



**Greencourt, LLC, Board of Appeals No. S-2878**

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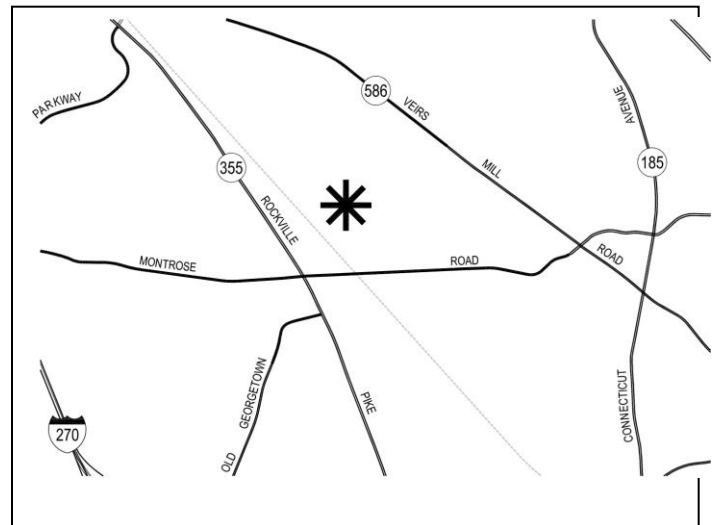
**Completed: 3/13/15**

**Description**

Request to allow up to 50% of the floor area to be General Office use (up to 54,348 square feet) within the approved Greencourt at Parklawn Project (Site Plan No. 820130180);

- Location: 12358 Parklawn Drive, North Bethesda;
- I-4 Zone, 2.04 acres of land in the 2009 *Twinbrook Sector Plan* area;
- Applicant: Greencourt, LLC;
- Filing Date: September 8, 2014;
- Hearing Examiner Public Hearing Date: April 14, 2015.

The Applicant is also requesting a waiver from the off-street parking requirements of Section 59-E.



**STAFF RECOMMENDATION:**

Deny the special exception (S-2878) to allow up to 50% of the floor area to be General Office use for the following reasons:

- While the application meets most of the technical requirements for a general office use, the proposal to allow up to 50 percent of the floor area for office use does not conform to the goals, objectives and land use recommendations of the 2009 *Twinbrook Sector Plan*. Master Plan consistency is a general standard that every special exception must satisfy to be approved.
- The Applicant’s special exception request for a change in use from Light Industrial/Research and Development space to up to 50 percent General Office use may contribute to the erosion of Light Industrial space in this industrial core area rather than preserve the light industrial uses and character as envisioned in the 2009 *Twinbrook Sector Plan*.

## **SUMMARY**

The Applicant, Greencourt LLC is requesting special exception approval pursuant to Zoning Ordinance Sections 59-G-1.2 and 59-G-2.38.1 in order to allow up to 50% of the floor area to be General Office use within the Greencourt at Parklawn project. A Site Plan for the project, currently under construction, was approved with conditions by the Planning Board on November 7, 2013 to allow the conversion of three existing warehouse structures (consisting of 83,968 square feet) and a third-story addition (consisting of 24,727 square feet) into a fully renovated Industrial/Research and Development (R&D) office use building. (Attachment 1, Resolution). There is an existing 1,305 square-foot restaurant, bringing the total square footage to 110,000 square feet on 2.04 acres in the I-4 zone. At that time, the Planning Board also granted a parking waiver reducing the required total number of required off-street parking spaces from 178 to 123 spaces.

The proposed special exception application seeks approval to allow up to 54,348 square feet, or 50% of the proposed building's leasable area, to be occupied by uses that fall under the General Office use category. The approved Site Plan allows R&D office uses in the I-4 zone, permitted by right in the Zone. No changes to the physical layout of the site or building, as approved under Site Plan No. 820130180, are proposed. The proposal includes another parking waiver to allow further reduction in the required parking spaces from the currently approved 123 spaces for this site. If this special exception is approved by the Hearing Examiner, a site plan review by the Planning Board will also be required to seek approval of the change in use and the new waiver request.

## **SITE DESCRIPTION**

The property (outlined in red below in the aerial photo) is located on the east side of Parklawn Drive, approximately 225 feet south of its intersection with Wilkins Avenue. The property consists of approximately 2.04 acres of land located within the Transit Station Development Area (TSDA) of the *Twinbrook Sector Plan*. The property, which is zoned I-4, is considered a "through" lot with frontages on both Wilkins Avenue and Parklawn Drive, and is located within one-half mile of the Twinbrook Metro Station.

The property is platted as a result of a minor subdivision record plat approval in 2014, and is formally known as Lot 23, Block F, in the Washington-Rockville Industrial Park. It is exempt from the requirements of submitting a Forest Conservation Plan per an approved Forest Conservation Exemption. The site contains no streams wetlands, forests, or other environmental features and is located within the Lower Rock Creek watershed, which is designated as a Use Class I-P Waters by the State of Maryland.

The property is not located in a Special Protection Area (SPA), and is approved as W-1 for its water category and has received approval for S-1 sewer category.



*Aerial Photo*

### **Neighborhood Description**

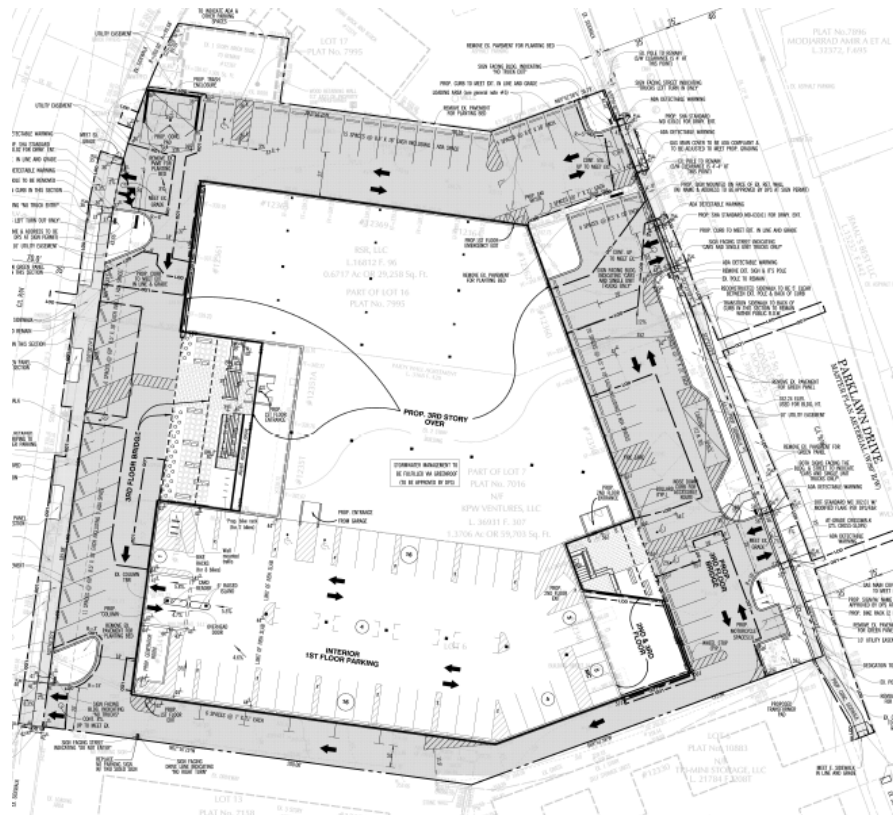
The property is generally bound by Parklawn Drive to the north and east, Twinbrook Parkway to the west, and Wilkins Avenue to the south. The property and adjacent properties in the vicinity are within the Light Industrial (Area 9) of the Twinbrook Sector Plan area. This area includes a mix of light industrial related uses, service commercial uses, restaurants and surface public parking lots. During the review of Site Plan No. 820130180, the Planning Board found that the proposed and subsequently approved Light Industrial/R&D office uses were compatible with the adjacent Light Industrial/R&D developments surrounding the Property. The Applicant's special exception request for a change in use from Light Industrial/R&D space to General Office use may contribute to the erosion of light industrial space in this industrial core area rather than preserve the light industrial uses and character as envisioned in the Sector Plan. (Attachment 2, Neighborhood Map)

## PROPOSED PROJECT

The Applicant seeks approval of a special exception to allow a mix of office uses. Specifically, the Applicant is proposing to allow up to 50% of floor area to be General Office use along with R&D Office use within the already approved Greencourt at Parklawn Project. The remaining density would be reserved for Light Industrial/R&D Office uses as otherwise permitted in the I-4 Zone.

The project is currently under construction with on-site improvements and renovations to the three existing warehouse buildings, a third-story addition and the existing restaurant. As previously noted, this project was approved under Site Plan No. 820130180 to have up to 108,695 square feet of R&D office uses in the renovated buildings.

A total of 123 off-street parking spaces will continue to be provided; 49 of these spaces will be located in a covered garage incorporated in the ground-level of the southern section of the newly integrated building. The remaining 74 parking spaces will be provided on the site's existing surface parking areas. The proposed parking will have direct access to Parklawn Drive and Wilkins Avenue. No changes to the physical layout of the site or building, as approved, are proposed by this special exception application.



Site Plan

## Parking

In accordance with the Special Standards of the I-4 Zone for Transit Station Development Areas permitted under Section 59-C-5.44(f), the Planning Board approved a waiver from off-street parking requirements (Site Plan No. 820130180). Under Section 59-E-3.7, the subject property, including the existing restaurant, required 178 off-street parking spaces. The Applicant requested a waiver of that requirement and received approval of 123 off-street spaces, 31% fewer spaces than required. The Planning Board found that the proposed 123 off-street parking spaces would be sufficient to meet the parking needs of the property, particularly because the property is within one-half mile of the Twinbrook Metro Station and that the Light Industrial/R&D office use redevelopment would not be possible, as envisioned in the Sector Plan, if the Applicant was required to provide the full 178 parking spaces.

If the General Office Use special exception is approved as proposed, the required parking calculated for up to 50% of floor space occupied by office use and the rest by the R&D uses, a total of 236 off-street parking spaces will be required. The Applicant is requesting another waiver from the off-street parking requirements of Section 59-E to allow further reduction in required parking space on site from the currently approved 123 spaces. This would represent a parking space reduction of approximately 48% for the new use in the approved building.

The required parking number of 236 required spaces is calculated as follows:

General Office: (54,348 s.f.) 2.7spaces/1,000 sf = 147 spaces

R&D Office: (54,347 s.f.) 1.5spaces/1,000 sf = 82 spaces

Existing Restaurant: (548 s.f.) 25 spaces/1,000 sf = 14 spaces

with 50% reduction for shared use = 7 spaces

Total Required on Site: 147 + 82 + 7 = 236 spaces

Total proposed: = 123 spaces (52% of the required spaces)

The Applicant believes that the requested parking waiver of 48% is justified for the proposed Project due to its proximity and accessibility to Metro, its provision of transportation related improvements and amenities (i.e., subsidizing Metro fares, provision of increased number of bicycle facilities on-site, and sidewalk improvements), and the existence of on-street parking along Wilkins Avenue. In an effort to further mitigate any off-street parking concerns, the Applicant has indicated that operation of a shuttle bus service to transport tenants/employees will be provided between the Twinbrook Metrorail Station and subject property. If the waiver is approved by the Hearing Examiner, Staff recommends requiring the Applicant to operate a shuttle bus service during the weekday morning peak, midday, and evening peak periods to reduce the need for on-site parking used by commuter's vehicular trips, and commit to operating the shuttle bus service as long as the waiver is in effect.

## ANALYSIS

### Master Plan

Pursuant to the grandfathering provisions of the current Zoning Ordinance Section 7.7.1.B.1., staff reviewed this application under old Montgomery County Zoning Ordinance Section 59-G-1.21. General Conditions, which states, in part:

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

(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 to a master plan consistency.

The property is located in the 2009 *Twinbrook Sector Plan* within "The Light Industrial Area – The thriving goods and services businesses in the area located around Carroll and Wilkins Avenues" (p. 1). The Sector Plan makes no specific recommendations for this property or the requested special exception, but it makes several recommendations for the light industrial district, which are relevant to this case. However, the area and neighborhood-wide recommendations in the 2009 Plan discourage non-industrial uses in the Light Industrial Area 9, which includes the subject property.

The 2009 *Twinbrook Sector Plan* states that, "Of the County's nearly 2,500 acres of industrial land, approximately 109 acres (zoned I-1 and I-4) are located in Twinbrook. Because the County has a limited, and decreasing, amount of industrial land, this Plan seeks to preserve a portion of Twinbrook's industrial potential, as did the 1992 Plan." The Sector Plan states that this land "provides important services to the Twinbrook area and the central part of Montgomery County." (p. 42). The Plan recommends "retaining and maximizing the existing light industrial uses that support not only the County's basic high-technology economy, but provide services to residents as well." (p. 7). The 2009 Sector Plan's area wide recommendations regarding land use and zoning include recognition that the 1992 Plan "limited office uses in the light industrial area by rezoning them to I-4." It stated that the 2009 Sector Plan went "further to retain and support industrial uses by recommending modifications to the I-4 Zone that would support redevelopment on the area's small sites." (p.13). The 2009 Plan states that the Light Industrial Area 9 "surrounding Carroll Avenue, Wilkins Avenue and Parklawn Drive includes a mix of light industrial uses, some that serve technology businesses, others traditional light industrial and service commercial uses." (p. 42). It further states that, "Similar commercial and industrial uses continue in the area around Wilkins Avenue, but on generally larger sites, oriented and connected to Randolph Road and the future Montrose Parkway. These industrial areas are some of the few remaining in the County and provide useful jobs and services. As in the 1992 Plan, this Plan recognizes the value of these uses

and the limited options they have for relocation in the County. To help preserve them, the 1992 Plan rezoned the area south of Parklawn Drive from I-1 to I-4, which successfully limited office encroachment.” (pgs. 42 & 43). Based on the recommendations of the *Twinbrook Sector Plan*, staff concludes that this request is inconsistent with the goals and recommendations of the *Twinbrook Sector Plan*. (See Attachment 3, Master Plan Memo)

## **Transportation**

On November 7, 2013, the Planning Board approved the transportation Adequate Public Facilities (APF) test for the site under Site Plan No. 820130180 for 100% R&D space. The following issues related to the Adequate Public Facilities (APF) test of the transportation requirements for the subject Application must be addressed at the relevant subsequent site plan review if this special exception is approved:

1. The Special Exception should be limited to 108,695 square feet of R&D and General Office space where up to 50% may be used as general office, and 1,305 square feet of the existing restaurant.
2. If the Applicant’s parking waiver is approved, the Applicant must operate a shuttle service between the Twinbrook Metrorail Station and subject site during the weekday morning peak, midday, and evening peak periods to reduce the need for on-site parking. The shuttle bus service must be operated as long as the waiver is in effect.

### Sector-Planned Roadways and Bikeway

- In accordance with the 2009 *Twinbrook Sector Plan* and the 2005 *Countywide Bikeways Functional Master Plan*, the designated roadways and bikeway are as follows: Parklawn Drive is designated as a four-lane Arterial, A-64, with a recommended 80-foot-wide right-of-way, bike lanes, BL-27, and considered a “major pedestrian connection” between the Twinbrook Metrorail Station and destinations south of the future Montrose Parkway. The Applicant dedicated five (5) more feet of additional right-of-way for a total of 40 feet from the centerline as part of Subdivision Record Plat No. 24809 (Record Plat Application No. 220130910) recorded on May 26, 2014.
- Wilkins Avenue is designated as a two-lane Business District Street, B-15, with a recommended 70-foot-wide right-of-way and no bikeway. The current right-of-way is 70 feet wide.

### Transportation Demand Management

This site is within the boundary of the North Bethesda Transportation Management District (TMD). The *Twinbrook Sector Plan* requires the Applicant to participate in the North Bethesda TMD and assist in achieving and maintaining the *Twinbrook Sector Plan’s* 39% non-auto driver mode share goal for employees. With 25 or more employees, the Applicant must enter into a Traffic Mitigation Agreement with the Planning Board and MCDOT. The Applicant has a current Traffic Mitigation Agreement that was executed on June 18, 2014; it must be updated to reflect the proposed change in land use if approved.

### Public Transit Service

Transit service is available to the site along Parklawn Drive with the following three bus routes:

1. Ride On route 10 operates with 30-minute headways between the Twinbrook Metrorail Station and Hillandale at the New Hampshire Avenue/Powder Mill Road intersection.
2. Metrobus route C-4 operates with 20-minute headways between the Twinbrook Metrorail Station and the Greenbelt Metrorail Station.
3. Metrobus route J-5 operates with 30-minute headways between the Twinbrook Metrorail Station and the Silver Spring Metrorail Station.

Bus stops are located along the property's Parklawn Drive frontage. Transit service is not available along Wilkins Avenue.

### Pedestrian and Bicycle Facilities

The original Site Plan No. 820130180 approval and current Special Exception proposal include the following upgraded pedestrian facilities along the Parklawn Drive and Wilkins Avenue frontages:

- Green panels are proposed to provide a physical separation between the sidewalks and curbs.
- The sidewalk crossings on the site's driveways are proposed to be ADA-compliant/at-grade crossings.
- An ADA-compliant lead-in sidewalk is proposed from the Wilkins Avenue sidewalk to the west entrance.
- Handicap ramps are provided to be ADA-compliant for the lead-in sidewalk from Parklawn Drive.

### Local Area Transportation Review (LATR)

The proposed redevelopment is projected to generate the following number peak-hour trips during the weekday AM peak period (6:30 to 9:30 a.m.) and the PM peak period (4:00 to 7:00 p.m.):



Land Use	Square Feet	Weekday Peak-Hour	
		Morning	Evening
<b>Existing Land Uses</b>			
Smokey's Restaurant	1,305	10*	3*
General Light Industrial Use	83,968	49*	39*
Subtotal	85,273	59	42
<b>Previously Approved Land Uses</b>			
Smokey's Restaurant	1,305	10*	3*
R&D Office Space	108,695	133	116
Subtotal	110,000	143	119
Net Increase from Existing	24,727	84	77
<b>Proposed Alternative Land Uses</b>			
Smokey's Restaurant	1,305	10*	3*
R&D Office Space	54,347	67	58
General Office Space	54,348	85	96
Subtotal	110,000	162	157
Net Increase from Existing	24,727	103	115
% increase from Approval	0%	13%	32%
Net Increase from Approved	0	19	38

*\*the existing number of site-generated peak-hour trips was derived based on traffic counts at the existing driveways from Parklawn Drive and Wilkins Avenue adjusted to reflect the highest previous tenant occupancy level.*

The Applicant submitted a traffic study to satisfy the LATR test because the proposed redevelopment generates 30 or more total peak-hour trips within the weekday AM and PM peak periods. The traffic study analyzed a worst-case scenario that assumed 59,783 square feet of general office and 48,912 square feet of R&D office space. The proposed 54,348 square feet of General Office space and 54,347 square feet of R&D space generate 3 fewer AM peak-hour trips and 4 fewer PM peak-hour trips than the land uses included and analyzed in the traffic study. Based on these few additional trips, the table below shows the calculated Critical Lane Volume (CLV) values at the analyzed intersections for the following traffic conditions:

1. Existing: Existing traffic conditions as they exist now.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
3. Total: The background condition plus the site-generated trips.

Between Randolph Road and Wilkins Avenue South, the future Parklawn Drive/Montrose Parkway interchange is under design. This interchange was not included in the traffic analysis because it does not have full construction funding as part of the Montgomery County Department of Transportation (MCDOT) Capital Improvement Program (CIP) Project 500717, Montrose Parkway East; however, it is a high-priority project with a projected construction starting in 2019.

Analyzed Intersection	Weekday Peak Hour	Congestion CLV Standard	Traffic Condition		
			Existing	Background	Total
Parklawn Drive and Wilkins Avenue (North)	Morning	1,800	238	359	359
	Evening	White Flint	333	505	514
Parklawn Drive and Wilkins Avenue (South)	Morning	1,800	314	476	481
	Evening	White Flint	450	652	670
Parklawn Drive and Randolph Road	Morning	1,550	1,155	1,481	1,486
	Evening	North Bethesda	1,243	1,452	1,461

As shown on the table above, the CLV values at the three intersections are less than the applicable congestion standard for these intersections and, thus, the LATR test is satisfied.

Compliance with Zoning Ordinance Section 59-G-2.38.1(a)(2)

Under Section 59-G-2.38.1(a)(2), a special exception to allow general office can be allowed if “the approval of the general office will not increase traffic to the extent that other industrial, commercial, or residential uses that are permitted by right are precluded from development within the traffic analysis area.”

Compared to the previously approved 100% R&D office space, this proposal for up to 50% general office space is expected to generate 19 (13%) more AM and 38 (32%) more PM peak-hour trips. This will bring the CLV value at the Parklawn Drive/Randolph Road intersection to within 4% of the CLV standard in the total AM traffic condition. However, the change from the previously approved 100% R&D office space will use only 0.3%, thus resulting in a 3.7% CLV capacity available for other future developments. In addition, the site-generated trip increases will be further mitigated by the Parklawn Drive/Montrose Parkway interchange that is a high priority County CIP project projected to start construction in 2019.

Transportation Policy Area Review (TPAR)

The Applicant must satisfy the TPAR test by paying 25% of the transportation impact tax for the additional square footage of development located in the North Bethesda Policy Area. With the existing sit-down restaurant to be retained and credit for the existing office space, the estimated impact tax due to the Montgomery County Department of Permitting Services (DPS) at the time of building permit, will be as follows:

Non-Residential Use	Current* Rate per Sq. Ft.	Proposed Sq. Ft.	Development Impact Tax
Proposed R&D Office	\$12.30	54,347	\$668,474
Proposed General Office	\$12.30	54,348	\$668,474
Existing (Light) Industrial	\$6.15	-83,968	-\$516,403
Net Increase		24,727	\$820,545
Estimated TPAR Mitigation Payment of 25% of the Net Increase			\$205,136

\*Development Impact Tax for Transportation Improvements rates valid through June 30, 2015.

(See Attachment 4, Transportation Planning Memo)

## COMMUNITY COMMENTS

This Application was submitted and noticed in accordance with all required procedures. The Application met posting requirements with two signs. To date, staff has not received any comments from the community.

### 59-G-1.2.1 Standard for evaluation.

#### Inherent and non-inherent characteristics

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 characteristics associated with General Office Use include: (1) physical building; (2) traffic to and from the site by employees; and (3) parking;*

*In reviewing the application, staff finds that the inherent characteristics of size, scale and scope associated with the proposed special exception application for General Office Use are minimal and not likely to result in any impacts to the building, traffic, or parking at this location. Staff finds that the physical building characteristics of the proposed use are consistent with the approved Site Plan, since there are no changes to the physical layout of the site or the building. The Applicant submitted a traffic study to satisfy the LATR requirements. Staff finds that approval of up to 50% general office use will not increase traffic to the extent that other industrial, commercial, or residential uses will be precluded from development within the traffic analysis area. The total number of parking spaces (123) is approved per Site Plan No. 820130180. As analyzed on page 5 of this report, the special exception request for general office use in the existing building requires a total of 236 off-street parking spaces, thus a parking waiver is necessary.*

*Given the submitted plans, and the Applicant's statement of operations and other submitted documentation, Staff does not find any non-inherent adverse effects associated with the application.*

### 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 proposed use is allowed by special exception in the I-4 Zone under the Zoning Ordinance that was in effect on October 29, 2014*

- (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.

*The proposed 50% General Office Use generally complies with the standards and requirements set forth in Section 59-G-2 and 59-G-2.38.1 of the Zoning Ordinance. However, the proposed special exception does not comply with a significant general standard specified in Section 59-G-1.21 of the Zoning Ordinance, consistency with the master plan, as described 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 use of up to 50% general office is not consistent with the recommendations of the 2009 Twinbrook Sector Plan. The 1992 Sector Plan recognized the importance of the limited amount of industrial land in the County and recommended zoning changes to preserve the industrial uses. The 2009 Plan recommended modifications to the I-4 zone to achieve some of the same objectives. The area and neighborhood-wide recommendations in the 2009 Plan discourage non-industrial uses in Light Industrial Area 9, which includes the subject property. Based on the recommendations of the Twinbrook Sector Plan, and as discussed in more detail on pages 6-7 of this report, staff concludes that this request is inconsistent with the goals and recommendations of the Twinbrook Sector Plan.*

- (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 neighborhood considering density, design, scale and bulk of the approved new structure. However, the*

*Applicant's special exception request for a change in use from Light Industrial/R&D space to up to 50% General Office use may contribute to the erosion of light industrial space in this industrial core area rather than preserve the light industrial uses and character as envisioned in the Sector Plan.*

- (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 proposed use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.*

- (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 proposed use will not cause any objectionable adverse effects. There will be no outdoor activity and there will be no use of the property that will generate noise in an obtrusive manner.*

- (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.

*This proposed use will not increase the number, intensity, or scope of special exception uses sufficiently to adversely affect or alter the predominantly residential nature of the nearby area.*

- (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.

*Due to its compatible design, minimal on-site activity, and minimal peak hour traffic impacts, the proposed use will not have any adverse effect on visitors, or workers in the area at the subject site.*

- (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 must be a condition of granting the special exception.

*A preliminary plan of subdivision is not required. The Property was platted into a single lot as a result of a minor subdivision plat for consolidation that was approved on May 22, 2014.*

- (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 determine the adequacy of public facilities when it considers the special exception application. 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.

*The determination of adequate public facilities is applicable at site plan review.*

- (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.

*Staff finds that the application satisfies transportation related requirements and will not reduce the safety of vehicular or pedestrian traffic. The access is safe and traffic circulation within the site and along the parking area will be designed in a safe and efficient manner.*

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

- (a) **Development Standards.** Special exceptions are 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 I-4 zone as shown in the following table:*

**Development Standards Table**

	<u>Required</u>	<u>Proposed</u>
Max. Building Height (in feet) (59-C-5.31)	42 ft.	42 ft.
Minimum Building Setbacks --from adjoining industrial zoned land	10 ft.	13 ft.
--from mixed-use zones (TMX-2 zone across Wilkins Ave.)	50 ft.	107 ft.
--from streets (Wilkins Ave. & Parklawn Dr.)	10 ft.	37 ft. and 55 ft. respectively
Maximum Density	1.0 FAR Max. or 110,623 sf of GFA	0.99 FAR or 110,000 sf of GFA
Minimum Green Area	*20% of Gross Tract	10% of Gross Tract

\*The Green Area requirement was reduced to no less than 10 percent of the gross tract area by the Planning Board in Site Plan No. 820130180.

- (b) **Parking requirements.** Special exceptions are subject to all relevant requirements of Article 59-E.

*Section 59-E-3.7 requires off-street parking for general office use located at the subject property, which is within the South Central Area of the County, at a rate of 2.7 spaces per 1,000 square feet of gross floor area. With the proposal to allow up to 50% of gross floor area to be occupied by General Office, the required parking calculated for the site will be 236 off-street parking spaces. With only 123 parking spaces provided a part of the previous Site Plan approval, the Applicant is requesting another waiver of approximately 48% of the required off-street parking.*

- (c) **Minimum frontage.** “In the following special exceptions, the Board may waive the requirements for a minimum frontage at the street line if the Board finds that the facilities for ingress and egress of vehicular traffic are adequate to meet the requirements of section 59-G-1.21: (1) Rifle, pistol and skeet-shooting range, outdoor...”

*Not applicable to the proposed special exception use.*

- (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.

*Not applicable to the proposed special exception use.*

- (e) **Water quality plan.** *Not applicable to the proposed special exception use.*
- (f) **Signs.** The display of a sign must comply with Article 59-F.

*The proposed Project will have two monument signs (one along each of the site's street frontages) in conformance with 59-F, as approved in Site Plan No. 820130180.*

- (g) **Building compatibility in residential zones.** Any structure that is constructed, reconstructed, or altered under a special exception in a residential zone must be well related to the surrounding area in its siting, landscaping, scale, bulk, height, materials, and textures, and must have a residential appearance where appropriate. Large building elevations must be divided into distinct planes by wall offsets or architectural articulation to achieve compatible scale and massing.

*Not applicable to the proposed special exception use.*

- (h) **Lighting in residential zones.** All outdoor lighting must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be met unless the Board requires different standards for a recreational facility or to improve public safety: (1) Luminaries must incorporate a glare and spill light control device to minimize glare and light trespass; (2) Lighting levels along the side and rear lot lines must not exceed 0.1 foot candles.

*Not applicable to the proposed special exception use.*

#### **Sec. 59-G-2.38.1 Offices, general.**

A special exception may be granted for general offices under the following provisions:

- (a) In the I-4 zone, a general office use may be allowed upon a finding, in addition to the general findings required in Division 59-G-1, that the following 2 conditions are met:
  - (1) The location of such proposed use is adequately accessible by means of existing and proposed roads and public transportation facilities, and the proposed use will not have an unacceptably adverse effect on nearby roads. The location shall be deemed adequately accessible via roads and public transportation facilities if any of the following conditions are present:
    - (i) Existing publicly maintained, all-weather roads are adequate to accommodate the traffic that would be generated by the proposed use, in addition to existing traffic and traffic that will be generated by other development on existing recorded lots; or



- (ii) Any additional roads, necessary in combination with existing roads to accommodate the additional traffic that would be generated by the proposed use, are proposed on an adopted master plan and are programmed for completion in the first 3 years of either the current adopted Montgomery County capital improvement program or the state highway administration's 5-year program for construction with public or private financing; or
- (iii) Public bus, rail or other forms of mass transportation are available or programmed within the area affected or within one-third mile of the application under consideration so that the roads under (1) and (2) above will provide adequate road capacity to meet existing and future traffic demand.
- (iv) In its determination of the adequacy of a road to accommodate traffic, the Board shall consider the recommendations of the state highway administration or County Department of Transportation, the applicable levels of traffic service, peak hour use and average use, and any other information presented.

*The Applicant provided a Traffic Impact Study that showed the adequacy of the roadways that would serve the proposed general office use of up to 50%. Staff accepts the conclusion of the Traffic Impact Study as outlined in the transportation analysis on pages 7-10 of this report)*

- (2) The approval of the general office use will not increase traffic to the extent that other industrial, commercial, or residential uses that are permitted by right are precluded from development within the traffic analysis area.

*Approval of the general office use of up to 50% will not cause an increase in traffic that precludes all other development, as previously discussed in the traffic analysis of this report.*

## **CONCLUSION**

The proposed special exception request does not represent the type of industrial redevelopment envisioned in the *Twinbrook Sector Plan*. The proposal to allow up to 50% of the floor space to be occupied by general office conflicts with Montgomery County Zoning Ordinance Section 59-G-1.21.(a)(3), General Conditions, because it is inconsistent with the recommendations and land use objectives of the *Twinbrook Sector Plan*. Therefore, Staff recommends denial of S-2878.

Attachments:

ATTACHMENT 1 - Site Plan Resolution No. 820130180

ATTACHMENT 2 - Neighborhood Map

ATTACHMENT 3 – Master Plan memo

ATTACHMENT 4 – Transportation memo

ATTACHMENT 5 – Notice of Public Hearing



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

DEC 13 2013

MCPB No. 13-162  
Site Plan No. 820130180  
Greencourt at Parklawn  
Date of Hearing: November 7, 2013

**RESOLUTION**

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on February 20, 2013, Greencourt, LLC ("Applicant"), filed an application for approval of a site plan for the addition of 24,727 square feet of industrial/research and development space to consolidate three existing buildings into one renovated building on 2.04 acres of I-4 zoned land, located on the east side of Parklawn Drive approximately 225 feet south of its intersection with Wilkins Avenue, known as Lots 6 and 17 and parts of 7 and 16 ("Subject Property"), in the *Twinbrook Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820130180, Greencourt at Parklawn ("Site Plan" or "Application"); and

WHEREAS, on October 31, 2013, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on November 7, 2013, the Planning Board held a public hearing on the Application, and at the hearing heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on November 7, 2013, the Planning Board voted to approve the Application subject to certain conditions, on the motion of Commissioner Anderson, seconded by Commissioner Wells-Harley, by a vote of 4-0, Commissioners Anderson, Carrier, Dreyfuss and Wells-Harley voting in favor, and Commissioner Presley absent;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820130180 to allow the consolidation of three existing buildings and the

Approved as to  
Legal Sufficiency:

  
George A. Azar, Jr., Mayor, Prince George's County, Maryland 20910

Phone: 301.495.4605 Fax: 301.495.1320

MNCPPC Legal Department  
www.montgomerycountypc.org E-Mail: mcp-chair@mncppc-mc.org

addition of 24,727 square feet of Industrial/Research and Development space to the new building, bringing the total square footage to 110,000 square feet on 2.04 acres in the I-4 Zone, subject to the following conditions:<sup>1</sup>

1. Transportation – Pedestrian and Bicycle Facilities
  - a. The Site Plan is limited to Research and Development (R&D) office use and the existing 1,305 square-foot restaurant totaling 110,000 square feet.
  - b. The Applicant must satisfy the APF test for Transportation Policy Area Review (TPAR) by paying the transportation impact tax of \$205,566 to the County.
  - c. The Applicant must enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board in accordance with the *Twinbrook Sector Plan* requirements to participate in the North Bethesda Transportation Management Organization (TMO) and assist in achieving the *Twinbrook Sector Plan's* non-auto driver mode share. The Traffic Mitigation Agreement must be executed prior to Certified Site Plan.
  - d. The Applicant must provide a total of 12 bicycle parking spaces with six inverted-U bike racks (that can store two bicycles each), one each near the main entrances on Parklawn Drive and Wilkins Avenue and four in the parking garage for employees in a safe and convenient location.
  
2. Maintenance

The Applicant and subsequent owners must maintain all on-site landscaping, lighting, hardscape, and site elements.
  
3. Financial Security and Agreement

Prior to issuance of a building permit, the Applicant must provide financial surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

  - a. The Applicant must provide a cost estimate of the materials and facilities, which upon Staff approval will establish the initial surety amount.
  - b. The amount of the bond or surety must include plant materials, on-site lighting, and green space and amenities.
  - c. Prior to issuance of the building permit, the Applicant must enter into a Site Plan Surety Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.

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

- d. The Bond/Surety must be tied to the Development Program, and completion of plantings and installation of particular materials and green area/features covered by the surety for the development will be followed by inspection and reduction of the surety.

4. Architecture

The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by Staff.

5. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by Planning Staff prior to the approval of the Certified Site Plan. The development program must include the following items in the schedule:

- a. Demolition of existing buildings may commence prior to approval of the Certified Site Plan after M-NCPPC inspection and approval of all applicable environmental protection devices.
- b. Street lamps and sidewalks adjacent to the proposed building, and public open space areas, sitting areas and sidewalks must be installed prior to the release of the use-and-occupancy permit for the new building. Street tree plantings may wait until the next planting season.
- c. Community space must be installed before the release of the use-and-occupancy permit.
- d. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Sediment Control Plan, and M-NCPPC inspection and approval of all applicable environmental protection devices.
- e. The development program for installation of on-site landscaping and lighting.
- f. Phasing for dedications, stormwater management, sediment and erosion control, and other features, as applicable.

6. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided, subject to Staff review and approval:

- a. Development program, inspection schedule, and Resolution approving this Site Plan on the approval or cover sheet of the Certified Site Plan set.
- b. Remove unnecessary plan sheets, as required by Staff.
- c. Make corrections and clarifications to details, labeling, data tables, and schedules, as required by Staff.
- d. Ensure consistency of all details and layout for both the Site and Landscape/lighting plans.

- e. The Applicant must submit a LEED Check List for the proposed Green Roof with the Certified Site Plan.
- f. As recommended in Comment 11 of the MCDOT October 24, 2013 letter, Applicant must coordinate with the Montgomery County Division of Transit Services to determine an appropriate location for the bus stop currently shown on the Site Plan. If MCDOT requires that the bus stop be moved to a new location, Applicant must note the revised location on the Certified Site Plan.

BE IT FURTHER RESOLVED, that all site development elements as shown on the Greencourt at Parklawn drawings stamped by the M-NCPPC on September 6, 2013, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

This finding is not applicable; the Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

With the approved waivers, the Site Plan meets the requirements of the I-4 Zone, as modified by Section 59-C-5.44(f), Special Standards–Transit Station Development Area (TSDA). Due to site constraints and the Applicant's intention to retain most of the existing three buildings' footprints, waivers to development standards relating to off-street parking and street setbacks are necessary. The Board approves the following waivers:

1. A waiver of the required minimum off-street parking spaces. Under 59-C-5.44(f)(5), the Applicant must provide off-street parking as required by Section 59-E. Currently, the site offers only 82 off-street parking spaces. Under Section 59-E-3.7, the Subject Property, including the existing restaurant, must provide 178 off-street parking spaces. The Applicant requests a waiver of

that requirement and approval of 123 off-street parking spaces, 31% fewer spaces than required but a 50% increase in the available off-street parking currently on-site. Under Section 59-E-4.5, the Board approves this waiver and finds that the proposed 123 off-street parking spaces will be sufficient to meet the requirements of the Subject Property, particularly because the Subject Property is within one half mile of the Twinbrook Metro Station. Moreover, the proposed redevelopment, which is the type envisioned in the Sector Plan, would not be possible if Applicant were required to provide the full 178 parking spaces.

2. A waiver of the required minimum parking setback from the adjacent I-4-zoned property. Under Section 59-C-5.44(d)(2), off-street parking on the Subject Property must be set back at least ten feet from any industrial zone. The Applicant requests a waiver of this requirement for parking on the northern boundary of the Subject Property, which adjoins another I-4 zoned property, and approval of zero feet of parking setback along this boundary. The Board grants this waiver under Section 59-C-5.44(f)(5) and approves zero feet of parking setback on the northern boundary of the Subject Property. The waiver will allow a better development design, since it permits the Applicant to maintain the footprints of the existing buildings in redeveloping the site and still provide sufficient parking for the Subject Property.
3. A waiver of the required minimum parking setback from the adjacent streets. Under Section 59-C-5.44(d)(3), off-street parking on the Subject Property must be set back at least twenty-five feet from streets. The Applicant requests a waiver of this requirement and approval of zero feet of setback between the off-street parking on the eastern and western edges of the Subject Property where it abuts Parklawn Drive and Wilkins Avenue. Under Section 59-C-5.44(f)(5), the Board grants this waiver and approves zero feet of setback between the proposed off-street parking and Wilkins Avenue and Parklawn Drive. As with the second waiver, this waiver will allow a better development design, since it permits the Applicant to maintain the footprints of the existing buildings in redeveloping the site and still provide sufficient parking for the Subject Property.

In addition to the three waivers listed above, the Planning Board, under Section 59-C-5.44(f)(6), approves a reduction of the green area requirement from 20% of the gross tract area to 10% of the gross tract area. This reduction is necessary to achieve the type of redevelopment envisioned in the Sector Plan.

With the Board's approval of the requested waivers and green area reduction, the Site Plan meets the requirements of the I-4 Zone, as modified by the Special Standards in a TSDA, as shown in the following Data Table:

*Table 1: Development Standards Data Table*

PLAN DATA	Required/Permitted	Shown on the proposed Site Plan	Approved
<b>Maximum Height</b> (59-C-5.31)	42 ft.	39 ft.	Up to 42 ft.
<b>Minimum Building Setbacks:</b>			
From adjoining industrial zone (59-C-5.35(b))	10 ft.	13 ft.	13 ft.
From mixed-use zones (from TMX-2 Zone across Wilkins Ave.) (59-C-5.44(f)(3))	50 ft.	107 ft.	107 ft. <sup>2</sup>
From streets (Wilkins Avenue) (59-C-5.44(f)(4)(B))	10 ft.	37 ft.	37 ft. <sup>3</sup>
From streets (Parklawn Drive) (59-C-5.44(f)(4)(B))	10 ft.	55 ft.	55 ft. <sup>4</sup>
<b>Maximum Density</b> (59-C- 5.44(c))	1.0 FAR or 110,623sf (GFA)	up to 0.99 FAR or 110,000sf GFA	up to 0.99 FAR or 110,000sf GFA
<b>Minimum Green Area %</b> (59-C-5.32)	20% of GTA <sup>5</sup>	10%	10%

<sup>2</sup> As measured from the closest corner of the building in relation to Wilkins Avenue (at the northwest corner).

<sup>3</sup> As measured from the western side of the building to the Wilkins Avenue right-of-way.

<sup>4</sup> As measured from the northeast corner of the building in relation to Parklawn Drive.

<sup>5</sup> Pursuant to Section 59-C-5.44(f)(6), the Planning Board may approve a reduction of the green area requirement to no less than 10% of the gross tract area. A maximum of 50% of the required green area may be located off-site in the same Transit Station Development Area.



PLAN DATA	Required/Permitted	Shown on the proposed Site Plan	Approved
<b>Minimum Off-Street Parking Spaces</b> (59-E-3.7) 1.5 spaces/1,000sf GFA	178 <sup>6</sup>	123	123 <sup>7</sup>
<b>Minimum Off-Street Parking Setback</b> from the adjacent I-4 Zone along the north property line (59-C-5.44(d)(2))	10 ft. <sup>8</sup>	0 <sup>9</sup> (zero) ft.	0 (zero) ft.
<b>Minimum Off-Street Parking Setback (from street)</b> (59-C-5.44(d)(3))	25 ft. <sup>10</sup>	0 <sup>11</sup> (zero) ft.	0 (zero) ft.
<b>Minimum Bicycle Parking Spaces</b> (59-E-2.3)	6	12	12

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Building Location

The renovated building and existing restaurant building will be located close to the existing and proposed parking and have direct access to Parklawn Drive and Wilkins Avenue. The Applicant proposes to retain much of the existing three warehouse buildings' footprints in redevelopment of the site. The proposed locations of the renovated building and the existing restaurant building will allow for more green area and improved pedestrian and vehicular circulation.

<sup>6</sup> In addition to the 164 parking spaces required for the approved building, 14 parking spaces are required for the existing deli/restaurant based on the amount of square footage of the patron area.

<sup>7</sup> Waiver required for the Board to approve fewer than the minimum number of parking spaces required per 59-E-4.5.

<sup>8</sup> Pursuant to 59-C-5.44(f), the Planning Board may waive the minimum parking setback requirement of 59-E to achieve a better development design.

<sup>9</sup> Waiver required for the Board to approve less than the minimum required parking setback per footnote 8.

<sup>10</sup> Pursuant to 59-C-5.44(f), the Planning Board may waive the minimum parking setback requirement of 59-E to achieve a better development design.

<sup>11</sup> Waiver required for the Board to approve less than the minimum required parking set back per footnote 10.

b. Open Spaces

The Subject Property will include 11,063 square feet of green area, to be used as community or open space. This space includes a new streetscape along the frontages of both Parklawn Drive and Wilkins Avenue, where no green area currently exists. The proposed green area will provide a pleasing environment to mitigate the visual impacts of the surface parking on the Subject Property. The green area will also mitigate the amount of impervious surface on the Subject Property and add landscaping where none currently exists.

c. Landscaping and Lighting

The proposed landscaping and lighting provide an adequate, safe, and efficient environment complementing the site design and amenities. New trees will provide canopy for comfort and shade along Parklawn Drive and Wilkins Avenue where none currently exists. Proposed lighting will ensure a safe environment throughout the existing and proposed parking areas.

d. Pedestrian and Bicycle Facilities

An adequate, safe, and efficient sidewalk system will be provided throughout the Subject Property that will connect the renovated building, green space, and parking areas to the adjacent streets and the greater pedestrian network. Bicycle facilities will be provided at the proposed renovated building where no such facilities were previously provided.

e. Vehicular Circulation

The approved project will provide adequate, safe and efficient vehicular circulation. The number of vehicular access points will be reduced from four to two along Wilkins Avenue. The three existing vehicular access points on Parklawn Drive will remain unchanged. These modifications will improve the vehicular circulation, and they have been reviewed by MCDOT and the Fire Marshal.

Currently the site has 82 existing parking spaces that are located in scattered and separate parking areas in relation to each of the four existing buildings. Through the first waiver described above, Applicant needs to provide 123 off-street parking spaces, rather than the 178 that would ordinarily be required. The approved number of spaces is nevertheless a significant increase from the 82 spaces currently on-site, and will be adequate to accommodate Applicant's proposed use of the Subject Property. This is particularly the case in light of the Subject Property's proximity to the Twinbrook Metro Station. Additionally, even with the waivers to the parking setbacks described above, the Subject Property will allow for safe, adequate, and efficient vehicular circulation.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

There are no pending applications for adjacent development. The proposed light industrial/R&D office uses are compatible with the adjacent light-industrial/R&D developments, and the renovated building is designed and sited with appropriate setbacks and buffering to be compatible with the size and types of buildings surrounding the Subject Property.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Subject Property is exempt from the requirement to submit a Forest Conservation Plan under the approved Forest Conservation Exemption, #42013093E, dated January 2, 2013, because the proposed project is a modification to an existing developed property (Section 22A-5(t)).

The Montgomery County Department of Permitting Services issued a letter dated February 11, 2013 accepting the Stormwater Management Concept for the Subject Property. The stormwater management concept proposes to meet required stormwater management goals by installation of a green roof.

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

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 13 2013 (which is the date that this resolution is mailed to all parties of record); and

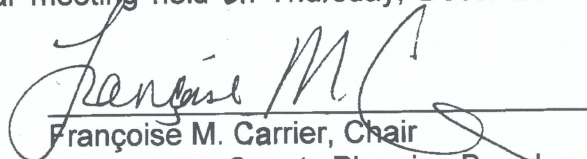
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

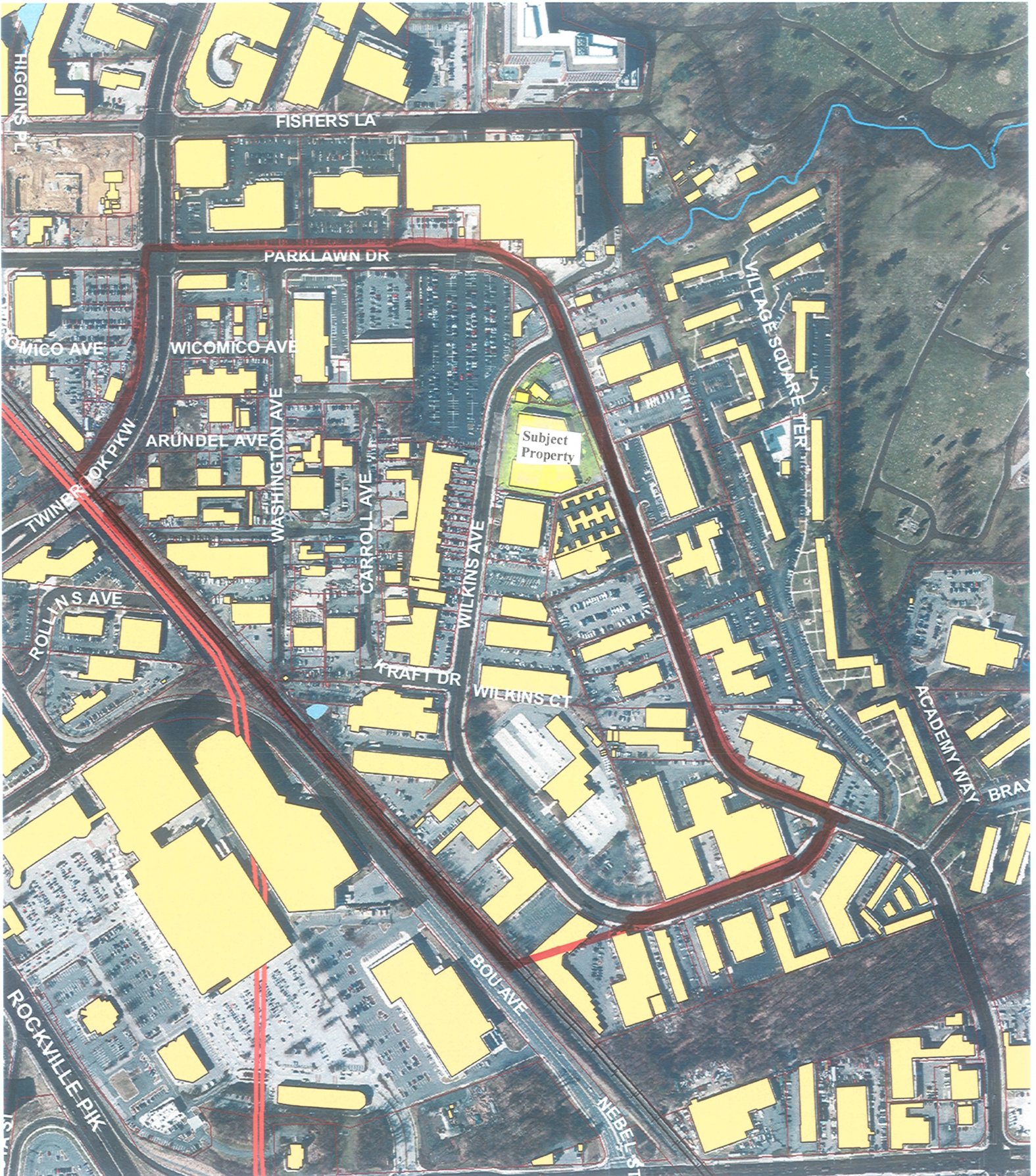
Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor of the motion, and Commissioner Presley absent, at its regular meeting held on Thursday, December 5, 2013, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Françoise M. Carrier, Chair  
Montgomery County Planning Board





**MEMORANDUM**

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

**VIA:** Khalid Afzal, Supervisor  
Area 2 Planning Division

**FROM:** Lori Shirley, Planner Coordinator  
Area 2 Planning Division

**SUBJECT:** S-2878 Greencourt at Parklawn

**DATE:** February 19, 2015

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The proposed special exception for allowing up to 50 percent of the floor area for office use does not conform to the goals, objectives and land use recommendations of the Twinbrook Sector Plan.

Pursuant to the grandfathering provisions of the current Zoning Ordinance Section 7.7.1.B.1., staff reviewed this application under old Montgomery County Zoning Ordinance Section 59-G-1.21. General Conditions, which states, in part:

- (a) A special exception may be granted when the Board or the Hearing Examiner finds from a preponderance of the evidence of record that the proposed use:
  
- (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 to a master plan consistency.

**Twinbrook Sector Plan**

The property is located in the 2009 Twinbrook Sector Plan within “The Light Industrial Area – The thriving goods and services businesses in the area located around Carroll and Wilkins Avenues” (p. 1). The Sector Plan makes no specific recommendations for this property or the requested special exception, but it makes several recommendations for the light industrial district, which are relevant to this case.

The Twinbrook Sector Plan states that, “Of the County’s nearly 2,500 acres of industrial land, approximately 109 acres (zoned I-1 and I-4) are located in Twinbrook. Because the County has a limited, and decreasing, amount of industrial land, this Plan seeks to

preserve a portion of Twinbrook's industrial potential, as did the 1992 Plan." The Sector Plan states that this land "provides important services to the Twinbrook area and the central part of Montgomery County." (p. 42). The Plan recommends "retaining and maximizing the existing light industrial uses that support not only the County's basic high-technology economy, but provide services to residents as well." (p. 7). The 2009 Sector Plan's area wide recommendations regarding Land Use and Zoning include recognition that the 1992 Plan "limited office uses in the light industrial area by rezoning them to I-4." It stated that the 2009 Sector Plan went "further to retain and support industrial uses by recommending modifications to the I-4 Zone that would support redevelopment on the area's small sites." (p.13). The 2009 Plan states that the Light Industrial Area 9 "surrounding Carroll Avenue, Wilkins Avenue and Parklawn Drive includes a mix of light industrial uses, some that serve technology businesses, others traditional light industrial and service commercial uses." (p. 42). It further states that, "Similar commercial and industrial uses continue in the area around Wilkins Avenue, but on generally larger sites, oriented and connected to Randolph Road and the future Montrose Parkway. These industrial areas are some of the few remaining in the County and provide useful jobs and services. As in the 1992 Plan, this Plan recognizes the value of these uses and the limited options they have for relocation in the County. To help preserve them, the 1992 Plan rezoned the area south of Parklawn Drive from I-1 to I-4, which successfully limited office encroachment." (pgs. 42 & 43).

The 1992 plan recognized the importance of the limited amount of industrial land in the county and recommended zoning changes to preserve the industrial uses. The 2009 Plan recommended modifications to the I-4 zone to achieve some of the same objectives. The area and neighborhood-wide recommendations in the 2009 Plan discourage non-industrial uses in the Light Industrial Area 9, which includes the subject property. Based on the recommendations of the Twinbrook Sector Plan, staff concludes that this request is inconsistent with the goals and recommendations of the Twinbrook Sector Plan.



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

March 11, 2015

**MEMORANDUM**

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

**VIA:** Khalid Afzal, Supervisor  
Area 2 Planning Division

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

**SUBJECT:** Greencourt at Parklawn  
Special Exception Case No. S-2878  
North Bethesda Policy Area  
Twinbrook Sector Plan

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This memorandum is Area 2 transportation planning staff's review of the subject Special Exception. The Planning Board approved the transportation Adequate Public Facilities (APF) test for the subject redevelopment under Site Plan No. 820130180 for only research & development (R&D) office space (as a worst-case scenario versus a lesser-trip-generating light industrial use) on November 7, 2013 (where preliminary plan was not required). Right-of-way was dedicated via Subdivision Record Plat No. 24809 in 2014.

Although the site is located within the *Twinbrook Sector Plan Area*, it is located in the North Bethesda Policy Area for the APF test -- just south of the boundary for the (Metrorail Station) Twinbrook Policy Area.

**RECOMMENDATIONS**

Area 2 transportation planning staff recommends the following conditions related to the transportation and APF requirements for this Case:

1. The Special Exception should be limited to 108,695 square feet of R&D and general office space where up to 50% may be used as general office and 1,305 square feet of the existing sit-down restaurant as permitted in the zone.
2. If the Applicant's parking waiver is approved, the Applicant must operate a shuttle bus service between the Twinbrook Metrorail Station and subject site during the weekday morning peak, midday, and evening peak periods to reduce the need for on-site parking used by commuter's vehicular trips. The shuttle bus service must be operated as long as the waiver is in effect.



## DISCUSSION

### Prior Transportation-Related Site Plan Requirements

The following are transportation-related conditions of approval from the previously-approved Site Plan No. 820130180:

1. The Applicant must satisfy the Transportation Policy Area Review (TPAR) test by paying the TPAR mitigation payment of 25% of the transportation impact tax (estimated to be \$205,136, based on current tax rates).
2. The Applicant must satisfy bike parking requirements by providing the 12 bicycle parking spaces with six inverted-U bike racks (that can store two bicycles) near the main entrances on Parklawn Drive and Wilkins Avenue and in the parking garage for employees in a safe and convenient location.
3. The Applicant must update the executed Traffic Mitigation Agreement to reflect the proposed change in land use.

After the original Site Plan approval, the Applicant did the following:

1. Subdivision Record Plat No. 24809 was approved to consolidate the previous three lots that included five (5) more feet of right-of-way dedication for a total of 40 feet from the centerline of Parklawn Drive.
2. Worked with MCDOT to consider a pedestrian crosswalk on the north leg of Parklawn Drive at Wilkins Avenue North as recommended on page 36 of the *Twinbrook Sector Plan*. However this master-planned pedestrian crosswalk is not feasible at this time due to potential conflicts between pedestrians and the vehicles turning left from Wilkins Avenue onto northbound Parklawn Drive.

### Site Location and Vehicular Site Access Points

The site is located between Parklawn Drive and Wilkins Avenue North with site access points from both roadways.

### Sector-Planned Roadways and Bikeway

In accordance with the 2009 *Twinbrook Sector Plan* and the 2005 *Countywide Bikeways Functional Master Plan*, the designated roadways and bikeway are as follows:

1. Parklawn Drive is designated as a four-lane Arterial, A-64, with a recommended 80-foot-wide right-of-way, bike lanes, BL-27, and considered a "major pedestrian connection" between the Twinbrook Metrorail Station and destinations south of the future Montrose Parkway. The Applicant dedicated five (5) more feet of additional right-of-way for a total of 40 feet from the centerline as part of Subdivision Record Plat No. 24809 (Record Plat Application No. 220130910) recorded on May 26, 2014.

2. Wilkins Avenue is designated as a two-lane Business District Street, B-15, with a recommended 70-foot-wide right-of-way and no bikeway. The current right-of-way is 70 feet wide.

#### Transportation Demand Management

This site is within the boundary of the North Bethesda Transportation Management District (TMD). The *Twinbrook Sector Plan* requires the Applicant to participate in the North Bethesda TMD and assist in achieving and maintaining the *Twinbrook Sector Plan's* 39% non-auto driver mode share goal for employees. With 25 or more employees, the Applicant must enter into a Traffic Mitigation Agreement with the Planning Board and MCDOT. The Applicant has a current Traffic Mitigation Agreement was executed on June 18, 2014, that must be updated to reflect the proposed change in land use.

#### Public Transit Service

Transit service is available along Parklawn Drive with following four bus routes:

1. Ride-On route 10 operates with 30-minute headways between the Twinbrook Metrorail Station and Hillandale at the New Hampshire Avenue/Powder Mill Road intersection.
2. Metrobus route C-4 operates with 20-minute headways between the Twinbrook Metrorail Station and the Greenbelt Metrorail Station.
3. Metrobus route J-5 operates operated with 30-minute headways between the Twinbrook Metrorail Station and the Silver Spring Metrorail Station.

Bus stops are located along the property's Parklawn Drive frontages. Transit service is not available along Wilkins Avenue.

#### Pedestrian and Bicycle Facilities

The original Site Plan No. 820130180 approval and current Special Exception plans include the following upgraded pedestrian facilities along the Parklawn Drive and Wilkins Avenue frontages:

2. Green panels are proposed to provide a physical separation between the sidewalks and curbs.
3. The sidewalk crossings on the site's driveways are proposed to be ADA-compliant/at-grade crossings.
4. An ADA-compliant lead-in sidewalk is proposed from the Wilkins Avenue sidewalk to the west entrance.
5. Handicapped ramps are provided to be ADA-compliant for the lead-in sidewalk from Parklawn Drive.

After the original Site Plan approval and discussed in detail in the "Prior Transportation-Related Site Plan Requirements" section above, the Applicant considered the following:

1. Finding that the sector-planned pedestrian crosswalk on the north leg of Parklawn Drive at Wilkins Avenue North was not feasible.
2. Providing 12 bicycle parking spaces on the site.

Parking

The proposed additional parking waiver must be supported by the applicable sections in the Zoning Ordinance. In support for the Applicant’s requested parking waiver, the Applicant has offered to operate a shuttle bus service between the Twinbrook Metrorail Station and the subject site during the weekday morning peak, midday, and evening peak periods. This shuttle will reduce the need for on-site parking spaces used by commuter’s vehicular trips and could be available to commuters working at nearby work places. If the parking waiver is approved, the proposed shuttle bus service must be operated as long as the waiver is in effect.

Local Area Transportation Review (LATR)

The proposed redevelopment is projected to generate the following number peak-hour trips during the weekday AM peak period (6:30 to 9:30 a.m.) and the PM peak period (4:00 to 7:00 p.m.):

Land Use	Square Feet	Weekday Peak-Hour	
		Morning	Evening
Existing Land Uses			
Smokey’s Restaurant	1,305	10*	3*
General Light Industrial Use	83,968	49*	39*
Subtotal	85,273	59	42
Previously Approved Land Uses			
Smokey’s Restaurant	1,305	10*	3*
R&D Office Space	108,695	133	116
Subtotal	110,000	143	119
Net Increase from Existing	24,727	84	77
Proposed Alternative Land Uses			
Smokey’s Restaurant	1,305	10*	3*
R&D Office Space	54,347	67	58
General Office Space	54,348	85	96
Subtotal	110,000	162	157
Net Increase from Existing	24,727	103	115
% increase from Approval	0%	13%	32%
Net Increase from Approved	0	19	38

\*As indicated by an asterisk in the table above, the existing number of site-generated peak-hour trips was derived based on traffic counts at the existing driveways from Parklawn Drive and Wilkins Avenue adjusted to reflect the highest previous tenant occupancy level.

The Applicant submitted a traffic study to satisfy the LATR test because the proposed redevelopment generates 30 or more total peak-hour trips within the weekday AM and PM peak periods. The traffic study analyzed a worst-case scenario that assumed 59,783 sf square feet of general office and 48,912 square feet of R&D office space. The proposed 54,348 square feet of general office and 54,347square feet of R&D office space generate 3 fewer AM peak-hour trips and 4 fewer PM peak-hour trips than land

use mix analyzed in the traffic study. Based on these few additional trips, the table below shows the calculated Critical Lane Volume (CLV) values at the analyzed intersections for the following traffic conditions:

1. Existing: Existing traffic conditions as they exist now.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
3. Total: The background condition plus the site-generated trips.

Between Randolph Road and Wilkins Avenue South, the future Parklawn Drive/Montrose Parkway interchange is under design. This interchange was not included in the traffic analysis because it does not have full construction funding as part of The Montgomery County Department of Transportation (MCDOT) Capital Improvement Program (CIP) Project 500717, Montrose Parkway East, but is a high-priority project with a projected construction starting in 2019.

Analyzed Intersection	Weekday Peak Hour	Congestion CLV Standard	Traffic Condition		
			Existing	Background	Total
Parklawn Drive and Wilkins Avenue (North)	Morning	1,800	238	359	359
	Evening	White Flint	333	505	514
Parklawn Drive and Wilkins Avenue (South)	Morning	1,800	314	476	481
	Evening	White Flint	450	652	670
Parklawn Drive and Randolph Road	Morning	1,550	1,155	1,481	1,486
	Evening	North Bethesda	1,243	1,452	1,461

As shown on the table above, the CLV values at the three intersections are less than the applicable congestion standard for these intersections and, thus, the LATR test is satisfied.

Compliance with Zoning Ordinance Section 59-G-2.38.1(a)(2)

Under Section 59-G-2.38.1(a)(2), “the approval of the general office will not increase traffic to the extent that other industrial, commercial, or residential uses that are permitted by right are precluded from development within the traffic analysis area.”

Compared with the previously approved 100% R&D office space, the proposal for up to 50% general office space is expected to generate 19 (13%) more AM and 38 (32%) more PM peak-hour trips. This will bring the CLV value at the Parklawn Drive/Randolph Road intersection to within 4% of the CLV standard in the total AM traffic condition. However the change from the previously-approved 100% R&D office space will use only 0.3% that leaves 3.7% of the CLV capacity is available for other future developments. In addition, the site-generated trip increases will be further mitigated by the Parklawn Drive/Montrose Parkway interchange that is a high priority County CIP project projected to start construction in 2019.

Transportation Policy Area Review (TPAR)

The Applicant must satisfy the TPAR test by paying 25% of the transportation impact tax for the additional square footage of development located in the North Bethesda Policy Area. With the existing sit-down restaurant to be retained and credit for the existing office space, the estimated impact tax would be as follows:

Non-Residential Use	Current* Rate per Sq. Ft.	Proposed Sq. Ft.	Development Impact Tax
Proposed R&D Office	\$12.30	54,347	\$668,468
Proposed General Office	\$12.30	54,348	\$668,480
Existing (Light) Industrial	\$6.15	-83,968	-\$516,403
Net Increase		24,727	\$820,545
Estimated TPAR Mitigation Payment of 25% of the Net Increase			\$205,136

\*Development Impact tax for Transportation Improvements rates valid through June 30, 2015.

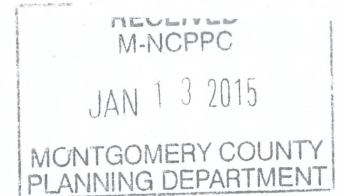
The TPAR mitigation payment is paid to the Montgomery County Department of Permitting Services (DPS) at the time of building permit. As indicated with the asterisk, the estimated TPAR mitigation payment is based on the current Montgomery County transportation impact rates and is subject to change for building permits released after June 30, 2015.

EA

cc: Sande Brecher  
Beth Dennard  
Peggy Schwartz

mmo to Gilbert re S-2878 Greencourt at Parklwan.doc

BOARD OF APPEALS  
for  
MONTGOMERY COUNTY  
(240) 777-6600



<http://www.montgomerycountymd.gov/content/council/boa/index.asp>

Office of Zoning and Administrative Hearings  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850

Phone: (240) 777-6660; Fax: (240) 777-6665

CASE NO. S-2878

PETITION OF MICHAEL CHERVENAK FOR GREENCOURT, LLC

NOTICE OF RESCHEDULED HEARING AND MOTION TO AMEND

Please take notice that the public hearing currently scheduled for Tuesday, February 3, 2015, on the above-mentioned application has been rescheduled, at the request of Soo Lee-Cho, Esquire, Attorney for the Petitioner, to **Tuesday, April 14, 2015, at 9:30 a.m.**, or as soon thereafter as this matter can be heard. The hearing will be held in the Stella B. Werner Council Office Building, Second Floor, Davidson Memorial Hearing Room, at 100 Maryland Avenue, Rockville, Maryland.

The subject property is Lot 23, Block F, Washington Rockville Industrial Park Subdivision, located at 12358 Parklawn Drive, Rockville, Maryland, 20850 in the I-4 Zone (Tax Account Number 04-00135996, 04-00135985, 04-00135507, 04-00135495).

The above-captioned application seeks a special exception pursuant to Section 59-G-2.38 (*Office, General*) of the Zoning Ordinance to permit:

1. General office use within the approved Greencourt at Parklawn Project (Site Plan No. 820130180), which comprises the use of three existing warehouse buildings for the conversion into one fully integrated building that will contain approximately 108,695 square feet of Light-Industrial/Research and Development Office space resulting in a net increase in floor area of only 24,727 square feet in the principal building. There is also a separate stand-alone building with an existing 1,305 square foot restaurant, bringing the total amount of development on the subject property to 110,000 square feet of gross floor area;
2. Parking: A total of 123 off-street parking spaces will be provided, 49 will be located in a covered garage incorporated in the ground-level of the southern section of the newly integrated building. The remaining 74 parking spaces will remain on the site's existing surface parking areas;
3. The newly integrated building will include two new atrium entrances that will serve as 'amenity green space'.

Ms. Lee-Cho submitted a letter, dated December 12, 2014, requesting to amend the petition by submitting the following new/revised documents:

Continued

1. Petitioner's Statement of Justification and Section 59-G Statement of Compliance, dated December 12, 2014 (New)
2. Petitioner's Amended Statement of Operations (with Amended Parking Analysis with Table-50/50 General and R&D Split (48% Parking Reduction), dated December 12, 2014
3. Site Plan, dated 10/31/14 (Sheet SE-1) (New)

The Hearing Examiner will take the motion to amend under consideration for a period of ten days from the date of this notice, until **January 20, 2015**. Interested parties who object to permitting the Petitioner to change its special exception request or provide additional evidence are requested to so indicate in writing, no later than **January 20, 2015**. If no objection is received by that time, the motion will be considered granted. Additional notification will be provided, either at the public hearing or by mail, only if an objection is received. The motion to amend the petition requests permission either to change what the Petitioner is seeking in its special exception petition or to provide additional evidence. Granting the motion merely allows the Petitioner to make the requested changes to the petition and to provide additional evidence, but does not, in any way, approve the petition itself or express an opinion as to the merits of the petition or the proposed changes.

Anyone desiring to represent a group or association at the hearing must submit a pre-hearing statement in writing, no later than ten days before the hearing, indicating the name of the group, the name of the person(s) giving testimony, approximately how long the testimony will take and a statement of the grounds for the group's position. The pre-hearing statement must specifically identify any expert witnesses and summarize their testimony, must be accompanied by any reports or documents intended to be introduced at the hearing and should be sent to the address listed above. An individual wishing to give testimony does not require a pre-hearing statement unless that individual is represented by counsel. In compliance with Maryland requirements regarding the practice of law, groups or associations must have counsel unless their witnesses are members of the group or association who will offer testimony in narrative form (*i.e.*, there is no need for an attorney to conduct a direct examination).

In addition to all other requirements, any party represented by counsel must submit electronic copies of their final plans, photographs, statements of operations, pre-hearing statements, and expert reports ten days before the hearing, unless they demonstrate that this requirement would create practical difficulties. Amended electronic copies must also be submitted of any plans, photographs, and statements of operations or expert reports that are modified during or after the hearing. Electronic copies must be submitted on compact discs, in Microsoft WORD format for text documents, in PDF format for plans and other non-text documents, and in JPG or PDF format for photographs.

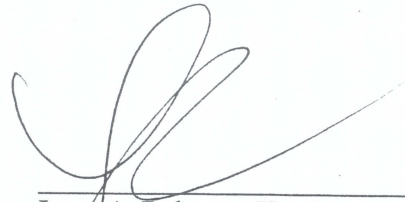
The entire file may be reviewed in the Office of Zoning and Administrative Hearings, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m., prior to the date of the hearing.

If you need services to participate in a public hearing, please contact us as far in advance as possible by emailing us at [ozah@montgomerycountymd.gov](mailto:ozah@montgomerycountymd.gov). or by calling 240-777-6660 (TTY 240-777-7914). This document is available in alternative format such as large print upon request, via the same phone numbers and email address.

Notices forwarded this 9<sup>th</sup> day of January, 2015, to:

Continued

Greencourt, LLC c/o Michael Chervenak  
Soo Lee-Cho, Esquire  
Charles L. Frederick, Esquire, Associate County Attorney  
Diane Schwartz-Jones, Director, Department of Permitting Services  
Mark Pfefferle, M-NCPPC, Division Chief, DARC  
Carlton Gilbert, Planning Department  
Washington Suburban Sanitary Commission  
State Highway Administration  
County Board of Education  
Adjoining and Confronting Property Owners  
Local Civic Associations



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Lynn A. Robeson, Hearing Examiner  
Office of Zoning and Administrative  
Hearings