**MCPB** Item No.

Date: 11-20-14

## Star Pointe Plaza Consent Amendment: Site Plan 82010002A

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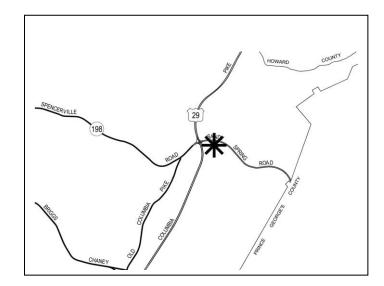
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Staff Report Date: 11/07/14

## Description

Star Pointe Plaza Consent Amendment: Site Plan 82010002A: Request to reduce the total lot area, green area and side yard building and parking setbacks as a result of a boundary dispute, located on the south side of Sandy Spring Road (MD 198), approximately 100 feet west of Star Pointe Lane, 1.53 acres, I-1 Zone, Burtonsville Employment Area Overlay Zone; Fairland Master Plan.

Applicant: Vikram Kushawaha Submitted: 08/26/2014



## Summary

Reduction in lot area, green area, and side yard setbacks conforms to the zoning and to the Master Plan recommendations

#### STAFF RECOMMENDATION

Staff recommends approval of the proposed modifications to Site Plan 82004026C: Star Pointe Plaza. The proposed modifications are minor, only impacting the site development data table, and labeling on the plan drawing and qualify for approval as a Consent item.

## SITE DESCRIPTION

## Vicinity

The property is 1.53 acres in size and is located on the south side of Sandy Spring Road (MD 198) approximately 100 feet west of Star Pointe Lane, or approximately 400 feet east of the interchange with Columbia Pike (US29) ("Subject Property"). The Subject Property is Zoned I-1. It is located in the Fairland Master Plan") in the Burtonsville Employment Area Overlay Zone (Figure 1). The Subject Property is located just east of the Burtonsville Crossroads Neighborhood Plan and is in the headwaters of the Little Paint Branch.

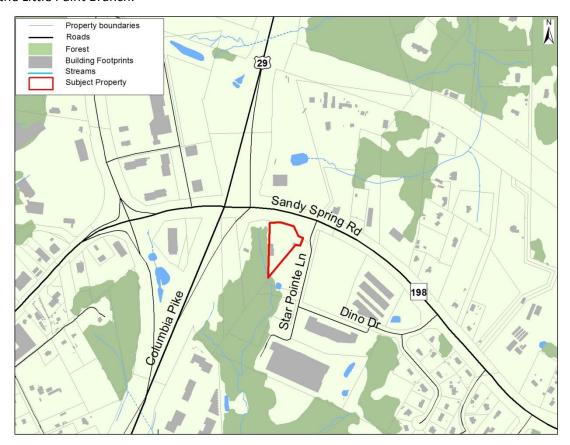


Figure 1

# **Previous Approvals & Project History**

## Preliminary Plan

This plan is subject to the conditions of Preliminary Plan No. 120090130, Star Pointe Plaza, which was approved on July 13, 2010 by adoption of Resolution MCPB No. 10-85. The Preliminary Plan created one 1.54 acre lot for 3,100 sq. ft. of retail use, 3,260 sq. ft. of restaurant use and 16,808 sq. ft. of office use.

#### Site Plan

Site Plan No. 820100020, Star Pointe Plaza, was approved on July 16, 2010 by adoption of Resolution MCPB. No. 10-87. The Site Plan approved a 25,239 square foot building on 1.54 acres of land for commercial uses as approved in the Preliminary Plan.

#### **Current Conditions**

During the record plat process, a dispute arose between the Subject Property and an adjacent property over the property boundary location. The Subject property essentially lost one foot off of the western boundary line. The Plat application has the correct property boundaries shown; however the Site Plan was never corrected. Development has begun on the Subject Property per the improvements allowed under the previous regulatory actions to build a three story, 25,239 sq. ft. commercial building with associated parking. Because of the moved boundary, the structures were built one foot closer to the western Property line (12 feet) than allowed under the Site Plan approval (13 feet). The Montgomery County Department of Permitting Services ("MCDPS") has halted construction activities until this discrepancy can be resolved.

## **AMENDMENT DESCRIPTION**

To continue construction activity as the Subject Property, the Applicant has submitted Site Plan Amendment No. 82012002A, Star Pointe Plaza ("Application"), to make the following amendments to the Site Plan drawing and data table:

- a) Reduction in total lot area from 67,058 sq. ft. (1.54 acres) to 66,805 sq. ft. (1.53 acres);
- b) Increase in total FAR from 0.37 FAR to 0.38 FAR;
- c) Reduction in side yard setbacks on the western side from 13 feet to 11.5 feet and the eastern property line from 10 feet to 9.5 feet;
- d) Reduction in Green area from 31,447 sq. ft. (46.9%) to 24,400 sq. ft. (36.5%).

## **Staff Discussion**

The requested amendment will not have an impact on Site Plan findings; but the dimensions on the plan drawing and the project data table for the I-1 Zone need to be adjusted with the new figures as shown in Table 1.

Table 1 - Project Data Table, I-1 Zone

Development Standard	Permitted/Required	Proposed for Approval &
		Binding on the Applicant
Gross Tract Area (GTA)	n/a	<del>67,085 SF/(1.54 acres)</del>
		66,805 SF/(1.53 acres)
Net Lot Area	n/a	<del>67,085 SF/(1.54 acres)</del>
		66,805 SF/(1.53 acres)
Gross Floor Area (GFA) & FAR		
- Retail/restaurant	n/a	8,431 SF <sup>(a)</sup> (0.126 FAR)
- General office	n/a	16,808 SF ( <del>0.251</del> <u>0.252</u> FAR)
Total		25,239 SF
Max. Cumulative retail/commercial uses	50,000 SF <sup>(b)</sup>	24,031 <sup>(c)</sup>
in Overlay Zone (SF)		
Max. Building Height (feet) 59-C-5.3		
- In stories	3	3
- In feet	42	42

Min. Building Setbacks (feet) (Sec. 59-C-18.142(b)(1))			
- Major highway	100 <sup>(d)</sup>	100 <sup>(e)</sup>	
- Other property lines	0		
- West		<del>13</del> - <u>11.5</u>	
- South		287	
- East		104	
Min. Parking Setbacks (feet) (Sec. 59-C-18.142(b)(1))			
- Major highway	100	100	
- Other property lines			
- West	0	<del>12</del> - <u>11.5</u>	
- East	0	<u>10 9.5</u>	
Parking Lot Internal Landscape	5% (1,740 SF)	6.8% (2,357 SF)	
Min. Green Area (% of GTA)	10	4 <del>6.9</del> -36.5	
59-C-5.32	(6,706 SF)	<del>(31,477 SF)</del> <u>(24,400S F)</u>	
Total Parking Spaces	116 (84) <sup>(f)</sup>	84 <sup>(f)</sup>	
- Office (16,808 SF)	48.7 (@ 2.9 sp/1000 SF)		
- Retail (3,100 SF)	15.5 (@ 5 sp/1000 SF)		
- Restaurant, patron internal (1,927 SF)	48.2 (@25 sp/1000 SF)		
- Restaurant, patron external (210 SF)	3.2 (@15 sp/1000 SF)		
- Restaurant, non-patron area (1,333 SF)	0 (@0 sp/1000 SF)		
Handicap Spaces	4	4	
Bicycle spaces (59-E-2.3(a))	5	5	
(@ 1 bike space/20 vehicle spaces)	(84 vehicle sp/20)		
Motorcycle spaces (59-E-2.3(d))	2	2	
(@2% x total vehicle spaces)	(2% x 84 vehicle sp)		
(a) Includes 2 071 SE of non-leasable area (Johby, elevator, common areas)			

- (a) Includes 2.071 SF of non-leasable area (lobby, elevator, common areas)
- (b) Maximum cumulative SF of retail allowed in the Burtonsville Employment Overlay Zone
- (c) Cumulative total including 8,431 SF from this application and 15,600 SF at Zimmerman's Hardware
- (d) The Fairland Master Plan recommends building setbacks in the industrial area by an unspecified distance, that in practices has been 100 feet
- (e) As measured from the edge of right-of-way of MD198, not including the private service road
- (f) Per Section 59-E-3.1, this application qualifies for a mixed-use parking credit

The reduced lot area meets the minimum size allowed in the zone, and the FAR is acceptable because there is no explicit FAR limit in the I-1 Zone. The zone has no required side yard setbacks when abutting other industrial or commercial zoned land, however the previous Site Plan placed a 13 foot setback for the western side yard and a 10 foot setback for the parking along the eastern boundary. MCDPS has found that the wall of the building is actually 12 feet from the western Subject Property boundary and the parking is 9.5 feet from the eastern boundary. The Applicant's request of 11.5 feet is to provide a little extra room for façade treatments or other surveying errors.

The minimum green area for the I-1 Zone is 10 percent. The green area provided in this Application is 24,400 sq. ft (36.5 percent). The area provided as green area is geometrically the same as that shown on the certified Site Plan No. 820100020, however the area provided in the data table at that time was

incorrect, and the acreage of the total lot has been reduced slightly. This Application amends the table to show the accurate area of green space provided.

#### **PUBLIC NOTICE**

A notice regarding the amendment was sent to all parties of record by the Applicant. The notice gave interested parties 15 days to review and comment on the amended site plan per Montgomery County Zoning Ordinance Section 59-D-3.7. A sign was also posted along the Subject Property frontage with Sandy Spring Road. Staff has not received any citizen correspondence as of the writing of this staff report.

## **CONCLUSION**

The proposed modifications to the site plan will not alter the overall character or impact of the development with respect to the original findings of approval. These modifications will not affect the compatibility of the development with respect to the surrounding developments. Staff recommends approval of Site Plan Amendment 82010002A.

#### **ATTAHCMENT**

Attachment A - Red line Site Plan

