

BOARD OF APPEALS  
for  
MONTGOMERY COUNTY

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600

Case No. S-2552

PETITION OF MARRIOTT INTERNATIONAL

OPINION OF THE BOARD

(Date of Decision: March 19, 2003)  
(Effective Date of Opinion: April 8, 2003)

Case No. S-2552 is an application, filed on September 30, 2002, for a special exception pursuant to Section 59-G-2.33 (Hotels and motels) of the Zoning Ordinance to permit the development of a 130-unit extended stay hotel. The proposed hotel will include 134 parking spaces. The Petitioner proposes to employ up to 15 individuals per shift, with a maximum of 21 employees on the site at any one time.

The subject property is Parcel GGGG, Westfarm Technology Park Subdivision, located at 12000 Plum Orchard Drive, Silver Spring, Maryland, in the I-3 Zone and the US 29/Cherry Hill Road Employment Area Overlay Zone.

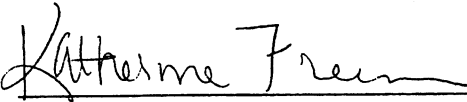
Pursuant to the provisions of Section 59-A-4.125 of the Montgomery County Zoning Ordinance, the Board of Appeals referred the case to the Hearing Examiner for Montgomery County to conduct a public hearing and render a written Report and Recommendation.

The Hearing Examiner convened a public hearing on January 13, 2003. The record in the case was closed on January 31, 2003, and on February 28, 2003 the Hearing Examiner issued a Report and Recommendation finding that the special exception application satisfies all of the general and specific standards for the use and recommending approval of the application.

Decision of the Board: Special exception **granted** subject to  
Conditions enumerated below.

At its Worksession on March 19, 2003, the Board of Appeals considered the Report and Recommendation of the Hearing Examiner together with a letter from William Kominers, Esquire, dated March 5, 2003. The Board finds that the record in the case should be reopened to receive the letter from Mr. Kominers clarifying the

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 8<sup>th</sup> day of April, 2003.

  
Katherine Freeman  
Executive Secretary to the Board

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.



MAR 27 2000

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive
Scott D. Roser
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886-1279

March 24, 2000

Robert C. Hubbard
Director

Re: Stormwater Management CONCEPT Request
for West Farm Tech Park
SM File #: 200924
Tract Size/Zone: 5.74 Ac/I-3
Total Concept Area: 4.22 Ac
Tax Plate: KQ342
Parcel(s): GGGG & HHHH
Liber/Folio: 16456/0027
Montg. Co. Grid: 32B12
Watershed: Paint Branch

Dear Mr. Roser:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is acceptable. The stormwater management concept consists of on-site water quantity control via the existing West Farm Regional Pond and on-site water quality control via installation of a water quality inlet. The site is located within the on-site area to the Regional Pond and there is acceptable conveyance. All water quality inlets shall have trash racks on their storm drain inlets and conform to our latest design criteria.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,

[Handwritten signature of Richard R. Brush]

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

RRB:enm:mce

cc: M. Shaneman
S. Federline
SM File # 200924

QN - ON; Acres: 5.7
QL - ON; Acres: 4.2

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FOREST CONSERVATION PLAN RECOMMENDATIONS

TO: file  
SUBJECT: Project Name West Farm Technology Park Date Recd \_\_\_\_\_ NRI/FSD # 4-00149E

The above-referenced plan has been reviewed by the Environmental Planning Division to determine the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). A determination has been made that the plan qualifies for the following exemption or waiver:

EXEMPTION:

- Single lot** - Applies to an activity conducted on an existing single lot of any size that is: 1) not subject to special exception; 2) does not disturb more than 40,000 square feet of forest; 3) does not violate a previously approved tree save plan; and 4) for which a declaration of intent has been filed with the Montgomery County Planning Director.
- Grandfathering Provision** - Lot(s) covered by a preliminary plan of subdivision or site plan for which the plan was:
  - Approved before July 1, 1984 and has less than 40,000 sq. ft. of forest cover.
  - Approved or extended between July 1, 1984 and July 1, 1991.*Note: Plans approved before July 1, 1991 that are revised after that date and will result in cutting of more than 5,000 additional square feet of forest are not exempt.*
- Real Estate Transfer** - Transfer to provide a security, leasehold, or other legal or equitable interest in a portion of a lot or parcel. Transfer does not involve a change in land use or new development or redevelopment, with associated land disturbing activities; and both the grantor and grantee have filed a declaration of intent.
- Agricultural** - Exempt from platting and requirements to obtain a sediment control permit and meets the definition of agricultural activity specified in section 22A-3(b).
- Tree Nursery**
- Planned Unit Development** - Activity or development within a planned unit development which:
  - Development or Project Plan was approved before January 1, 1992 and site plans were approved before July 1, 1992
  - Development or Project Plan was approved before January 1, 1992 and site plans were not approved before July 1, 1992, but the PD was 75% or more complete on January 1, 1992 (measured by the total acreage subject to the PD that has received site plan approval).*Note: A development plan or project plan amendment approved after January 1, 1992 is not exempt if it results in the cutting of more than 5,000 additional square feet of forest.*
- Small Property Exemption** - Activity occurring on a tract less than or equal to 1.5 acre in size where there is no existing forest and afforestation requirements would be less than 10,000 square feet; or, activity occurring on a tract less than or equal to 1 acre in size where activity will not result in the clearing of more than 30,000 square feet of existing forest and reforestation requirements would be less than 10,000 square feet.
 *Note: Tree preservation and/or replanting of individual trees may be required. Forest within any priority area on-site must be preserved.*

Special Exceptions only:

- Special Exception applications for existing structures are exempt from the forest conservation law if the proposed use will not result in clearing of existing forest or trees.
- Modifications to an existing special exception use which was approved prior to July 1, 1991, will be exempt from the requirements of the Forest Conservation Law provided that the revision will not result in the cumulative clearing of more than 5000 additional square feet of forest.

This property is / is not within a Special Protection Area\*.

\* Properties within a Special Protection Area (SPA) must submit a Preliminary Water Quality Plan. Contact Leo Galanko at MCDRP for information regarding the requirements (301-217-6323).

Other/Comments special transition provision (section 22A-7(a)).

Signature: Candy Brunna  
Environmental Planning Division

Date: 12/23/99

May 6, 2003

**MEMORANDUM**

TO: Robert Kronenberg, Planner  
Development Review Division

VIA: Ronald C. Welke, Supervisor  
Transportation Planning

FROM: Ed Axler, Planner/Coordinator EA  
Transportation Planning

SUBJECT: Site Plan No. 8-03006  
Marriott International  
West\*Farm Technology Park, Parcel GGGG  
1200 Plum Orchard Drive, Silver Spring  
Fairland/White Oak Policy Area

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This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the site plan within the West\*Farm Technology Park. (After the West\*Group sold the "West\*Farm Technology Park" to Grosvenor International, it was renamed as WesTech Business Park).

**RECOMMENDATIONS**

Transportation Planning staff recommends the following conditions as part of the transportation-related requirements to approve this site plan which are consistent with the requirements for Special Exception Case No. S-2552:

1. Provide a lead-in sidewalk and a crosswalk at the intersection with Plum Orchard Drive and the driveway serving Parcels ZZZ and TTT (i.e., to the 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 for Parcel GGGG in the Site Plan Enforcement Agreement the following:
  - a. The actual density allocation of the square footage originally designated as 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.
4. Coordinate with DPWT regarding the installation of bus shelters on Plum Orchard Drive and Cherry Hill Road.

## **DISCUSSION**

### 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 of the intersection with Cherry Hill Road (i.e., to the existing bus stop). An additional lead-in sidewalk and a crosswalk at the intersection with Plum Orchard Drive and the driveway opposite the site are recommended as described in Recommendation No. 1. The best crosswalk location at the intersection should be determined by DPWT considering the vertical sight distance along Plum Orchard Drive and the appropriate intersection spacing from Cherry Hill Road.

### 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 right-of-way for Cherry Hill Road and Plum Orchard Drive is 80 feet along the subject property.

### Nearby Transportation Projects

Prince Georges' County has a transportation project to add a continuous center left-turn lane and eight-foot bicycle lane along Cherry Hill Road between the Montgomery

County/Prince Georges' County line and Powder Mill Road (MD 212). In addition, a future access for the Food and Drug Administration is planned from Cherry Hill Road closer to Powder Mill Road. These projects are southeast of the site and do not affect the segment of Cherry Hill Road fronting the site.

Another nearby transportation project is the Maryland State Highway Administration (SHA)'s Capital Transportation Program Project No. 152047 (or Contract No. MO8365170) to construct a new interchange at US 29, Columbia Pike, and Randolph Road/Cherry Hill Road. The project's notice to proceed was given on November 18, 2002, with an expected completion date in the summer of 2005.

### Prior Regulatory Actions

The prior regulatory actions are as follows:

1. Preliminary Plan No. 1-82068 was approved by the Planning Board on October 21, 1982, for the property zoned I-3. 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. The Fairland/White Oak Policy Area was in moratorium between 1986 (i.e., when the *Annual Growth Policy* [AGP] was first adopted by the County Council) and August 1, 2002 (adoption of *the FY 2003 AGP*). As a result:
  - a. The Trip Reduction Amendment to the *1981 Eastern Montgomery County Master County* was adopted by the County Council in 1990.
  - b. The Development Limitation Trip Reduction Agreement was approved by the Planning Board in 1990 to comply with the master plan amendment referenced above and to reduce the FAR from 0.5 to 0.4 for West\*Farm's I-3 properties.
3. Preliminary Plan No. 1-91039 was approved by the Planning Board on July 18, 1991, which superceded Plan No. 1-82068 and limited development to a maximum density of an average 0.4 FAR over all West\*Farm's I-3 zoned lots. Parcel GGGG was created from Parcel AAA at that time.
4. A public hearing was held on December 19, 2002, for the Planning Board's recommendations to the Board of Appeals on Special Exception Case No. 2552.

### Equivalent Local Area Transportation Review Impact

With the approval of Preliminary Plan No. 1-91039 for a total of 1,968,699.4 square feet on all the original West\*Farm I-3 lots, a traffic study for this petition is not required to analyze the traffic impact at nearby intersections for the Local Area Transportation Review component of the APF test. However, a traffic statement is required to compare the equivalent weekday peak-hour traffic impact of a 130-room hotel to the previously

approved general office use. The petitioner's transportation engineer, Street Traffic Studies, submitted a revised traffic statement dated November 21, 2002 (attached). In the table below, the site-generated peak-hour trips were determined for the proposed 130-room hotel during the weekday morning peak period (6:30 a.m. to 9:30 a.m.) and the weekday evening peak period (4:00 p.m. to 7:00 p.m.). The peak-hour trips generated by the 130-room hotel would be equivalent to 41,176 square feet of general office space (i.e., or the larger or worst case of calculated square footages between the weekday morning peak hour value and the weekday evening peak hour value).

Hotel with 130 Rooms			Square Feet of Equivalent General Office Space
Weekday Peak Hour	Trip Rate per Room	Peak-Hour Trips	
Morning	0.48	62	41,176
Evening	0.55	72	36,111

The trip-generation rates for the hotel are from the Institute of Transportation Engineers *Trip Generation Report* for similar land use, an all-suite hotel. The trip generation formula for the equivalent general office use is from the *Local Area Transportation Review Guidelines*.

#### Allocation of Development Density

Marriott is the contract purchaser for the 167,030-square-foot Parcel GGGG with a maximum density allocation of approximately 50,000 square feet of office space on Parcel GGGG. The density allocation is compared with the actual square footage proposed on this site plan review. 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. As shown in the section above, the peak-hour trips generated by the 130-room hotel are equivalent to the worst case of 41,176 square feet of general office space. There is still an unused capacity of 8,824 (i.e., 50,000 minus 41,176) square feet left on this site. If approved, the future Site Plan Enforcement Agreement must therefore specify that the land use on the subject property is a 130-room hotel and not office space, per Recommendation No. 2.

#### 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 with I-3 zoning. The goal of the traffic mitigation program is to reduce the employee peak-hour trips by 8% below the number reflected in the standard trip-generation 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 Transportation Review

The "jobs" associated with the non-residential land use have been approved and were already considered in the staging ceiling calculations for the Fairland/White Oak Policy Area. As a 41,178-square-foot office, the equivalent number of jobs is 165 (using 250 square feet per job) versus 156 jobs for the proposed 130-room hotel (using 1.2 jobs per room) which results in 9 fewer jobs. At this time, the Fairland/White Oak Policy Area has a remaining capacity of positive 3,339 jobs as of April 30, 2003, under the *FY 2003 Annual Growth Policy (AGP)* staging ceiling capacity.

EA:kcw  
Attachment

cc: Cherian Eapen  
Mary Goodman  
Joel Gallihue  
Dan Hardy  
Pat Harris  
Bill Kominers  
Dave Nelson  
Malcolm Shaneman  
Piera Weiss

mmo to kronenberg 8-03006 WestFarm.doc

: STS LTD.

FAX NO. : 4105906637

Nov. 21 2002 11:15AM P2



## Street Traffic Studies, Ltd.

September 12, 2002  
Revised - November 21, 2002

William Kominers  
Holland & Knight LLP  
3 Bethesda Metro Center  
Suite 800  
Bethesda, Maryland 20814-6301

Re: Marriot International @ WestFarm  
Traffic Equivalency Study

Dear Mr. Kominers:

Based on our discussions with Ms. Bonnie Vancheri with Marriott International we have conducted a review of the expected trip generation characteristics of the planned hotel project to determine a relationship to the current approvals for the site. The overall intent of this effort is to develop a conversion rate in square footage between the current office generated trip summary and the proposed development using site generated trips as the common thread.

The existing WesTech project, through a series of previous applications and approvals has a vested right to develop based on a 0.4 FAR for all ground within the subdivision pursuant to the Density Administration Agreement, with trip generation limits established based on the current office trip generation rates of  $(1.70 (A) - 8) = T$ , morning peak hour and  $(1.44(X) + 20) = (T)$ , evening peak hour).

Marriott proposes to construct a 130 unit Residence Inn. As we discussed with Ms. Vancheri, the hotel will not include restaurant or conference facilities. There is a small meeting room for the use by residents only. For the purpose of the trip comparison, the hotel was analyzed based on the standard Institute of Transportation Engineers Trip Generation Manual, Land Use Code 311, Suites Hotels. Based on the trip rates contained in the manual, the 130 units hotel would be expected to generate 62 morning peak hour trips (rate = 0.48 trips per room) and 72 evening peak hour trips (rate = 0.55 trips per room).

Solving the office trip generation equation in reverse, knowing the trips, yields an equivalent office density of 41,176 square feet based on the morning trip rates and 36,100 square feet based on the evening trip rates.

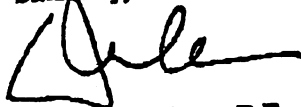
:STS LTD.

William Kominers  
September 12, 2002  
Revised - November 21, 2002  
Page Two

Therefore, based on the study conducted, the proposed hotel development including 130 residence suites would equate to a typical office development of 41,176 square feet, using the controlling morning peak hour factors. .

If you have any additional questions or require additional information, please let me know.

Sincerely,



David A. Nelson, P.E.  
President

CC: Bonnie Vancheri, Marriott International  
Ed Axler - M-NCPPC Transportation



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Office of the Chairman, Montgomery County Planning Board

December 13, 2002

## MEMORANDUM

TO: Joel Gallihue, Planner  
Community-Based Planning Division

VIA: Daniel K. Hardy, Supervisor *DKH*  
Transportation Planning

FROM: Ed Axler, Planner/Coordinator *EA*  
Transportation Planning

SUBJECT: Special Exception Case No. S-2552  
Marriott International  
West\*Farm Technology Park, Parcel GGGG  
1200 Plum Orchard Drive, Silver Spring  
Fairland/White Oak Policy Area

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This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject special exception case within the West\*Farm Technology Park. (After the West\*Group sold the "West\*Farm Technology Park" to Grosvenor International, it was renamed as WesTech Business Park).

## RECOMMENDATIONS

Transportation Planning staff recommends the following conditions at site plan review as part of the transportation-related requirements to approve this Special Exception Case:

1. Provide a lead-in sidewalk and a 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.

## **DISCUSSION**

### 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 and a crosswalk at the intersection with Plum Orchard Drive and the driveway opposite the site are recommended as described in Recommendation No. 1. The best crosswalk location at the intersection should to be determined by DPWT considering the vertical sight distance along Plum Orchard Drive and the appropriate intersection spacing from Cherry Hill Road.

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Traffic Mitigation Requirements for Development in the I-3 Zone

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Staging Ceiling Condition/ Policy Area Review

The "jobs" associated with the non-residential land use have been approved and were 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.

EA:cmd

Attachment

cc: Cherian Eapen  
Mary Goodman  
Pat Harris  
Bill Kominers  
Robert Kronenberg  
Dave Nelson  
Malcolm Shaneman  
Piera Weiss  
Ron Welke

SPEX S-2552 Marriott International.DOC





## Street Traffic Studies, Ltd.

September 12, 2002  
Revised - November 21, 2002

William Kominers  
Holland & Knight LLP  
3 Bethesda Metro Center  
Suite 800  
Bethesda, Maryland 20814-6301

Re: Marriot International @ WestFarm  
Traffic Equivalency Study

Dear Mr. Kominers:

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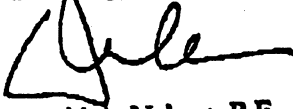
:STS LTD.

**William Kominers**  
**September 12, 2002**  
**Revised - November 21, 2002**  
**Page Two**

Therefore, based on the study conducted, the proposed hotel development including 130 residence suites would equate to a typical office development of 41,176 square feet, using the controlling morning peak hour factors. .

If you have any additional questions or require additional information, please let me know.

Sincerely,



**David A. Nelson, P.E.**  
**President**

**CC: Bonnie Vancheri, Marriott International**  
**Ed Axler - M-NCPPC Transportation**