

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 Amendment**
 CASE #: **81998010A**
 PROJECT NAME: 5504 Edson Lane
 APPLYING FOR: Approval of 7,570 square feet of development including 3,770 square feet of general office use, up to 1,800 square feet of clinic use, and one tourist suite/guest room on 0.53 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, 600 feet west of the intersection with Rockville Pike
 MASTER PLAN: North Bethesda/Garrett Park Master Plan
 APPLICANT: Maharishi Global Administration through Natural Law
 FILING DATE: September 20, 2005
 HEARING DATE: April 20, 2006

STAFF RECOMMENDATION: Approval of Site Plan Amendment 81998010A to modify the internal uses to include 3,770 square feet of general office use, up to 1,800 square feet of clinic use, and one tourist home unit on 0.53 acres. All site development elements as shown on 5504 Edson Lane plans stamped by the M-NCPPC on March 27, 2006, shall be required except as modified by the following conditions:

1. Site Plan Conformance

The proposed development shall comply with the conditions of approval for Site Plan 819980100 as listed in the Planning Board opinion dated January 12, 1998 [Appendix A], except as modified by the following conditions.

2. Land Use
The tourist home unit may only be used by those individuals that also are using or are affiliated with the Peace Palace facility. The tourist home unit is not to be rented or made available to the general public.
3. Site Plan Amendments
Any change to the land use categories of office, clinic or tourist home unit shall be required to submit an application for amendment to the approved site plan.
4. Pedestrian Circulation
 - a. Provide a five-foot-wide sidewalk and 5-foot-wide lawn panel along the Edson Lane property frontage.
 - b. Provide a four-foot-wide walkway between the subject site and the adjacent Lot 3.
5. Transportation
The applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated March 6, 2006 [Appendix B]:
 - 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. Update the Parking Reduction Agreement signed in 1998 to reflect the revised land uses above. Enter into this updated Parking Reduction Agreement with the DPWT and the Planning Board to participate in the North Bethesda Transportation Management Organization.
 - c. Enter into an access easement agreement for a cross easement between the applicant of the subject Lot 2 and the adjacent Lot 3.
 - d. Provide 2 inverted U-bike racks within 50 feet of the main entrance given the sites proximity to the North Bethesda Trail.
6. Stormwater Management
The proposed development is subject to Stormwater Management Concept approval conditions dated October 30, 1997 [Appendix B].
7. 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 planting 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. The Traffic Mitigation Agreement shall be executed prior to certified site plan approval.
 - d. The cross easement between the Applicant of the subject Lot 2 and the owners of adjacent Lot 3 shall be executed prior to release of the building permit.
 - e. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
 - f. Phasing of stormwater management, sediment/erosion control, tree save, community paths, trip mitigation or other features.
8. Clearing and Grading
No clearing or grading prior to M-NCPPC approval of certified site plans.

9. Certified Site Plan

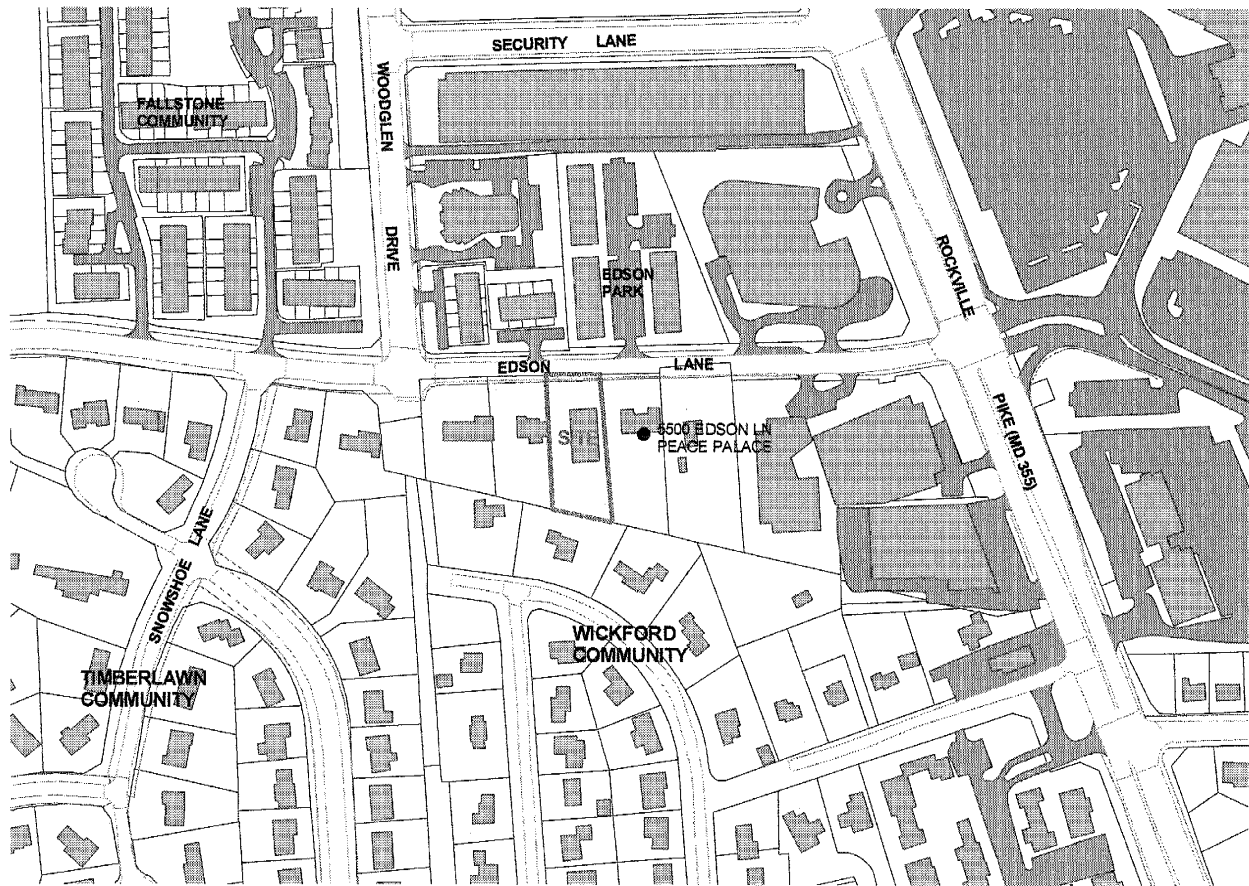
Prior to approval of certified site plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, revised development standards, inspection schedule, and Site Plan Opinion.
- b. Limits of disturbance.
- c. Methods and locations of tree protection.
- d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.

PROJECT DESCRIPTION: Site Vicinity

The subject property is located on the south side of Edson Lane, approximately 700 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 3-story townhouse community and a separate 4-story residential condo building (Edson Park). A 12-story office building sits as a backdrop to the condo building further north on the Pike. A 7-story office building is located further east of the existing lots, approximately 200 feet from the property line, and is zoned C-1.

Directly to the west of the site is a 2-story one-family detached dwelling with access to Edson Lane. Further west is a path connection between the communities of Wickford Estates and Timberlawn, starting to the south of the intersection with Edson Lane and Woodglen Drive. Zoning for these communities is R-90 and R-200 respectively. The adjacent lot (Site Plan #820060060) to the east is currently seeking approval for office, tourist homes and a private educational institution for students. 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 subject property is located in North Bethesda and on the south side of Edson Lane near the intersection with Woodglen Drive. The 23,270-square-foot property is a recorded lot (Lot 2, Block A of Plat No. 153, page 54) of Edson Estates. The site contains mature trees in the rear yard and there is a stand of dense bamboo separating the residentially zoned properties to the southwest. The property varies in grade by approximately 4 feet from west to east. The property contains a 2-story rectangular-shaped building, owned and operated by the Maharishi Vedic Medical Center/Educational Institution, also known as the "Wellness Center". The center provides counseling and educational classes and includes professional offices in concert with the existing use. Access is a one-way circular drive into the site from Edson Lane from the east side of the building and exiting on the west side of the building. A surface parking facility is located to the rear of the building and accommodates approximately 13 spaces.



PROJECT DESCRIPTION: Proposal

The Applicant proposes to amend the approved site plan to modify the internal uses from 5,920 square feet of office space and 2,000 square feet of clinic space to include 3,770 square feet of office, 1,800 square feet of clinic space and one tourist home unit, that is internal to the existing building. The overall development remains at 7,920 square feet. In addition to the modification of the internal uses, the application is providing two internal driveway connections to the adjacent property (5500 Edson Lane, SP#820060060) on the northeast and southwest sides of the existing building.

PROJECT DESCRIPTION: Prior Approvals

The property is currently Lot 2, 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)

Existing Use: General Office, Clinic Space
 Proposed Use: 3,770 square feet of General Office
 1,800 square feet of Clinic Space
 1 Tourist Home
 Lot Size: 23,270 square feet

| | Zoning Ordinance Development Standard | Proposed for Approval |
|---|--|--|
| Min. Tract Area (sf.): | 0 | 23,270 |
| Max. Density of Development (sf.): | 11,635 | 7,570 |
| Max. Floor Area Ratio (FAR): | 0.50 | 0.33 |
| Min. Building Setbacks (ft.) (Building is existing and not proposed to expand) | | |
| from street (Edson Lane) | 10 | 43 |
| rear yard | 15 | 87 |
| side yard (east) | 15 | 34 |
| side yard (west) | 15 | 22 |
| Max. Building Coverage (%): | 35 (8,145 sf) | 16 (3,785 sf) |
| Min. Green Area (%): | 10 (2,327 sf) | 44 (10,239 sf) |
| Max. Building Height (ft.): | 35 | 28 (as measured from the front of the base of the building) |
| Parking Spaces | | |
| General Office 2.7 sp/1,000 sf) | 11 | 10 Includes 2 HC spaces |
| Clinic (5 sp./1,000 sf. @ 1,800 sf) | 9 | 9 |
| Tourist Home (1 suites @ 1 sp./room) | <u>1</u> | <u>1</u> |
| Total Spaces Required: | 21 | Provided: 20* |

*Per Sec. 59-C-4.307, Parking spaces can be located on another C-T Zoned property. The proposal includes one off-site parking space on the adjacent site in an easement. (SP#820060060)

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 uses 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

The subject site plan is being amended to provide cross easements between the subject Lot 2 and adjacent Lot 3 both in the C-T zone. The APF review is based on the land uses on Lot 2 that is controlled by the board of directors for the non-profit "Maharishi Global Administration through Natural Law." In accordance with the *Local Area Transportation Review Guidelines (LATR)*, the adjacent Lot 3 is not considered to be in common ownership because a different board of directors to the non-profit "Global Country of World Peace" controls Lot 3.

A traffic study is not required to satisfy LATR because this proposed land use generates less than 30 peak-hour trips during the weekday morning and evening peak hours.

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 on the south side of 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 is recommending that the wall be removed.

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.*

Neither an approved development plan nor a project plan are 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 7.

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 and Structures

The existing 2-story rectangular shaped building is located approximately 43 feet from the Edson Lane right-of-way and is almost identical in footprint to the adjacent proposed application on Lot 3. A fenced enclosure of the building currently exists for internal privacy and activities associated with the proposed uses. The existing building coverage equals 16 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. No changes are being made to the external segments of the building. The modifications include a change in the land use to decrease the amount of office and clinic space and add one tourist home.

- b. Open Spaces

Proposed green area equals 44 percent, which is significantly more than the 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 and recharge control via grass swales, dry swales, a modified dry swale, drywells and a surface sand filter. 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

No additional internal landscaping or lighting is proposed with this application. The Applicant is proposing to plant 2.5-3" caliper shade trees within the 10-foot-wide lawn panel in the Edson Lane right-of-way.

d. Recreation

Recreation facilities are not being provided with this application and are not required for commercial properties or applications providing 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 2 and adjacent Lot 3 with a proposed cross easement to provide for an internal ingress point located in the northwestern corner of lot 2 and the common egress point for Lots 2 and 3 located in the northeastern corner of the adjacent Lot 2.

A four-foot-wide pedestrian connection is being made to the adjacent property to the east in front of both buildings. In addition to the internal pathway, the application proposes to relocate the 5-foot-wide sidewalk within the Edson Lane right-of-way for continuous pedestrian circulation in front of the subject site and the two adjoining properties to the east.

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 existing office building is set back from the adjacent residential property by approximately 90 feet and provides for a transition from the high intensity developments to the northeast and a distinction in massing and sympathetic relationship to the residential properties 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 #4-05308E. The property has no impact to existing trees due to the internal modification and 20-foot-wide connection to the adjacent property.

APPENDICES

- A. Planning Board opinion for Site Plan 819980100.
- B. Memoranda from agencies

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- B. Memoranda from agencies
- C. Letters