

MEMORANDUM

DATE: March 4, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

Cathy Conlon, Acting Supervisor *CC*
Development Review Division

FROM: Richard Weaver, Planner Coordinator *RAW*
Development Review

REVIEW TYPE: Preliminary Plan of Subdivision – Amendment to Conditions

APPLYING FOR: Amendment to Previous Conditions for One (1) Lot

PROJECT NAME: Easter Seals

CASE #: 1-00069B

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: CBD-R1

LOCATION: Located in the southeast quadrant of the intersection of Second Avenue and Spring Street

MASTER PLAN: Silver Spring

HEARING DATE: March 10, 2005

**STAFF RECOMMENDATION:** Revise conditions as follows:

- (1) Approval under this preliminary plan limited to a maximum of ~~49,680~~ **41,400 (1 FAR)** square feet, including ~~19,500~~ **20,000** square feet of general office and ~~30,180~~ **12,400** square feet of ~~senior and child~~ **adult** day care facility **and 9,000 square feet of intergenerational space and meeting rooms.**
- (2) Prior to recording of plat, applicant to submit for review and approval a Traffic Mitigation Agreement with the Planning Board and MCDPW&T that

demonstrates participation in the Silver Spring CBD Transportation Management Organization.

- (3) **Participation with the Silver Spring Parking District, unless amended through agreement with Parking District office.**
- (4) **Applicant to provide the onsite and offsite public use space, landscaping and public amenities as shown on the revised preliminary, consistent with the Silver Spring Streetscape standards.**
- (5) Conditions of MCDPS stormwater management approval, dated February 16, 2001.
- (6) Final access and improvements, as required, to be reviewed and approved by MCDPW&T prior to **issuance of access permits.** ~~site plan approval~~
- ~~(7) No clearing, grading or recording of plat prior to site plan approval~~
- (8) Dedication as shown on revised preliminary plan.
- ~~(9) The validity of Preliminary Plan No. 1-00069 is dependent upon the applicant complying with and abiding by the conditions of approval for Project Plan No. 9-00003~~
- (10) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.
- (11) The Adequate Public Facilities (APF) Review for this preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- (12) Other necessary easements.

Background

The Planning Board previously reviewed an application for preliminary plan for this property on two separate occasions. Initially, the application was brought before the Board on June 8, 2000 as an optional method of development with an associated Project Plan (#9-00003). The application was approved by the Planning Board for a total of 47,000 square feet including office and adult/child day care. On February 14, 2002, the application was brought back to the Planning Board as an amendment to the original approval for a modest increase in square footage to 49,680 square feet that included 19,500 square feet of general office and 30,180 square feet of senior and child day care facility at an FAR of 1.2, again, as an optional method of development. The Planning Board approved that application (See opinion in attachment 1 - Applicant's letter). Subsequent to this action a Site Plan was also approved by the Planning Board.

Site Description

The Subject Property is 0.65 acres in size and located at the intersection of Spring Street and Second Avenue. The zoning on the property is CBD-R1. The site is currently covered with mature trees and invasive vegetation. Evidence that the site was occupied by a structure in the distant past can be seen from the abutting streets.

An existing 5 story office building and parking lot abuts the Subject Property to the east and a 4 story residential condominium abuts the property to the south.

Project Description

This application proposes a reduction in size of the most recent approval by the Planning Board and requests that the project be reviewed under the standard method of development at an FAR of 1. At this FAR the project is not subject to the optional method of development. By seeking approval of this amendment to the preliminary plan, the applicant, Easter Seals, would be relieved of the requirements of the Site Plan and Project Plan. Staff has therefore reviewed this application for consistency with the standard CBD-R1 requirement of the Zoning Ordinance.

The application proposes a building with reduced square footage from 49,680 square feet as currently approved to 41,400 square feet at an FAR of 1. The most significant change to the building footprint is the elimination of a rear courtyard (intergenerational terrace garden) that was to have provided amenities for users of the adult and child daycare facilities. Under the revision, the building will be setback twenty feet from adjacent buildings on the south and east property lines, exceeding the minimum setbacks required in the zone under the standard method of development. The building height will be reduced by 3 feet, from 54 feet to 51 feet, which is under the 60 foot limitation set by the Zoning Ordinance. The green area established around the perimeter of the building on the east and south boundaries will generally be used for gardens and outdoor activities.

It is important to note that the applicant has proffered to continue to adhere to the streetscape, landscaping and lighting program that was devised as part of the site plan review previously approved for this project. Condition #4 addresses this proffer. The frontage improvements as shown on the preliminary plan will provide considerable improvement to the existing sidewalk conditions including street tree plantings, bus shelters, handicap ramps, and sidewalk pavers that are consistent with the Silver Spring Streetscape standards.

Access to parking on the project is provided by a ramp on Second Avenue to underground parking located beneath the building. The applicant is within the Silver Spring Parking District and will need to coordinate with the District staff to address the on-site parking shortfall. The main entrance to the building is located on Spring Street and is accessed by a one-way driveway loop. Previous approvals by reviewing agencies for stormwater management, street dedication/improvements and forest conservation remain valid from previous approvals.

Conclusion:

Staff has reviewed this application for consistency with Chapter 50, the Subdivision Regulations and Chapter 59, the Zoning Ordinance. Staff believes the structure and improvements shown on the plan do comply with all applicable requirements of these regulations. As such staff recommends approval of the application subject to the conditions cited above.

Attachments:

- 1) Applicant's letter
- 2) Vicinity Map
- 3) Neighborhood Development Map