

APPENDIX A

Date of Mailing: April 7, 1998



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD
OPINION

Site Plan Review: No. 8-98010
Project: Wellness Center
Date of Hearing: January 22, 1998

Action: APPROVAL SUBJECT TO CONDITIONS. Motion was made by Commissioner Bryant, seconded by Commissioner Richardson, with a vote of 5 to 0; Commissioners Baptiste, Bryant, Holmes, Hussmann and Richardson voting for.

PROJECT BACKGROUND

On October 23, 1997, TriCapital Corporation ("Applicant") filed the subject Site Plan review application as required for new construction in the Commercial Transitional Zone ("C-T Zone") pursuant to Montgomery County Code Section 59-C-4.309. On January 22, 1998, Site Plan Review No. 8-98010 was brought before the Montgomery County Planning Board ("Planning Board") for a public hearing. At the public hearing, which was duly noticed, the Planning Board heard testimony and received evidence submitted into the record on the application. In presenting the application to the Planning Board, the Board's expert technical staff ("Staff") prepared packets of information including a Staff report and analysis of the proposal, plan drawings, a vicinity map, the Applicant's description of future users of the property and correspondence from the community. Staff distributed the packets to the Planning Board and they are part of the record.

The subject property is located in North Bethesda on the south side of Edson Lane, approximately 700 feet west of Rockville Pike (MD 355). The site is a recorded lot, identified as Lot 2 of Block A. The 23,270-square-foot property contains an existing detached house which is set back from the street approximately 55 feet. The site is partially wooded, with mature trees in the rear yard and a stand of dense bamboo in the southwestern corner. Sections of brick walls with piers are located along the front property line. The topography slopes down about four feet from the west toward the east.

The primary use will be the Maharishi Vedic Medical Center/Educational Institution, a "wellness center", which will provide counseling and educational sessions on non-drug approaches to the treatment and prevention of disease, nutrition, stress management, and transcendental meditation. There will be 7-8 employees on site at one time and the sessions will have 1-7 attendees, although the building will be able to accommodate more. The building will also accommodate other general office uses, primarily professional.

The proposal consists of the removal of the existing house and the construction of a two-story, 7,920-square-foot building and 21 parking spaces. The new building will contain 5,320 square feet of office space and 2,000 square feet of clinic space. Using the existing two access

EXB

Wellness Center
Site Plan No. 8-98010
Page Two

driveways off Edson Lane, the plan proposes a one-way vehicular circulation pattern. The main parking area will be located behind the building, with additional parking along the east property line. Walkways will connect the parking areas and the main building entrance. The brick walls and sidewalk will be retained and three street trees will be provided along Edson Lane. The parking area will be lit by wall-mounted lighting near the building and bollard lighting along the southern edge. The lights will be no higher than four feet. The stormwater management concept consists of an underground sandfilter for on-site water quality control, a waiver of water quantity control, and payment of a stormwater management contribution. Landscaping will include the planting of continuous evergreen trees along the east, west and southeastern property lines. The bamboo and existing mature trees in the southwestern corner of the site will be retained. The Applicant has requested a 15% parking credit (4 parking spaces) in exchange for his participation in the North Bethesda Share-A-Ride District.

The site is surrounded by a three-story townhouse development to the northwest (currently under construction), a proposed four-story apartment development to the northeast (which has received preliminary plan approval from the Planning Board), and single-family detached houses to the east, south and west. Properties adjoining the site to the south are part of the Wickford Community and are zoned R-90. Mid-rise office buildings (6-story and 12-story) with associated parking garages are located approximately 200 feet east of the site on both sides of Edson Lane.

The subject site is located within the area covered by the 1992 North Bethesda/Garrett Park Master Plan ("Master Plan"). It is the middle lot of five lots located on the south side of Edson Lane between Woodglen Drive and Rockville Pike. For these lots, the Master Plan recommended the retention of R-90 zoning, with designation of C-T zoning on a lot-by-lot basis in order to provide a suitable transition from the commercial developments to the northeast to the single-family detached housing to the south. The Master Plan also recommends against assemblage or subdivision of the five lots. Additionally, the Master Plan recommends that the Site Plan approval process give particular attention to achieving compatibility with the adjacent Wickford subdivision.

The North Bethesda/Garrett Park Master Plan recommends the following:

This plan encourages the assembly and unified development of the properties presently zoned R-90 north of Edson Lane. The Plan also recommends that redevelopment at this location have a transition in height descending from the north and east towards the south and west in order to be compatible with existing development in the area.

In November 1993, the Montgomery County Council approved a Sectional Map Amendment rezoning all five of the lots to the C-T Zone. The purpose of the C-T Zone is "to provide sites for low-intensity commercial buildings which, singly or in groups, will provide an appropriate transition between one-family residential areas and high-intensity commercial development." Montgomery County Zoning Ordinance Chapter 59-C-4.301. The intent of the C-T Zone is to allow low-intensity commercial buildings that will provide appropriate transition between high-intensity commercial developments and single-family residential areas. Of the five lots, only the lot closest to Rockville

Wellness Center
Site Plan No. 8-98010
Page Three

Plot has been converted from residential to commercial use. The adjacent properties to the west and east of the site may be developed as commercial uses in the future.

DISCUSSION OF ISSUES

At the public hearing, the Planning Board considered several specific issues that were raised concerning the subject Site Plan and, in particular, considered the compatibility of the proposed commercial building with the existing adjacent single-family detached houses.

Site Plan Approval Criteria

In order to approve a Site Plan pursuant to Section 59-D-3 of the Montgomery County Zoning Ordinance, the Planning Board must find that:

1. The Site Plan is consistent with an approved development plan or a project plan for the optional method of development, if required;
2. The Site Plan meets all of the requirements of the zone in which it is located;
3. Each structure and use is compatible with other uses and other site plans and existing and proposed adjacent development;
4. The Site Plan meets all applicable requirements of Chapter 22A regarding Forest Conservation; and
5. The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities and the pedestrian and vehicular circulation systems are adequate, safe and efficient.

Conformance to General Site Plan Approval Criteria

Staff submitted a report to the Planning Board which addressed the conformance of the subject Site Plan to the general approval criteria. The report notes that, because the property is a recorded lot, preliminary plan approval is not required for the proposed development. The report includes a comparison of the Site Plan to the C-T Zone development standards and a detailed review of the location of buildings, open space, landscaping and circulation. The report also notes that recreation facilities are not required for commercial developments. In addition, the proposed development is exempt from Forest Conservation requirements because the site is less than one acre in size and the proposed activity will not result in the clearing of more than 30,000 square feet of existing forest. A traffic impact study is not required because the proposed development will generate fewer than 50 total peak-hour trips. Staff found that the Site Plan met all applicable standards and regulations and recommended approval of the Site Plan with conditions.

Wellness Center
Site Plan No. 8-98010
Page Four

The Applicant agreed with Staff's recommendations for approval with conditions. Two adjoining neighbors supported the Site Plan. Several other neighboring property owners and the Wickford Community Association ("WCA") opposed the Site Plan and expressed concerns about compatibility of building size, location and design, use, traffic, parking, operation hours, screening of adjoining properties and loss of trees, discussed in greater detail below.

Compatibility

Staff recommended to the Planning Board, in its testimony on the record and in its report, that the proposed development is compatible with the surrounding neighborhood with regard to building size, height, location, parking and landscaping. The proposed development will provide a transition between the high-intensity commercial developments to the northeast and the single-family detached houses to the south.

The proposal initially included a three-story, 10,450-square-foot building, with a 3,550-square-foot basement and 36 parking spaces. The proposed building was located 60 feet from the residential properties to the south and 4 feet from the adjacent property to the west. To address the concerns of the neighboring property owners, the Applicant revised the plans and submitted an amended proposal for a two-story, 7,920-square-foot building, with 21 parking spaces and no cellar. The Applicant also moved the building further away from the adjacent houses, with setbacks that are 88-100 feet from the south property line, 22 feet from the west property line and 34 feet from the east property line.

In Staff's opinion, these changes improved the transition between the high-intensity developments to the north and east and the single-family residences to the south. The substantially reduced building size, bulk, height, and amount of parking also minimized the impact on adjacent residences. The revisions achieved an approximately 40% reduction in building height. The two-story building height furthers the transition between the twelve- and six-story buildings to the north and east to the three- and four-story buildings to the north and the one-story houses to the south. Staff further advised the Board that the proposed building size is approximately 68% of the maximum building area permitted for the site. The revised building location minimizes the impact of the building on the adjacent houses and creates a front setback that is more compatible with existing and future development along Edson Lane. The 40% reduction in parking allows deeper setbacks and creates more green space between the parking area and the adjacent houses, with depth varying from 25 to 45 feet. Regarding landscaping, the plans include 8,140 square feet of green space. A continuous row of evergreen trees will be provided along the east and west property lines to screen the adjoining properties. The existing bamboo, supplemented with evergreen trees, will provide screening along the south property line. The low lighting along the edge of the parking area will also minimize any impact of the parking lot on the adjacent residences.

The Applicant testified as to the "extreme" plan modifications that were made in an effort to satisfy the desires and recommendations of the adjoining property owners and the Wickford Community Association ("WCA"). The revised building height and size are significantly less than