

MEMORANDUM



DATE: June 23, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Supervisor *CC*
Development Review Division

FROM: Richard A. Weaver, Coordinator (301) 495-4544 *RW*
Development Review Division

REVIEW TYPE: Revision to Preliminary Plan Conditions

APPLYING FOR: Approval of 13,150 square feet of general office space on an existing recorded lot.

PROJECT NAME: 5420 Edson Lane (Higgins Estate)

CASE #: 11996015A (1-96015A)

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: C-T

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: Edson Land Associates. L.L.C.

ENGINEER: Site Solutions, Inc.

FILING DATE: August 17, 2005

HEARING DATE: June 29, 2006

STAFF RECOMMENDATION: Approval to revise previous conditions of approval as specified below:

- 1) Approval under this preliminary plan is limited to a maximum of 13,150 square feet of general office space.
- 2) Prior to release of building permits, the applicant shall fully execute a Traffic Mitigation Agreement with MCDPWT and the Planning Board to participate in the North Bethesda Transportation Management Organization.
- 3) The applicant shall amend the original Adequate Public Facilities Agreement to reflect the land uses specified in Condition Number 1.
- 4) Applicant is bound to the protection measures as shown on the approved Tree Save Plan dated June 13, 2006. Applicant must comply with the following conditions of the Tree Save Plan prior to any demolition, clearing or grading of the site:
 - a. At the time of the pre-construction meeting, the MNCPPC Enforcement Staff will inspect the trees along the limits of disturbance and determine which tree(s) will need to be removed. Particular attention needs to be given to trees #12, 14, 17, 21, 24, 26 and 33 as shown on the Tree Save Plan.
 - b. All tree removal, as well as stress reduction measures for saved trees on the adjacent Brit-Beco property, shall be done at the Applicant's expense, under an ISA arborist's direct supervision.
- 5) Compliance with the conditions of approval of the MCDPS stormwater management approval dated June 29, 2005.
- 6) Compliance with conditions of MCDPWT letter dated February 23, 2006, unless otherwise amended.
- 7) Show location of bike lockers or approved bike racks at the time of site plan.
- 8) Final approval of the location of building, on-site parking, site circulation and sidewalks will be determined at site plan.
- 9) A landscape and lighting plan must be submitted as part of the site plan application for review and approval.
- 10) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 11) Other necessary easements

SITE DESCRIPTION:

The subject property is zoned Commercial Transitional (C-T) and is located on the south side of Edson Lane, approximately 500 feet west of the intersection with Rockville Pike (MD 355) (Attachment A). A single family home occupying the site was the subject of a preliminary plan review in 1996 to utilize the house for 2,080 square feet of office space. The property was platted in 1997 and is known as, "The Higgins Estate, Lot 18".

To the north of the site is an existing 12-story office building with two levels of open deck parking and a PD-11 (Planned Development) Zone with a 132-unit townhouse development. The Wickford subdivision, zoned R-90, is located to the south of the project. To the east, along Rockville Pike, is a seven story office building with structured

residence presently being used as office space is located to the west of the subject property. This property is the subject of a site plan seeking approval for office space and transient tourist residential uses

The property has many specimen trees as does the adjacent Brit-Beco building to the east. There are no other significant environmental features on the site.

PROJECT DESCRIPTION:

The application requests approval for a 13,150 square foot townhouse office building under a condominium regime on a single lot. (Attachment B) The building will be located on the eastern portion of the rectangularly shaped lot. Access to the site is via a driveway from Edson Lane that leads into a 47 space parking lot. The building is proposed to be two stories and must not exceed the 35 foot height limitation in the C-T zone.

The building is to be located on the eastern side of the property because of the transitional nature location of this property. The adjacent seven-story Brit-Beco building to the east of the subject property is a fairly sharp demarcation line to the semi-residential uses to the west and south along Edson Lane. The Brit-Beco building is more in character with the intensive office uses that line Rockville Pike. In staff's opinion the building on the subject property is better located up against the common boundary with the Brit-Beco building than along the western border where perhaps it would conflict with the less intensive uses that transition away from Rockville Pike to the west and south.

ANALYSIS

North Bethesda-Garrett Park Master Plan

The Community-Based Planning staff has reviewed the above referenced Site Plan for conformance with the *North Bethesda/Garrett Park Master Plan* (1992). The subject property is located on Edson Lane, west of the intersection of Rockville Pike/MD-355 and Edson Lane (south of the White Flint Sector Plan Area). Community-Based Planning recommends approval of the Preliminary and Site Plan and has recommended conditions as part of the site plan recommendations to ensure consistency with the approved 1992 Master Plan.

Although no specific recommendations are made for this property, the Master Plan does confirm the C-T zone and supports the proposed use on the south side of Edson Lane. The Plan supports a transition of uses from the *office* along Edson Lane and Rockville Pike to the adjacent *residential* areas. The project is in compliance with the recommendations of the *North Bethesda/Garrett Park Master Plan* and meets the Plan's objective to locate a commercial/transitional use in the C-T Zone

Transportation

Site Location and Vehicular Site Access Point

The subject site is located on the south side of Edson Lane between Rockville Pike (MD 355) and Woodglen Drive. The two existing curb cuts into the U-shaped driveway from Edson Lane are to be replaced by a new access point into the parking area along the western side of Lot 18.

Pedestrian and Bicycle Facilities

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 five-foot-wide lead-in sidewalk from Edson Lane to the main entrance. Bicycle racks are required as described in Condition #7 above.

Master-Planned Roadway and Bikeway

In accordance with the *Bethesda/Garrett Park Master Plan*, Edson Lane is designated as a primary residential street, P-6 with a 70-foot right-of-way and a Class III, or on-road bikeway.

Adequate Public Facilities/Local Area Transportation Review

Based on the submitted traffic statement, the proposed 13,150 square feet of general office use is projected to generate the following number of peak-hour trips:

| Proposed Land Use | Square Feet | Site-Generated Peak-Hour Trips within the Weekday Peak Hours | |
|-------------------------|-------------|--|----------------------------------|
| | | Morning (6:30 a.m. to 9:30 a.m.) | Evening (4:00 p.m. to 7:00 p.m.) |
| Proposed General Office | 13,150 | 18 | 29 |
| Existing General Office | - 2,080 | - 3 | - 4 |
| Net Increase | 11,070 | 15 | 25 |

A traffic study was not required to satisfy Local Area Transportation Review because this proposed land use generates less than a total of 30 peak-hour trips during the weekday morning and evening peak hours.

Environmental

There is no forest on this property and it is exempt from Forest Conservation Law as a Small Property, however, a tree save plan was required. There are 17 trees onsite, 3 of which are specimen size. The specimen trees include a 38" white oak in poor condition, and two 42" red oaks in good condition. Due to the nature of the planned development, the only tree on-site that can be saved is an 8" tulip poplar, located in the southeast corner of the property.

A number of offsite trees will be affected by this development. On the BRIT-BECO property, 6 trees will need to be removed, including one specimen sized, 33" tulip poplar in good condition. Another 7 trees, #12, #14, #17, #21, #24, #26, and #33 as shown on the Tree Save Plan, will be significantly affected and may need to be removed. This includes a specimen, 32" tulip poplar in fair condition and a 28" white oak in good condition.

The applicant has proposed root pruning and stress reduction measures to protect the affected trees on the BRIT-BECO property, although access to the Brit-Beco property has not been authorized. One tree (7" tulip poplar in good condition) would also have temporary root protection matting used as a protection measure. However, the 7 trees mentioned above will be left in a weakened state due to their constrained root space between the proposed development and the BRIT-BECO building. Also, the loss of scaffolding roots may leave the trees structurally unstable and hazardous. MNCPPC Development Review Inspector should further evaluate these trees for removal or retention with stress reduction measures at the pre-construction meeting.

Environmental Buffers

The site does not include any streams, wetlands, or floodplains and there are no environmental buffers on the property.

Community Outreach

This application was submitted prior to the requirement for the applicant to hold a pre-submission meeting. However, the applicant has met with the owners of the Brit-Beco building, the adjacent Peace Palace owners, the Edson Park Place Condominium Association, the Wickford Homeowners Association and an abutting property owner. The applicant has been successful in addressing all concerns raised by the majority of these parties including tree protection measures on the Brit-Beco property. The local residents to the south expressed a strong desire to locate the building to the east side of the subject property so that it was up against the Brit-Beco building; again, to transition the the more intense uses towards Rockville Pike.

Staff has received no written correspondence on this file.

CONCLUSION:

The application was reviewed for conformance with the North Bethesda-Garrett Park Master Plan, the Zoning Ordinance and the Subdivision Regulations. In all cases the development as proposed satisfies all requirements outlined in these documents as

discussed in this staff report and shown in Table 1. Therefore, staff recommends approval of the application with the conditions cited above.

ATTACHMENTS:

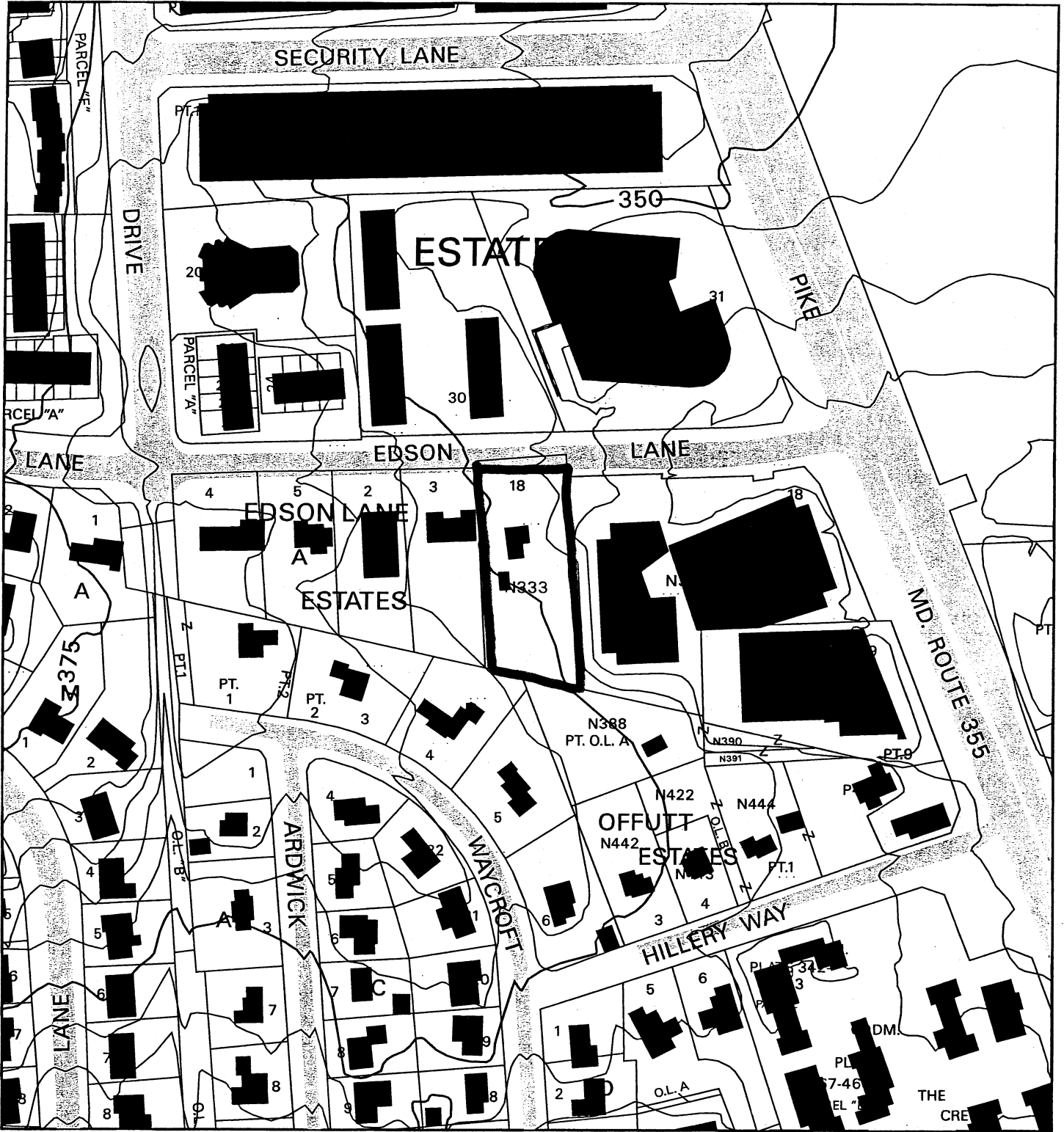
- Attachment A Vicinity Map
- Attachment B Preliminary Plan
- Attachment C Agency Approvals

Preliminary Plan Data Table and Checklist

| Plan Name: 5420 Edson Lane (Higgins Estates) | | | | |
|---|---|--|------------------------------|-------------|
| Plan Number: 11996015A (formerly 1-96015A) | | | | |
| Zoning: C-T | | | | |
| # of Lots: 1 existing | | | | |
| # of Outlots: 0 | | | | |
| Dev. Type: Commercial office | | | | |
| PLAN DATA | Zoning Ordinance Development Standard | Proposed for Approval on the Preliminary Plan | Verified | Date |
| Minimum Lot Area | 12,000 s.f. | 29,574 s.f. | | 6/16/06 |
| Green Space | 10% | 31.5% | | 6/16/06 |
| Setbacks | 10 ft. from M.P. street (Edson Lane) 0 ft. from C-T zone, 15 ft. from Res. Zone | 20 ft. from Edson 0 from C-T zone and 25 from residential zone | | 6/16/06 |
| Height | 35 max. | May not exceed maximum | | 6/16/06 |
| Maximum non-residential FAR allowed by zone | 0.5 | 0.44. shown | | 6/16/06 |
| Site Plan Req'd? | Yes | Yes | | 6/16/06 |
| FINDINGS | | | | |
| SUB. REGS. | | | | |
| Lot frontage on Public Street | Yes | Yes | As per Plan | 6/16/06 |
| Road frontage improvements | Yes | Yes | Transportation memo | 2/23/06 |
| Environmental Guidelines | N/A | N/A | | |
| Forest Conservation | Yes | Yes | Tree Save Plan/memo | 6/13/06 |
| Master Plan Compliance | Yes | Yes | Comm. Based memo | 6/12/06 |
| APF REVIEW | | | | |
| Stormwater Management | Yes | Yes | DPS memo | 6/29/05 |
| Water and Sewer | Yes | Yes | WSSC memo | 1/9/06 |
| Local Area Traffic Review | Yes | Yes | Transportation Planning memo | 5/12/06 |
| Fire and Rescue | Yes | Yes | MCFRS memo | 2/15/06 |

ATTACHMENT A

5420 EDSON LANE (1-96015A) (8-06005)



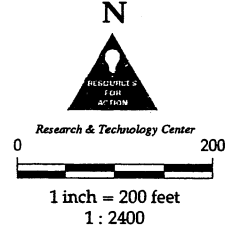
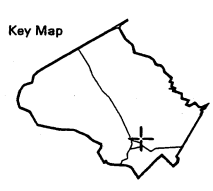
Map compiled on September 19, 2005 at 9:58 AM | Site located on base sheet no - 214NW05

NOTICE

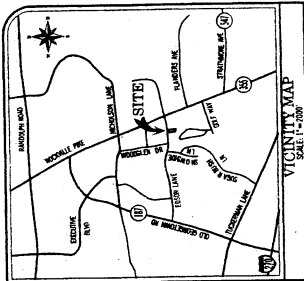
The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland -National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

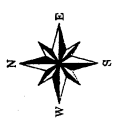
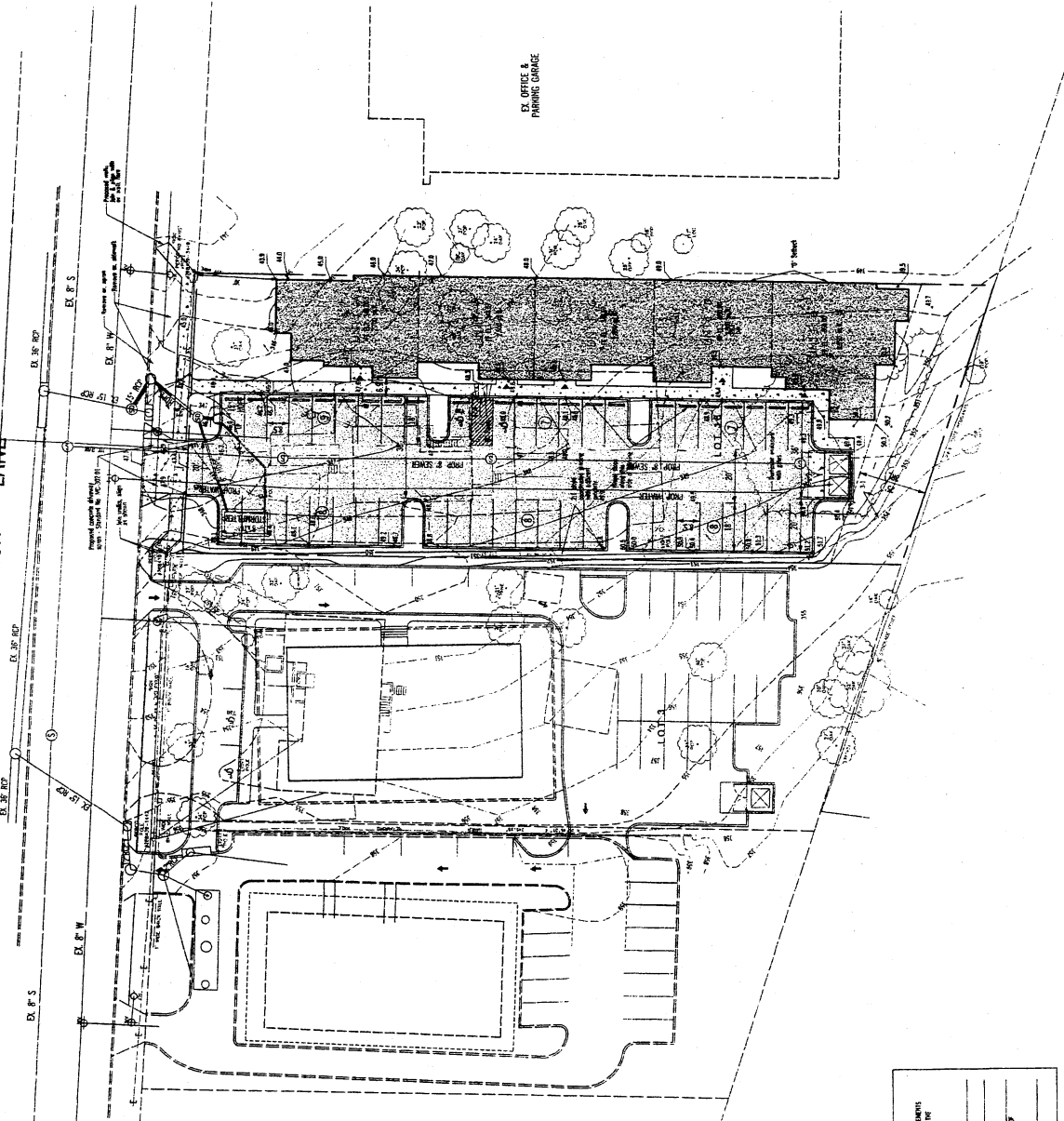
This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998



ATTACHMENT B



EDSON LANE



SITE DATA

- Gross Tract Area: 28,574 sq. ft. (0.679 Ac.)
Per Record of Plat for Subdiv. of Lot 10, "Map of 'Edson Lakes'"
- Zoning: C-1 (Commercial Transition)
- Maximum F.A.R. Permitted: 0.5 (14,287 sq. ft.) Proposed: 0.44 (13,150 sq. ft.)
- Maximum Building Coverage Permitted: 35% (10,350 sq. ft.) Proposed: 27.06 (8,749 sq. ft.)
- Maximum Building Height Permitted: 35' at any point Proposed: Not to exceed 35'
- Minimum Building Height Permitted: 10' (2,357 sq. ft.) Proposed: 31.5' (9,310 sq. ft.)
- Minimum Green Area Required: 10% (2,857 sq. ft.) Proposed: 47' (1,000 sq. ft.)
- Proposed Use: General Office
- Setback required: 35' (2,7 / 1,000 sq. ft.) Proposed: 47' (1,000 sq. ft.)
- Forest Conservation: Exempt from Chapter 28A of the Montgomery County Code
Exemption 44-05386

General Notes

- Excludes: Geotechnical, utility & surface feature information indicated on this drawing from a survey by Fowler Associates, Inc., Rockville, Md., dated 2005.



DEVELOPER'S CERTIFICATION
 I, the undersigned, certify that the information and documents submitted in support of this site plan in accordance with the agreement between me and Montgomery County Planning Board and the undersigned are true and correct.
 DATE: _____
 BY: _____
 TITLE: _____
 DEVELOPER'S PROFESSIONAL ENGINEERING LICENSE NO. _____
 CONTRACT NUMBER _____
 PRINTED NAME _____

| | | |
|---|--|--|
| SITE SOLUTIONS, INC. 18800 Old Branch Road Suite 108 Gaithersburg, Maryland 20878-3888 (301) 947-8800 Fax (301) 947-7744 Planning Engineering Landscape Architecture | | OWNER: EDSON LAND ASSOCIATES, L.L.C. 6229 Executive Boulevard Rockville, Md. 20852 |
| SITE PLAN 5420 EDSON LANE LOT 10 OF EDSON LAKES PLAT 2004 ROCKVILLE ELECTION DISTRICT # 4 MONTGOMERY COUNTY, MARYLAND | | SHEET NO. 1457 OF 1 |
| SCALE: 1"=20' DATE: _____ DRAWN BY: _____ CHECKED BY: _____ | | PROJECT NO. _____ SHEET NO. 1457 |

ATTACHMENT C



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

February 23, 2006

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-96015A
Higgins Estate

AMENDED LETTER

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated August 11, 2005. This plan was reviewed by the Development Review Committee at its meeting on September 26, 2005. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department. **Please discard our February 22, 2006 letter and replace it with this letter.**

1. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
2. The storm drain capacity and impact analyses have been accepted.
3. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
4. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Ms. Sarah Navid of that Department at (240) 777-6320 to discuss the parking lot design.
5. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
6. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.



Division of Operations

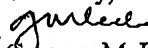
101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

Ms. Catherine Conlon
Preliminary Plan No. 1-96015A
February 23, 2006
Page 2

7. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
8. Obtain permission from the public utility companies, as necessary, to allow the proposed private storm drain manhole to be located in the Public Utilities Easement.
9. Permit and bond will be required as a prerequisite to DPS approval of the building permit. The permit will include, but not necessarily be limited to, the following improvements:
 - A. On Edson Lane frontage, relocate the existing sidewalk as shown on the preliminary plan. Remove the existing driveway apron(s) and restore the disturbed right-of-way
 - B. Relocate the existing inlet and pipe for the future driveway apron. [Permit to construct the new driveway apron can be addressed at the building permit stage.]
 - C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please Mr. Sam Farhadi at sam.farhadi@montgomerycountymd.gov (240) 777-6000.

Sincerely,


Gregory M. Leck, P.E., Manager
Traffic Safety Investigations and Planning Team
Traffic Engineering and Operations Section

Enclosure

m:/subdivision/gml/pp/1-96015A, SF, gml revs.doc

cc: Jeffrey S. Lewis, PE; Site Solutions, Inc.
Steven A. Robins; Lerch, Early and Brewer
Richard Maggin; Edson Land Associates
Shahriar Etemadi; M-NCPPC Transportation Planning
Joseph Y. Cheung; DPS Right-of-Way Permitting & Plan Review
Sarah Navid; DPS Right-of-Way Permitting & Plan Review
Christina Contreras; DPS Right-of-Way Permitting & Plan Review
Sam Farhadi; DPWT Traffic Engineering & Operations
David Adams; DPWT Traffic Engineering & Operations

Facility/Subdivision Name: 5420 EDSON LANE

Preliminary Plan #: 1-96015A

Street Name: EDSON LANE

Master Plan Classification: PRIMARY

Posted Speed Limit: 30

Street/Drwy. 1 (SOLE DRIVEWAY)

Street/Drwy. 2 (_____)

Sight Distance (feet) OK?
 Right 400' ✓
 Left 900'+ ✓

Sight Distance (feet) OK?
 Right _____ _____
 Left _____ _____

Comments: _____

Comments: _____

GUIDELINES

| Classification or Posted Speed (use higher value) | Required Sight Distance In Each Direction# |
|--|--|
| Tertiary - 25 | 150 |
| Secondary - 30 | 200 |
| Business - 30 | 200 |
| Primary - 35 | 250 |
| Arterial - 40 | 325 |
| (45) | 400 |
| Major - 50 | 475 |
| (55) | 550 |

Sight distance is measured from an eye height of 3.5 feet at a point on the centerline of the driveway (or side street), 6 feet back from the face of curb or edge of traveled way of the intersecting roadway, to the furthest point along the centerline of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing.)

Source: AASHTO

ENGINEER/SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

[Signature]

 Signature

8/10/05

 Date

MD 19154

 PLS/P.E. MD Registration No.

Accepted By: [Signature]

Date: 2/22/06



FIRE MARSHAL COMMENTS

DATE: 2-15-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: CAPTAIN JOHN FEISSNER 240.777.2436
RE: APPROVAL OF ~ *EDSON LANE 5420 (SEE COMMENTS BELOW)*

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 2-15-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Please note: Fire Department access approved based on Fire Code Modification M-2006-002

cc: Department of Permitting Services



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

June 29, 2005

Robert C. Hubbard
Director

Mr. Jeffrey S. Lewis
Site Solutions, Inc.
19650 Club House Road, Suite 105
Gaithersburg, MD 20886

Re: Stormwater Management **CONCEPT** Request
for The Higgins Estates(5420 Edson Lane)
SM File #: 218147
Tract Size/Zone: 0.68 Ac./C-T
Total Concept Area: 0.68 Ac.
Lots/Block: 18/
Watershed: Lower Rock Creek

Dear Mr. Lewis:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via a flow based StormFilterr due to vertical site constraints. Onsite recharge is not required since this is redevelopment. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Stormfilter sizing must be based on the drainage area coming to it at time of construction. This includes offsite drainage in case Lot 3/A, 5500 Edson Lane is not constructed at the same time or before.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this



office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,


Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN218147 The Higgins Estate.DWK

cc: R. Weaver
S. Federline
SM File # 218147

QN -Onsite; Acres: 0.68
QL - Onsite; Acres: 0.68
Recharge is not provided