

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

MCPB
Item # 4
2/21/2008

MEMORANDUM: LOCAL MAP AMENDMENT

DATE: February 8, 2008

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief, Development Review Division *RdK*
Ralph Wilson, Zoning Supervisor, Development Review Division *RdW*

FROM: Damon B. Orobona, Zoning Analyst, Development Review Division *DBO*

SUBJECT: **Local Map Amendment No. G-874 and Associated Schematic Development Plan: David Rever.** Rezoning of 29,893 square feet (0.68 acres) of land from the R-200 zone to the O-M zone for the property located at 13915 Old Columbia Pike, Silver Spring, Maryland.

MASTER PLAN: 1997 Approved and Adopted Fairland Master Plan

FILING DATE: October 1, 2007
PLANNING BOARD: February 21, 2008
PUBLIC HEARING: March 3, 2008

STAFF RECOMMENDATION:

Approval of Local Map Amendment G-874 and the associated Schematic Development Plan for the following reasons:

1. Local Map Amendment G-874 complies with the purpose of the O-M zone. It provides a location for a moderate intensity office building outside a central business district that will not have an adverse impact on the adjoining neighborhood.
2. The schematic development plan is in accordance with the requirements of the purpose clause and all other requirements applicable to the requested zone. Staff finds the proposed development height, FAR, setbacks, and other restrictions established in the schematic development plan (1) to be compatible with and not detrimental to existing or proposed development in the surrounding area, (2) to be no burden on existing public facilities, and (3) to be a more desirable form of development than would be accomplished under the maximum allowable standards of the O-M zone.

SUMMARY OF REPORT:

Site Size and Location:	Site size is 0.68 acres. The site is located directly west of Columbia Pike (US 29), in the northeast quadrant of the intersection of Old Columbia Pike and Briggs Chaney Road.
Current Zone and Use:	The site is zoned R-200 and is improved with a 1,435 square foot single-family home. A dental practice is currently being operated out of the home.
Proposed Zone and Use:	The O-M zone is proposed for the site. The development proposal is to construct a new office building with a mix of medical and general office uses. The existing dental practice on site will relocate to the new office building.
Max Density in the O-M zone:	An FAR of 1.5, or 44,839 square feet, is the maximum density allowed in the O-M zone. A building height of 60 feet and building coverage of 60 percent is also allowed.
Proposed Density:	The proposed density for the site is 0.32 FAR, or a maximum of 9,600 square feet. Additionally, the applicant will limit building height to 36 feet and building coverage to 20 percent of the lot.
Master Plan Consistency:	The project complies with the recommendations of the Fairland Master Plan.
Transportation Issues:	The applicant is required to mitigate 45 percent (or five) of the new trips generated by the use. The applicant has proposed to install a bus shelter to satisfy the PAMR requirement.
Zoning Ordinance Analysis:	The project complies with the purpose clause of the O-M zone. All development standards of the O-M zone are satisfied by the proposal.
Neighborhood Response:	No opposition has been received by Staff.
Further Action on Petition:	The proposal will require a site plan analysis at the next stage of review.

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I. PROCEDURAL HISTORY

Application Number G-874, filed October 1, 2007, seeks a local map amendment, pursuant to § 59-H-1.1 of the Montgomery County Zoning Ordinance ("Zoning Ordinance" or "Code"), to reclassify 0.68 acres of land from the Residential, One-family ("R-200") zone to the Office Building, Moderate Intensity ("O-M") zone. The subject property is known as Lot 1, Rhodes Addition to Fairland, located at 13915 Old Columbia Pike, Silver Spring, Maryland. The application was filed under the Optional Method authorized by § 59-H-2.5, which permits binding limitations with respect to land use, development standards, and staging. Such limitations are shown on the Schematic Development Plan that is submitted with the application, and must be reiterated in covenants to be filed in the land records of Montgomery County.

A hearing examiner in the Office of Zoning and Administrative Hearings ("Hearing Examiner") has scheduled a public hearing date on this matter for March 3, 2008 in the Stella B. Werner Council Office Building at 100 Maryland Avenue, Rockville, Maryland. However, before the Hearing Examiner's hearing, the Montgomery County Planning Board ("Planning Board") will conduct an initial public review of the local map amendment on February 21, 2008, in the Planning Department's building located at 8787 Georgia Avenue, Silver Spring, Maryland.

Technical staff at the Maryland-National Capital Park and Planning Commission ("Staff") has reviewed the application and recommends approval of the local map amendment.

II. RELEVANT FACTS AND FINDINGS

A. Subject Property and Surrounding Area

The subject property is located at 13915 Old Columbia Pike, Silver Spring, Maryland, in the northeast quadrant of the intersection of Briggs Chaney Road and Old Columbia Pike. Columbia Pike (US 29) is located directly east of the

property. The site is approximately 0.68 acres in size and is generally rectangular in shape. The property has approximately 107 feet of street frontage along Old Columbia Pike.

The property is presently zoned R-200 and a 1,435 square foot single-family home sits on the subject property. The home is now being used as a valid home occupation for a dental practice, a use allowed under the current R-200 zoning. The site falls within the guidance of the 1997 Fairland Master Plan. A very small 525 square foot triangular portion of the northwest corner of the property is within the Upper Paint Branch Environmental Overlay Zone as shown on the County Zoning Maps.¹

The topography of the site reflects an approximate 24 foot decrease in grade. The site decreases in elevation from 454 feet above sea level at the property's Old Columbia Pike street frontage to 430 feet at the property's rear lot line. The general site layout and some of the surrounding uses may be seen in the aerial photograph below.

Aerial Photo



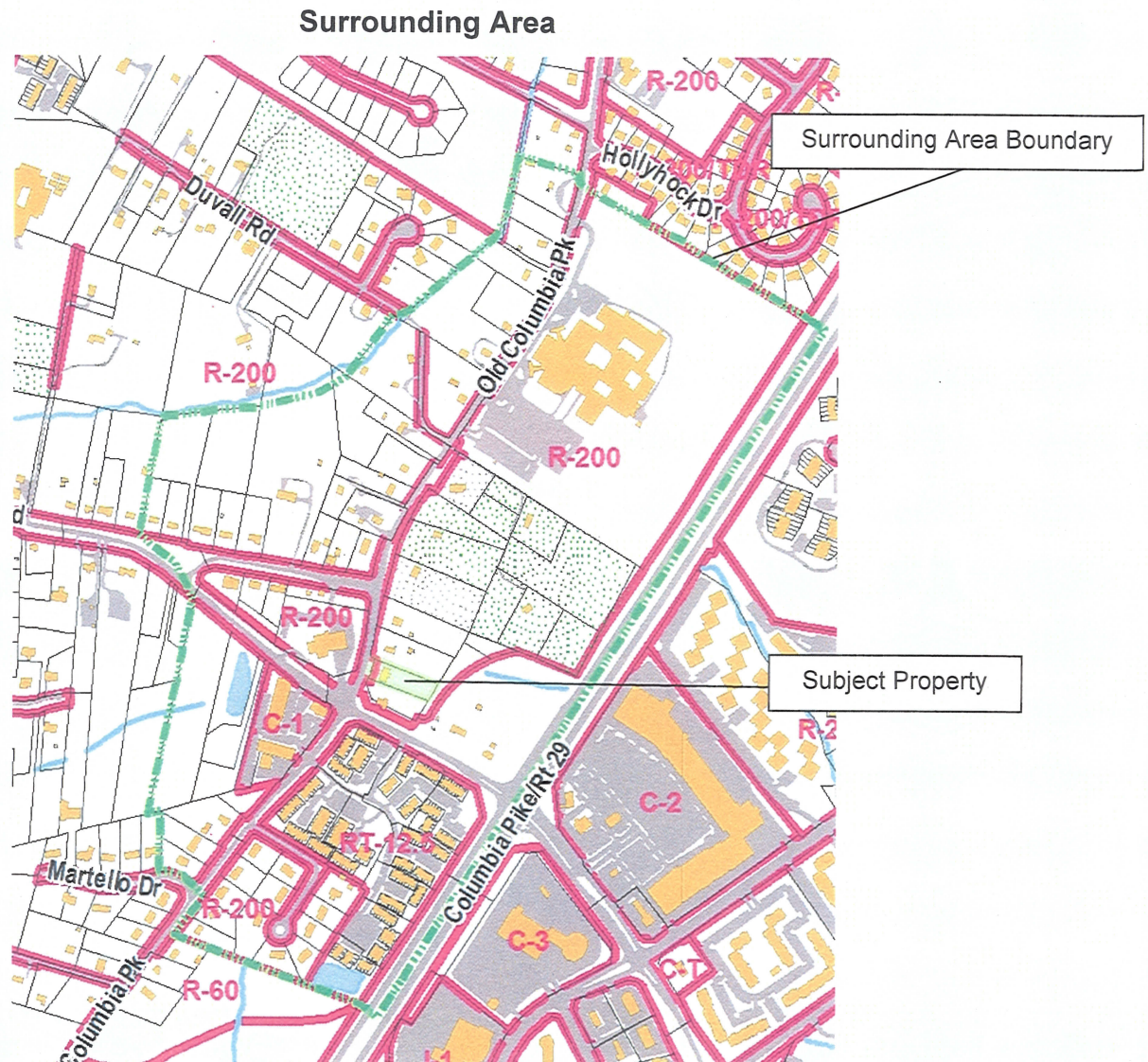
¹ See zoning map at Attachment 2.

The surrounding area must be identified in a floating zone application so compatibility can be properly evaluated. Although the surrounding area is defined less rigidly in a floating zone than in a Euclidean zone, the definition of the area is still very important when trying to determine whether the proposed development is compatible with the surrounding area. The applicant in the instant case has suggested a surrounding area encompassing a 1000 foot radius in every direction. However, Staff finds this area too generic. Staff defines the surrounding area in a more asymmetric shape that includes the properties most directly affected by the proposed development. The boundaries are generally formed by Paint Branch High School and Duvall Road to the north, Columbia Pike (US 29) to the east, Martello Drive to the south, and the Upper Paint Branch Stream Valley Buffer to the west.

The land use and zoning pattern of the defined surrounding area reflect a mix of residential, institutional, and commercial uses. Abutting the subject property to the north are single-family detached homes, although it should be noted that another rezoning application to allow a townhouse development is pending on these properties to the north.² Further north, approximately 1000 feet from the subject property, is Paint Branch High School. To the immediate east is an institutional fire station use. Diagonally to the southwest is a commercial shopping center that contains, inter alia, a Pizza Hut restaurant, a 7-11 convenience store, and a beer & wine shop. To the immediate south of the subject property is a vacant lot held by the State of Maryland (Department of Transportation)³, and further south across Briggs Chaney Road lies the Avonshire community, an existing townhouse development in the RT-125 zone. Staff's general boundary lines for the surrounding area are drawn in green on the following page.

² Application G-848, filed by Olympus Real Estate Group, LLC, to rezone the R-200 zone to the RT-18 zone.

³ During the construction of Columbia Pike (US 29), the State of Maryland acquired a portion of the subject site's rear yard and the neighboring parcel immediately to the south, creating two adjoining parcels held by the State of Maryland.



B. Proposed Use

The applicant proposes to build a new office building consisting of a mix of medical and general office uses that will accommodate the applicant's existing dental practice as well as providing space for other small office uses. The applicant has limited the development to a maximum of 9,600 square feet and a FAR of 0.32 to accommodate a smaller building that is compatible with the surrounding area, even though the O-M zone potentially allows up to a 44,839 square foot development with an FAR of 1.5. Similarly, the proposal calls for an

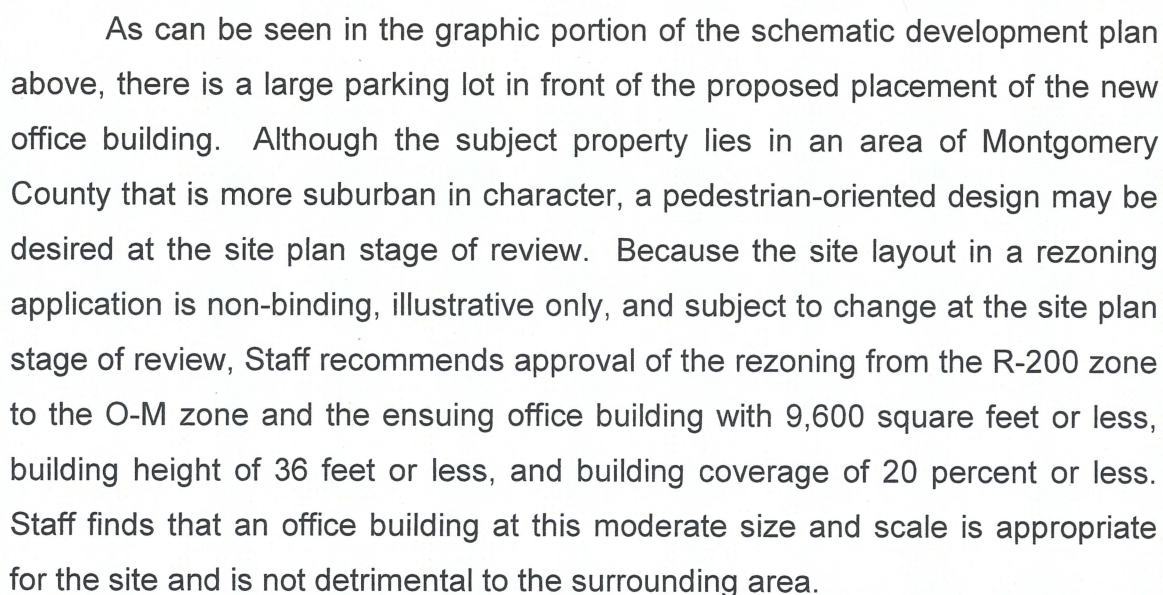
office building measuring only 36 feet in height and covering only 20 percent of the lot, notwithstanding that the zone potentially allows up to 60 feet in building height and 60 percent building coverage on a lot. These self-imposed limitations were designed to keep the building scale compatible with other properties in the immediate area. The applicant proposes to construct the new office building behind the existing single-family home so he can continue his dental practice during the construction process.

Pursuant to § 59-H-2.52, the applicant has chosen to follow the optional method of application, requiring the submission of a schematic development plan that differentiates between elements of the proposal that are legally binding and elements that are merely illustrative and subject to change during subsequent stages of review. The legally binding elements of the plan are to be specified on the face of the schematic development plan and in a declaration of covenants to be filed in the County's land records so that future owners of the property will be on notice of the property's restrictions. The binding elements as reflected on the face of the schematic development plan are shown below, followed by the graphic portion of the plan.

Binding Elements

The applicant proposes to reclassify the underlying zoning of the subject property from R-200 to an OM zone. The property will contain an Office Building with a mix of Medical Office and General Office uses. The actual tenant mix will be determined by market demand and available space for leasing. The development will be limited to that which can be supported by on-site parking spaces. The required parking will be determined using Section 59-E of the Montgomery County Zoning Ordinance. The site will be subject to the following binding elements:

- Building coverage will not exceed 20% of the Gross Tract Area.
- Building height will not exceed 36 feet
- The Floor Area Ratio (FAR) will not exceed 0.32
- The existing structure is to remain as a "transitional need " to maintain the current functioning practice during construction operations.



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remain as a “transitional need” to maintain the current functioning practice during construction operations,” may serve as a barrier to attaining a layout closer to the street because this element would require the existing single-family structure to remain standing (as shown outlined in red on page 9) as the proposed office building is constructed towards the back of the lot (shown outlined in blue). Staff has addressed this concern with the applicant, and the applicant has agreed to remove binding element 4 from the schematic development plan and submit a new plan reflecting only the first three binding elements before the Planning Board’s scheduled February 21st hearing.

C. Master Plan Compliance

The property is located within the area covered by the 1997 *Approved and Adopted Fairland Master Plan*. The Master Plan delineated thirteen different communities in the Fairland master plan area. The subject property is located at the southernmost edge of the Perrywood community. This area is described on pages 57-59 of the plan. Perrywood is a transition area between the higher density area to the south and the residential wedge to the north. The key transition occurs north of the subject property, so the site falls within the higher density area of Perrywood.

The subject property is located on the western fringe of the Briggs Chaney Center, a neighborhood retail area containing 41,000 square feet of differing uses, such as retail space, professional services, and restaurants. The subject property’s dental office is included in the description of the Briggs Chaney retail area: “there are a few local services: a day care center...and a dentist’s office.”

The Master Plan does encourage compatible and transitional land uses between retail areas such as the Briggs Chaney Center and the residential uses slightly to the north, specifically stating that “there are few medical offices or professional services in the immediate area” and “single practitioners and small-scale office uses... may be appropriate to serve the [community]”.

Staff finds that the proposed development, limited to a maximum of 9,600 square feet and a height of 36 feet, is small-scale as called for in the master plan. The proposed development is compatible with the surrounding area and consistent with the recommendations of the Fairland Master Plan.

D. Public Facilities

Water and Sewer. The rezoning application and schematic development plan were reviewed by the Washington Suburban Sanitary Commission (WSSC). WSSC found that the reclassification from the R-200 zone to the O-M zone and the subsequent proposed development would not impact the water or sewer systems of the area.

Transportation and Roadways. The subject property is located in the northeast quadrant of the intersection of Old Columbia Pike and Briggs Chaney Road. The site has ingress and egress solely from Old Columbia Pike. Old Columbia Pike, along the property's frontage, is defined as a two-lane residential primary street with a minimum right-of-way width of 70 feet. The street has a new five-foot wide sidewalk along the subject property frontage. Metrobus route Z9 runs past the subject property.

The project will consist of a maximum of 9,600 square feet to be used as a mix of general office and medical uses. As the applicant currently operates a dental practice in the existing single-family home on the site, part of the proposed office space will serve as relocated space for this existing medical use and only the added office space will produce new trips to the site.

To establish the trip potential for this site, the applicant's traffic consultant obtained trip generation rates from the Institute of Transportation Engineers and the local LATR guidelines. According to the applicant, the proposed development would generate a maximum of 15 and 23 peak hour trips during the weekday morning and evening peak periods, respectively. Discounting the existing dental practice on the site, the proposed development adds 6 and 10 new peak hour trips during the respective morning and evening peak periods. A

comprehensive traffic analysis is not required for this project since it will generate less than 30 peak hour trips during both the morning and evening weekday peak hours.

Since the project is located in the Fairland/White Oak Policy Area, the applicant will be required to mitigate 45 percent of new trips (a total of 5 trips in the instant case) to satisfy PAMR requirements of the Growth Policy. The applicant has proposed to construct a bus shelter to mitigate the required number of trips. Since the project's site is a recorded lot, the applicant will address APF issues at the time of site plan.

DPWT has also commented on the design of the site from a transportation standpoint. After requiring the applicant to submit a sight-distance study, DPWT found the location of the proposed driveway to be acceptable for vehicles traveling to and from the subject property.

Schools. To date, Staff has not received comments from Montgomery County Public Schools regarding the application. However, Staff notes that this application should not have any negative effects on the school system as the O-M zone is for non-residential developments and the applicant has restricted himself to medical and general office uses.

E. Environment and Stormwater Management

The site has no streams, wetlands, or area of floodplain. There is no forested area on the site. The site has an approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD). There are three specimen trees on-site, with two more specimen trees off-site very close to a common property line. An exemption from the County's Forest Conservation Law was granted pending a submission of an acceptable Tree Save Plan. The exemption was based upon the subject site being less than 1 acre in size. Environmental staff has preliminarily deemed the Tree Save Plan feasible, noting that a final, more detailed Tree Save Plan will be required at the time of Site Plan review.

The subject property is located in close proximity to both the Upper Paint Branch Special Protection Area Environmental Overlay Zone and the Upper Paint Branch Watershed Drainage Boundary. A small portion of the northwest corner of the property (525 square feet) is within the Environmental Overlay Zone as shown on the county zoning maps. Because of the Overlay Zone, any new development on the northwest corner of the site must be within an eight percent imperviousness limit. However, the applicant has stated that no new development will occur on this northwest portion of the site as the existing driveway is located within this area and the existing driveway will also be used for access to the future office building.

The location of the Special Protection Area Watershed Drainage Boundary is based upon a detailed topography analysis and is subject to confirmation by DPS. Staff has received electronic correspondence from DPS indicating that no portion of the subject property is within the Upper Paint Branch Special Protection Area and that the entire property appears to drain away from the Special Protection Area. This statement corresponds with the location of the drainage divide as shown on the applicant's schematic development plan.

A stormwater management concept plan was delivered to Staff and DPS on Friday, February 8, 2008, only one business day prior to this report's internet publication date.⁴ The site drains from west to east toward the ground water recharge system that is located in the rear yard. As the ground water recharge system is shown at the rear of the site, the design does not appear to conflict with the tree save measures supplied by the applicant. As such, Staff does not believe that there will be any prohibitions to proposed underground facilities for an office use. However, the final determination of stormwater management concept plan adequacy occurs with DPS. As of the time of this writing, Staff has not received any comment from DPS regarding the applicant's proposed concept plan.

Environmental Planning Staff recommends the following at the site plan stage of review:

⁴ See Attachment 8.

- 1) Prior to submittal of a site plan, NRI/FSD 4-05107E shall be revised to show the as-built driveway apron for the subject property along Old Columbia Pike.
- 2) A more detailed Final Tree Save Plan must be submitted at time of sediment control plan with detailed and specific tree preservation measures. The Final Tree Save Plan needs to include an arborist's detailed evaluation of specimen tree #2 (32-inch silver maple) and significant tree #1 (28-inch silver maple) with specific tree preservation measures.
- 3) Final sediment control plan must be consistent with final limit of disturbance as approved by M-NCPPC staff.
- 4) Prior to certificate approval of the schematic development plan, said plan must be revised to show the correct tree caliper for specimen tree #2 and significant tree #1, as shown on NRI/FSD 4-05107E.

F. Development Standards

The proposed development complies with all applicable development standards under the O-M zone. The development standards are shown in the table on page 15.

Development Standard	Required	Provided	Applicable Zoning Provision
Maximum Building Coverage	Shall not exceed 60%	The Building coverage will not exceed 20%	§ 59-C-4.311(a)(1)
Building Height	5 Stories or 60'	Will not exceed 36'	§ 59-C-4.311(a)(2)
Minimum Green Area	At least 10%	55%	§ 59-C-4.311(a)(3)
Floor Area	Shall not exceed FAR 1.5	The FAR will not exceed 0.32	§ 59-C-4.312
Building Setback from any street right-of-way shown on a master plan (<i>here, the building fronts on Old Columbia Pike, a master-planned road</i>)	15'	Will not be less than 15'	§ 59-C-4.313(a)
Building Setback from all other Lot Lines	If the adjoining lot is in a residential zone and is not recommended for commercial or industrial zoning on a master plan, 1' for each 3' of building height (<i>here, adjoining lot is R-200, which makes the standard 12'</i>)	<ul style="list-style-type: none"> • 12' from southern side lot line • 12' from northern side lot line • 30' from eastern rear lot line 	§ 59-C-4.313(b)(2)
Parking Setback	<ul style="list-style-type: none"> • Front: 40' • Side: 12' (Sum of both: 25') • Rear: 30' 	<ul style="list-style-type: none"> • Front: Will not be less than 40' • Side: 13' from northern side lot line; 12' from southern lot line; sum of both is 25' 	§ 59-E-2.81(a)

		<ul style="list-style-type: none"> • Rear: Will not be less than 30' 	
Required Number of Parking Spaces	<ul style="list-style-type: none"> • Medical or Dental Clinic: 5 spaces from each 1,000 sf • General Office: 2.9 spaces for each 1,000 sf • Total: 30 or 31 depending of the tenant mix 	<ul style="list-style-type: none"> • Two different examples of parking are shown based on tenant mix. However, both examples have the required number of spaces. 	§ 59-E-3.7
Internal Landscaping of Surface Parking Facility	Minimum of 5%	5.4%	§ 59-E-2.73

The applicant has provided two scenarios for the required number of parking spaces. In scenario 1, there will be a 60/40 split between general office and medical practitioner space provided: 4,650 square feet for general office use, and 3,500 square feet for medical practitioner use. This mix equates to 8,150 total square feet and would require 30 parking spaces. The applicant meets the parking requirement for scenario 1 by proposing 31 spaces total.

In scenario 2, an 85/15 split between office and medical space, the applicant proposes 8,100 square feet of general office and 1,500 square feet of medical practitioner space (most likely only enough space to provide for the applicant's existing dental practice). The mix in scenario 2 equals 9,600 square feet and requires 31 total parking spaces, which again is met because the applicant is proposing 31 total spaces.

Scenario 1 is proposing an office building that would be 1,450 square feet less than the building proposed in scenario 2. Staff finds the building square

footage in either scenario acceptable, as a building of 9,600 square feet or less will result in a moderate office building that Staff finds acceptable in size, scale, and scope. A larger office building would likely be inappropriate for the site and surrounding area.

G. Community Involvement in Petition

As of the date of this report, Staff has not received any verbal or written comments or concerns from the community.

III. ZONING ORDINANCE ANALYSIS

A. The Purpose Clause

The purpose of the O-M zone as stated in § 59-C-4.31 is set forth below.

§ 59-C-4.310. Purpose. It is the purpose of the O-M zone to provide locations for moderate-intensity office buildings in areas outside of central business districts. It is intended that the O-M zone be located in areas where high-intensity uses are not appropriate, but where moderate intensity office buildings will not have an adverse impact on the adjoining neighborhood. This zone is not intended for use in areas which are predominantly one-family residential in character.

The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses and, in itself, shall not be sufficient to require the granting of any application.

The proposed development is in character with the prevailing development pattern that now exists in the surrounding area. The subject site is outside a central business district, as required by the purpose clause, but *is* within a transitional area from the higher density portion of the Perrywood community to the less dense residential area. Given the subject property's location relative to

existing development in the immediate area, the site is more appropriate for a small-scale office use as proposed than as developed under the existing R-200 zone. The immediate area abutting the subject property is not solely single-family residential in character, as it is adjacent to an institutional fire station to the west and diagonal from a 41,000 square foot commercial shopping center to the southwest. Paint Branch High School, another institutional use, lies approximately 1000 feet north in the outlying surrounding area. A townhouse development lies due south across from Briggs Chaney Road, and a few single-family residential homes are located to the north of the subject site between the site and Paint Branch High School.⁵ However, with the self-imposed restrictions on the height and bulk of the proposed office building and the downward sloping topography of the site, the proposed office building will be small-scale and compatible with the surrounding area and will not have an adverse impact on the adjoining residential neighbors to the north.

IV. STAFF RECOMMENDATION

Based on a careful review of the application and all information of record, Staff concludes that the O-M zone is appropriate for the proposed site and that the application satisfies all relevant O-M zone regulations. Staff recommends that Local Map Amendment G-874, for reclassification of 0.68 acres of land from the R-200 zone to the O-M zone, known as Rhodes Addition to Fairland Acres, 13915 Old Columbia Pike, Silver Spring, Maryland, be approved based on the forgoing analysis.

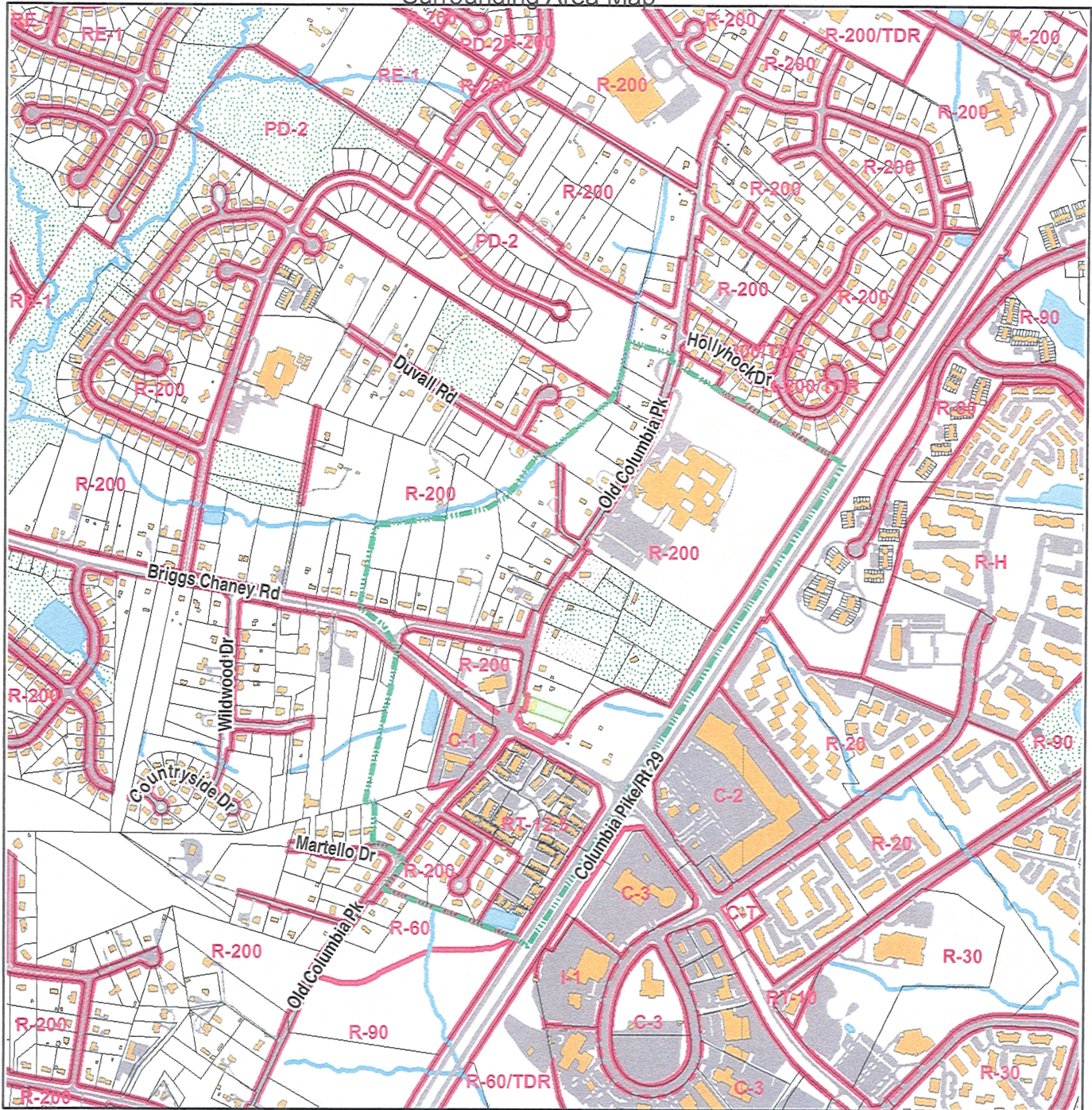
⁵ As previously mentioned, a rezoning application currently sits on the 3 single-family residential parcels directly north of the subject site. The applicant on this case is requesting a reclassification from the R-200 zone to the RT-18 zone to allow for a townhouse development. See application number G-848.

V. ATTACHMENTS

1. Surrounding Area Map
2. Zoning Map
3. Schematic Development Plan
4. Community-based Planning Internal Memorandum
5. Environmental Planning Internal Memorandum
6. Transportation Planning Internal Memorandum
7. Development Review Internal Memorandum
8. Stormwater Management Concept Plan Letter from Applicant

ATTACHMENT 1

Surrounding Area Map



LEGEND

- G-874
- Surrounding Area
- Building
- Lake, Pond and Stream
- Parcel

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-NPPC.

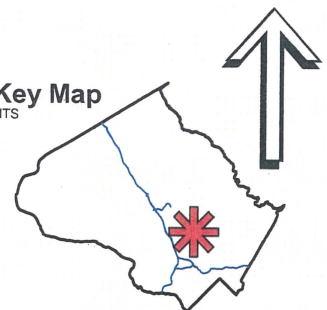
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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.

1 inch = 1,000 feet

Address: 13915 Old Columbia Pike, Silver Spring

Key Map
NTS






MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

February 5, 2008

MEMORANDUM

TO: Damon Orobona, Zoning Analyst
Development Review Division

FROM:  Piera Weiss, Eastern County Team
Community-Based Planning Division

SUBJECT: Zoning Case G-874, Rever Property

Staff Recommendation: **Approval.** The proposed development is not contrary to the master plan and is compatible with the immediate surroundings.

Background:

The applicant is requesting the OM Zone for a 29,983 SF subdivided lot. The lot is zoned R-200 and contains a house with a dental practice as a home occupation, which is allowed in the zone. The applicant no longer wishes to live in the home but wants to maintain his practice. The rezoning request proposes a medical and general office building approximately 10,000 SF with 31 parking spaces.

Master Plan:

The theme of the *1997 Approved and Adopted Fairland Master Plan* was communities and centers. The master plan delineated thirteen communities in the master plan area and the employment or commercial centers that served them. The master plan vision and recommendations focused on enhancing the best qualities of each community and center by adding or subtracting elements to improve function and uses.

The subject site is located at the southernmost edge of the Perrywood Community on, Old Columbia Pike at the intersection with Briggs Chaney Road. The Perrywood Community depicted in Figure 25 and described on pages 57-59 of the master plan.

The Perrywood Community's boundaries are Briggs Chaney Road, US 29, the Paint Branch and Greencastle Road. The Fairland Road West Community is south and Burtonsville, north. The intersection of Briggs Chaney Road, Old Columbia Pike and US 29 forms the boundary between the Perrywood and Fairland Road West communities.

The master plan describes Perrywood as the community that transitions between the higher density Suburban Communities to the south and the Residential Wedge to the north. The transition occurs north of the Fire Station. The master plan reconfirmed the R-200 zoning in the Perrywood Community and removed TDRs in the northern part of the community to limit future development to densities appropriate to a residential wedge.

The subject site is located at the edge of the Briggs Chaney Center, a neighborhood retail area, described on pages 63-67 of the master plan. The intersection of Briggs Chaney Road and Old Columbia Pike forms the western edge of the Briggs Chaney Center. The description of the center on page 63 includes the dentist's office, "There are a few local services: a day care center... and a dentist's office."

The master plan confirmed the commercial zoning and recommended no additional commercial (C-1 or C-2) or industrial zoning (I-1, I-3). The master plan did:

Encourage compatible and transitional land uses at the edges between the retail and residential uses... Single practitioners and small-scale office uses, like those permitted through special exceptions may be appropriate to serve the residential communities.

Finally, the master plan recommended a grade separated interchange at the intersection of Briggs Chaney Road and US 29. The illustration on page 66 of the master plan indicates that interchange as a diamond, which was the SHA chosen alternative. There is language on page 91 of the master plan regarding access issues for some of the properties. In 2000, SHA began the final design for the interchange and concluded that a diamond interchange would not work on the west side and chose a cloverleaf ramp instead as shown in the attached 2006 aerial photograph. The new design had impacts on the northeast quadrant of the Old Columbia Pike/Briggs Chaney Road intersection. The existing residential and commercial development was too close to the proposed improvements. The SHA purchased the lot adjacent and to the rear of the subject property for widening and grading of Briggs Chaney Road and US 29 ramp.

Analysis:

The SHA project created a situation on the north side of the intersection that is less accommodating to single-family homes; the property SHA purchased has no road access.

The applicant provided staff with more detailed grading plans so that staff could assess the relationship of the proposed development to the conditions along Old Columbia Pike, which is classified as a residential primary road. The grades indicate that the proposed height and bulk of the building would not be prominent from Old Columbia Pike. The first floor elevation is about 10 feet below the grade of Old Columbia Pike. The proposed parking lot is in the front of the proposed building. The building should relate to the context of the intersection, which is pedestrian-oriented. The proposed layout does not achieve the best building/sidewalk/parking relationship to Old Columbia Pike. That relationship should be determined through site plan review.

The OM zone has a 1.5 FAR and a 60 foot height limit, which translates into 44,000 square feet, 5 story building. The applicant has limited the height to 36 feet. The proposed FAR is one-third of what might be accommodated under the zoning. Staff notes that there is a discrepancy between the proposed FAR of .35 and the FAR shown in Table 2 of the parking requirements, which is 9,600 square feet or an FAR of .32. Staff recommends that the Binding Elements be corrected to reflect the FAR of .32. The FAR limitation relates to the parking requirements for medical offices, which is five spaces per 1,000 SF.

The potential for more square footage is something a future owner might wish to achieve. A future owner could request removal of the binding elements so that building can be enlarged to the maximum supportable by parking spaces. Staff has some concerns about that possibility. If built with medical offices as proposed, staff considers the development small-scale and consistent with the master plan. The proposed FAR limitations and use are crucial to the determination that the proposed development is small-scale. Staff notes that if the development were general office, the maximum square footage served by the 31 parking spaces would be about 11,000 SF.

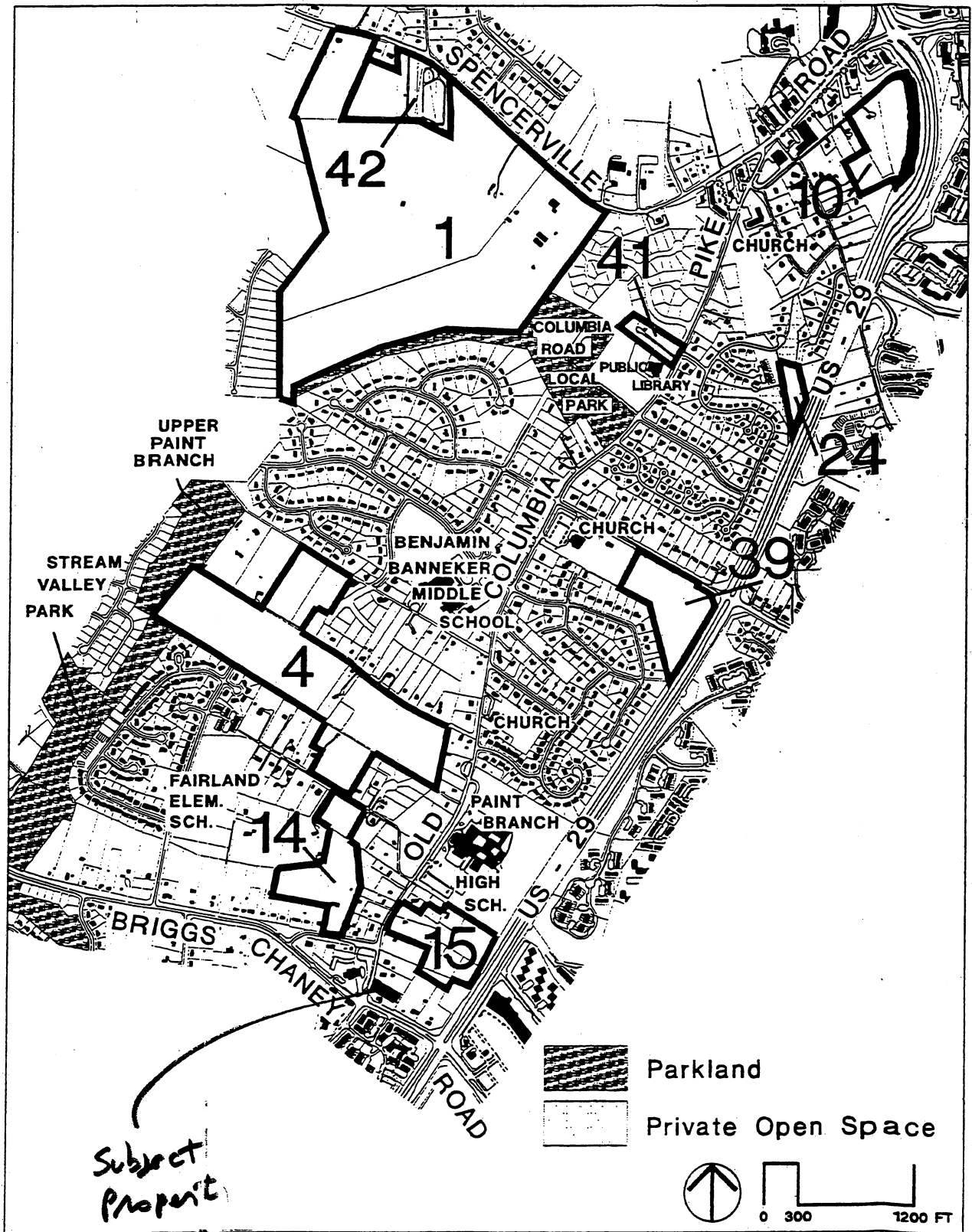
The master plan states that small -scale office or other services might be appropriate at the edges of the Briggs Chaney Center. The proposed development, if limited to 9,600 SF, is small-scale and given the proposed height and grades, would not dominate the site. The development, if limited as proposed, would be consistent with the master plan. Staff emphatically notes that any more development would not be consistent with the master plan.

Conclusion

Community-Based Planning Staff recommends approval on the basis that the proposed development, as limited by the binding elements, is consistent with the master plan and is, by bulk, height and scale, compatible with the immediate surroundings.



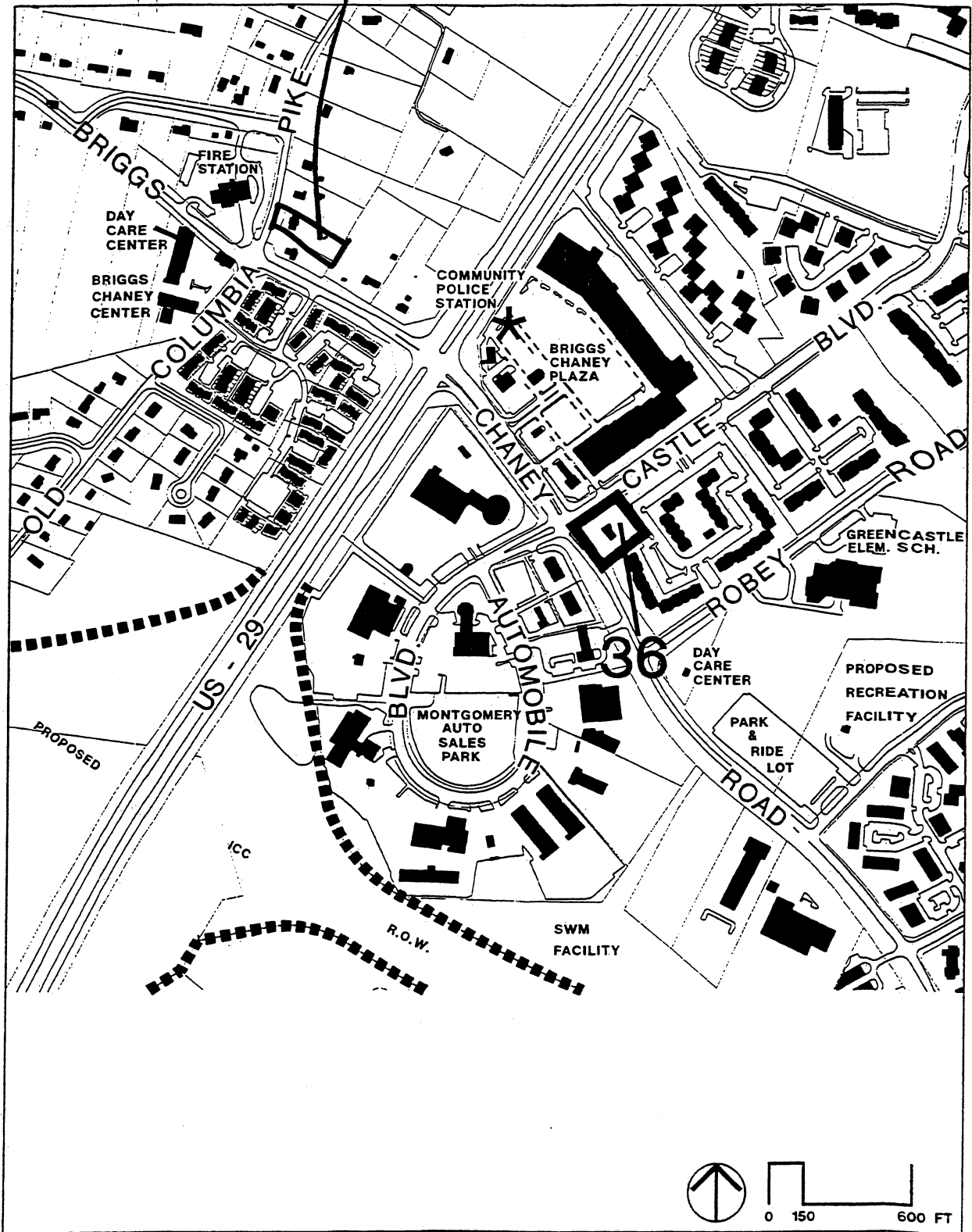
Figure 1: 2006 Aerial Photograph Showing New Ramp for US 29.



BRIGGS CHANEY

Subject
Property

FIGURE 27

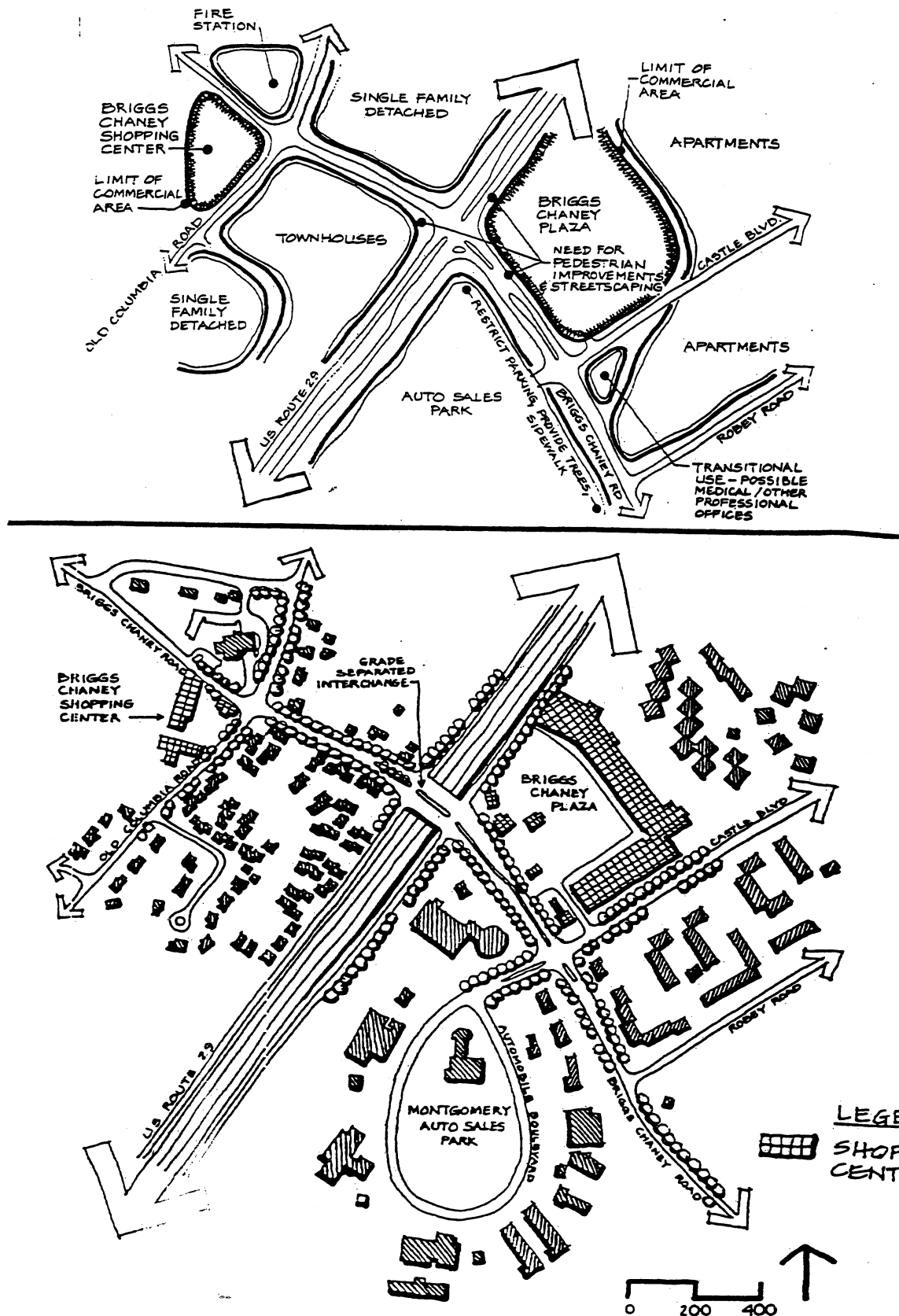


FAIRLAND MASTER PLAN

DRAFT

BRIGGS CHANEY CENTER CONCEPT

FIGURE 28



The Auto Sales Park is located on the southeast corner of Briggs Chaney Road and US 29, opposite the Briggs Chaney Plaza. The concept for an Auto Sales Park dates to the late 1960s, when changes to the Zoning Ordinance limited expansion of auto sales in central businesses districts. Auto sales businesses developed the one-stop automobile shopping area as a coordinated development in an attractive setting with green space. Although the auto-park concept is a successful sales tool, a number of problems have developed over the years. Private covenants were used to maintain the appearance of the Auto Park, but the covenants were extinguished by the affected parties in the 1980s. Since then, the green space has been used for parking and inventory storage and on-street parking is being used for car and truck storage.

Although the shopping centers and most of the facilities are within walking distance of US 29, the sidewalks are discontinuous and vary in standard. There are sidewalks for some stretches on the north side of Briggs Chaney Road; there are no sidewalks or paths on the south side. Most importantly, pedestrian crossing of US 29 is difficult. Although there is a pedestrian crosswalk on the north side of Briggs Chaney Road, turning movements and driver disregard for traffic signals make pedestrian crossing hazardous. The proposed grade-separated interchange will improve pedestrian crossing movements, but may hinder vehicular access to the shopping center. (See Transportation section, page 91.)

GOAL: Improve circulation and define boundaries of the commercial area.

OBJECTIVE: Clearly define the extent of retail and employment uses.

RECOMMENDATIONS:

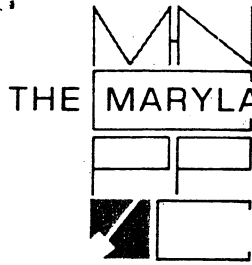
- No additional commercial (C-1, C-2) or industrial zoning (I-1, I-3).
- Encourage compatible and transitional land uses at the edges between the retail and residential uses. Housing for the elderly is an appropriate use in the vicinity of either shopping center. Residents of these developments could walk or use shuttle busses to shopping and other services. There are few medical offices or professional services in the immediate area. Single practitioners and small-scale offices uses, like those permitted through special exceptions may be appropriate to serve the residential communities. //x
- The single-family home site (Area 36) on Castle Boulevard is appropriate for CT, Commercial Transitional Zone. (See also page 44.)

OBJECTIVE: Provide continuous sidewalks and streetscaping along public roads to improve the visual appearance of the entire area and so that people can walk safely.

RECOMMENDATIONS:

- Develop a coordinated streetscape plan, including street trees, sidewalks, and pedestrian crosswalks for Briggs Chaney Road between Old Columbia Pike and Castle Boulevard, and along Old Columbia Pike in the commercial area (Figure 28).
- Include sidewalks/bikeways for access to shopping and across US 29 in the design for the Briggs Chaney interchange. Auto access into the shopping centers must be included in the US 29 ramp and interchange design, to allow for sufficient left turn stacking and signalization where necessary.

ATTACHMENT 5



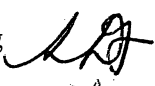
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MEMORANDUM

DATE: February 7, 2008

TO: Damon Orobona, Zoning Analyst/Senior Planner, Development Review

VIA: Stephen Federline, Supervisor, Environmental Planning 

FROM: Lori Shirley, Planner Coordinator, Environmental Planning 

SUBJECT: Rever Property at 13915 Old Columbia Pike, Silver Spring
Zoning Application No. G-874

Staff Recommendation

Environmental Planning staff recommends **approval** of Zoning Application No. G-874 provided the applicant can demonstrate compliance to the following stipulations in subsequent reviews:

- 1) Prior to submittal of a site plan, NRI/FSD #4-05107E shall be revised to show the as-built driveway apron for the subject property along Old Columbia Pike.
- 2) A more detailed Final Tree Save Plan must be submitted at time of sediment control plan with detailed and specific tree preservation measures. The Final Tree Save Plan needs to include an arborist's detailed evaluation of specimen tree #2 (32-inch silver maple) and significant tree #1 (28-inch silver maple) with specific tree preservation measures.
- 3) Final sediment control plan must be consistent with final limit of disturbance as approved by M-NCPPC staff.
- 4) Prior to certificate approval of the schematic development plan, said plan must be revised to show the correct tree caliper for specimen tree #2 and significant tree #1, as shown on NRI/FSD #4-05107E.

Discussion

There is an existing single-family detached dwelling on-site currently used as an office. The site is zoned R-200 and contains a total of 29,893 square feet. The site previously underwent development review in Local Map Amendment E-990 that was denied.

A revised schematic development plan stamped as received on January 29, 2008, has been submitted for a proposed two-story office building with an off-street parking lot in the O-M (Office Building-Moderate Intensity) zone. The existing residence will be razed after the new building is constructed for an uninterrupted dental practice operating from this structure. The revised schematic development plan incorrectly shows the calipers for specimen tree #2 and significant tree #1 (32-inches and 28-inches, respectively).

Forest Conservation

The site has a staff approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #4-05107E. There is no forest area on-site; however, there are three specimen trees on-site, two specimen trees off-site on adjacent properties in close vicinity of common property lines, and several significant trees both on and off-site. On September 4, 2007, a letter of exemption from the Montgomery County Forest Conservation Law was issued with conditional approval subject to submittal of a Tree Save Plan for approval by Environmental Planning staff. A copy of this exemption letter, #4-05107E, is attached and it should be included in the future submittal of all permits relating to G-874 regarding the site's forest conservation requirements.

A revised Tree Save Plan was submitted as received on February 4, 2008. If this zoning amendment request for the O-M zone is granted by the County Council, subsequent site plan review by the Planning Board is mandatory. A Final Tree Save Plan must be included at the time of site plan review to address the condition of approval in #4-05107E.

Special Protection Area

The site has roadway frontage along the east side of Old Columbia Pike. A review of zoning maps indicates the site has the outer boundary of the Upper Paint Branch SPA Environmental Overlay Zone (EOZ) along its roadway frontage and an existing driveway apron on Old Columbia Pike. Most of the site is outside the Upper Paint Branch SPA EOZ boundary. In an electronic mail dated and received on February 6, 2008, Montgomery County DPS staff confirmed the location of the SPA watershed drainage boundary based on analysis of detailed topography. In this e-mail DPS staff concluded: "that no portion of the subject property is within the Upper Paint Branch Special Protection Area (SPA). The entire property appears to drain away from the SPA."

An existing driveway apron on Old Columbia Pike was constructed by the State Highway Administration as part of improvements to the MD 29 ramp and adjacent road network. A small portion of the driveway apron is inside the SPA EOZ boundary. The applicant does not intend to alter or further expand the apron and based on this understanding, a Water Quality Plan for the portion of the apron inside the SPA boundary is not required.

The site has no streams, wetlands or areas of floodplain. There are no steep slopes and no erodible soils.

Stormwater Management

An on-site underground stormwater management facility including ground water recharge is shown at the rear of the site on the revised schematic development plan dated as received on February 6, 2008 and all subsequent revised plans, including the Tree Save Plan. Final approval of a stormwater management concept will occur in subsequent reviews. As of this writing, a stormwater management concept plan has not been submitted to DPS. Maryland-National Capital Park and Planning Environmental Planning staff does not believe there to be any prohibitions to underground facilities for commercial office uses, but the final determination will occur later.

The site drains from west to east toward the ground water recharge system located at the rear yard. Beyond the site's east property line is a parcel owned by the State of Maryland and it is part of the MD 29 off ramp to Briggs Chaney Road. Because the proposed ground water recharge system is shown located at the rear of the site, this proposed design does not appear to conflict with the proposed tree save measures shown on the

aforementioned Tree Save Plan. One specimen tree and one significant tree are both located at the front yard of the site. Both of these trees are shown on the Tree Save Plan to be protected during the construction phase and retained at post development.

Water Quality

The site is located in the Little Paint Branch subwatershed of the Anacostia River watershed.

If you have any questions regarding these comments, please contact me at either extension 4551 or electronically at lori.shirley@mncppc-mc.org.

Attachment

LS:ls

G:/DevRev/se_zon_mr/G-874_RevesProperty_LS.docx



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

September 4, 2007

David Rever
13915 Old Columbia Pike
Silver Spring, MD 20904

Dear Mr. Rever:

This letter is to inform you that your request for an exemption from submitting a forest conservation plan 42005107E, Rever Property, is conditionally approved. A tree save plan must be submitted to the Development Review Division in conjunction with any application to which it is a necessary component, or directly to Environmental Planning staff if not associated with an application before the Planning Board. The tree save plan must be prepared and signed by a certified arborist.

Since the property is subject to the Montgomery County Forest Conservation law there shall be no clearing of forest, understory, or tree removal on the subject site prior to the approval of the tree save plan. If there are any subsequent modifications to plan approved on this date, a separate amendment must be submitted to M-NCPPC for review and approval prior to the submission of a tree save plan.

If you have any questions regarding these actions, please feel free to contact me at 301-495-4546 or joshua.pcnn@mncppc-mc.org.

Sincerely,

Josh Pcnn, Senior Planner

Cc: NRI/FSD 42005107E
Doug Sievers, 301-948-0693



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

February 5, 2008

MEMORANDUM

TO: Damon B. Orobona, Zoning Analyst/Senior Planner
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Cherian Eapen, Planner/Coordinator
Transportation Planning
301-495-4525

SUBJECT: Local Map Amendment/Zoning Application No. G-874
Rever Property
Lot 1, Rhodes Addition to Fairland (13915 Old Columbia Pike)
Fairland/White Oak Policy Area

This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject Local Map Amendment/Zoning application request to rezone the subject property from the R-200 zone to the O-M zone. The purpose of the rezoning request is to obtain approval to construct a new 8,100 square-foot building to be used as a medical office (3,500 square-feet) and a general office building (4,600 square-feet). Presently, the applicant is operating a dental practice in an existing residence on the property. The existing dental practice is proposed to be relocated to the new medical office area. Therefore, for APF purposes, it is estimated that only the general office will generate new peak-hour trips.

COMMENTS

Transportation Planning staff provides the following transportation-related comment regarding the subject Local Map Amendment/Zoning application.

- The applicant must address APF issues related to the subject property, a recorded lot, at the time of building permit.

DISCUSSION

Site Location, Access, Circulation and Transportation Facilities

The subject property located within the northeast corner of Old Columbia Pike and Briggs Chaney Road and currently has access to Old Columbia Pike. Presently, the applicant is

operating a dental practice in an existing residence on the property. The Burtonsville Voluntary Fire Station is located across from the property. Columbia Pike (US 29) is located to the east of the property.

Old Columbia Pike is a north-south roadway between Spencerville Road (MD 198) to the north and US 29 to the south. The roadway along the property frontage is classified as a primary residential street. The roadway has a new five-foot wide sidewalk along its east side (along the property frontage). Parking is not permitted along Old Columbia Pike. The roadway has a posted speed limit of 35 mph. Metrobus route Z9 runs along Old Columbia Pike.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 1997 Approved and Adopted *Fairland Master Plan* describes the nearby master-planned roadways, bikeway/pedestrian facilities as follows:

1. Old Columbia Pike, along the property frontage, as a two-lane residential primary street (P-25c) between Briggs Chaney Road to the south and Spencerville Road to the north, with a minimum right-of-way width of 70 feet and sidewalks on both sides. The roadway is also an existing Class II bikeway (EB-13; or BL-12, as in the *Countywide Bikeways Functional Master Plan*) between Tech Road and Spencerville Road.
2. Briggs Chaney Road, to the south of the property, as a four-lane divided, east-west arterial roadway (A-86) between Paint Branch to the west and Old Columbia Pike to the east, with a minimum 80-foot right-of-way, and sidewalks on both sides. The roadway is recommended to have bike lanes (BL-14) in the *Countywide Bikeways Functional Master Plan* between New Hampshire Avenue and Old Columbia Pike. A shared use path is recommended for Briggs Chaney Road from east of Old Columbia Pike, to the Prince George's County line. This path is currently under construction.

Adequate Public Facilities Test

APF issues related to the subject rezoning case will be addressed at the time of building permit.

SE:CE:tc

cc: Piera Weiss
Barbara Kearney
Greg Leck

mno to do re G-874.doc



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

MEMORANDUM

Date: January 16, 2008

To: Damon Orobona
Development Review Division

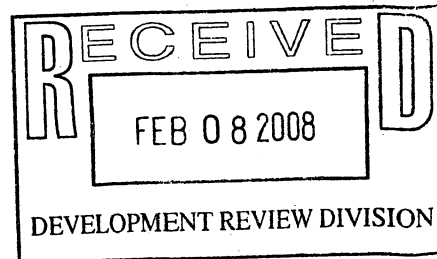
From: Taslima Alam
Development Review Division

Subject: Zoning Application No. G-874

The property was previously recorded as a lot and does not require subdivision. Prior to the release of any building permit, the applicant will be required to submit a site plan pursuant to Chapter 59D-3 of the zoning ordinance.



February 8, 2008



Mr. Richard R. Brush, Manager
Montgomery County
Department Permitting Services
Water Resources Section
255 Rockville Pike 2nd Floor
Rockville, Maryland 20850

Re: Rever Property
Stormwater Concept Plan
MHG Project No. 2003.110

Dear Mr. Brush:

On behalf of our client, David Rever DDS, we hereby request the approval of a Stormwater Management Concept for construction of an office building and parking lot area. The existing site consists of a single family residence.

The 0.69 acre site is located at 13915 Old Columbia Pike, Silver Spring, Maryland and is currently zoned R-200. Proposed zoning is OM. Under existing and proposed conditions, runoff flows to the Little Paint Branch tributary of the Anacostia River Watershed. This portion of the Anacostia River and its tributaries has a stream use classification of I-P.

Proposed stormwater management for the site is provided in two systems to treat water quality and groundwater recharge for the site. No channel protection management is proposed because the post development 1 year peak discharge rate is less than 2.0 cfs. The first system is volume based and designed to be offline and treat runoff from the proposed parking lot. The system consists of a hydrodynamic pretreatment device, temporary volume storage in a large diameter pipe, and filtration via a cartridge filter. The second system is a standard Montgomery County infiltration trench with a 20 foot grass filter strip. The infiltration trench is designed to treat the rooftop area of the proposed building for water quality and is sufficiently sized to provide groundwater recharge for the entire development area.

Mr. Brush, Manager
MCDPS
Water Resources Section
February 8, 2008
Page 2

For your use in reviewing this request, we have included a Stormwater Management Concept Application form, a Stormwater Management Concept Plan, Unified Sizing Computations, and additional supporting information. If any additional information is required or any questions arise, please contact us at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pearce Wroe', with a long horizontal flourish extending to the right.

Pearce Wroe