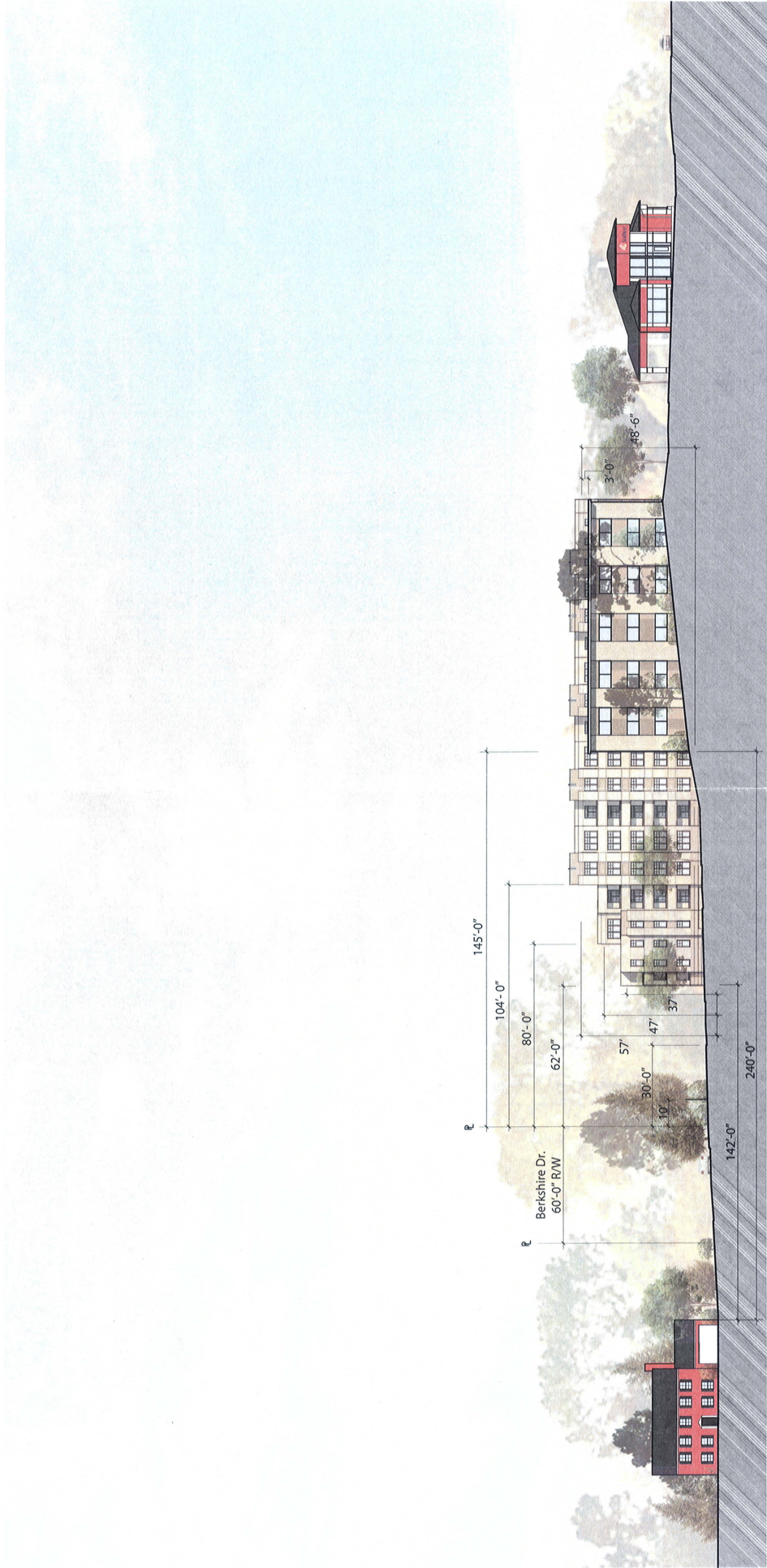
7TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

**MHG**  
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 11111 Rockledge Avenue  
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 Rockledge, Maryland 21151  
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 Email: mhg@mhgpa.com



**Professional Certification:**  
 I hereby certify that these documents were prepared or approved by me and that I am a duly licensed Professional Engineer under the laws of the State of Maryland, License No. 15027, Expiration Date 12/31/17.  
 Scott D. Rosen, P.E.









June 27, 2012

**MEMORANDUM**

**TO:** Carlton Gilbert, Planner Coordinator  
Area 2 Planning Division

**VIA:** Joshua Sloan, I-270 Corridor Supervisor  
Area 2 Planning Division

**FROM:** Ed Axler, Transportation Planner Coordinator  
Area 2 Planning Division

**SUBJECT:** Wildwood/Aubinoe Residential  
Special Exception Case No. S-2830 and  
Schematic Development Plan Amendment Application No. SDPA 12-01  
North Bethesda Policy Area

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This memorandum is Transportation Planning staff Adequate Public Facilities (APF) review of the subject special exception and schematic development plan amendment applications to replace the previous approved general office building with 58 mid-rise apartments. The medical office use was originally approved in 1990. In 2008, the Preliminary Plan No. 11989271A and Site Plan No. 820080240 were approved for the existing medical office of 36,423 square feet, a Phase I bank with three drive-through windows of 3,470 square feet, and a Phase II general office building of 30,000 square feet.

**RECOMMENDATIONS**

We recommend the following conditions as part of the APF test for transportation requirements related to approval of the subject applications:

1. The Applicant must limit subsequent preliminary and site plan amendments to a maximum of 58 mid-rise apartments in addition to the overall Wildwood Manor site to a maximum of 36,423 square feet of existing medical office space and 3,470 square feet of bank use with three drive-through windows.
2. At the time of preliminary plan revision, the Applicant must satisfy the Policy Area Mobility Review (PAMR) test (unless superseded by the Transportation Policy Area Review [TPAR] test) by installing and/or funding off-site non-auto transportation improvements within the North Bethesda Policy Area and equivalent to the \$154,000 cost of mitigating a total of 14 new peak-hour vehicular trips. Prior to certification of the site plan, the non-auto transportation improvements and their locations must be identified and approved by the Montgomery County Department of Transportation (MCDOT) and be scheduled for implementation. If PAMR is

replaced by the Transportation Policy Area Review (TPAR) at preliminary plan review, satisfy the applicable requirements of the County Council adopted Subdivision Staging Policy.

Prior to release of any building permits for each proposed phase, the non-auto transportation improvements must be provided either by having the improvements completed, under construction permits and bonds by the Montgomery County Department of Permitting Services (DPS) or the Maryland State Highway Administration (SHA), or making the required payments by an acceptable financial instrument as determined by to MCDOT or SHA.

3. The Applicant must provide the number and location of the parking spaces for the proposed residences and existing office visitor/employees as required in the County Code and Zoning Ordinance while maintaining security for the residential parking.
4. At the time the site plan amendment, the Applicant must provide the following bicycle parking:
  - a. Two (2) inverted-U bike racks located at the front entrance of the apartment building.
  - b. Six (6) bike lockers in the apartment garage near the elevator in a well-lit area.

The ultimate locations will be determined prior to certification of the site plan.

5. At the time of preliminary plan revision, the Applicant must provide sidewalks with at-grade crossing or handicapped ramps around the entire proposed apartment building and to the nearby buildings on the site.

## **DISCUSSION**

### **Site Location and Vehicular Site Access Points**

The subject site is located on the east side of Old Georgetown Road (MD 187) between Democracy Boulevard and Rock Spring Drive. The vehicular access points are directly from Old Georgetown Road opposite of Rock Spring Drive and via the internal driveways connecting the subject property to the Wildwood Shopping Center adjoining the southern property line. The Wildwood Shopping Center can be accessed at four other curb cuts -- from Old Georgetown Road opposite of Democracy Boulevard, at the Cheshire Drive/Grosvenor Lane intersection, and from two interim curb cuts between them.

### **Master-Planned Roadways and Bikeways**

In accordance with the 1992 *North Bethesda/Garrett Park Master Plan* and the 2005 *Countywide Bikeways Functional Master Plan*, the master-planned roadway and bikeway designations are as follows:

1. Old Georgetown Road is designated as a major highway, M-4, with a recommended 120-foot right-of-way and a Class III bikeway. According to the *Countywide Bikeways Functional Master Plan*, a shared use path, SP-1, is designated along Old Georgetown Road between Democracy Boulevard and Cheshire Lane.

As a requirement for Preliminary Plan No. 11989271A, the Applicant had completed Record Plat No. 24091 that includes dedication for an additional 3.5 feet of right-of-way for a total of 60 feet from the centerline of Old Georgetown Road that was recorded on May 20, 2010.

2. Rock Spring Drive is designated as an arterial, A-81, with a recommended 80-foot right-of-way and a Class I bikeway. According to the *Countywide Bikeways Functional Master Plan*, a signed shared roadway, SR-59, is designated along Rock Spring Drive between Old Georgetown Road and Fernwood Road.
3. Democracy Boulevard is designated as a major highway, M-5, with a recommended 120-foot right-of-way from Bells Mills Road to Old Georgetown Road and a Class I bikeway. According to the *Countywide Bikeways Functional Master Plan*, a shared use path, SP-2, is designated along Democracy Boulevard between Old Georgetown Road and Gainsborough Road.
4. I-270 East Spur is designated as a freeway, F-1, with a recommended 300-foot right-of-way.

Berkshire Drive is not listed in the *Master Plan* and is considered a tertiary residential street with a 50-foot right-of-way.

#### Traffic Mitigation Requirements

The Applicant does not have to enter into a Traffic Mitigation Agreement with MCDOT and the Planning Board to participate in the North Bethesda Transportation Management District (TMD) because the site is located outside the TMD's boundary.

#### Parking

The number and location of the proposed parking spaces for the proposed residences and existing office visitor/employees must comply with the requirements of the County Code and Zoning Ordinance. The Applicant is proposing to permit parking by visitors/employees of the adjacent existing office building in the apartment garage. Although shared parking has been provided for land uses with parking demands occurring during different times of the day, security for the residence must be maintained that could be compromised if office parking is permitted without restriction in the apartment garage.

#### Pedestrian Facilities

With the improvements described in Recommendation No. 5, pedestrian facilities would not be adversely impacted by the proposed residential development. The existing sidewalks along the property frontage of Old Georgetown Road and Berkshire Drive were required to be upgraded to the current standards under the 2008 approvals of Preliminary Plan No. 11989271A and Site Plan No. 820080240.

#### Available Transit Service

Ride-On routes 6, 26, and 96 and Metrobus routes J-1, J-2, and J-3 operate on the adjacent Old Georgetown Road frontage.

Local Area Transportation Review (LATR)

Table 1 below shows the projected net reduction in peak-hour trips generated by the replacement land use within the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.).

Table 1: Net Reduction in Peak-Hour Trips

<i>Land Uses</i>	<i>Square Feet Or Units</i>	<i>Site-Generated Peak-Hour Trips</i>	
		<i>Morning</i>	<i>Evening</i>
<b>Proposed Mid-Rise Apartments</b>	<b>58</b>	<b>+26</b>	<b>+28</b>
<b>Previously Approved General Office</b>	<b>30,000</b>	<b>-43</b>	<b>-63</b>
<b>Net Reduction in Peak-Hour Trips</b>		<b>-17</b>	<b>-35</b>

In accordance with the *Local Area Transportation Review and Policy Area Mobility Review Guidelines*, a traffic study is not required to satisfy Local Area Transportation Review (LATR) test because the number of peak-hour trips generated by the proposed apartment building is less than the trips generated by the previously-approved office building.

Table 2 below shows total number of peak-hour trips generated from the overall Wildwood Manor site:

Table 2: Total Overall Site Peak-Hour Trips

<i>Land Uses</i>	<i>Square Feet Or Units</i>	<i>Site-Generated Peak-Hour Trips</i>	
		<i>Morning</i>	<i>Evening</i>
<b>Proposed Mid-Rise Apartments</b>	<b>58</b>	<b>26</b>	<b>28</b>
<b>Existing Medical Office</b>	<b>36,423</b>	<b>90</b>	<b>135</b>
<b>Existing Bank</b>	<b>3,470</b>	<b>6</b>	<b>24</b>
<b>Total Peak-Hour Trips</b>		<b>122</b>	<b>187</b>

One of the results of the traffic study prepared for the 2008 approval was that the intersection of Old Georgetown Road and Rock Spring Drive/Wildwood Manor Driveway exceeded its congestion standard with the traffic from the previously-approved office building of 30,000 square feet. The required intersection improvement -- a second westbound approach lane on Wildwood Manor Driveway at the intersection with Old Georgetown Road -- has been completed.

Other Nearby Traffic Conditions

The two nearby intersections with Old Georgetown Road at Democracy Boulevard/Wildwood Shopping Center Driveway and Cheshire Drive did not exceed their CLV congestion standard. An operational problem exists at the closely-spaced intersections along Cheshire Drive at Old Georgetown Road and at Grosvenor Lane-Wildwood Shopping Center Driveway. Limited storage for the westbound Cheshire Drive traffic between Old Georgetown Road and at Grosvenor Lane-Wildwood Shopping Center Driveway causes backups during peak hours. Another external traffic impact is the projected increase on Old Georgetown Road of approximately 1.6 by the expanded National Navel Medical Center (and renamed Walter Reed National Military Medical Center). The existing traffic problems, however, are not adversely impacted by the proposed apartment building that replaces the previously-approved office building and generates fewer site-generated peak-hour trips.

Policy Area Mobility Review (PAMR)

Under the current *Subdivision Staging Policy*, a reduced PAMR test is required at preliminary plan review because the number of new peak-hour trips generated by the proposed apartment building is less than the new trips generated by the previously approved office building. The previously required mitigation of 25 new peak-hour trips is reduced to 14 new peak-hour trips.

In 2008, the Applicant was required to provide non-auto transportation improvements such as handicapped ramps and static transit information signs. The revised APF test would be to pay 11,000 (i.e., amount is based on the original subdivision filing date) times the 14 new PAMR trips equaling at least 154,000 towards the cost of non-auto transportation improvements. As described in Recommendation No. 2, off-site non-auto transportation improvements must be identified, located within the North Bethesda Policy Area, and approved by MCDOT, SHA, and/or DPS prior to certification of the amended site plan. These improvements must be implemented prior to release of any building permit.

EA

cc: Craig Hedberg

mmo to Gilbert re Wildwood Residential S-2830.doc

April 6, 2012

**Memo**

**To:** Carlton Gilbert and Joshua Sloan  
Montgomery County Planning Department

**From:** N’kosi Yearwood  
Montgomery County Planning Department

**Re:** Flats at Wildwood -SDPA 12-01 and Special Exception S-2830

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**Master Plan Recommendations**

Staff Recommendation: Approval

The proposed Flats at Wildwood is consistent with recommendations in the Approved and Adopted (1992) North Bethesda Garrett Park Master Plan. There are no specific recommendations in the Master Plan for subject property at 10401 Old Georgetown Road. The Plan made specific recommendations for the Aubinoe property, which is north of the proposed development.

Several land use objectives of the Master Plan will be implemented with this residential development, including increasing “the variety of housing stock, including affordable housing,” and to “encourage a mixture of land uses in redeveloping areas to promote variety and vitality” (p.33).

Further, the location of the development along Old Georgetown Road is appropriate since it is within an area that is “served by transportation infrastructure” (p.33). Metro bus (J-2 and J-3) and Montgomery County Ride-On (#6 and #70) serves nearby roadways of Old Georgetown Road and Democracy Boulevard.

Old Georgetown Road is identified in the Master Plan as a Green Corridor. The Green Corridors policy is intended to address “the visual effects of roadways and abutting properties. The Green Corridors policy is recommended to protect and enhance the residential character of the Planning Area” (p.250). The applicant landscape plan should be modified to include street (shade) trees along the frontage of Old Georgetown Road.



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

**MEMORANDUM**

Date: April 25, 2012

To: Carlton Gilbert, Planner Coordinator  
Area 2 Planning Division

From: Lynn Knaggs, Senior Planner  
Area 2 Planning Division

Subject: The Flats at Wildwood (Wildwood Medical Center)  
SDPA 12-01 & Special Exception S-2830

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Staff recommends approval as this project is currently exempt from Chapter 22A Forest Conservation Law.

An exemption from preparing a Forest Conservation Plan (FCP) was approved by Park and Planning Staff on (February 8, 2012). The project was deemed exempt from Chapter 22A, Section 22A-5(t) because the project was a modification to an existing developed property and (1) the modification would not remove more than 5,000 square feet of forest, (2) the modification did not affect any forest in a stream buffer or forest located on property in a special protection area, which would require a water quality plan, and (3) the modification did not require approval of a new subdivision plan.

This project will require a Preliminary Plan Amendment at which time the FCP exemption will become void. The approval of a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the entire parcel will be required. A new FCP with a variance application for specimen tree impacts will be required as part of the Preliminary Plan Amendment application.

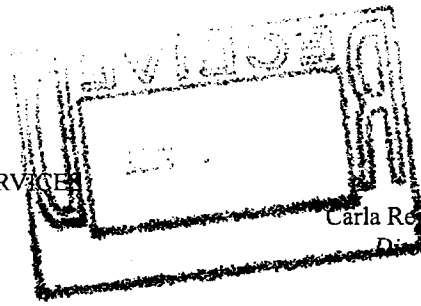
H:\Regulatory\FCP Exemption\Wildwood Manor Shopping Center (10401 Old Georgetown Road)\memo.docx



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

May 29, 2008



Carla Reed Joyner  
Director

Mr. Pearce Wroe  
Macris, Hendricks and Glascock, P.A.  
9220 Wightman Road, Suite 120  
Montgomery Village, MD 20886-1279

Re: Stormwater Management **CONCEPT** Request  
for Wildwood Manor Shopping Center  
Preliminary Plan #: NA  
SM File #: 225535  
Tract Size/Zone: 3.5 acres /commercial  
Total Concept Area: 2.20 acres  
Lots/Block: NA  
Parcel(s): B  
Watershed: Lower Rock Creek

Dear Mr. Wroe:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via flow based stormfilters, a structural biofilter (such as a Filterra unit), and a green roof on the commercial building. On-site channel protection measures are waived due to existing site conditions. Onsite recharge is not required.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Coordinate with professional green roof designers and installers. There are several within the metro area.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this



office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact William Campbell at 240-777-6345.

Sincerely,



Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB:dm

cc: C. Conlon  
S. Federline  
SM File # 225535

QN -waived; Acres: 2.20  
QL - onsite; Acres: 2.04  
Recharge is not provided



Montgomery County Maryland  
Department of Permitting Services

255 Rockville Pike, 2<sup>nd</sup> Floor  
Rockville, Maryland 20850-4153  
(240) 777-6300 Fax (240) 777-6262  
http://permits.emontgomery.gov



## Application for Stormwater Management Concept

Stormwater Concept#: \_\_\_\_\_

**Project Name/Subdivision:** Wildwood Manor Shopping Center

Property Size/Area: 3.50 Acres Acres

Property Address/Location: 10401 Old Georgetown Rd, Bethesda, 20814  
Address City/ State Zip

**Owner/Applicant Information:**

Name: Alvin L. Aubinoe, Inc.  
Firm Name and Contact Person Contact ID#

Mailing Address: 7505 Arlington Rd

City: Bethesda State: MD Zip: 20814 - Phone: 301-986-9070

**Engineer Information:**

Name: Macris, Hendricks, and Glascock, P.A. Attn: Pearce Wroe  
Firm Name and Contact Person Contact ID

Mailing Address: 9220 Wightman Road, Suite 120

City: Montgomery Village State: MD Zip: 20886 - 1279 Phone: 301.670.0840

**Type of Application:**

**New**  **Resubmittal\***  **Revision\***  **Admin. Waiver**  **Reconfirmation\***

\* For Resubmittal, Revision, Admin. Waiver and Reconfirmation provide original Stormwater Concept #: 225535

**Stormwater Management Provided:**

- |  |   |
|--|---|
| <input type="checkbox"/> <b>Onsite Management</b><br>Onsite Quantity Acres _____<br>Onsite Quality Acres _____                                     | <input type="checkbox"/> <b>Waiver Request</b><br>Waive Quantity Acres _____<br>Waive Quality Acres _____ |
| <input checked="" type="checkbox"/> <b>Onsite Management Waiver Combination</b><br>Onsite Quantity Acres _____<br>Onsite Quality Acres <u>2.04</u> | Waive Quantity Acres <u>2.20</u><br>Waive Quality Acres <u>0.16</u>                                       |
| <input type="checkbox"/> <b>SPA Preliminary Water Quality Plan</b>   | <input type="checkbox"/> <b>SPA Final Water Quality Plan</b>  |

Preliminary Plan #: 11989271A WSSC Map Grid: 213NW06 Tax Map #: GP565  
Total Disturbed Area (in acres): 3.50 Proposed Impervious Area (in acres): 2.20  
Current Zoning: O-M Proposed Zoning: O-M  
Current Land Use: Commercial Proposed Land Use: Commercial  
Watershed: Lower Rock Creek Tributary: Luxmanor Branch State Class: I-P  
Lot(s): N/A Block(s): N/A  
Parcel(s): C, Plat #24091 Subdivision: Wildwood Manor  
Municipality: \_\_\_\_\_ Liber: \_\_\_\_\_ Folio: \_\_\_\_\_ Election District: 7

I declare and affirm, under penalty of perjury, that to the best of my knowledge, information and belief all matters and facts in this application are correct. I declare that I am the owner of the property or duly authorized to make this application on behalf of the owner.

Signature: \_\_\_\_\_ Pearce Wroe (Agent) 5/7/12  
Signature of Applicant (Property Owner or Authorized Agent) Printed Name Date

**MCP-Chair**

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**From:** Granmoble@aol.com  
**Sent:** Friday, April 20, 2012 1:29 PM  
**To:** MCP-Chair  
**Cc:** Councilmember.Berliner@montgomerycountymd.gov  
**Subject:** Zoning Rewrite

**RECEIVED**  
0332  
APR 20 2012

OFFICE OF THE CHAIRMAN  
THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

I am writing about the proposed change from the **original R-90 zoning** at the Wildwood Shopping Center on Old Georgetown Road. The exception was allowed when the shopping center was built more than 50 years ago. Now a plan wants to allow apartments on the site. I oppose this use in our neighborhood. I have been a resident here for 58 years.  
Claire Mobley

## Gilbert, Carlton

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**From:** repsteinmd@comcast.net  
**Sent:** Thursday, May 17, 2012 1:00 PM  
**To:** Gilbert, Carlton  
**Subject:** Citizen comment Productivity Housing Complex Wildwood Shopping Center

Dear Mr. Gilbert:

I am a physician practicing in the Wildwood Medical building. I would like to voice my concerns that the current plans for the Productivity Housing Complex in the Wildwood Shopping Center is likely to create tremendous parking and traffic problems. The plan needs to be modified so that existing parking and pedestrian entry and egress to and from the Wildwood Medical building is not compromised. The current plan for "shared" parking between the Productivity Housing and the Medical building will create a big problem for many patients, particularly at times of the day when there is inclement weather or high volume of traffic. Many patients coming for office visits to the Medical building are handicapped or infirmed. Often they are elderly individuals who would have even more trouble navigating a complex parking pattern or a search for a shrunken number of parking spaces.

The plan should be modified to ensure that the current number of parking spaces for the Medical building would stay the same as it is currently. The plan should also ensure a safe and free flow pedestrian traffic from the parking spaces into the building with consideration for the fact that many patients are infirmed or elderly and are coming into the building during periods of rain, snow and icy weather.

Sincerely yours,

Richard S. Epstein, M.D.  
Wildwood Medical Center  
10401 Old Georgetown Rd., Suite 400  
Bethesda, MD 20814

## Gilbert, Carlton

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**From:** Cathleen Spencer <catmoldova@aol.com>  
**Sent:** Thursday, May 17, 2012 11:03 PM  
**To:** Gilbert, Carlton  
**Subject:** No to Housing Apartment Complex Wildwood Shopping Center Parking lot

Mr. Gilbert,

As a home owner in the Wildwood area of Bethesda i am writing to ask you to please reconsider the Apartment complex at the Wildwood Shopping Center parking lot that will reduce parking and create traffic hazards at Grosvenor/Cheshire. I have noticed the traffic and parking situation in that area get more and more congested just in the past six years. Living in this area I can tell you the traffic is becoming more and more contentious in the Grosvenor/Cheshire area. I don't think that area can handle the amount of additional cars that will be added by the Apartment building. Even if they are just driving to the metro since these people are not close enough to take the metro. Even if half the occupants take metro the traffic will be too much for this area to handle. Finding parking in the shopping center is more and more difficult even during the day. You can never just run into the CVS. You have to drive around to find a space and watch others park illegally because there are no open spaces. The parking allowed for this apartment building is clearly not enough and will infringe upon the people and businesses of Wildwood.

The future apartment building with the traffic and parking issues it will create is making me think of this once ideal area as a gridlock nightmare. As a tax payer in this area I hope you seriously consider my concerns and oppose the Apartment complex in the Wildwood shopping center.

Cathleen Spencer  
Sent from my iPad

## Gilbert, Carlton

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**From:** Brian Lewis <blewis51@hotmail.com>  
**Sent:** Friday, May 18, 2012 12:06 PM  
**To:** Gilbert, Carlton  
**Subject:** opposed to productivity housing apartment complex (wildwood shopping center)

Mr. Gilbert,

I am a resident of wildwood manor, the neighborhood behind the wildwood shopping center. As a civic association, we reviewed the plans for the proposed apartment complex that is supposed to be constructed in the Balducci's parking lot.

This plan looks very bad for an already congested area. The intersection of Democracy and Old Georgetown is already ranked in the top 5 most congested intersections in the county. Adding so many more cars will make it unbearable to navigate the roads, and with more cars the chance of pedestrian accidents is increased. Combined with the new office and apartment buildings to be constructed across from Walter Johnson High School, driving will become a gridlock situation.

In addition to traffic concerns, it appears that almost 100 parking spaces will be taken away from in front of Balducci's. On most days the parking lot at Balducci's is at least half full, and on weekends it is nearly at capacity. I enjoy shopping there, but if I can't find a parking spot I will not be able to shop there any more. Also, if this housing is supposed to be more affordable, why would it be put right next to the most expensive grocery store and gas station that we know of?

Please reconsider this project as it will have an extraordinary negative impact on our community.

Sincerely,  
Brian Lewis

## Gilbert, Carlton

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**From:** Melitta Carter <melittacarter@hotmail.com>  
**Sent:** Thursday, May 17, 2012 8:45 AM  
**To:** Gilbert, Carlton  
**Subject:** Aubinoe Development at Wildwood Shopping Center

Dear Sir,

I am a long time (1993) resident of Wildwood Manor. I am absolutely horrified by the potential consequences of the proposal to build a 58-60 unit productivity housing development between the Wildwood Shopping Center and the Medical Center. The plan has been incorrectly drawn up, since there is insufficient parking for the likely number of residents with cars. The Shopping center is already at capacity during peak times, with people circling around to find parking spots. Adding so many extra cars is going to cause accidents, as people compete for places.

An additional major concern is the single access point, the four-way stop at Cheshire Dr and Old Georgetown Road. This is a terrible intersection, with many road-rage incidents as people cannot get out of the neighborhood and onto Old Georgetown Road within one light cycle. People coming from both the shopping center and Grosvenor Lane regularly fail to stop or wait their turn. With this extra source of cars at peak times, there will be more incidents of road-rage, and accidents. We have many children in this neighborhood who go on foot to Ashburton Elementary and even more to Walter Johnson High School. Please be considerate of the children and do not allow such a large increase in cars in such a congested area.

Respectfully,

Melitta Carter

5929 Avon Dr  
Bethesda  
MD 20814

## Gilbert, Carlton

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**From:** Jennifer Gentile <jennynix75@hotmail.com>  
**Sent:** Wednesday, June 27, 2012 4:17 PM  
**To:** councilmember.andrews@montgomerycountymd.gov;  
councilmember.berliner@montgomerycountymd.gov;  
councilmember.elrich@montgomerycountymd.gov;  
councilmember.ervin@montgomerycountymd.gov;  
councilmember.floreen@montgomerycountymd.gov;  
councilmember.rice@montgomerycountymd.gov;  
councilmember.riemer@montgomerycountymd.gov;  
councilmember.leventhal@montgomerycountymd.gov;  
councilmember.navarro@montgomerycountymd.gov; Gilbert, Carlton

Aubinoe Development is asking for a change in zoning provisions to allow a 58 unit apartment building in the parking lot of the Wildwood Shopping Center (in-between Balducci's and the Wildwood Medical Building). Originally it was approved to be a three story office building with underground parking for those utilizing the office space. I believe adding additional housing in this already congested, overly dense area will add to our already overcrowded schools and to our daily commute, as well as make an already overcrowded parking lot worse. If you agree, please cut and paste the following e-mail to the decision maker in the County Parks and Planning Office, while copying our County Council Member.

I agree with the above email and am completely against apartments being built here. We do not need anymore congestion in this area. You have already approved a plan to build a ton of apartments across from WJ that will ultimately be a nightmare for us.

Thank you-  
Jennifer Gentile  
5802 Grosvenor Lane  
Bethesda, MD 20814

- 
- [Carlton.Gilbert@Montgmeryp Planning.org](mailto:Carlton.Gilbert@Montgmeryp Planning.org)



## Gilbert, Carlton

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**From:** Catherine Eisenbrey <eisen4@comcast.net>  
**Sent:** Wednesday, June 27, 2012 10:34 AM  
**To:** Gilbert, Carlton  
**Subject:** Opposition to Change in Zoning for Proposed Apartment Complex by Aubinoe Development at Wildwood Shopping Center/Medical Center

Dear Mr. Gilbert,

I live at 9917 Harrogate Road which is close to the Wildwood Medical Building and the Wildwood Shopping Center. I am writing to **oppose** the request for a change in zoning from commercial to residential by Aubinoe Development. My reasons are as follows:

1. **Public school Impact:** The area public schools—Ashburton Elementary, North Bethesda Middle School, and Walter Johnson High School—are already at or above capacity. Ashburton was renovated in 2008 and just 4 years later has six added portable classrooms to meet the needs of all children. The apartment complex residents will probably have children who attend public schools, and this will affect all the schools in this community.
2. **Parking Problems:** The proposed apartment building will eliminate 90 already existing parking spaces in a parking lot that is already over capacity and crowded, leaving many to park in the neighborhood behind the shopping center, and add many more cars.
3. **Traffic Congestion:** The “most congested intersection in Montgomery County” is the intersection of Democracy Boulevard and Old Georgetown Road in Bethesda (according to the Montgomery County Planning Department’s 2011 Mobility Assessment Report—its bi-annual review of traffic congestion for the county—looking at road and transit use across the county <http://www.montgomeryplanning.org/transportation/reports/mar/>), and this was before the opening of the new National Walter Reed Medical Hospital on the grounds of the Naval Medical Center on Rockville Pike. The residents in this community already face terrible traffic on a daily basis. This development will make the intersection of Old Georgetown Road and Democracy Boulevard worse because all egress in and out of the commercial area is to that intersection.

Thank you for giving me the opportunity to voice my concerns about the proposed apartment complex and to oppose the change in zoning from commercial to residential. If you have any questions or comments, please contact me by email at [eisen4@comcast.net](mailto:eisen4@comcast.net) or by telephone at 301-365-0649.

Sincerely yours,

Christopher and Catherine Eisenbrey

Cc: Council Member Andrews, Berliner, Elrich, Ervin, Floreen, Leventhal, Navarro, Rice, Riemer

## Gilbert, Carlton

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**From:** Jodi B. Herman <jodibherman@yahoo.com>  
**Sent:** Wednesday, June 27, 2012 10:31 AM  
**To:** Gilbert, Carlton  
**Subject:** Opposition to Change in Zoning for Proposed Apartment Complex by Aubinoe Development at Wildwood Shopping Center/Medical Center

Dear Mr. Gilbert,

We live at 5908 Chatsworth Lane -- directly behind the Wildwood Medical Building and the Wildwood Shopping Center. We are writing to oppose the request for a change in zoning from commercial to residential by Aubinoe Development. Our reasons are as follows:

1. Public school Impact: The area public schools--Ashburton Elementary, North Bethesda Junior High, and Walter Johnson High School--are already at or above capacity. Ashburton was renovated in 2008 and just 4 years later has six added portable classrooms to meet the needs of all children. The apartment complex is proposing 2-bedroom apartments, which makes it reasonable to believe that many of the residents will probably have children who attend public schools. This will affect all the schools in this community.

2. Parking Problems: The proposed apartment building will eliminate 90 already existing parking spaces in a parking lot that is already over capacity and crowded, leaving many to park in the neighborhood behind the shopping center, and add many more cars. Berkshire and Chatsworth Lane are likely to feel the bulk of the impact because of the stairway at the end of the street leading up the Wildwood parking lot. This is already an issue on Berkshire, which can only get worse with the addition of a residential building with insufficient parking.

3. Traffic Congestion: The "most congested intersection in Montgomery County" is the intersection of Democracy Boulevard and Old Georgetown Road in Bethesda (according to the Montgomery County Planning Department's 2011 Mobility Assessment Report--its bi-annual review of traffic congestion for the county--looking at road and transit use across the county <http://www.montgomeryplanning.org/transportation/reports/mar/>), and this was before the opening of the new National Walter Reed Medical Hospital on the grounds of the Naval Medical Center on Rockville Pike. The residents in this community already face terrible traffic on a daily basis. This development will make the intersection of Old Georgetown Road and Democracy Boulevard worse because all egress in and out of the commercial area is to that intersection.

Thank you for giving me the opportunity to voice my concerns about the proposed apartment complex and to oppose the change in zoning from commercial to residential. If you have any questions or comments, please contact me by email at [jodibherman@yahoo.com](mailto:jodibherman@yahoo.com) or by telephone at 301-530-1859.

Sincerely yours,  
Nate & Jodi Herman

## Gilbert, Carlton

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**From:** Kotler, Sarah <Sarah.Kotler@fda.hhs.gov>  
**Sent:** Wednesday, June 27, 2012 10:22 AM  
**To:** Gilbert, Carlton  
**Subject:** FW: Opposition to Change in Zoning for Proposed Apartment Complex by Aubinoe Development at Wildwood Shopping Center/Medical Center

Dear Mr. Gilbert,

I live at 5812 Kingswood Road, which is close to the Wildwood Medical Building and the Wildwood Shopping Center. I am writing to oppose the request for a change in zoning from commercial to residential by Aubinoe Development. My reasons are as follows:

1. **Public school Impact:** The area public schools—Ashburton Elementary, North Bethesda Junior High, and Walter Johnson High School—are already at or above capacity. Ashburton was renovated in 2008 and just 4 years later has six added portable classrooms to meet the needs of all children. The apartment complex residents will probably have children who attend public schools, and this will affect all the schools in this community. Each time a new building is allowed, the developers try to convince the community that no children will live there. As we have seen with other apartments and condos in the neighborhood, wherever there is housing, there are children who need to go to school. As a result, our schools are getting more and more crowded.
2. **Parking Problems:** The proposed apartment building will eliminate 90 already existing parking spaces in a parking lot that is already over capacity and crowded, leaving many to park in the neighborhood behind the shopping center, and add many more cars. In fact, I was just at the medical building yesterday for my dentist appointment. Even at 9 AM on a Tuesday, the parking lot is busy and full.
3. **Traffic Congestion:** The “most congested intersection in Montgomery County” is the intersection of Democracy Boulevard and Old Georgetown Road in Bethesda (according to the Montgomery County Planning Department’s 2011 Mobility Assessment Report—its bi-annual review of traffic congestion for the county—looking at road and transit use across the county <http://www.montgomeryplanning.org/transportation/reports/mar/>), and this was before the opening of the new National Walter Reed Medical Hospital on the grounds of the Naval Medical Center on Rockville Pike. The residents in this community already face terrible traffic on a daily basis. This development will make the intersection of Old Georgetown Road and Democracy Boulevard worse because all egress in and out of the commercial area is to that intersection.

Thank you for giving me the opportunity to voice my concerns about the proposed apartment complex and to oppose the change in zoning from commercial to residential. If you have any questions or comments, please contact me by email at [sarah.kotler@fda.hhs.gov](mailto:sarah.kotler@fda.hhs.gov) or by telephone at 301-564-3696.

## Gilbert, Carlton

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**From:** Dorothy Harriot <dorothyharriot@gmail.com>  
**Sent:** Wednesday, June 27, 2012 3:00 PM  
**To:** Gilbert, Carlton  
**Cc:** councilmember.andrews@montgomerycountymd.gov;  
councilmember.berliner@montgomerycountymd.gov;  
councilmember.elrich@montgomerycountymd.gov;  
councilmember.ervin@montgomerycountymd.gov;  
councilmember.floreen@montgomerycountymd.gov;  
councilmember.rice@montgomerycountymd.gov;  
councilmember.riemer@montgomerycountymd.gov;  
councilmember.leventhal@montgomerycountymd.gov;  
councilmember.navarro@montgomerycountymd.gov  
**Subject:** Opposition to Change in Zoning for Proposed Apartment Complex by Aubinoe Development at Wildwood Shopping Center/Medical Center

Dear Mr. Gilbert,

I live at 9902 Marquette Drive which is close to the Wildwood Medical Building and the Wildwood Shopping Center. I am writing to oppose the request for a change in zoning from commercial to residential by Aubinoe Development. My reasons are as follows:

1. **Public school Impact:** The area public schools—Ashburton Elementary, North Bethesda Junior High, and Walter Johnson High School—are already at or above capacity. Ashburton was renovated in 2008 and just 4 years later has six added portable classrooms to meet the needs of all children. The apartment complex residents will probably have children who attend public schools, and this will affect all the schools in this community.
2. **Parking Problems:** The proposed apartment building will eliminate 90 already existing parking spaces in a parking lot that is already over capacity and crowded, leaving many to park in the neighborhood behind the shopping center, and add many more cars.
3. **Traffic Congestion:** The “most congested intersection in Montgomery County” is the intersection of Democracy Boulevard and Old Georgetown Road in Bethesda (according to the Montgomery County Planning Department’s 2011 Mobility Assessment Report—its bi-annual review of traffic congestion for the county—looking at road and transit use across the county <http://www.montgomeryplanning.org/transportation/reports/mar/>), and this was before the opening of the new National Walter Reed Medical Hospital on the grounds of the Naval Medical Center on Rockville Pike. The residents in this community already face terrible traffic on a daily basis. This development will make the intersection of Old Georgetown Road and Democracy Boulevard worse because all egress in and out of the commercial area is to that intersection.

Thank you for giving me the opportunity to voice my concerns about the proposed apartment complex and to oppose the change in zoning from commercial to residential. If you have any questions or comments, please contact me by email at [dorothyharriot@gmail.com](mailto:dorothyharriot@gmail.com) or by telephone at 301-564-0982.

Sincerely yours,  
Dorothy Harriot

Cc: Council Member Andrews, Berliner, Elrich, Ervin, Floreen, Leventhal, Navarro, Rice, Riemer

LAW OFFICES OF

**KNOPF & BROWN**  
401 EAST JEFFERSON STREET  
SUITE 206  
ROCKVILLE, MARYLAND 20850  
(301) 545-6100

FAX: (301) 545-6103  
E-MAIL [KNOPF@KNOPF-BROWN.COM](mailto:KNOPF@KNOPF-BROWN.COM)  
WRITER'S DIRECT DIAL  
(301) 545-6104

NORMAN G. KNOPF

April 24, 2012

Via Email and Regular Mail  
[Carlton.Gilbert@mncppc-mc.org](mailto:Carlton.Gilbert@mncppc-mc.org)

Carlton Gilbert, Planner Coordinator  
1-270 Coordination Team, Area 2 Planning Division  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

RE: **Petition of Wildwood Medical Center**  
**Special Exception S-2830**  
**Schematic Development Plan Amendment 12-01**

Dear Carlton Gilbert:

Wildwood Citizens Association thanks you and all other staff members working on the above-captioned matter for meeting with me and other representatives of the Association yesterday regarding our concerns. Since we raised so many different issues, we thought it might be helpful to very briefly summarize those issues in this letter.

**I. Preliminarily**

We note a matter that inadvertently was not raised during the meeting with all staff, although I did mention it to you briefly after the meeting.

The applicant's special exception plan, dated 11/10/11, states that the "area of special exception will include residential apartments and medical office building".

- What does this mean?
- It would appear the entire 3.5 acres is subject to the special exception. Is this due to the fact that parking for the productivity housing is being satisfied by the other uses/development on the 3.5 acres? Does this subject all other development on the 3.5 acres, or at least all parking, to special exception review and requirements – such as shade trees for parking, etc.?

- Does the productivity housing site require a separate lot? I recall such a requirement was imposed upon an assisted living special exceptions located on large unsubdivided church property.
- Has this matter been properly noticed by the Planning Board, Board of Appeals, Hearing Examiner, etc. as the special exception notices refer to only productivity housing and not the entire site and its uses which are expressly encompassed by the application?

**II. Summary of Issues Raised**

1. Prior to the rezoning of the 3.5 acre site to O-M, it was zoned R-90 with a special exception for the medical office building. In approving the rezoning, Hearing Examiner Carrier and the Council found that to make the O-M zoning and development compatible with the area, including the adjacent single family residential community of Wildwood, numerous binding elements were imposed as well as design criteria specified. The proposed Schematic Development Plan Amendment (“SDPA”) and the proposed special exception greatly modify or eliminate the binding elements and design criteria so as to remove their protections. There is no basis for such a radical change. Wildwood believes that the proposed productivity housing project should be required to meet the binding elements and design criteria upon which the original rezoning was based.

Description	Approved SDP Binding Element and Design Criteria	Proposed SDP Amendment	Special Exception Specifications
1. Gross Floor Area	#1 30,000 sq. ft.		80,334 sq. ft.
2. FAR	#7 0.46	#7 1.3	1.27
3. Setback from Berkshire property line	#6 130 ft.	#6 60 ft.	63 ft.
4. Height/stories [note - §59-G-2.36.2: max height 50 ft.]	#5 – 3 stories - 42’ height - Max. 4 ft higher med. office bldg. - 56 ft. height grade to roof east side	#5 5 stories 60 ft. height	53 ft. 8 inches
5. East property line – entire length	#4 30 ft. wide buffer - 6 ft. fence - Trees/planting	#4 same as approved	
6. Roof mechanical equipment location	#3 roof mechanical equipment - west side bldg & screened	#3 same as approved	
7. Road improvement – 2 <sup>nd</sup> land	#8 2 <sup>nd</sup> westbound lane	Deleted	Deleted

	Wildwood Manor Drive at O.G. Road		
8. Green building	#1 Design – green building or new swm plan	Deleted	Deleted
9. Lighting criteria	#2 design lighting criteria	#1 same as #2 approved	
10. Landscaping – Berkshire area	#3 and #4 Berkshire area landscaping	#2 and #3 same as #3 and #4 approved	

2. **Stormwater.** The original proposal provided for a green roof which presumably will result in no stormwater runoff from the site. The new proposal does not provide for a green roof and we have seen nothing to date as to how stormwater will be handled. We presented photographs and other documentation demonstrating the extreme and dangerous erosion presently occurring downstream from this site due in part to water runoff of the site. This situation must be remedied.

3. **Parking.** The parking is woefully inadequate adding to the already inadequate parking for the medical office building and the shopping center.

a. Only .75 spaces per each of the productivity housing units is provided. The Code requires at least 1 per unit. §59-G-2.36.2.

b. There is minimal public transit at this location.

c. 90 existing surface spaces are being eliminated by the project.

d. Shared parking will not work as the medical building is in heavy use from at least 8a.m – a time when residents are still in the dwelling units.

e. The applicant’s special exception parking analysis for mixed use states 150 parking spaces required for the existing medical building. In the original rezoning application, the Planning Board staff noted the medical building required 183 spaces -- thus, 33 have “disappeared”. (Staff Report G-851, July 19, 2007, p.11). Even if minimal code requirements are met, the Board of Appeals may require additional spaces to prevent overflow parking on the nearby residential streets. §59-G-1.22(a).

f. More spaces must be provided.

Carlton Gilbert, Planner Coordinator  
Montgomery County Planning Board  
April 24, 2012  
Page 4

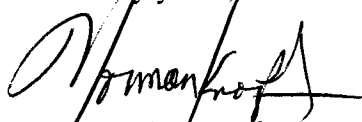
g. The location of the shared spaces are distant for residents of the apartment house and their guests. They will use the closer and more convenient shopping center parking spaces, further congesting that parking area.

h. The entrance to the apartment house garage needs to be relocated to the medical building side of the building to (1) move the garage door/car noise and light, away from Wildwood, and (2) to discourage ingress and egress through the shopping center parking lot via Old Georgetown and Cheshire.

**4. Height/ Distance/ Aesthetics.** The proposed building is too big, too high, and too close to the Wildwood community. Its height is made worse by the topography which is higher along Old Georgetown. Thus, the building bulk looks over Wildwood. Adding insult to injury are the balconies which allow residents to look down and into the Wildwood community. Its size, design, and non-brick exterior are inconsistent with the goals of §59-G-1.23(g) and §59-G-1.26

Thank you again for consideration of our views. As you will note, we are sending a copy of this letter to Jody Kline, Esq., in the hope that the applicant will modify its proposal to meet the concerns of the Wildwood Citizen Association so that we need not oppose the project.

Sincerely yours,



Norman G. Knopf

cc: Ed Axler, M-NCPPC (via email)  
Steve Findley, M-NCPPC (via email)  
Lynn Knaggs, M-NCPPC (via email)  
Glenn Kreger, M-NCPPC (via email)  
Joshua Sloan, M-NCPPC (via email)  
Nkosi Yearwood, M-NCPPC (via email)  
Jody Kline, Esq. (via email)



Resolution No.: 16-392  
Introduced: November 27, 2007  
Adopted: November 27, 2007

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
IN MONTGOMERY COUNTY**

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By: County Council

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**SUBJECT:** APPLICATION NO. G-851 FOR AMENDMENT TO THE ZONING ORDINANCE MAP,  
Jody Kline, Esquire, Attorney for Applicant, OPINION AND RESOLUTION ON  
APPLICATION

Tax Account No. 07-03281496

**OPINION**

Application No. G-851, filed on July 5, 2006 by Applicant Wildwood Medical Center, L.L.C., requests reclassification from the R-90 Zone to the O-M Zone of 3.5 acres of land located at 10401 Old Georgetown Road in Bethesda, Maryland, on property known as Lot N541, Parcel B, Wildwood Manor Shopping Center, in the 7th Election District. The application was submitted under the Optional Method authorized by Code §59-H-2.5, which permits binding limitations with respect to land use, development standards and staging.

The Hearing Examiner recommended approval of the application on the basis that the O-M Zone at the proposed location would satisfy the requirements of the purpose clause; that the proposed reclassification and development would be compatible with existing and planned land uses in the surrounding area; and that the proposed reclassification bears sufficient relationship to the public interest to justify its approval. The Montgomery County Planning Board ("Planning Board") and its Technical Staff provided similar recommendations. The District Council agrees with the Hearing Examiner's conclusions and incorporates herein the Hearing Examiner's Report and Recommendation dated November 9, 2007.

The subject property consists of 3.5 acres of land located on the east side of Old Georgetown Road (MD 187) in Bethesda, between Rock Spring Drive to the north and Democracy

Boulevard to the south, about 1,200 feet south of the MD 187/I-270 interchange. The property is currently developed with a three-story, 35,000-square-foot medical office building surrounded by surface parking, which operates pursuant to a special exception that was approved in the early 1960s. The property has approximately 340 feet of frontage on Old Georgetown Road, to which it has access via Medical Center Drive, a stub road that was built across an easement that the subject property enjoys on the adjoining property to the north. The site's parking area interconnects with a filling station abutting the southwest corner of the site and, at three locations along its southern boundary, with the Wildwood Shopping Center (the "shopping center"). Both the gas station and the shopping center have direct access to Old Georgetown Road. The subject site abuts Berkshire Drive to the west, but has no vehicular connection to it.

The property slopes moderately down from the northwest corner to the southeast corner. It has no forested areas, wetlands, floodplains, rare or endangered species, critical habitats or historic features. It is landscaped with trees and shrubs near the building, within the parking area and along Old Georgetown Road.

The surrounding area for this application has been designated as the area including the homes between the subject site and I-270 to the north, the first long block of homes to the east and southeast between I-270 and Cheshire Drive, and the properties fronting on the west side of Old Georgetown Road from Democracy Boulevard to I-270. The surrounding area contains a mix of residential, institutional, retail and office uses. Immediately to the north and east, extending to I-270 to the north and Cheshire Drive to the south, are single-family detached homes in the R-90 and R-90/TDR Zone. Abutting to the south are the gas station and the shopping center, which contains a Balducci's grocery store and a number of restaurants and specialty stores. The gas station and the shopping center itself are classified in the C-1 Zone, but the shopping center's parking lot operates pursuant to a special exception under the R-90 Zone. Confronting the subject site across Old Georgetown Road is Georgetown Square, a shopping center in the C-1 Zone with a Giant grocery store and a number of other restaurants and retailers. Behind Georgetown Square, just outside the defined surrounding area on

property zoned R-90, is Walter Johnson High School. Farther north on Old Georgetown Road is property known as the Davis tract, which was reclassified several years ago to the MXPB Zone and has been only partially developed. The northern part of the Davis tract, abutting I-270, contains multi-family residential dwellings with structured parking. The southern part is under development, and is approved for mixed housing, office, institutional and entertainment uses.

The subject property was classified under the R-90 Zone in the 1954 comprehensive zoning of the area. In 1964, the Board of Appeals approved special exception number B-A 1631, allowing the construction of a medical office building on the property. The special exception was grandfathered with the adoption of a zoning text amendment in 1984, which limited medical office buildings in residential zones to no more than four medical practitioners. R-90 zoning was reaffirmed by *Sectional Map Amendment in 1992 (G-706)*.

The Applicant proposes to add a second office building south of the existing building and a smaller building, for use as a drive-through bank, along the site's Old Georgetown frontage. The new office building would be similar in size to the existing building, and its use would be restricted to non-medical offices to limit traffic impacts.<sup>1</sup> Parking for the new building would be provided in an underground garage. Vehicular access would continue to be provided via the existing entrance at the north end of the site, plus two connection points to the shopping center. The northern access road currently extends across the full depth of the property, and has three driveways into the subject site: one just a few feet from Old Georgetown Road, one leading to the main drive aisle, and one near the back of the site. In connection with the present proposal, the Applicant proposes to shorten the access road, retaining only the first two driveway entrances. The remainder of the easement area would be used to increase the landscaped area between the site and the homes to the north.

The first driveway entrance along the northern access road would lead to the drive-in bank. The second entrance would lead to a continuous drive traversing the property to its southern boundary. Both the existing building and the proposed office building are intended to front on this main

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<sup>1</sup> The Zoning Ordinance calls for more parking for medical office buildings than for general office buildings.

drive, with parking at the rear. Walkways are proposed to connect the two office buildings with each other and existing sidewalks to the north and east. The Applicant's conceptual plan proposes to eliminate one row of parking along Old Georgetown Road and replace it with grass and street trees. The plan also includes removing a row of parking along Berkshire Drive, at the east end of the site, and replacing it with grass, fencing, and plantings on an earthen berm, all designed to provide an expanded buffer area and better visual screening between the subject site and the neighboring residential community.

Pursuant to Code § 59-H-2.52, the Applicant in this case has chosen to follow the "optional method" of application. The optional method requires submission of a schematic development plan ("SDP") that specifies which elements of the plan are illustrative and which are binding, i.e. elements to which the Applicant consents to be legally bound. Those elements designated by the Applicant as binding must be set forth in a Declaration of Covenants to be filed in the county land records if the rezoning is approved. Illustrative elements of the SDP may be changed during site plan review, but the binding elements cannot be changed without a separate application to the District Council for a development plan amendment.

The Applicant in the present case has submitted three versions of its SDP. The graphics, which are illustrative in nature, are the same on all three. All three versions describe 12 elements of the proposed plan, but they vary as to which element are binding elements and which are illustrative "design criteria for site plan." The Hearing Examiner has recommended approval of the SDP identified as Exhibit 65(a), which has eight binding elements and four design criteria. The Planning Board and its Staff recommended that the SDP have seven binding elements and five design criteria, as shown on Exhibit 61(a). The one difference between Exhibit 65(a) and Exhibit 61(a) is that a 30-foot buffer area along the side of the property closest to single-family residences is ensured as a binding element on Exhibit 65(a), whereas on Exhibit 61(a) it is designated as a design criterion for site plan, making it illustrative. The third SDP, Exhibit 61(b), includes the buffer area as a binding element and also addresses stormwater management, exterior lighting and improvements to the public right-of-way

adjacent to the site as binding elements, rather than design criteria. The Wildwood Manor Citizen's Association (the "WMCA"), representing the adjacent single-family neighborhood, initially argued in favor of Exhibit 61(b), but later stated that Exhibit 65(a) satisfied its concerns.

The question of which SDP may most appropriately be approved turns on the meaning of Section 59-H-2.53, which outlines the elements of an SDP. The District Council agrees with the Hearing Examiner's interpretation, which is discussed in detail on pages 12 to 16 of the Hearing Examiner's Report and Recommendation, and concludes that Section 59-H-2.53 permits an applicant using the optional method to restrict (1) any element that is addressed in the "development standards" section of the zone, whether in a table or in text; (2) anything related to what uses are permitted on the site; and/or (3) the staging, or timing, that will be followed in constructing the project if it is approved. (The District Council agrees with the Hearing Examiner that there is no ambiguity in the use of the term "staging" in Section 59-H-2.53.) This interpretation is reached with due consideration to the basic underlying purpose of the optional method, which is to permit an applicant to impose limitations sufficient to support a finding of compatibility by the Council. Based on this interpretation, the District Council finds that Exhibit 65(a), the final SDP that was submitted, appropriately categorizes the binding elements and design criteria.

The binding elements on Exhibit 65(a) limit the use and development standards as follows:

1. Uses limited to general, professional and business offices in the existing building and the same uses in both of the new buildings, except that medical practitioners are excluded in the new buildings. Square footage of larger new building limited to 30,000 square feet of gross floor area. Square footage of smaller new building limited to 3,460 square feet of gross floor area.
2. Vehicular access between the subject property and Berkshire Drive will be prohibited.
3. Roof-top mechanical equipment on the proposed three-story office building will be located so as to reduce visibility and the appearance of height for residences to the east.

4. Land uses in a 30-foot strip between the eastern property line of the subject property and the paved area for vehicular circulation shall be limited to a six-foot, board-on-board fence, shade trees and evergreen plantings on both sides of the fence.

5. The height of the proposed three-story building shall be limited to three stories or 42 feet, and shall be no more than four feet higher than the existing office building. No point along the east side of the proposed three-story building shall exceed 56 feet, measured from grade to roof surface.

6. The smaller proposed building shall be no closer than 50 feet to Old Georgetown Road. The two office buildings shall be no closer than 16 feet to the southern property line, and no closer than 130 feet to the eastern property line.

7. Floor area ratio shall not exceed 0.46.

8. The proposed three-story office building may not be occupied and used until an intersection improvement is completed creating a second westbound lane on the access road from the subject site to Old Georgetown Road, or an alternative transportation network improvement approved by the Montgomery County Planning Board is completed and in service.

The design elements identified on Exhibit 65(a) address stormwater management, exterior lighting, improvements that the Applicant proposes to make in the public right-of-way of adjacent Berkshire Drive, subject to necessary approval from the County, and landscaping.

As shown on page 29 of the Hearing Examiner's Report and Recommendation, the proposed development would be consistent with applicable development standards for the O-M Zone and applicable parking requirements.

The District Council turns next to the purpose clause of the O-M Zone, and concludes that the proposed rezoning would satisfy its provisions. The purpose of the O-M Zone as stated in Code §59-C-4.31 is set forth below.

**59-C-4.310. Purpose.**

It is the purpose of the O-M zone to provide locations for moderate-intensity office buildings in areas outside of central business districts. It is intended that the O-M zone be located in areas where high-intensity uses are not appropriate, but where moderate intensity office buildings will not have an

adverse impact on the adjoining neighborhood. This zone is not intended for use in areas which are predominantly one-family residential in character.

The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses and, in itself, shall not be sufficient to require the granting of any application.

The subject site is outside a central business district, in an area where the proximity of residential neighborhoods would make high-intensity uses inappropriate. The Applicant proposes an office building and a bank that would be relatively modest in size and would fit in well, in terms of the nature of the uses, with the existing office building, gas station and nearby shopping center. With the binding elements on Exhibit 65(a) (the SDP recommended for approval by the Hearing Examiner), the project would be unlikely to have an adverse impact on the adjoining neighborhood. The combination of building height, square footage, setbacks and FAR effectively limit the proposed office building to roughly the location and size shown on the SDP. The neighbors are assured that no vehicular access would be created between the subject property and Berkshire Drive, protecting the neighborhood from a potential influx of traffic from Old Georgetown Road. A 30-foot buffer along the Berkshire Drive side of the site, where the only permitted land uses would be fencing, shade trees and evergreen plantings, would provide visual screening. The buffer might not hide the office buildings from view entirely, but would certainly mitigate their impact, including the potential impact of vehicle headlights at night. The visual impact of the buildings would be further mitigated by a distance of over 200 feet to the nearest homes, and a ten-foot drop in grade from the site to Berkshire Drive.

The traffic study established that the proposed project would not adversely affect local traffic conditions. Although treating the proposed bank as a stand-alone use rather than an expansion of the shopping center might have required the Applicant to put in its traffic improvement earlier, there is no evidence of record to undercut either the Applicant's traffic expert on this point or Technical Staff's concurring opinion. Moreover, testimony from the Applicant's traffic expert demonstrated persuasively that although there is a clear problem on Cheshire Drive approaching Old Georgetown Road, at the south end of the shopping center, any impact the present proposal might have on that traffic problem

would be unlikely to be significant enough to justify making this Applicant responsible for fixing the problem. Accordingly, the District Council concludes that based on the preponderance of the evidence, the Applicant has demonstrated that its proposal would not have an adverse impact on the adjoining neighborhood.

For all of these reasons, the District Council concludes that the proposed rezoning and development would be consistent with the purpose clause for the O-M Zone.

An application for a floating zone reclassification must be evaluated for compatibility with existing and planned uses in the surrounding area. For the reasons stated with regard to satisfying the purpose clause, the District Council concludes that the proposed rezoning and development would be compatible with existing and planned uses in the surrounding area. An additional office building of moderate size and a small bank building would blend in well with the mixed character of the surrounding area and, with the parameters established in the binding elements of Exhibit 65(a), would not have an adverse impact on the adjoining neighborhood. Traffic impacts would be mitigated, resulting in no net adverse impact, and the community would obtain additional opportunities for services and employment.

The District Council further determines that the proposed reclassification bears sufficient relationship to the public interest to justify its approval. The District Council agrees with the findings made by the Hearing Examiner, the Planning Board and Technical Staff that the proposed development would comply with the Master Plan. The proposed development would further many of the relevant goals in the Master Plan, including focusing development on areas with existing infrastructure, increasing variety and vitality among land uses, and encouraging a land use pattern that provides opportunities for housing and employment.

The evidence indicates that the proposed rezoning and development would be adequately supported by and would have no adverse effect on local roadways or public utilities.

Accordingly, the District Council concludes, based on the preponderance of the evidence, that the proposed reclassification bears sufficient relationship to the public interest to warrant its approval.




For these reasons and because to grant the instant zoning application would aid in the accomplishment of a coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District, the application will be granted in the manner set forth below.

**ACTION**

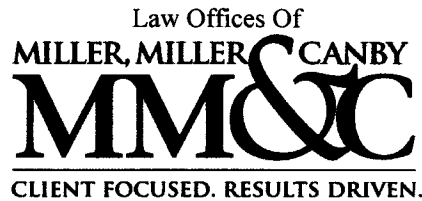
The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-851, seeking reclassification from the R-90 Zone to the O-M Zone of 3.5 acres of land located at 10401 Old Georgetown Road in Bethesda, Maryland, on property known as Lot N541, Parcel B, Wildwood Manor Shopping Center, in the 7th Election District, is hereby approved in the amount requested, subject to the specifications and requirements of the approved schematic development plan, Exhibit 65(a); provided that, within 10 days of receipt of the District Council's approval resolution, the Applicant must submit to the Hearing Examiner for certification a reproducible original and three copies of the approved schematic development plan, in accordance with §59-D-1.64, and provided that the Declaration of Covenants is filed in the county land records in accordance with § 59-H-2.54 of the Zoning Ordinance.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.424.9673 WWW.MILLERMILLERCANBY.COM

All attorneys admitted in Maryland and where indicated.

PATRICK C. MCKEEVER (DC)  
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JSKLINE@MMCANBY.COM

June 6, 2012

Mr. Carlton Gilbert  
 Planning Area 2  
 Montgomery County Planning Department  
 8787 Georgia Avenue  
 Silver Spring, Maryland 20910

RE: Schematic Development Plan Amendment Application No. SDPA 12-01,  
 Special Exception Case No. S-2830,  
 Aubinoe Residential Building

Dear Carlton:

Thank you for meeting on June 4<sup>th</sup> with representatives of the applicant in the above-referenced applications and for your constructive remarks, one of which – parking – is intended to be addressed in this letter.

Here's our "global" analysis of the parking situation:

1. The current parking lot contains 203 surface parking spaces.
2. Code required parking for the existing uses are:
 

• Medical office	5 spaces @1000 SF	150 spaces
• Medical office storage	6,423 SF*	0
• Bank	3,471 SF	<u>10 spaces</u>
<b>Total required parking spaces for existing uses</b>		<b>160 spaces</b>

3. We have conducted surveys on parking at the subject property at various times and days. The results of those surveys have been submitted under separate cover. The following observations are provided from the surveys:

- Overall site utilization of parking spaces ran from a high of 55% (midweek, midday; 90 spaces available) to 10% (Monday evening, 181 spaces available).
- The "northern parking area," closest to the existing office building and the main entrance, experienced the highest utilization rates but there were always some spaces available even in that busy parking area while substantial vacant spaces were available in the "eastern" and "southern" parking bays.

Clearly, the two existing uses come nowhere close to exhausting the available surface parking on the property during a range of dates and times and that, at even the worst case, there remain 90 spaces available for use on the property.

4. The proposed residential building will remove 90 spaces from the parking field leaving 113 surface spaces.

5. Structured parking as part of the residential building will add 114 parking spaces.

6. The code mandated requirement for parking for the residential units is:

35 Market rate 2-bedroom units	35 x 1.5 =	52.50
2 Market rate 1-bedroom units	2 x 1.25 =	2.50
21 Productivity housing units (per Sec. 59-G-2.36.2(b)(4))	21 x 1.0 =	21.00
Total required spaces for residential use		76 spaces

7. Therefore, the total required parking for the existing and proposed uses on the site is 236 spaces (160 for office use + 76 for residential uses = 236).

8. The applicant proposes to construct a structured parking garage containing 114 spaces. Parking on site will therefore be a total of 227 spaces (113 surface + 114 garage = 227).

9. The shortfall between required and provided parking will be 9 spaces without any reliance on Section 59-E-3.1 ("Mixed Uses") in the Zoning Ordinance.

10. Under the shared parking analysis of Section 59-E-3.1, only 194 spaces are required to serve the proposed uses while 227 are actually provided.

11. Use of the "Mixed Uses" ("shared parking") section of the Zoning Ordinance is appropriate for this site because of:

a. The demonstrated parking patterns which indicate that existing uses do not exhaust the available parking spaces.

b. The inherent complementary nature of a professional office building that is vacant in the evenings and weekends with a residential building in which many of the occupants leave during the day.

c. The organization of the Applicant's parking garage which will make parking for the office users and visitors readily accessible while ensuring security for the residents of the building in a discreet, protected area of the parking garage, as described in more detail in an Amended Statement of Operations in Special Exception Case No. S-2830.

d. The fact that public transportation with direct delivery to a METRO station (Grosvenor) is readily available within easy walking distance of the property. (In front of the Wildwood Shopping Center.)

e. That virtually every conceivable service necessary for the residents of the proposed building (e.g., grocery stores, pharmacies, coffee shops, retail establishments, doctors' offices, school, church and restaurants) is within convenient walking distance of the building.

f. The fact that "Required" parking is only nine (9) spaces more than actual "Provided" parking (236 required – 227 provided = 9).

In summary, the applicant believes that the proposed Aubinoe Residential Building represents a classic case when two uses (office, residential) have different periods of peak usage and that the segregation of parking by function within the residential building's parking garage will provide an attractive parking alternative to users of the office building in the event that remaining surface parking spaces (113) are not adequate to accommodate the parking needs for the two on-site office buildings with finite hours of operation.

We hope that this analysis helps you better understand the existing and future parking situation for the Aubinoe Residential Building.

Sincerely yours,

MILLER, MILLER & CANBY

**Jody KLINE**

Jody S. Kline

  
Soo Lee-Cho

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## MEMORANDUM

**TO: FILE**

**CC: JODY KLINE  
SOO LEE-CHO**

**FROM: DAMON OROBONA**

**DATE: JUNE 8, 2012**

**RE: OBSERVED PARKING CONDITIONS AT  
WILDWOOD MEDICAL CENTER  
CASE NO. SDPA 12-01 AND SE CASE NO. S-2830**

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At the request of the applicant in Case Nos. SDPA 12-01 and S-2830, I made several site visits, at different times and on different days of the week, to the Wildwood Medical Center to observe actual parking conditions.

The parking conditions on the subject property have been documented a total of five times during the course of the past thirty days: twice in the morning, once midday, and twice during early evening hours. As the attached photographic exhibits indicate, the subject property contains ample available parking even during the busiest times of the day. The following chart provides a breakdown of the approximate utilization of the northern, eastern, and southern parking areas surrounding the current office building, as well as the utilization of the bank's parking area on the west side of the site.

	Northern Parking Area	Eastern Parking Area	Southern Parking Area	Bank Parking Area	Bus Stop
Total Available Spaces	26	88	50	38	202
Estimated Count Morning 5/2/12; 9:00AM	14 (54% utilization)	30 (34% utilization)	16 (32% utilization)	13 (34% utilization)	73 (36% utilization)
Estimated Count Morning 5/8/12; 9:30AM	21 (81% utilization)	37 (42% utilization)	20 (40% utilization)	17 (45% utilization)	95 (47% utilization)
Estimated Count Midday 5/29/12; 2:00PM	20 (77% utilization)	42 (48% utilization)	18 (36% utilization)	31 (82% utilization)	111 (55% utilization)
Estimated Count Evening 4/23/12; 6:30PM	4 (15% utilization)	11 (13% utilization)	2 (4% utilization)	4 (11% utilization)	21 (10% utilization)
Estimated Count Evening 4/30/12; 6:00PM	6 (23% utilization)	11 (13% utilization)	4 (8% utilization)	5 (13% utilization)	26 (13% utilization)
Average Percent Utilization	50%	30%	24%	37%	32%

It is apparent that the property is most heavily utilized during the midday period, but there remains substantial parking spaces available (approximately 90 on May 29<sup>th</sup>) even during this period of peak demand. As the attached photos represent, the existing parking area is largely vacant during the morning and evening periods, and approximately half-empty midday.

EXHIBIT 1  
MORNING PARKING CONDITIONS AROUND 9:00AM ON MAY 2, 2012



EXHIBIT 2  
MORNING PARKING CONDITIONS AROUND 9:30AM ON MAY 8, 2012





EXHIBIT 3  
MIDDAY PARKING CONDITIONS AROUND 2:00PM ON MAY 29, 2012



EXHIBIT 4  
EVENING PARKING CONDITIONS AROUND 6:30PM ON APRIL 23, 2012

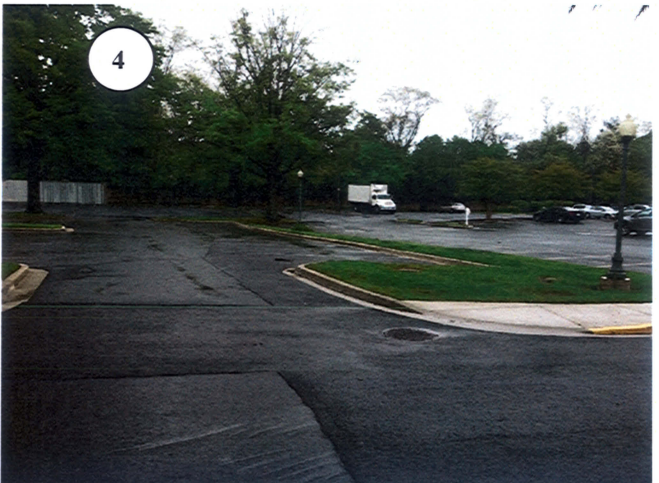


EXHIBIT 5  
EVENING PARKING CONDITIONS AROUND 6:00PM ON APRIL 30, 2012

