

MCPB 12/19/02 # 4

MEMORANDUM

DATE:

December 13, 2002

TO:

Montgomery County Planning Board

VIA:

John A. Carter, Chief, Community-Based Plannin

Bill Barron, Team Leader, Eastern County Team

FROM:

Joel A. Gallihue, AICP

REVIEW TYPE:

Special Exception – Hotel Use

APPLICANT:

Marriott International, Inc.

CASE NUMBER:

S-2552

ZONE:

I-3 and US 29/Cherry Hill Employment Overlay Zones

LOCATION:

12000 Plum Orchard Drive

MASTER PLAN:

Fairland Master Plan

STAFF RECOMMENDATION: Approval of the proposed special exception with the following conditions:

- 1. All evidence, testimony and exhibits of record shall bind the petitioners.
- 2. Compliance with all requirements of a final forest conservation plan (FCP) no later than Planning Board approval of Site Plan #8-03006. The final FCP must be consistent with the requirements of a Storm Water Management Concept Plan approved by the Department of Permitting Services.

Proposal Description - The applicant, Marriott, Inc., is requesting approval of a special exception to permit a hotel use at 12000 Plum Orchard Drive in the WesTech Industrial Park. The site is located in the area of the 1997 Approved and Adopted Fairland Master Plan and in the I-3 zone and the US 29/Cherry Hill Employment Overlay Zone. The property is more particularly described as

Parcel GGGG of the West Farm Technology Park Subdivision and is approximately 3.8 acres in area. GBLCC/Grossner owns West Tech Park. There are no existing structures on the property, but has been graded and planted with peripheral landscaping as a part of the overall development of the technology park. Should the special exception petition be approved, this development proposal will be reviewed under the requirements of Section 59 D-3 (Site Plan Review) as required for the I-3 zone

Site and Neighborhood Description - The site is located at the south west corner of the intersection of Plum Orchard Drive and Cherry Hill Road. Cherry Hill road is an 80' wide arterial road that intersects with US 29 less than one mile north of the site. Plum Orchard Drive is an 80' wide industrial street serving the West Tech Park and the Orchard Retail Center across this street from the subject site. Surrounding the property on two sides are other properties of the same zoning in the WesTech development. These are the US Postal Service Distribution Center to the south and Clark Security to the west. Orchard Center to the north is zoned C-6. On the opposite (east) side of Cherry Hill Road are townhomes in the West Farm residential subdivision zoned R-60.

Elements of the Proposal -

Hotel

A four-story, 130 unit, extended stay hotel is proposed. The building will be constructed in the pattern of an "L" with the longer side parallel to Cherry Hill Road and the short side parallel to Plum Orchard Road. The building will be located 117' from the property line at Cherry Hill Road and 87 feet from the property line at Plum Orchard Road.

<u>Operations</u>

The 130-unit hotel will be open to both short and extended stay guests. The statement of operations indicates that half of the guests will book for an extended stay of more than five nights. It is represented that many bookings will relate to business interactions in the vicinity. Occupancy during weekdays is anticipated to be 80% of capacity and lower on weekends. The suites in this hotel differ from conventional hotel rooms in that they provide living, working and cooking space and occupancy is either single or double. There will be fifteen two-bedroom suites, fifty-five one-bedroom suites and sixty studios. Check-in will be through the entrance to Plum Orchard Drive. Registered guests may use room keys to access other doors to the facility.

Although the petition represents that a maximum of fifteen employees will be onsite at any one time, when the day and evening shift overlap is considered there could be as many as 21 employees on site at any one time. Twenty-three staff will work on any given day in the following proposed shifts:

- 8:00 a.m 4:30 p.m 15 employees.
- 4:00 p.m 12:00 a.m. 6 employees
- 11:00 a.m. 7:30 a.m 2 employees

One meeting room is included in the design of the building. No restaurant is proposed. Continental breakfast and afternoon hors d'oeuvres are the only type of food services provided to guests. A pool and sports court are provided outside. A fitness room will be available indoors.

Deliveries will be two trailer trucks per week and daily deliveries from smaller straight back or panel trucks. No loading dock is proposed. Deliveries will occur through a side door of the hotel. The dumpster is located in the southeast corner, furthest from public roads minimizing interference with use and public visibility. It will be placed in a brick enclosure. Staff agrees that this location is the furthest from adjacent residential property and public roads, minimizing visibility and land use conflicts.

ANALYSIS

Master Plan - The subject property is located within the master plan area of the 1997 Approved and Adopted Fairland Master Plan and within the WesTech Industrial Park. The property has a base zone of I-3 overlaid with the US 29/Cherry Hill Employment Overlay Zone. The 1997 Fairland Master Plan recommended the use of the overlay zone for the purpose of creating an employment center with a range of employment opportunities on the area that contained 400 acres of industrially zoned land. The overlay zone changes the list of permitted uses and changes some of the dimensional requirements of the underlying zone. Certain uses, such as certain types of heavy industry were considered incompatible with the existing uses and prohibited, other uses that were found compatible, such as retail and restaurants were permitted. Because severe traffic congestion is an on-going condition in the Fairland/White Oak Policy Area, an employment center that provides employment supportive retail and services in close proximity will better serve the planning area. Such a center would encourage employees to remain in the employment center during the workday, reducing regional traffic impact.

The proposed use, an extended stay hotel, is allowed by special exception with a finding of compatibility. This proposed use is compatible with existing development in the overlay zone, such as the Orchard Center retail development, the Kaiser Permanente clinic, the US Postal Service distribution center, office buildings and the two future planned developments, the Federal FDA relocation (Naval Surface Weapons site) and County's East County Tech Center (WSSC Site 2). The site has easy access to the transportation network and the proposed use would support the proposed high-tech and research and development uses.

Development Standards-

The property is in I-3 zone and the US 29/Cherry Hill Employment Overlay Zone. The Overlay Zone supercedes some of the dimensional requirements of the I-3 zone. Parcel GGGG is 167,030 square feet in area. The property is subject to a 1990 Development Administration Agreement.

Prior Regulatory Actions:

- 1) Preliminary Plan No. 1-82068 was approved by the Planning Board on October 21, 1982, for the I-3 zoned portion of the West Farm Technology Park Subdivision. At that time, the site was part of Parcel AAA.
- 2) In 1988, the County Council asked the Planning Board to undertake a master plan review of the traffic congestion issues in eastern Montgomery County resulting in the following:
 - i) In 1990, The County Council adopted the Trip Reduction Amendment to the 1981 Eastern Montgomery County Master Plan.
 - ii) The Planning Board approved The Development Limitation Trip Reduction Agreement in 1990 to comply with the master plan amendment and to reduce the FAR from 0.5 to 0.4 for the I-3 zoned properties of the West Farm Technology Park Subdivision.
- 3) Preliminary Plan No. 1-91039, approved by the Planning Board on July 18, 1991, supercedes Preliminary Plan 1-82068 and rearranged lot lines. Parcel GGGG was created from Parcel AAA at that time.

The special exception is compliance with applicable development standards for both the underlying I-3 Zone and the US 29/Cherry Hill Employment Overlay Zone. Conformance to relevant development is summarized in the following table.

Development Standards – I-3 Zone	Requirement	Proposal
Height	100' maximum	48'
Coverage Limitations	Too maximam	70
Minimum Green Area	35%	60% (100,397 SF)
Maximum off street parking	45%	26% (44,450 SF)
Maximum Density of Development	Park must average 40% ¹ , Currently 22%	Proposed site density is
Building Setbacks		
From arterial separating I-3 from one-family residential (in this case R-60)	100'	117.7'
From abutting lot in I-3 zone (+ 1' for each 2' over 40' in building height)	20'(+4')	51'- 125'
From street in I-3 (Plum Orchard)	25'	87'
Parking Setbacks		
From arterial separating I-3 from one-family residential (in this case R-60)	50'	50'
From abutting lot in I-3 zone (+ 1' for each 2' over 40' in building height)	20'(+4')	39'-45'
From street in I-3 (Plum Orchard)	35'	35'
Area Requirements		
Minimum Lot Area	2 Acres	3.83 Acres (167,030 SF)
Development Standards – US 29/Cherry Hill Road Overlay		
Building separated by arterial from		
residential	100'	117.7'
Parking setback from residential	50'	50'
Building and Parking from abutting lot in l-3 zone + 1' for each 2' over 40' in building height	20'(+4')	39'-125"

Parking

Parking is provided on the site and on three sides of the building. The Statement of Operations indicates that 134 perpendicular spaces will be provided. The site

¹ The average FAR of 0.4 for the park was approved with Preliminary Plan # 1-91039. A total floor area of 1,968,699.4 square feet was permitted for the development. Approximately half is developed and the current average FAR is 0.22. The proposed development will not cause the average FAR to exceed the approval.

plan shows 134 spaces. This includes five handicap spaces. In addition, one eight-space bike rack is shown on the site plan. This hotel is not located within a central business district or a transit station development area so the standard hotel parking requirements are in effect. The requirement is 0.7 parking spaces per unit and 10 spaces per 1,000 square feet of area for any common meeting areas. 91 spaces are required for the rooms. A meeting room of 650 square feet is also proposed which would require 7 spaces at the above rate. Therefore the maximum required parking would be 98 spaces and the proposal exceeds the requirement, as shown on the site plan, by 36 spaces.

Landscaping

In reviewing the special exception, staff has considered the existing landscaping on Cherry Hill Road. This includes mature canopy, understory and hedge plantings. This landscaping will screen parking and soften the effect of the proposed building on residential development on the opposite side of Cherry Hill Road. It also serves to unify the site with the rest of the WesTech development, as it is consistently planted. This buffer is enhanced with additional plantings to improve its effectiveness in screening parking and softening the effect of the building.

Plum Orchard drive is already planted with street trees in the strip between the road and sidewalk. The landscape plan shows a mixture of shade trees, evergreens and shrubs between the parking lot and sidewalk. The shrubs are a necessary component to screen parking.

Significant decorative landscaping is proposed around the building evergreens are proposed to screen the dumpster enclosure. The landscaping plan shows that portions of the parking area will be shaded by intermittent shade trees. Approximately 35 spaces appear to be shaded by these proposed trees. The area of these shaded spaces would be 5,355 square feet. This is twelve percent of the parking area, which is approximately 42,000 square feet in area. The plan exceeds the ordinance requirement that a minimum of five percent of the lot be shaded. Staff finds the landscaping plan appropriately screens parking and softens the building to enhance site compatibility in addition to the provision of shading and aesthetic enhancement of the site.

Lighting

The site lighting and photometric plan indicates that shielded fixtures will be used to light the parking area.

Photometric light distribution measurements are shown on the plan. These measurements indicate that the intensity of the light will transition from approximately eleven foot-candles at the poles to less than one half foot-candle at the property line. The average intensity will be approximately three foot-candles. This lighting scheme will provide safe illumination for maneuvering the

site after dark. The lighting is located, landscaped and shielded so that no direct light intrudes onto adjacent residential property.

Inherent/Non-Inherent Adverse Effects- The inherent and non-inherent adverse effects of a special exception must be considered on nearby properties and the surrounding neighborhood at the proposed location, regardless of the adverse effects the use might have if established elsewhere in the I-3 zone or US 29/Cherry Hill Employment Overlay Zone.

Section 59-G-1.2.1 of the Zoning Ordinance states

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 are 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.

This application represents change in planned use from office to hotel. The inherent, generic physical and operational characteristics arising from the given use include arrival and departure of guests, their temporary residence at the site and use of services in the area. Such a use will include parking by staff and residents. The non-inherent characteristics include the size and mass of the building, setbacks, and specific operational characteristics of the hotel including any combined use like banquet facilities. The hotel meets all of the development standards. Staff also finds that the proposed size, mass and setbacks are compatible with existing and proposed adjacent development. This hotel proposal does not combine any other uses; and staff has confirmed that the 650 square foot meeting room is for use by guests only. Staff finds that there are no non-inherent characteristics that warrant a recommendation of denial. Staff finds that all of the physical and operational characteristics of the proposed use will be compatible with existing development.

Transportation -

Site Location, Vehicular Access, and Pedestrian Facilities

The site, Parcel GGGG, is located in the southwestern quadrant of Cherry Hill Road and Plum Orchard Drive. Vehicular access is from the existing access point on Plum Orchard Road. The proposed special exception use will affect pedestrian access; the applicant's plan has a lead-in sidewalk from Plum Orchard Drive approximately 60 feet west from the intersection with Cherry Hill Road (i.e., to the existing bus stop). An additional lead-in sidewalk is

recommended Plum Orchard Drive as described in Recommendation No. 1 with the best location to be determined by DPWT considering the vertical sight distance along Plum Orchard Drive and the appropriate intersection spacing from Cherry Hill Road.

In reviewing the special exception staff has identified several transportationrelated requirements to approve the site plan that will follow the special exception). The following transportation conditions must be addressed at the time of site plan review (59-D-3 by the Planning Board. These conditions are included in this report for reference:

- 1. Provide a lead-in sidewalk and crosswalk at the intersection with Plum Orchard Drive and the driveway serving Parcels ZZZ and TTT (i.e., to commercial area on the opposite side of Plum Orchard Drive) in coordination with the Montgomery County Department of Public Works and Transportation (DPWT).
 - 2. Specify in the Site Plan Enforcement Agreement for the subject Parcel GGGG the following:
 - a. The actual density allocation of the square footage purchased as originally designated office space.
 - b. The proposed equivalent square footage of hotel to office space.
- 3. Participate in the traffic mitigation program to satisfy the I-3 trip reduction requirements.

Master Plan Roadways and Bikeways

In accordance with the Fairland Master Plan, the adjacent and nearby roadways and bikeways are designated as follows:

- 1. Cherry Hill Road is designated as a four-to-five-lane arterial road, A-98, with an 80-foot right-of-way and an existing Class I bikeway, EB-12.
- 2. Plum Orchard Drive is designated as a four-lane industrial road, I-12, with an 80-foot right-of-way.

The existing rights-of-way for Cherry Hill Road and Plum Orchard Drive are 80 feet along the subject property, no further dedication is required.

Allocation of Development Density

Marriott is the contract purchaser for the 167,030-square-foot Parcel GGGG with a density allocation of approximately 50,000 square feet of office space. Instead of office use, this allocated square footage is proposed for a 130-room hotel, which would generate fewer weekday peak-hour trips than an equivalently sized office building. Staff has confirmed that the peak-hour trips generated by the 130-room hotel are equivalent to the approved general office space. Once approved, the Site Plan Enforcement Agreement must specify that the land use on the subject property has changed from the approved area of office space to a 130-room hotel.

Traffic Mitigation Requirements for Development in the I-3 Zone

To satisfy the requirements of Section 59-C-5.436, Special Trip Reduction Guidelines for I-3 Projects, West Farm entered into a Traffic Mitigation Agreement (dated October 11, 1994) with the Planning Board and the Montgomery County Department of Public Works and Transportation for the approved, subdivided, platted lots in the West Farm Technology Park in the I-3 Zone. The goal of the traffic mitigation program is to reduce the employee's peakhour trips by 8% trips per day below the number if using the standard tripgeneration rates. The traffic mitigation program is triggered when 50% of all recorded lots in the I-3 zone are built. Participation in the program is specified in Recommendation No. 3 as required in the land records for Parcel GGGG.

Staging Ceiling Condition/ Policy Area Review

The "jobs" associated with the existing non-residential land use are already considered in the staging ceiling calculations for the Fairland/White Oak Policy Area. The Fairland/White Oak Policy Area has a remaining capacity of positive 3,374 jobs as of November 30, 2002, under the *Annual Growth Policy* (AGP) staging ceiling capacity.

Environmental -

Staff recommends approval of this request with the following condition:

Compliance with all requirements of a final forest conservation plan (FCP)
no later than Planning Board approval of Site Plan #8-03006. The final
FCP must be consistent with the requirements of a Storm Water
Management Concept Plan approved by the Department of Permitting
Services.

Forest Conservation

This application has an approved NRI/FSD. Submission of a final Forest Conservation Plan is required for final approval.

Watershed Quality

This property is located in the West Farm subwatershed of the Paint Branch watershed. This subwatershed is designated Watershed Restoration Area and has poor stream and habitat conditions. Efforts are underway to comprehensively examine and address stormwater retrofit, stream restoration and habitat improvement opportunities.

Community Concerns – Staff is not aware of any community opposition to the proposed special exception.

Compliance with General and Specific Special Exception Provisions- The staff has reviewed the petition for compliance with the applicable special exception provisions. As noted in the attachment, all general and specific requirements for a special exception are satisfied.

Conclusion – The staff finds that the special exception satisfies all of the applicable special exception provisions found in the Zoning Ordinance. Therefore, we recommend approval with the conditions found in the beginning of this report.

Attachments:

- 1. Zoning Criteria Analysis.
- 2. Vicinity Map
- 3. Special Exception Plan
- 4. Landscape Plan

Attachment 1. Montgomery County Zoning Ordinance Compliance with Specific and General Special Exception Provisions

Sec. 59-G-1.2. Conditions for granting.

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 use is permissible in the zone

(2) Complies with the standards and requirements set forth for the use in division 59-G-2.

The proposal complies with all requirements.

(3) Will be consistent with the general plan for the physical development of the district, including any master plan or portion thereof adopted by the Commission.

The use has been found to be consistent with the General Plan and the Fairland Master 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 proposal is compatible given these considerations. The use provides a transition from residential to light industrial.

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

The use is consistent the objectives of the Overlay and I-3 zone, which anticipate employment supportive commercial uses.

(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 special exception will not have a detrimental effect for any of these reasons.

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

The proposed special exception, when evaluated in conjunction with other existing and approved special exceptions in the area will not affect area adversely or alter the residential character of the neighborhood. Two special exceptions, one for a gas station and one for a restaurant exist on the opposite side of Plum Orchard.

(8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area;

The use will not adversely affect the safety of area residents. To the extent the special exception improves the effectiveness of the hospital, it may positively affect the heath of residents, visitors or workers in the area.

(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.

Public water and sewer serve the site. The site has access to public roads. Storm water management facilities are accessible to the site and a storm water management concept plan will be approved by DPS. The use does not require public school services. Police and Fire protection service is available.

(i) If the special exception use requires approval of a preliminary plan of subdivision the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case,

subdivision approval must be included as a condition of the special exception.

The property has been subdivided.

(ii) With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will have no detrimental effect on the safety of vehicular or pedestrian traffic.

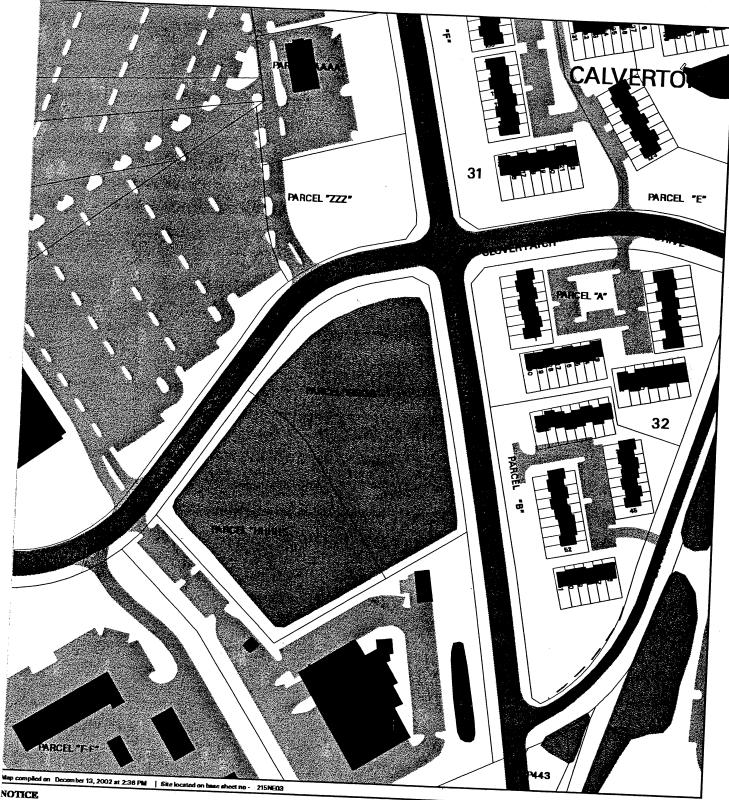
Staff has reviewed vehicular and pedestrian circulation plans for the site and has determined that the proposal will have no detrimental effect.

Sec. 59-G-2.33. Hotels and motels.

A hotel, motel or inn may be allowed; provided, that all the requirements imposed in the zone are met; and provided further, that special conditions, such as for additional fencing and/or planting or other landscaping, additional setback from property lines, location and arrangement of lighting and other reasonable requirements deemed necessary to safeguard the general community interest and welfare may be invoked by the board as requisites to the grant of special exception. An apartment hotel lawfully existing prior to April 26, 1966, may be allowed to increase the number of its guest rooms to more than 20 percent, but not above 45 percent of its total dwelling units in accordance with the requirements of this chapter, including those standards of this section which may reasonably be applied to an existing facility. Such an apartment-hotel is not required to maintain any guest rooms.

Compliance with zone requirements is referenced in the report. Significant landscaping was proposed around the building and on Plum Orchard drive. Additional planting was added to the landscaping plan at the request of staff to provide better screening on the south side of the Cherry Hill Road frontage.

MARRIOTT



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