

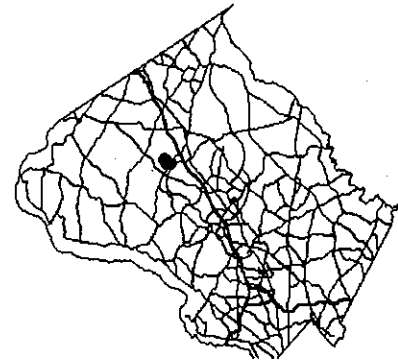


Item # 3
Date

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: April 12, 2002
TO: Montgomery County Planning Board
VIA: Joe R. Davis, Chief *JRD*
Development Review Division
FROM: Larry Ponsford AIA AICP *LRP*
Planning Department Staff
(301) 495-4576



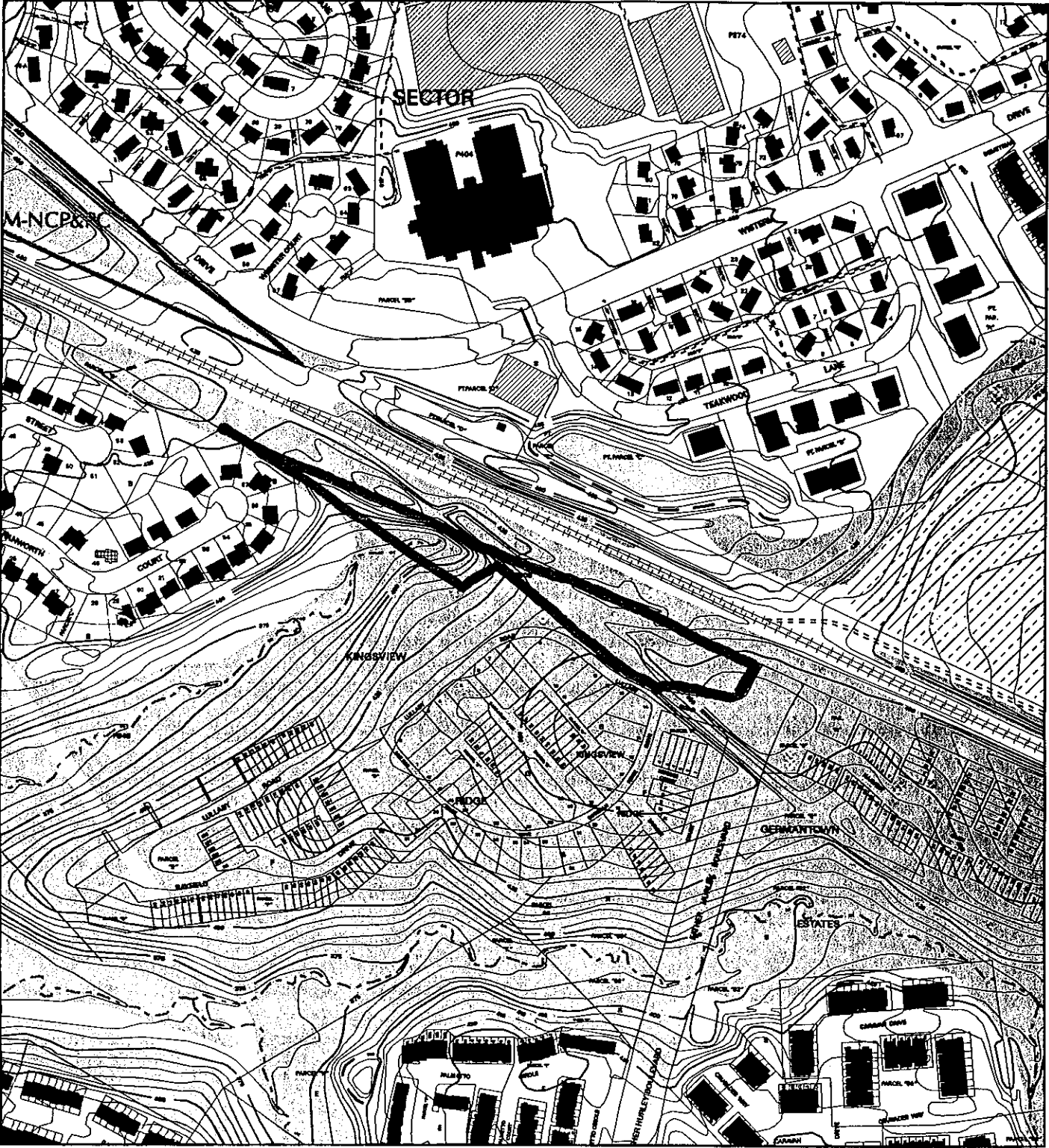
REVIEW TYPE: Site Plan Review
APPLYING FOR: Approval of 27,077 gsf commercial office on 2.61 acres
PROJECT NAME: Gateway Park
CASE #: 8-02006
REVIEW BASIS: Sec. 59-D-3, M. C. Zoning Ordinance
ZONE: I-3
LOCATION: W quadrant, intersection of Father Hurley Boulevard and Lullaby Road
MASTER PLAN: Germantown
APPLICANT: Germantown Station Limited Partnership, Wm. F. Asher, Gen'l. Partner
FILING DATE: February 20, 2002
HEARING DATE: April 18, 2002

STAFF RECOMMENDATION: Approval of 27,077 gsf commercial office on 2.61 acres with the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A
2. Provide painted crosswalk across driveway
3. Designate street trees along Lullaby and curb between driveway and Father Hurley as proposed on signature set
4. Traffic Mitigation Agreement must be approved and received in final form prior to release of signature set
5. Conditions of DPS letter of July 26, 2001
6. Conditions of Transportation Planning staff memo referring to DRCM of March 11, 2002

ISSUES OUTSTANDING: None

PROJECT DESCRIPTION: Surrounding Vicinity

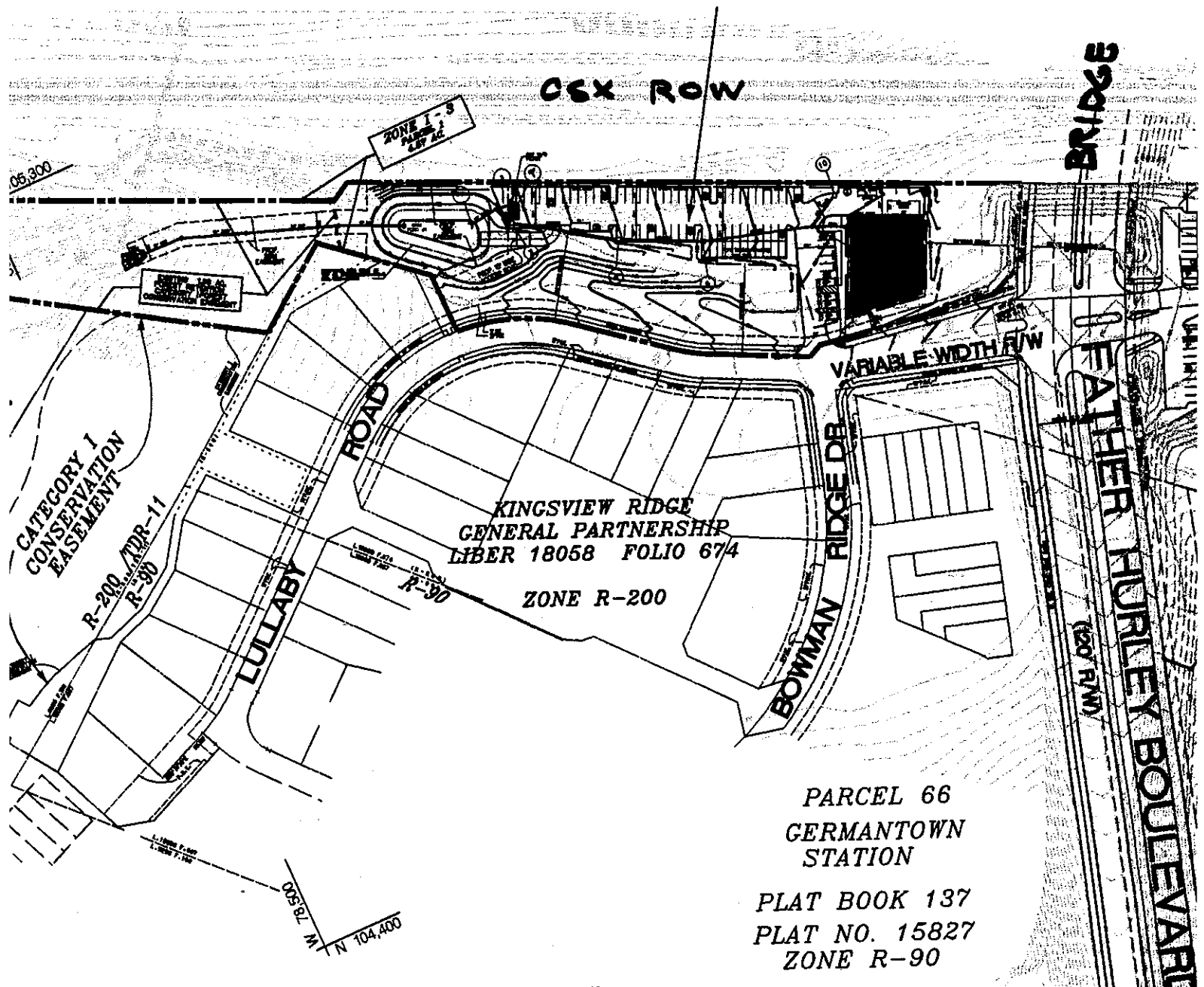


Map compiled on September 24, 2001 at 4:40 PM | Site located on base sheet no - 227NW13

PROJECT DESCRIPTION: Site Description

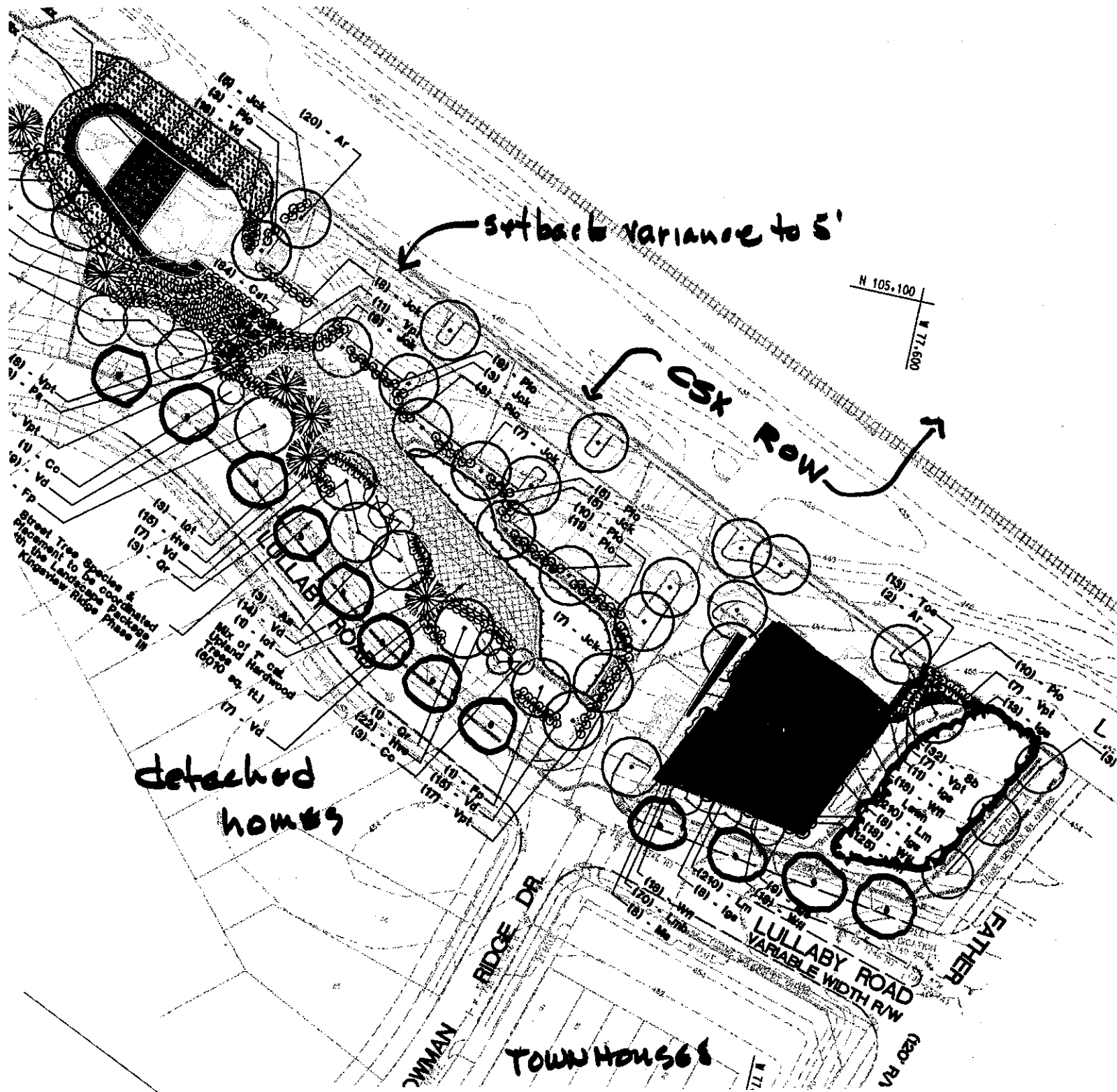
The site is a highly irregular sliver of land lying along the CSX right of way. It is bounded by Lullaby Road on the south, across which are located single family detached dwellings. The setback created by the adjacencies of the streets, the opposing site's zoning and the railroad have conspired to create an almost unbuildable site. The applicant has sought and received relief from this situation by means of a variance from the railroad setback from the BOA. The remaining setbacks have forced the development to the east end and the parking to the CSX frontage of the site. The land slopes down to the west, and is partially forested.

Father Hurley Boulevard's two sections, north and south of the CSX tracks, will be eventually connected by a bridge, the southern approach ramp to which will front the subject property. Therefore the applicant is unable to complete the streetscape along that frontage at this time; it will be included in the Bridge CIP item.

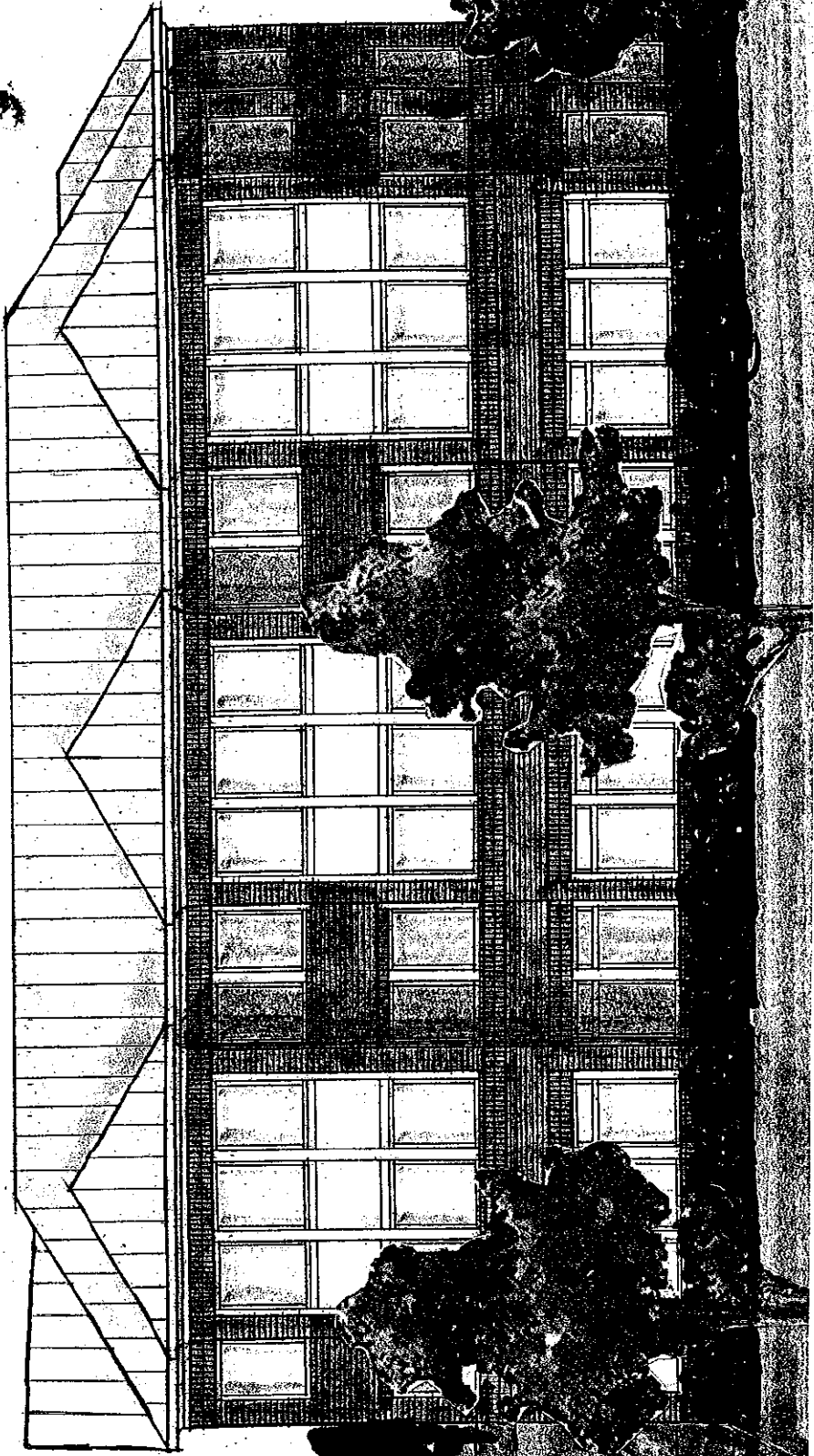


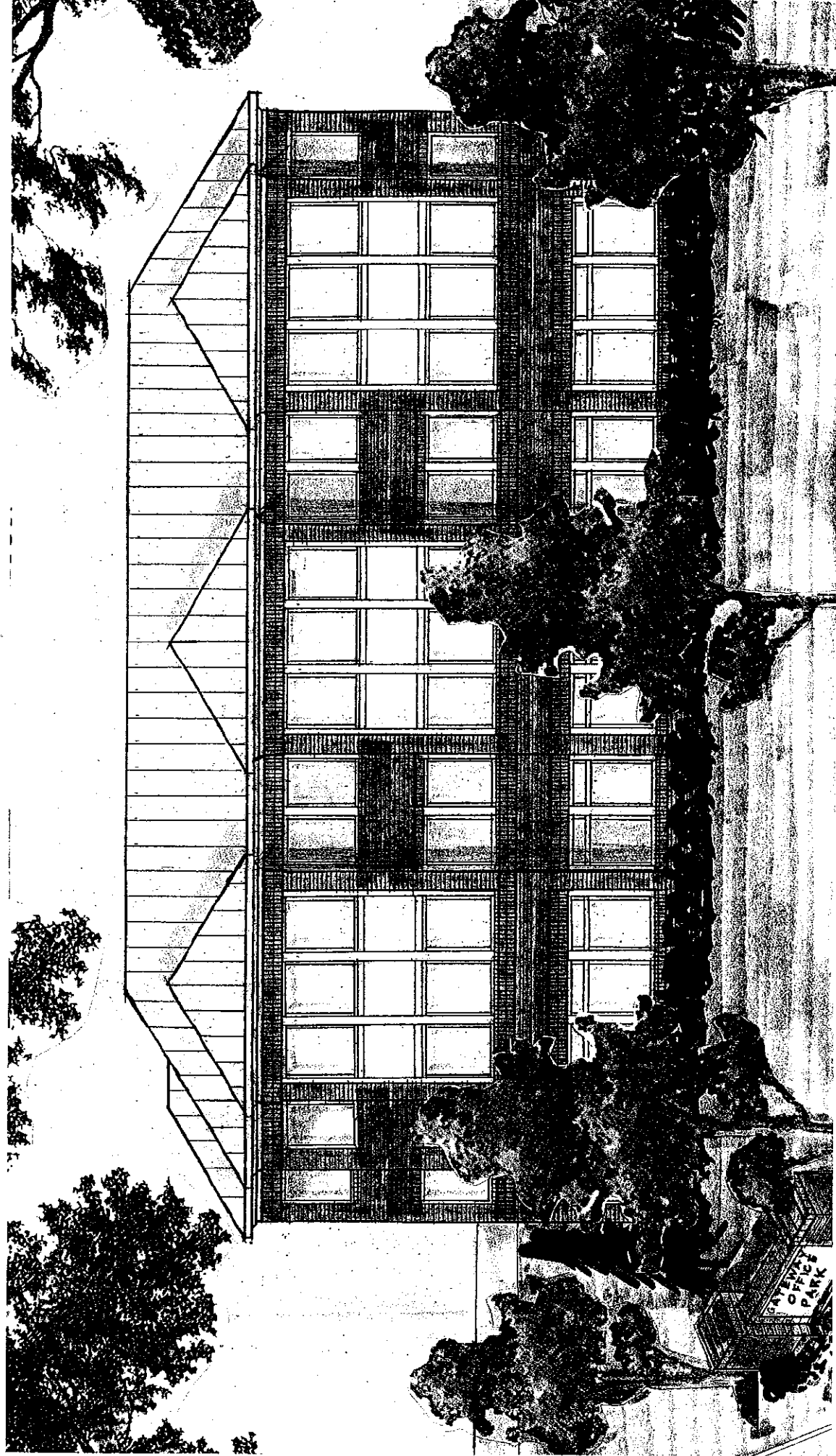
PROJECT DESCRIPTION: Proposal

The three-story office building is set along Lullaby Road, between a grove of existing trees at the Father Hurley end of the site and the parking lot to the west. The parking is located to the rear, or north, side of the lot, and it is further screened from view by residences to the south by the imposition of a landscaped berm along the Lullaby Road frontage. The stormwater management pond is at the west end, and it is also screened from the view of adjacent residents by landscaping along its south edge. Some of the street trees along Lullaby are to be provided by the developer of the homes to the south; those near Father Hurley will be provided by this applicant.



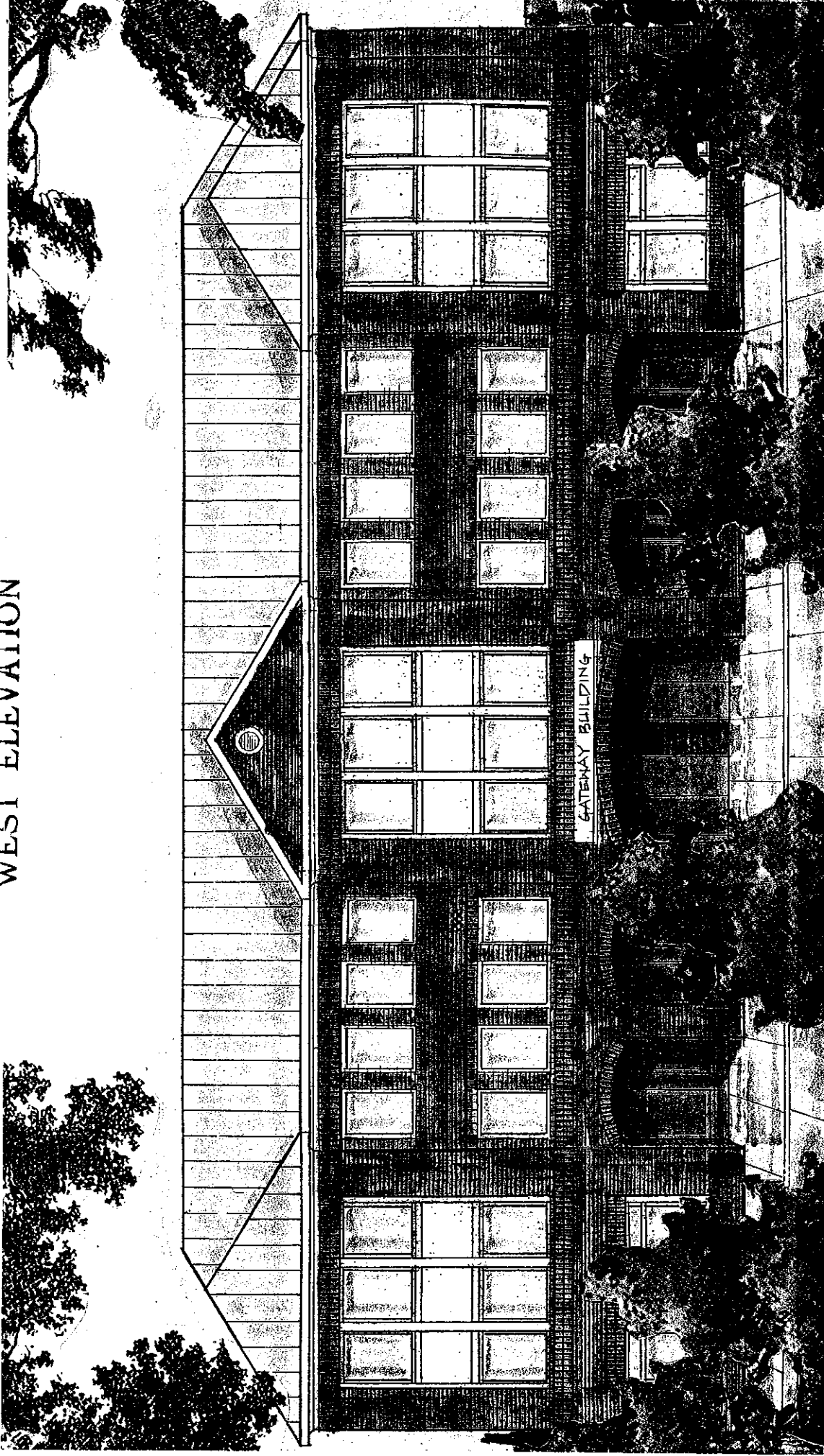
SOUTH ELEVATION





EAST ELEVATION

WEST ELEVATION



PROJECT DESCRIPTION: Prior Approvals

The pertinent prior approval is the recent decision by the BOA to grant a 20-foot variance to the 25-foot rear yard setback. The conditions of that BOA opinion require the applicant to, among other things:

1. take all reasonable measures to preserve as much landscaping as possible in front of the building (along Father Hurley), including the two mature trees
2. enhance the landscaping between the SWM pond and adjacent residences
3. construct a solid wood security fence along the retaining wall at the rear of the property

The following is a copy of these conditions from the BOA opinion:

Case No. A-5639

Page 5.

Accordingly, the requested variance of twenty (20) feet from the required twenty-five (25) foot rear lot line setback for the construction of a parking lot is granted subject to the following conditions:

1. The petitioner shall be bound by all of its testimony and exhibits of record, and the testimony of its witnesses and representations of its attorney, to the extent that such evidence and representations are identified in the Board's Opinion granting the variance.
2. Construction must be completed according to plans entered in the record as Exhibit Nos. 13 through 19; 21 through 23; 25; 28; and the landscape plan submitted on November 15, 2001, as Exhibit Nos. 28(a) and 28(b).
3. The petitioner shall take all reasonable measures to preserve as much landscaping in front of the proposed building as possible, and in particular the two mature trees discussed above and depicted in Exhibit No. 24(b).
4. The petitioner shall submit a revised landscape plan, enhance the landscaping between the stormwater management pond and the residential community, particularly Lot 105. This landscaping shall comprise trees of 20 feet in height at a minimum, as well as undergrowth shrubbery such as evergreens. Construction must be completed in accordance with Exhibit Nos. 34(a) and 34(b).
5. The security fence along the retaining wall in the rear of the property shall be a solid wood fence.

The Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the Opinion stated above is adopted as the Resolution required by law as its decision on the above entitled petition.

The Board approved a Preliminary Plan for this site in 2001, requiring, among other things, a limit on development of 30,690 gsf office and payment of the cost to construct a intersection improvement at MD #118 and Wisteria, two blocks north of the site.

ANALYSIS: Conformance to Master Plan

The Master plan confirmed the I-3 zoning and placed a development limit of 0.25 FAR in the property. The Preliminary Plan required the dedication of the required Master Plan ROW along Father Hurley.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE

Development Standard	Permitted/ Required	Proposed
Lot Area (ac.):		2.61
Gross Floor Area (sq. ft.):		
By Preliminary Plan	30,690	
By Master Plan	28,423 (0.25 FAR)	
By BOA	27,077	27,077
Floor Area Ratio (FAR):		0.24
Green Space (%):	35	60
Building Height (ft.):	100	3 stories
Building Setbacks (ft.):		
Front yard	100	100
Side yard	20	20
Rear yard	NA	NA
Parking setbacks (ft)		
Side Yard	5/100	5/100
Parking:		
Total	66	71+11 tandem

FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required. N.A.*
2. *The Site Plan meets all of the requirements of the zone in which it is located. See project Data Table above.*
3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*
4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.*
5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The site is grandfathered and therefore exempt for Forest Conservation requirements due to an approved Preliminary Plan of Subdivision which occurred within the grandfathering period of 1984-1991.

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
 - a. Site Plan Enforcement Agreement to attach Trip Mitigation Agreement
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion Control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Limits of disturbance.
 - b. Methods and locations of tree protection.
 - c. Forest Conservation areas.
 - d. Relocation of stormwater facility outfalls from pond away from forest preservation or other environmentally sensitive areas.
 - e. Conditions of DPS Stormwater Management Concept approval letter
 - f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - g. The development program inspection schedule.
 - h. Conservation easement boundary.
 - i. Streets trees [NJMBER] feet on center along all public streets.
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
4. No clearing or grading prior to M-NCPPC approval of signature set of plans.