



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 15-35
Site Plan No. 82006005A
The Goddard School in North Bethesda
Date of Hearing: April 30, 2015

MAY 16 2015

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-7.1.2, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.1 of the Zoning Ordinance, the site plan is being reviewed under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on March 16, 1995, the Planning Board, by Planning Board Opinion dated April 17, 1995, approved Site Plan No. 8-95025, to construct 2,086 square feet of office space on 0.68 acres of Commercial-Transition ("C-T") zoned-land, located on the south side of Edson Lane, 500 feet west of the intersection with Rockville Pike ("Subject Property"), in the White Flint Policy Area, White Flint Sector Plan ("Sector Plan") area; and

WHEREAS, on July 6, 2006, the Planning Board, by Resolution, MCPB No. 06-72 approved Site Plan No. 820060050 to construct 13,150 square feet of general office on the Property; and

WHEREAS, on December 3, 2014, Edson Lane Development, LLC ("Applicant"), filed an application for approval of an amendment to the previously approved site plans to construct up to 14,465 square feet of child day care facility on the Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82006005A, The Goddard School in North Bethesda ("Site Plan," "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated April 20, 2015, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 30, 2015, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency

Cheryl Sont 4/22/15

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WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Site Plan No. 82006005A to construct up to 14,465 square feet of child day care facility subject to the following conditions, which supersede the conditions of approval of Site Plan Nos. 8-98025 and 820060050:¹

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 11996015B.

2. Forest Conservation & Tree Save Plan

The development must comply with the tree preservation measures and planting, as shown on the Tree Save Plan approved concurrently with this Application.

3. Staging Allocation Request (SAR)

Prior to issuance of any building permit, the Applicant must receive approval of a Staging Allocation Request from the Planning Board for the increased density.

4. Maintenance of Public Amenities

The Applicant is responsible for maintaining, and ensuring the long term maintenance of, all publicly accessible amenities including, but not limited to, paving, plantings, lighting, and bike racks as shown on the Certified Site Plan.

5. Vehicular Circulation

The Applicant must implement measures to prevent traffic overflow onto Edson Lane, to include but not limited to:

- a. Provide, and show on the Certified Site Plan, a minimum of 18 spaces reserved and signed for Parent Pick-up/Drop-off.
- b. Provide, and show on the Certified Site Plan, a schedule of staggered program start and end times to disperse vehicular arrivals and departures.

6. Pedestrian & Bicycle Circulation

- a. The Applicant must provide a 5-foot wide sidewalk with green panel along the Property's frontage of Edson Lane, as shown on the Certified Site Plan.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- b. The Applicant must provide a minimum of 3 public bicycle spaces, which must be inverted-U racks, or equivalent approved by Planning Staff, and shown on the Certified Site Plan.

7. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Service – Fire Code Enforcement Section in its letter dated March 13, 2015, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by Montgomery County Fire and Rescue Service – Fire Code Enforcement Section provided that the amendments do not conflict with other conditions of Site Plan approval.

8. Site Plan Surety and Maintenance Agreement

Prior to issuance of the first building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, recreational facilities, site furniture, trash enclosures, retaining walls, fences, railings, paths and associated improvements of development.
- c. The bond or surety shall be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.

9. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by Planning Staff prior to the approval of the Certified Site Plan.

10. Certified Site Plan

The following revisions must be made and/or information provided subject to Staff review and approval for inclusion on the Certified Site Plan:

- a. Include the letter of exemption from submitting a Forest Conservation Plan, stormwater management concept approval letter, development program, and

- all previous and new Planning Board Resolutions for Preliminary Plan and Site Plan approvals in the Certified Site Plan set.
- b. Add a note stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices prior to demolition, clearing and grading".
 - c. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
 - d. Remove unnecessary sheets as identified by Planning Staff.
 - e. Make corrections and clarifications to details, calculations, recreation facilities, labeling, data tables, and schedules as needed and directed by Planning Staff.
 - f. Ensure consistency of all details and layout between architectural, site, and landscape plans.
 - g. Include all elevations of the approved development and demonstrate to Planning Staff that the common property wall is adequately articulated to avoid a blank wall appearance.
 - h. Provide landscape plan showing plantings on the adjacent property to the east to create a landscape buffer.

BE IT FURTHER RESOLVED, that all site development elements as shown on the latest electronic version of The Goddard School in North Bethesda drawings submitted to M-NCPPC as of the date of the Staff Report, April 20, 2015, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, an all binding elements of schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

There is no approved development plan, diagrammatic plan, schematic development plan, or project plan for the Subject Property.

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

The Site Plan meets all the requirements of the C-T Zone as demonstrated in the project Data Table below:

Project Data Table			
Section	Development Standard	Permitted/Required	Approved
59 - C			
	Gross Tract Area (sf)	n/a	29,574
4.304	Maximum Density (FAR)	0.5	0.49
	<i>Non-residential (sf)</i>	14,787	14,465
	<i>Residential (sf)</i>	0	0
	TOTAL	14,787	14,465
4.303	Maximum Building Height (ft)	35	Up to 35
4.303	Maximum Building Coverage (%)	35	Up to 24
4.305	Minimum Setback (ft)		
	<i>-From any street ROW</i>	10	10
	<i>-From rear property line</i>	15	79
	<i>-From side property line (East)</i>	0	0
	<i>-From side property line (West)</i>	0	64
4.306	Minimum Green area (%)	10	26
*6.2.4.	Minimum Parking (spaces)		
	<i>-Vehicular (3.00 per 1,000 sf)</i>	43	50
	<i>-Bicycle (1.00 per 5,000 sf)</i>	3	4

* Zoning Ordinance enacted October 31, 2014

3. *The locations of the buildings and structures, the open spaces, the landscaping, the recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

Buildings and Structures

The building footprint is linear in nature and set directly on the eastern property line. The building setback of 10 feet from Edson Lane contributes to the street wall that frames the right-of-way. The building is set back 79 feet from the shared rear property line with the adjoining single-family residential use. The dumpster enclosure is located in the southwest corner of the Subject Property with access from the proposed drive aisle. The locations of the buildings and structures are adequate, safe, and efficient.

Open Spaces

Twenty six percent (26%) of the Site will be open space (green area), the majority of which is located on the northern and southern boundaries. The required green area

along the southern boundary includes children play equipment for outdoor recreation. The locations of proposed green areas are adequate, safe, and efficient.

Landscaping and Lighting

The landscaping and lighting for the development will ensure the area will be safe, adequate, and efficient for year-round use and enjoyment. The lighting fixtures will illuminate the parking lot, sidewalks, and building. A mix of shrubs, shade trees, ornamental trees and foundation plantings are provided throughout the Site.

Recreation Facilities

The development will provide approximately 2,970 square feet of playground area covered in synthetic surface. The area is separated with approximately 1,000 square feet allocated to toddler play and equipment and approximately 1,970 square feet allocated to preschooler open play and equipment. While the project is not subject to the on-site recreation amenities requirements of the M-NCPPC Recreation Guidelines, it does meet the guidelines for multi-age playground including minimum area and setback. The recreation facility is adequate, safe, and efficient.

Pedestrian and Vehicular Circulation Systems

The development's pedestrian and vehicular access will be from Edson Lane. The vehicular access to/from the parking lot is designed to commercial driveway standards. Based on the Applicant's staggering of program start/end times and parking plan, there is adequate space and circulation on-site to prevent pick-up/drop-off traffic overflow onto Edson Lane.

A five-foot wide sidewalk with a green panel will be along the site frontage on Edson Lane. A pedestrian connection into the site is provided by a five-foot walk between Edson Lane and the building's frontage along the parking lot. This walkway continues along the entire frontage of the building and provides access to the playground area in the southern portion of the Site. The pedestrian and vehicular circulation systems are adequate, safe, and efficient.

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

The development is compatible with other adjacent existing and approved development. The location of the building is setback 79 feet from the property line shared with residential use. The approved use to the west is a rectangular commercial building with surface parking in the rear. The parking for the adjacent site abuts the proposed parking on this subject property, separated by plantings in a mulched bed.

The four to seven-story Brit-Beco commercial building to the east is separated from the site by a grove of larger trees, with the seven-story portion fronting Rockville Pike. The

35 foot-height of this development provides an appropriate transition between the four-story portion of the Brit Beco building to the east and the approved, unbuilt 28-foot-tall proposed building to the west.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Subject Property received a Forest Conservation Plan Exemption (No. 42015025E) on August 15, 2014. The approval is confirmed with a tree save plan required pursuant to Chapter 22A-5(s)(2) and Chapter 22A-6(b).

The Stormwater Management Concept meets the required stormwater management goals through ESD to the maximum extent practicable (MEP) with the use of permeable pavement. The Planning Board finds the development meets the requirements of Chapter 19.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 6 2015 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, April 30, 2015, in Silver Spring, Maryland.

Casey Anderson, Chair
Montgomery County Planning Board