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the allowances of the C-T Zone. The setbacks far exceed the minimum requirements of the C-T Zone. (See Attachment One incorporated by reference.) The building has been reduced in size from a three-story building with cellar to a two-story building without basement. The parking has been reduced and the parking setbacks have been increased. The building has been relocated closer to Edson Lane. The lighting has been redesigned, with 4-foot poles instead of 12-foot poles. The Applicant also noted the screening that will be accomplished by the existing very tall bamboo and the addition of evergreens. The Applicant further testified that he has complied with the Master Plan and the C-T zoning. The property is zoned commercial-transitional in accordance with its location between the office buildings along Rockville Pike and the residential neighborhood to the south and west. The proposed use is permitted by right under the C-T zoning.

The owners of the properties located directly east and west of the subject property submitted correspondence in support of the Site Plan, noting the proposal's compatibility as to size and use. These neighbors noted their appreciation for the "major efforts" taken by the Applicant to address the concerns of the neighborhood. They also felt that the proposal is consistent with the Master Plan and that the size and use of the proposed building are compatible with the existing surroundings.

Through written and oral testimony, several other neighboring property owners opposed the Site Plan. The WCA testified that the proposal is not consistent with the neighborhood. The community has a long-standing position against commercial buildings along its borders. The WCA does not believe that any commercial building can achieve "maximum compatibility" with the quiet residential neighborhood. Unlike the C-T conversion of the Edson Lane property closest to Rockville Pike, which retained the original residential building and adapted it to a commercial use, the WCA is concerned about the precedent that would be set by allowing the removal of an existing house and its replacement with a commercial building. Referring to the original development plan, the WCA expressed concerns about the large building footprint, the location of the building on the site, traffic, the hours of operation, the amount of parking, lighting, the location of the trash storage area and the removal of trees. The WCA requested the Applicant to reduce further the number of parking spaces, limit the floor area to two floors above grade, further reduce the building height, and locate the building closer to Edson Lane.

Other neighboring property owners testified as to their concerns about the compatibility of the proposed use, building size, amount of parking, increased traffic on Edson Lane, light coming from the cupola, hours of operation, screening and increased runoff. The neighbors repeatedly stated their expectation that the conversion of the site to commercial use would include retaining the residential character of the original house. One neighbor asked the Planning Board to consider Section 59-D-3.4 of the Zoning Ordinance, approved in November 1997, which requires the Site Plan to achieve a maximum of compatibility, safety, efficiency and attractiveness and which states that compliance with all of the general regulations and development standards of the zone is not sufficient in itself to show compatibility. She argued that the proposed Site Plan does not achieve a maximum of compatibility because the existing house will be removed and replaced with a commercial building and paved area that are much larger than the existing houses in the Wickford

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subdivision. The neighbors referred to the Master Plan recommendation that particular attention should be given to achieving compatibility with the adjacent Wickford subdivision during the Site Plan approval process. The neighbors also argued that the amount of parking should be gradually reduced for each lot as one moves away from Rockville Pike and the properties become more residential. The adjoining neighbor to the south expressed concern that the cupola will look like a lighthouse and requested that all lights be turned off at night. He also is concerned that the bamboo screen may not last and the headlights of cars moving around on the subject property will shine directly at his house. Finally, he stated his concern that the increased amount of pavement will increase runoff from the site.

In rebuttal, the Applicant reminded the Planning Board and the neighbors that the Montgomery County Council made a decision as to the appropriateness of commercial use on the site several years ago when it rezoned the property C-T. He also reminded the Planning Board that the neighbors currently have a view of the six- and twelve-story office buildings. The Applicant noted that the Master Plan does not recommend that the existing building should be retained, nor is it a requirement in the Zoning Ordinance. Finally, the Applicant reiterated his attempts to address the neighbors' concerns by making extensive reductions to the site and intensity of the proposed Site Plan.

In response to questions from the Planning Board, legal staff advised that Section 59-D-3.4 of the Montgomery County Zoning Ordinance (Site Plan Approval Procedures) requires the Planning Board to find that the proposed Site Plan achieves maximum compatibility with existing and proposed development in the surrounding community as to setbacks, height and other development standards. Legal staff also explained that the C-T zoning does not restrict the Applicant's use of the site to the existing improvements, but entitles him to seek as much development as is authorized under the C-T Zone. The Planning Board must then determine whether the proposed development is compatible with the surrounding community.

The Planning Board shares the concerns of the neighbors regarding compatibility of the proposed commercial development with the surrounding single-family residences. However, the Planning Board finds that the Applicant already has made substantial changes to the Site Plan to address these concerns and is willing to explore further modifications, such as adding a fence along the rear of the property and taking measures to limit light from the cupola. The Planning Board is also concerned that some members of the community have been under the misconception that the C-T zoning means that the look of the existing house will not change. The Planning Board notes that the C-T Zone was never intended to limit the redevelopment of the site to the existing building. The recommendations in the Master Plan and the subsequent rezoning of the site were debated extensively before the Planning Board and the County Council. To protect the Wickford subdivision, the County Council rezoned the property to the C-T Zone, but limited the size of any new building by prohibiting the assemblage of the five lots along Edson Lane.

#### FINDINGS

After consideration of the Staff report and the testimony of Staff, the Applicant, neighboring property owners and the WCA, the Planning Board finds that the Site Plan meets all of the requirements of the C-T Zone. The Planning Board further finds that the building location, open spaces, landscaping and vehicular and pedestrian circulation are adequate, safe and efficient for the development and proposed intensity of use. Additionally, the proposed development is exempt from the forest conservation requirements of Chapter 22A, and that the stormwater management plan and the conditions of the stormwater management concept approval are adequate.

The Planning Board finds that the C-T Zone is a commercial zone that allows the proposed uses. The Site Plan is in accordance with all of the development standards for the C-T Zone. In addition, the proposed lot coverage is half that of most residential neighborhoods and the height is lower than many residences. The Board further finds that the proposed building is handsomely designed, mirrors the look of a residence, and is more compatible with the adjoining neighborhood than if it retained the residential facade of the existing building but altered the appearance of the other sides of the building (facing the single-family homes) with additions, fire escapes and pavement.

The Board also finds that the Applicant has reduced the size of the building and minimized any impact on the Wickford subdivision, and that the proposed building will achieve an appropriate transition in height, size and impact between the office buildings, apartment house and townhouses to the north and east of the site and the detached single-family houses to the south. The Planning Board finds that the proposed development fully meets the requirements of the C-T Zone. The Board further finds that the two-story height of the building, its location toward the front of the site, the large setbacks, the reduced number of parking spaces and the additional landscaping to be provided along the property lines, results in a site plan that is fully in accordance with the Master Plan and is compatible with surrounding development, both existing and proposed.

The Board also finds that the building size and height, the parking setback, and the lot coverage, are substantially less than permitted in the zone. The Board finds that the green space and setbacks are substantially greater than required in the C-T Zone. Based on these standards, the Board finds the project meets the purposes of the zone and achieves maximum compatibility with the adjoining properties.

#### CONCLUSION

Based on the testimony and evidence presented and on the Staff report (with modifications to the conditions hereby adopted by the Planning Board), which is made a part hereof, its

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Montgomery County Planning Board:

APPROVES Site Plan Review No. 8-98010, which consists of 7,920-square-foot office/clinic building and associated parking, subject to the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A.

2. Prior to execution of the Site Plan Enforcement Agreement for the subject development, the Applicant shall enter into a Parking Reduction Agreement with the Planning Board and County. The Parking Reduction Agreement shall be consistent with the provisions of Section 59-E-3.31(a)(1)-(2) of the Zoning Ordinance for a 15% credit for participating in the North Bethesda Share-a-Ride District, as established under Chapter 42A, Ride Sharing and Transportation District. In accordance with Chapter 42A, the Parking Reduction Agreement shall include the following:

- a. Appointing an employee Transportation Coordinator to promote the program to employees.
- b. Providing reserved car pool parking.
- c. Making an annual payment for the basic ridesharing services of \$0.15 for each \$100 of assessed real property value (based on the subject site location in the Share-a-Ride District).
- d. Submitting semiannual reports to the County that the above requirements are being met.

Attachment

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