**MEMORANDUM**

DATE: April 7, 2006
 TO: Montgomery County Planning Board
 VIA: Rose Krasnow, Chief *RK*
 Michael Ma, Supervisor *ma*
 Development Review Division
 FROM: Robert Kronenberg *RK*
 Development Review Division
 (301) 495-2187



REVIEW TYPE: **Site Plan Review**
 CASE #: **820060060**
 PROJECT NAME: 5500 Edson Lane/Peace Palace
 APPLYING FOR: Approval of 12,694 square feet of building area, including 4,800 square feet of office, a private educational institution for 20 students, and four tourist home units on 0.59 acres
 REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance
 ZONE: C-T (Commercial Transition)
 LOCATION: Located on the south side of Edson Lane, approximately 500 feet west of the intersection with Rockville Pike
 MASTER PLAN: North Bethesda/Garrett Park Master Plan
 APPLICANT: Global Country of World Peace
 FILING DATE: July 20, 2005
 HEARING DATE: April 20, 2006

STAFF RECOMMENDATION: Approval of Site Plan 820060060 for 12,694 square feet of building area, including 4,800 square feet of office, a private educational institution for 20 students, and four tourist home units on 0.59 acres. All site development elements as shown on 5500 Edson Lane/Peace Palace plans stamped by the M-NCPPC on March 1, 2006, shall be required except as modified by the following conditions:

1. Site Design
 - a. Relocate the dumpster enclosure internally within the parking facility.
 - b. Provide a detail of the proposed decorative water feature.
 - c. Provide a detail of the proposed building identification sign and locate the sign outside of the public utility easement.
2. Land Use

- a. The tourist home units may only be used by those individuals that also are using or are affiliated with the Peace Palace facility. The tourist home units are not to be rented or made available to the general public.
 - b. The school use would be one that operated during the day and not as a night school.
3. Site Plan Amendments
Any change to the land use categories for the office, private educational institution or tourist homes shall be required to submit an application for amendment to the approved site plan.
4. Lighting
- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.
 - b. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting adjacent residential properties.
 - c. The height of the light poles shall not exceed 4 feet including the mounting base.
5. Pedestrian Circulation
- a. Provide a five-foot-wide sidewalk and 5-foot-wide lawn panel along the Edson Lane property frontage.
 - b. Provide a minimum 4-foot-wide sidewalk from the eastern portion of the proposed parking lot to the five-foot-wide sidewalk within the Edson Lane right-of-way.
6. Transportation
The applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated March 6, 2006 [Appendix A]:
- a. Enter into a Traffic Mitigation Agreement with the Montgomery County Department of Public Works and Transportation (DPWT) and the Planning Board to participate in the North Bethesda Transportation Management Organization.
 - b. Enter into an agreement for a cross easement between the Applicant of the subject Lot 3 and the adjacent Lot 2.
 - c. The applicant shall provide two inverted U-shaped bike racks to store 4 bicycles within 80 feet of the main entrance.
7. Tree Save Plan
The applicant shall comply with the following condition of approval from M-NCPPC-Environmental Planning in the memorandum dated April 7, 2006:
The proposed development shall implement the stress reduction and tree preservation measures on the south property line.
8. Stormwater Management
The proposed development is subject to Stormwater Management Concept approval conditions dated June 29, 2005 [Appendix B].
9. Development Program
Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. The Development Program shall include a phasing schedule as follows:
- a. Street tree on Edson Lane shall be installed upon completion of the proposed driveway connections.
 - b. The five-foot-wide sidewalk in the Edson Lane right-of-way shall be completed no later than six months after completion of the proposed driveway connection.

- c. Landscaping associated with the parking lot and building shall be completed as construction of the building and parking is completed.
 - d. Pedestrian pathways including the internal 4-foot-wide sidewalk shall be completed as construction of the building and parking is completed.
 - e. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
 - f. The Traffic Mitigation Agreement shall be executed prior to release of the building permit.
 - g. The cross easement between the Applicant of the subject Lot 3 and the owners of adjacent Lot 2 shall be executed prior to release of the building permit.
 - h. Provide the buffer planting adjacent to the residential zone upon completion of the building and parking.
 - i. Phasing of stormwater management, sediment/erosion control, forestation, community paths, trip mitigation or other features.
10. Clearing and Grading
No clearing or grading prior to M-NCPPC approval of the certified site plans.
11. Certified Site Plan
Prior to approval of the certified site plan, the following revisions shall be included and/or information provided, subject to staff review and approval:
- a. Development program, revised development data table, inspection schedule, and Site Plan Opinion.
 - b. Limits of disturbance.
 - c. Methods and locations of tree protection.
 - d. Details of the Tree Save Plan.
 - e. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - f. Details of the modifications to the existing masonry wall within the Edson Lane right-of-way.

SUMMARY

Proposal

The application proposes a 12,694-square-foot development on a 0.59-gross acre, C-T zoned property in North Bethesda. The development will include a 2-story (28 feet) building that is similar to the existing Wellness Center on the adjacent property to the west. The development program includes 4,800 square feet of office, a private educational institution for 20 students, and four tourist home units. A tourist home is defined as a “dwelling in which, for compensation, lodging or lodging and meals are provided or offered to not more than 12 transient guests. A tourist home shall not be deemed a home occupation.” Required parking spaces will be provided on site in a surface parking facility; however one space will be placed in an easement for use by the adjacent Wellness Center.

Issues

The issues addressed during review include preservation of the existing trees on the property, the uses proposed for the building, removal of the existing masonry wall and vehicular connectivity between the two adjoining sites.

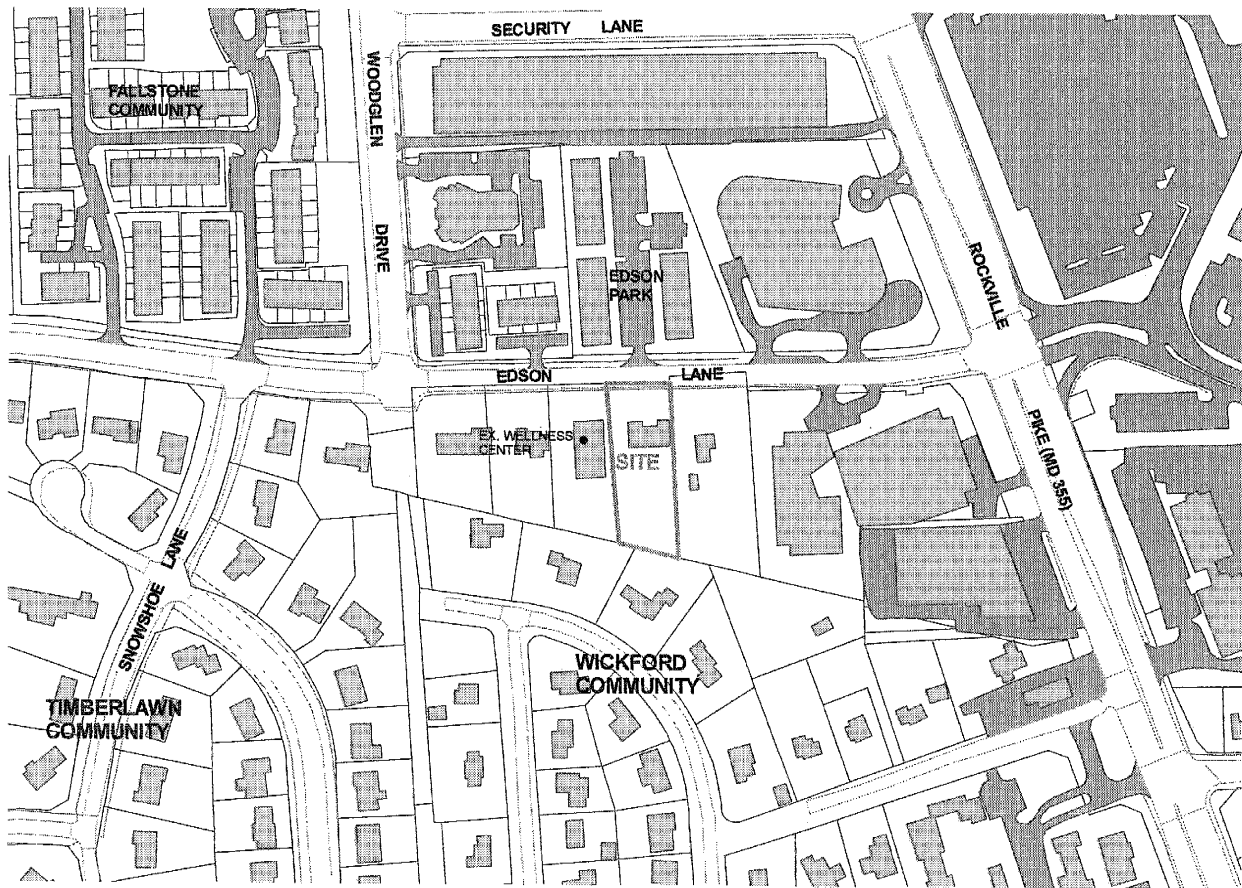
Community Outreach

The Applicant has met with adjacent property owners, including Ms. Berry in the townhouse community across Edson Lane, the Cassidy brothers who live in the adjoining neighborhood to the south. The primary concerns raised by the neighboring property owners include removal of the existing masonry wall, lighting and spillover onto the adjacent properties, the uses proposed for the development, and the location of the trash dumpster.

PROJECT DESCRIPTION: Site Vicinity

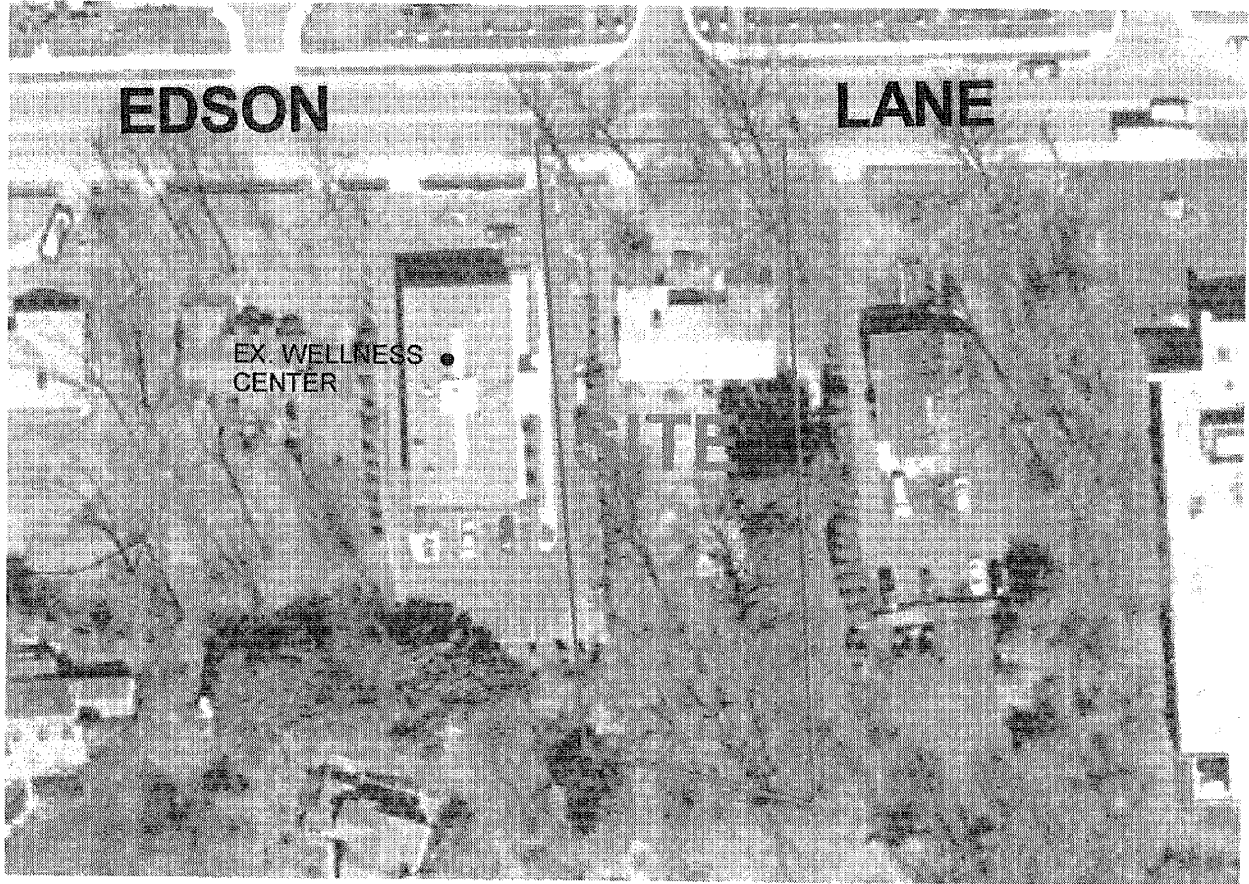
The subject property is located on the south side of Edson Lane, approximately 600 feet west of the intersection with Rockville Pike (MD 355). Edson Lane is an existing 70-foot right-of-way inclusive of 36 feet of paving and sidewalk on both sides of the street. Directly opposite Edson Lane is a 4-story residential condo building (Edson Park), situated at the forefront of a 12-story office building further north on the pike. A separate 3-story townhouse community is located directly adjacent to the Edson Park development, both of which derive access from Edson Lane. The residential communities are zoned R-90/TDR. The 7-story Brit-Beco building is located approximately 40 feet east of the property line and zoned C-1.

Directly to the east of the site is a 2-story one-family detached dwelling currently being used as a home office with a circular drive on both sides of the building and surface parking to the rear. This adjacent site (Site Plan #820060050) is currently seeking approval for a general office building. Directly to the west is the Wellness Center (81998010A) currently being operated by the Maharishi, including office, private educational facilities and a clinic. A five-foot tall existing masonry wall exists along the south side of Edson Lane with openings to allow for vehicular circulation into the subject and adjacent properties.



PROJECT DESCRIPTION: Site Description

The site is located at 5420 Edson Lane and is currently occupied by a 2-story, detached residence approximately 40 feet from the Edson Lane right-of-way. The property is accessed by a gravel driveway from Edson Lane. Overhead utilities exist along the Edson Lane property frontage. A number of large and specimen trees are situated primarily along the eastern property line with a dense stand of bamboo on the southern boundary that spills over from the adjacent site to the west. The property falls in grade from south to north by approximately five feet.

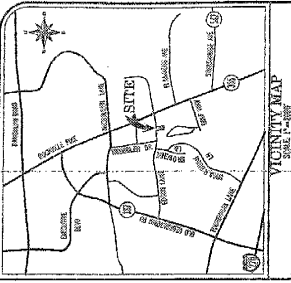


PROJECT DESCRIPTION: Proposal

The proposed development consists of a two-story building, including an office and private educational facility on the first floor and within the basement, and four tourist home units on the second floor. A tourist home is classified as “dwelling in which, for compensation, lodging or lodging and meals are provided or offered to not more than 12 transient guests. A tourist home shall not be deemed a home occupation.”

The proposal indicates that the proposed building will be enclosed by a 42” wood rail fence on top of and existing retaining wall. A decorative water feature is proposed within the enclosure.

The proposed vehicular access is similar to the existing circulation with a 10-foot-wide, one-way driveway on the eastern perimeter, leading to a surface parking lot in the rear of the site accommodating 22 parking spaces. A driveway connection is being made to the existing Vedic Center on the adjacent lot. A 5-foot-wide sidewalk is proposed on the southern and western perimeter between the parking area and enclosure with a connection to the proposed 5-foot-wide sidewalk parallel to Edson Lane.

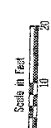
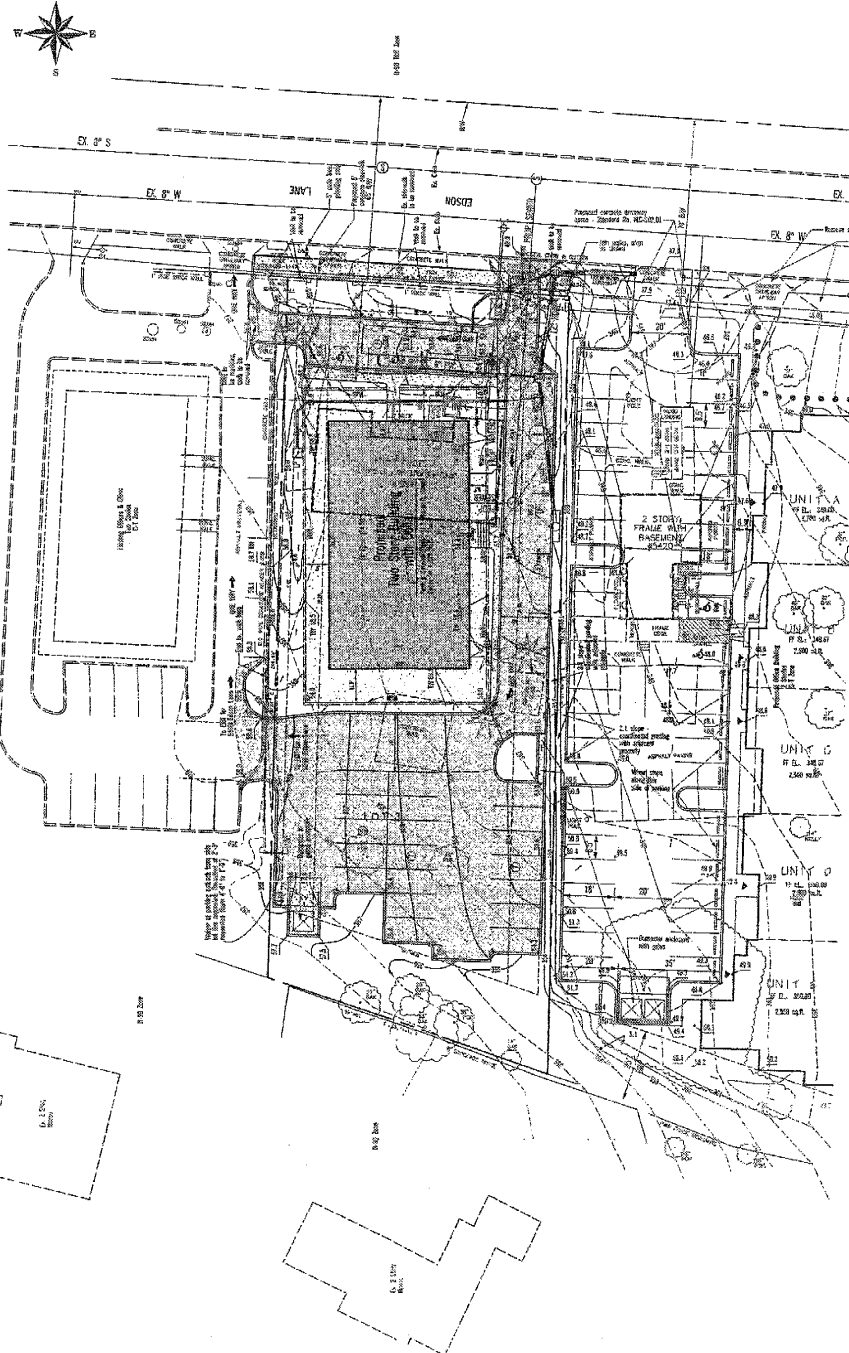


General Notes

1. The subject property is bounded by the following:
 - Lot 3 Block A, Edson Lane Extension - "As Shown", 1988.
 - Block 1, Edson Lane Extension - "As Shown", 1988.
 - Unimproved utility and surface features data indicated on this site plan.
 - Block 11, Edson Lane Extension - "As Shown", 1988.
 - Montgomery County Chapter 22A Forest Conservation requirements.
2. Parcel number: 11-4-0800000.

SITE DATA

1. Zoning: Commercial (C-1)
2. Gross Tract Area: 24,958 sq. ft. (0.57 ac.)
3. Net Tract Area: 12,500 sq. ft. (0.29 ac.)
4. Gross Area Available: 12,500 sq. ft. (0.29 ac.)
5. Proposed Area: 12,500 sq. ft. (0.29 ac.)
6. Lot Coverage: 50%
7. Parking: 27 spaces, as follows:
 - 15 spaces for 1,400 sq. ft. of retail
 - 12 spaces for 1,400 sq. ft. of office
8. Parking: 15 spaces, as follows:
 - 12 spaces for 1,400 sq. ft. of retail
 - 3 spaces for 1,400 sq. ft. of office



Scale: 1" = 20'
Sheet: 1 of 1
Date: 7/20/2006
Project: 1555

SITE PLAN
5500 EDSON LANE / PEACE PALACE
 LOT 3, BLOCK A, EDSON LANE EXTENSION - 4825
 ROCKVILLE ELECTION DISTRICT #4
 MONTGOMERY COUNTY, MARYLAND

OWNER:
 Global County of World Peace
 6011200 Hillside Road
 Rockville, MD 20855
 Attn: Jeffrey Robinson

THE SITE SOLUTIONS, INC.
 15550 Civic Center Blvd Suite 100
 Gaithersburg, Maryland 20878-1000
 (301) 281-2000 Fax (301) 281-7200
 www.site-solutions.com

DEVELOPER'S CERTIFICATION
 I, the undersigned, certify that I am the owner of the property described in the above plat and that the information provided on this plat is true and correct to the best of my knowledge and belief.

PROJECT DESCRIPTION: Prior Approvals

The property is currently Lot 3, Block A of Edson Lane Estates and recorded in the land records as Plat No. 4325.

ANALYSIS: Conformance to Development Standards

SITE PLAN DATA TABLE (C-T Zone)

Proposed Use: 4,800 square feet of General Office, School for 20 students, and 8 Tourist Home units
 Lot Size: 25,908 square feet

	Zoning Ordinance Development Standard	Proposed for Approval
Min. Tract Area (sf.):	0	25,908
Max. Density of Development (sf.):	12,954	12,694
Max. Floor Area Ratio (FAR):	0.50	0.49
Min. Building Setbacks (ft.)		
from street (Edson Lane)	10	37
rear yard	15	120
side yard (west)	15	18
side yard (east)	15	31
Lot Width (ft.):	100	100
Max. Building Coverage (%):	35	17
	(9,068 sf)	(4,323 sf)
Min. Green Area (%):	10	44
	(2,591 sf)	(11,140 sf)
Max. Building Height (ft.):	35	28
		(as measured from Edson Lane)
Parking Spaces		
General Office (2.7 sp/1,000 sf)	13	14
School	4	4
Tourist Home (4 units @ 1 sp./room)	<u>4</u>	<u>4</u>
Total Spaces Required:	21	22*

* Per Section 59-C-4.307 of the Zoning Ordinance, one parking space is being placed in an easement for use by the adjacent Wellness Center (SP#81998010A)

ANALYSIS:

Conformance to Master Plan

The North Bethesda/Garrett Park Master Plan does not specifically provide recommendations for this property, however, the master plan does support the existing C-T Zone for properties on the south side of Edson Lane. The Plan supports the transition of uses from the office along Edson Lane and Rockville Pike to the adjacent residential uses. The proposal is in compliance with the

recommendations of the Master Plan's objectives to locate a commercial/transitional use within the C-T Zone.

Local Area Transportation Review

A traffic study was not required to satisfy LATR because the proposed combination of land uses generates less than 30 peak-hour trips during the weekday morning and evening peak hours.

The Applicant has proposed other land use scenarios that would generate less than 30 peak-hour trips during the weekday morning and evening peak hours. Based upon the projected scenarios, a traffic study would not be required to satisfy LATR under the current APF standards. Although these other land use scenarios may generate less than 30 peak-hour trips now, a selected alternative land use scenario must undergo another APF review under the applicable APF standards in place at that time.

Existing Masonry Wall

The existing masonry wall is located on the northern property line and extends to the west along Edson Lane parallel to the three adjacent properties. The neighboring communities, specifically the townhouses and condominiums on the north side of Edson Lane, request that the masonry wall remain to negate lights from the proposed commercial operations, retain the aesthetic appearance, and provide a sense of privacy that currently exists between the residential and commercial properties.

The entire segment of the existing wall is located within the Edson Lane right-of-way. DPS has requested that the wall be removed or decreased in height to accommodate safe sight distance and visibility of vehicles exiting the property. Staff recommends removal of the wall due to safe vehicular sight distance concerns.

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.*

An approved development plan or a project plan is not required for the subject development.

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

The Site Plan meets all of the requirements of the C-T Zone as demonstrated in the project Data Table on page 8.

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.*

- a. Buildings

The proposed rectangular shaped building is located approximately 37 feet from the Edson Lane right-of-way and almost identical in footprint to the adjacent existing Vedic Center on Lot 3. A retaining wall and 42" wood rail fence provides an enclosure of the building for internal privacy and activities associated with the proposed uses. The proposed building coverage equals 17 percent, which is less than the 35 percent permitted for lots greater than 12,000 square feet. The existing masonry wall adjacent to the Edson Lane right-of-way will be removed to accommodate vehicular visibility and safe sight distance.

- b. Open Spaces

Proposed green area equals 44 percent, which is significantly more than the required 10 percent required for the property. The majority of the green area is located primarily on the northern and southern boundaries, as well as within the planting islands and side yards of the property. The area between the proposed building and the enclosure will remain green area.

The proposed stormwater management concept consists of (1) on-site water quality control through the use of a separator sand filter. On-site recharge will not be required since this is considered infill development. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

- c. Landscaping and Lighting

The proposed landscaping on the site consists of a mix of shade and evergreen trees along the rear property line to buffer the parking from the adjacent

residential properties. A 4-foot-wide hedge is proposed on the east side of the proposed parking lot adjacent to the Higgins Estate, currently a one-family detached house. Shade trees are proposed within the 10-foot-wide lawn panel in the Edson Lane right-of-way and within the parking lot islands.

The lighting plan consists of 3-foot-tall bollards to illuminate the parking area and building footprint. The low level lighting will not have any detrimental impact on adjacent residential properties.

d. Recreation

Recreational facilities are not required for commercial projects or for residential developments that are proposing less than 25 dwelling units.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is safe, adequate and efficient.

Vehicular access points are three one-way curb cuts from Edson Lane serving the subject Lot 3 and adjacent Lot 2 with a cross easement described in Recommendation No. 3. For Lot 3, the ingress point is located in the northeastern corner and the common egress point for Lots 2 and 3 are located in the northeastern corner of the adjacent Lot 2. The existing wall on the north side of the site along the Edson lane frontage is to be removed to provide better sight distance from the egress point on adjacent Lot 2.

The internal circulation consists of two one-way drive aisles on the east and south sides of the proposed building. On the east side, a southbound drive aisle along the eastern property line is proposed to connect the one-way Edson Lane ingress point to the parking area located on the south side of the proposed building. On the south side, a westbound drive aisle connects the parking area on the south side of the building to Lot 2's one-way northbound drive aisle and the shared egress point to Edson Lane.

Pedestrian facilities would not be adversely impacted by the proposed redevelopment. A five-foot-wide sidewalk exists along Edson Lane, while the applicant plan shows a lead-in sidewalk from Edson Lane to the main entrance. Two inverted U-shaped bike racks are being provided within 80 feet of the main entrance.

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

The proposed development is compatible with adjacent existing and proposed uses. The location of the proposed building is set back 120 feet from the adjacent residential property, providing a distinction in massing and a sympathetic relationship to the

residential properties. The proposed use to the west is a linear commercial building approximately 35 feet in height. The commercial building to the east is separated by a grove of larger trees and is similar in height and massing and location of the building on the property. The existing and proposed buildings create a transition from the high density uses to the north and east of the site and the one-family residential uses to the south.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The subject property is exempt from the forest conservation requirements by exemption #4-05307E; however, a tree save plan is required for protection of existing trees on the site. The location of the building and parking has eliminated many of the trees on the property.

APPENDICES

- A. Memoranda from agencies
- B. Letters from adjacent property owners
- C. Letters from the Applicant