



The Korean Community Service Center of Greater Washington, Inc. Conditional Use No. CU 2017-12

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Staff Report Date: 3/3/17

Description

- Request for a Private Club, Service Organization
Address: 700 Buckingham Drive
- Zone: R-60
- Master Plan: *2000 East Silver Spring Master Plan*
- Applicant: Korean Community Service Center of Greater Washington, Inc.
- Filing Date: December 28, 2016
- Public Hearing: March 31, 2017 at the Hearing Examiner's Office.



SUMMARY

Recommendation

Staff recommends **Approval** with conditions for Conditional Use CU 2017-12 for a Private Club, Service Organization.

Section 59.6.2.10 of the Zoning Ordinance allows an Applicant to request the following parking waivers:

- from Section 59.6.2.5.K.2.b for the minimum side yard setback along the northern property lines for the parking facility; and
- from Section 59.6.2.9.B.1, 2, and 3 for parking lot landscaping for conditional uses.

Staff supports both parking waiver requests from Section 59.6.2.5.K.2.b and from Section 59.6.2.9.B.1, 2, and 3 of the Zoning Ordinance.

Section I.: Staff Recommendation:

Staff recommends approval of Conditional Use (CU 2017-12) for private club, service organization with the following conditions:

1. The private club, service organization conditional use is limited to 3 employees.
2. The private club, service organization is limited to 1,920 square feet of space as shown on the submitted site plan.
3. The hours of operation are Monday through Friday from 9:00 a.m. to 5:00 p.m. and 10:00 a.m. to 3:00 p.m. on Saturdays. Up to 8 monthly meetings (per month) may be held on either a weekday evening or weekend evening and must end by 9:00 pm.
4. Five on-site parking spaces must be provided for employees and visitors.
5. The Applicant must provide one long-term weather-protected bicycle parking space and one short-term bicycle parking space on site. The final dimensions and location of each type of bicycle parking space should be coordinated with the Montgomery County Department of Permitting Service (MCDPS) prior to issuance of a use-and-occupancy permit for the proposed use.
6. The Applicant must upgrade the existing parking facility as follows:
 - Mark and stripe the surface parking lot to provide for orderly and safe on-site vehicular movements subject to approval by MCDPS. This includes reconfiguring the existing spaces to meet the required dimensions for parallel parking spaces of 8.5 feet x 18 feet and required dimensions for the ADA accessible space at the rear entrance and adding striping to delineate a pedestrian walkway at the rear entrance.
7. Prior to the issuance of a use-and-occupancy permit, the Applicant must extinguish the existing approved conditional use on the site (S-1591) with the Board of Appeals.

Section II: Project Description

A. Background

The Applicant, the Korean Community Service Center of Greater Washington, Inc, (KCSCGW) owns the subject Property ("Property" or "Site") located on the east side of University Boulevard-East (MD 193) at its intersection with Buckingham Drive in Silver Spring. KCSCGW is a non-profit organization that provides comprehensive services to Asian Americans, both citizens and recent immigrants, in the Washington area. They provide a variety of services in the fields of health, immigration, elder care, and family support programs. Cultural and linguistic programs to address language barriers in housing, job placement, and other social needs are also offered. The headquarters is in Annandale, Virginia, with 3 branch offices in suburban Maryland. The proposed use will be another branch office of KCSCGW.

Additionally, since 1991, KCSCGW has operated a low-income senior housing apartment complex on the abutting property to the north at 440 University Boulevard-East. Employees associated with the proposed use will serve residents living in this adjacent senior housing complex.

The subject Property contains 23,552 square feet of land and is zoned R-60. On November 10, 1988, the Board of Appeals (BOA) approved a conditional use S-1591 (formerly known as a special exception) in the basement of the property for a non-resident medical practitioner. On June 13, 2013, the BOA approved a modification request for S-1591 to allow the addition of one non-resident practitioner to the practice for only two days a week. The approved non-resident medical practitioner's office has since vacated the premises and the above-grade basement space is empty. The proposed use will occupy the above-grade basement. KCSCGW leases the upper floors of the house as a residential rental unit which will continue separate from the requested application.



Figure 1: Aerial View of Subject Site (outlined in blue)

B. Site Description

The property is a corner lot, rectangular in shape, with 78 feet of frontage on University Boulevard-East and 340 feet of frontage on Buckingham Drive. It is developed with a 2-story one-family detached dwelling unit and a surface parking lot in the rear yard. The existing surface parking lot contains 9 parking spaces. Access to the site is from Buckingham Drive via a driveway entrance. There is no vehicular access to the site from MD 193. The intersection of MD 193 and Buckingham Drive is a signalized intersection with full movement in either direction along MD 193. A bus stop with shelter and bench is located directly in front of the site on MD 193 adjacent to an existing sidewalk. Pedestrian access to the site is from the sidewalk on MD 193 via a stone path which wraps around the house and leads to the surface parking lot.

Several large deciduous trees are in the front and side yards. Foundation plantings are located around the front of the dwelling unit. The entire rear yard contains large and mature deciduous trees. There are small evergreen shrubs at the entrance to the surface parking lot. All the existing trees and landscaping are well maintained. A 4-foot high chain-link fence runs along the entire length of the northern property line. The northern property line abuts property also owned by the KCSCGW which is developed as University Gardens I and University Gardens II, a multi-family mid-rise housing complex for seniors, approved under conditional use S-1424 in 1987. A board-on-board 6-foot high wooden fence is located along the rear property line of the subject site.



Figure 2: View of Subject Site from the intersection of Buckingham Drive and MD 193

Neighborhood Description

The neighborhood is bounded to the north by Franklin Avenue, Northwest Branch Stream Valley Park to the east, Piney Branch Road (MD 320) to the south, and Long Branch Parkway to the west.

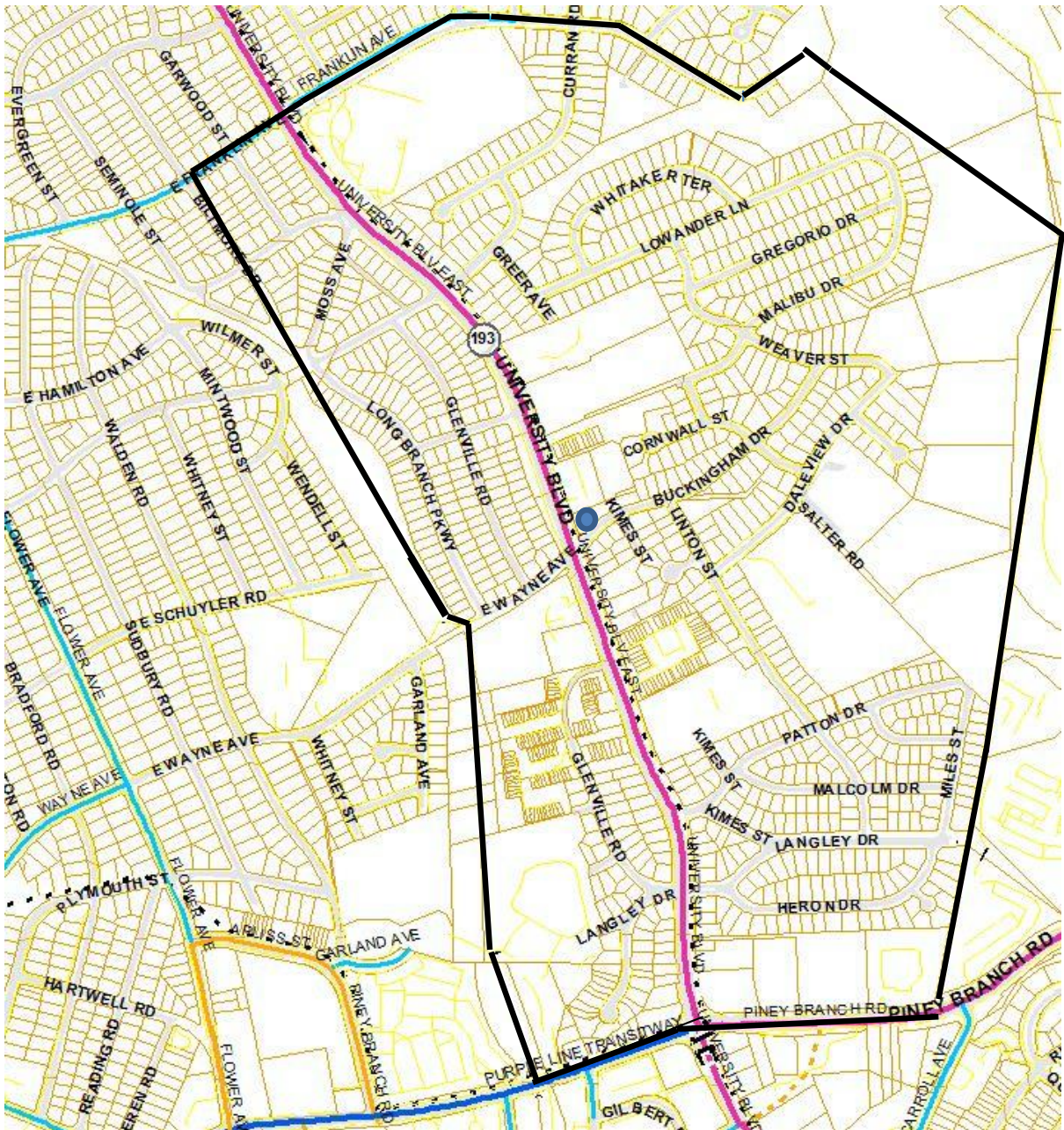


Figure 3: Defined Neighborhood Outlined in Black (Blue Dot identifies Subject Site)

The neighborhood is developed with one-family detached residential uses in the R-60 zone and residential townhouses developed under the RT- 12.5 zone. Commercially zoned properties are clustered at the northwest and northeast quadrants of the intersection of MD 193 and MD 320, at the southern boundary of the neighborhood. These properties are zoned Commercial/Residential Town (CRT) with floor area ratios (FAR) that vary from 1.5 to 2.5 and are developed with various commercial uses. The Pineway Towers, a multi-family high-rise planned residential use zoned R-H, and the Montgomery Apartments, a multi-family high density residential use zoned R-10, are located adjacent to each other along MD 320. The defined neighborhood also contains the following educational and religious uses:

- Montgomery Knolls Elementary School located at 807 Daleview Drive;
- Eastern Middle School located at 300 University Boulevard-East;
- Mount Jezreel Baptist Church located at 420 University Boulevard-East;
- Silver Spring Presbyterian Church located at 580 University Boulevard -East; and
- Clifton Park Baptist Church located at 8818 Piney Branch Road, (MD 320).

Approved conditional uses located in the defined neighborhood are as follows:

- S-79 for non-residential medical practitioner approved on May 9, 1972;
- S-631 group residential facility approved August 2, 1978;
- S-763 for a service organization approved January 21, 1981;
- S-844 for a veterinary hospital approved November 24, 1982
- S-952 for an accessory apartment approved on August 1, 1984
- S-1081 for an accessory apartment approved on July 30, 1986;
- S-1424 housing for the elderly approved July 28, 1987;
- S-1482 for an accessory apartment on December 16, 1987;
- S 1591 for a non-resident medical practitioner approved on November 10, 1988,
- on the subject site;
- S-1718 for a boarding house approved October 10, 1989;
- S-2639 for a telecommunication facility (monopole) approved July 27 2005; and
- S-2877 for housing and related facilities for senior adults approved on December 14, 2015.



Figure 4: Defined Neighborhood Existing Zoning (Subject Site identified with red dot)

C. Zoning History

The property is located in the *East Silver Spring Master Plan (2000)* area. The Master Plan reconfirmed the R-60 zone for this site. On November 10, 1988, the Board of Appeals (BOA) granted special exception (S-1591) for a non-resident medical practitioner's office in the basement of the existing one-family residence. On June 13, 2013, the BOA approved a modification request for S-1591 to allow the addition of one non-resident practitioner to the practice for only two days a week. From the Applicant's statement of justification, the approved conditional use no longer operates at the site. Copies of all BOA opinions are included in Attachment A.

D. Proposed Use

The Applicant, the Korean Community Service Center of Greater Washington (KCSCGW), is proposing to operate a service organization in the above-grade basement of the existing one-family house. KCSCGW offers a variety of services in the fields of health care, culture, linguistics, family care and support, and employment to the Asian-American community.

The proposed use will consist of 1,920 square feet. Three employees will be associated with the use. The hours of operation will be 9:00 am to 5:00 pm, Monday through Friday, and on Saturdays from 10:00 a.m. to 3:00 p.m. There will also be occasional small group training sessions or meetings, up to 8 per month, on weekday and weekend evenings that will run no later than 9 p.m. Approximately 5 to 6 staff and visitors are anticipated to be on-site during weeknight evenings and weekend evenings. During weekday hours of operations, visitors to the site will be by appointment only. There will be no physical changes to the residence or the existing parking facility. The site plan proposes 8 parking spaces and 2 bicycle parking spaces. The Applicant is requesting several waivers under Section 59.6.2.10 of the Zoning Ordinance related to parking facilities for conditional uses. These waivers are as follows:

- from Section 59.6.2.5.K.2.b for the minimum side yard setback along the northern property line for the parking facility; and
- from Section 59.6.2.9.B.1,2, and 3 for parking lot landscaping for conditional uses.

The Applicant is also providing 18,152 square feet of required open space on the site. No signage or additional landscaping is proposed by this use. No additional lighting is proposed by the applicant as the existing lighting, residential in nature, will remain unchanged. The KCSCGW will continue to lease the upper levels of the dwelling unit as a residential rental unit.

Section III: Analysis and Findings

A. Development Standards

The proposed use meets the R-60 Zone Development Standards as shown in Table 1.

Table 1 Development Standards

Development Standards	Required	Proposed
Minimum Lot Area (59.4.4.9.B.1)	6,000 sf	23,522 sf
Minimum Lot Width (59.4.4.9.B.1) <ul style="list-style-type: none">• At front building line• At front lot line	60 ft. 25 ft.	110 ft. 78 ft.
Maximum Lot Coverage (59.4.4.9.B.1)	35%	8.4%
Minimum Building Setback (59.4.4.9.B.2) <ul style="list-style-type: none">• Front• Side• Rear	25 ft. 8/25 ft. 20 ft.	40 ft. 12/40 ft. 252 ft.
Maximum Building Height (59.4.4.9.B.3)	35 ft.	35 ft.
Parking Requirements (59.6.2.4)	7 spaces	7 spaces ¹
Minimum parking setback (59.6.2.5.K.2) <ul style="list-style-type: none">• Side• Rear	16 ft. 20 ft.	15 ft. ² 200 ft.

¹ Under the Zoning Ordinance, 1,000 square feet per GFA with a baseline minimum of 2.50 spaces is required for a private club, service organization. The proposed use will consist of 1,920 square feet; thus 5 parking spaces are required for this use. The Applicant is providing 5 on-site parking spaces for the proposed use and two parking spaces for the residential rental use.

²The required side yard setback for a parking facility is two times the minimum 8 foot required setback. The existing parking facility is sited 15 feet from the northern side yard and cannot meet this setback requirement. A waiver for 1-foot from the 16-foot side yard setback for the parking facility is requested. Staff supports the waiver request.

B. Master Plan

The site is located in the *2000 East Silver Spring Master Plan* area which reconfirmed the R-60 zone for the site. While the Plan contains no specific recommendations for the site, it does offer the following relevant Goals and Objectives:

Community, Preservation, Stability, and Character

- *Meet the needs of area residents by providing facilities for social service organizations. (p. 6)*

Community Facilities, Parks and Environmental Resources

- *Provide community facilities to meet the human service, recreational, security, educational and other needs of the diverse community. (p. 8)*

Land Use and Zoning

- *Confirm the existing residential zoning throughout East Silver Spring, except as recommended in this Plan. (p.26)*
- *Support the provision and location of adequate social, employment, and health facilities and services to meet the needs of area residents. (p.28)*
- *Support the involvement of public, private, and faith-based organizations in addressing area service needs. (p. 28)*

The East Silver Spring Master plan emphasizes the need to sustain a livable community of neighborhoods in east Silver Spring by preserving the positive attributes and guiding change so that it strengthens the function character and appearance of the area. This Plan reconfirms the current zoning, which establishes the permitted density. New development, infill development, redevelopment, and special exception uses should be compatible with the existing residential character. As a result, the existing land use pattern should remain essentially the same. (p. 26)

Furthermore, the Plan states that “land use plans address these social and economic needs by addressing the location and design of places that provide services. For example, some service organizations need larger facilities at new locations. The Master Plan supports efforts by both public and private organizations to address all of these needs as a way to build a healthy community “. (p. 28)

The KCSCGW proposes to develop a service organization on the site. This service organization will provide a variety of social and economic services to the Asian-American community in East Silver Spring. The Master Plan supports the provision of social service organizations that address the needs of recent immigrants and long-time county residents. Under the requested use, the land use patterns of the surrounding area remain unchanged. The proposed use will be compatible with the existing area’s residential character as no alterations are proposed to the one-family house or property. The proposed use is in conformance with the recommendations of the Master Plan for establishing social service organizations thereby creating livable communities for this diverse population group.

C. Transportation

The requested conditional use satisfies the Local Area Transportation Review and Transportation Policy Area Review (LATR/ TPAR) tests and will have no adverse traffic impact on existing area roadway conditions or pedestrian facilities, as proposed. Staff recommends approval of the conditional use application and offers the following conditions and comments:

1. The Applicant must limit the conditional use to 1,920 square feet, as shown on the site plan and analyzed in the traffic statement.
2. The conditional use is limited to the hours of 9:00 AM – 5:00 PM, Monday – Friday and 10:00 AM – 3:00 PM on Saturdays. Additional small-group training sessions or meetings (limited to a maximum of eight per month) are permitted be held on weekday/weekend evenings that will run no later than 9:00 PM.
3. The conditional use is limited to a maximum of three employees.
4. The Applicant will provide at least one long-term and one short-term bicycle parking space on site.
5. Changes to the striping on the existing onsite parking lot are required to meet the parking lot design standards of Section 59.6.2.5. This includes elongating the spaces to meet the required length of 18 feet and reconfiguring the ADA accessible space oriented perpendicularly to the rear entrance and adding a pedestrian walkway.

Vehicular Access and Parking

The site is located on the north side of Buckingham Drive, between University Boulevard (MD 193) and Linton Street, with primary access provided via a driveway on Buckingham Drive. Buckingham Drive functions as a Secondary Roadway that measures approximately 82 feet wide with one travel lane in each direction. MD 193 is classified as a Major Highway (120' right-of-way) that measures approximately 84-feet wide with three travel lanes in each direction and a landscaped median running the length of the roadway.

The Application proposes maintaining the on-site surface parking lot accessed via the driveway on Buckingham Drive. Minor changes to the striping of the existing surface lot are needed to comply with Section 59.6.2.5 of the Zoning Ordinance. They include elongating the existing striping so that each parking space meets the minimum 18-foot length requirement, the 8.5-foot width requirement, and preserves the 20-foot drive aisle between the two rows of parking spaces. The parking space closest to the rear entrance will need to meet the design standards for ADA accessibility, which includes the dimensions for vehicle and adjacent aisle space. On-street parking is restricted on the north side of Buckingham Drive adjacent to the site. Based on the amount of on-site parking, no adverse impacts will result from the proposed general office. For the proposed general office use, one short-term and one- long term bicycle parking space are required on site per Section 59.6.2.4 of the Zoning Ordinance. The locations of the bicycle parking spaces are shown on the submitted site plan.

Pedestrian and Transit Service

Both sides of MD 193 have sidewalks that measure five feet in width. These sidewalks are part of a continuous network that connects the site with the surrounding neighborhood and the greater region via MD 193. Sidewalks along MD 193 connect to sidewalks on the south side of Buckingham Drive. Transit service is available from a bus stop along the site's MD 193 frontage (in the northbound direction) and directly opposite the site (in the southbound direction). The following transit routes are served by the two stops:

- Metrobus Routes: C2 and C4
 - a. C2: Provides service between the Greenbelt and Twinbrook Metrorail Stations. Service is provided between 4:30 AM and 1:00 AM Monday through Friday; 5:00 AM and 5:00 PM Saturdays; and 6:00 AM and 12:30AM Sundays.
 - b. C4: Provides service between the Twinbrook and Prince George's Plaza Metrorail Stations. Service is provided from 4:30 AM to 1:20 AM Monday through Friday; 5:00 AM to 2:00 AM Saturdays; and 6:00 AM to 1:30 AM Sundays.
- Ride-On Route: 14
 - 14: Provides service between Silver Spring and Takoma Park Metrorail stations. Service is provided between 5:30 AM and 9:00 PM Monday through Friday and approximately 7:30 AM and 7:00 PM on Saturdays. There is no Sunday service provided along this route.

Master-Planned Roads and Bikeways

The *2000 East Silver Spring Master Plan* identifies MD 193 as Major Highway M-19, with an ultimate right-of-way of 120 feet, with a median and three lanes in each direction between the

Capital Beltway (I-495) and the Prince George's County line. As one of the major north/south corridors for the plan area, there are several Master Plan recommendations to improve the walking and biking conditions along MD 193.

1. The *2000 East Silver Spring Master Plan* recommends providing tree-lined sidewalks, landscaped medians, and street trees in wide panels separating sidewalks from traffic.
2. The *2005 Countywide Bikeway Functional Master Plan* identifies MD 193 as a future dual bikeway DB-5, which recommends a shared use path on both sides from the Prince Georges County line to I-495. On the road, the Plan recommends a shared roadway the entire length, with additional informal "bicycle areas" on both sides of the street.

No recommendations are made for Buckingham Drive in either the *2000 East Silver Spring Master Plan* or the *2005 Countywide Bikeway Functional Master Plan*.

The *2013 Countywide Transit Corridors Functional Master Plan* recommends 10 corridors for Bus Rapid Transit (BRT) routes. Segments of MD 193 are included in recommendations for Corridor 8, which is planned to connect the Wheaton Metrorail Station to the Takoma-Langley Transit Center. Between Williamsburg Drive and Piney Branch Road (MD 320), the Plan recommends dedicated lanes for the bus rapid transit route by adding an additional transit lane to the existing street cross section. The alignment of the transit lane will be determined at the engineering design stage.

The Purple Line is a planned 16-mile light rail line that will provide an east-west connection between Bethesda in Montgomery County and New Carrollton in Prince George's County. The planned alignment includes a segment along MD 193 between Adelphi Road and MD 320, a few blocks south of the site. The planned station closest to the site is located just under a half-mile away at the intersection of MD 193 and MD 320.

Local Area Transportation Review (LATR)

The proposed use will generate vehicular trips during the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods. The subject conditional use application is not required to submit a full LATR traffic study because the site will generate fewer than 30 vehicular trips. As a result of this exemption, the Applicant submitted a traffic statement that summarized a petition for 1,920 square feet of general office. Based on the 2013 LATR trip generation rate, the proposed use would generate two fewer morning peak-hour trips and three fewer evening peak-hour trips than the previously approved medical office use (Table 2). As a result of the decrease in site generated traffic during the morning and evening peak periods, the traffic generated by the proposed conditional use would not adversely impact the existing traffic conditions.

**TABLE 2
SUMMARY OF SITE TRIP GENERATION
PROPOSED GENERAL OFFICE**

	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Previously Approved Special Exception¹						
Medical Office ² (1,920 SF)	4	1	5	2	5	7
Proposed Conditional Use						
General Office ³ (1,920 SF)	2	1	3	1	3	4
Net New Peak Hour Trips	-2	0	-2	-1	-2	-3

¹ At the time of approval, this use was subject to the special exception review process.

² ITE Trip Generation Manual, 9th Edition: Land Use Code: 720 (Medical-Dental Office Building)

³ January 2013 LATR/TPAR Guidelines.

Transportation Policy Area Review (TPAR)

New developments within the Silver Spring/Takoma Park Policy Area must satisfy the Transportation Policy Area Review (TPAR) test by making a one-time payment equal to 25 percent of the general district impact tax. The proposed conditional use however, is not subject to this TPAR payment because it will not increase the building square footage and will generate fewer trips than the previously approved medical office space. Therefore, the proposed development satisfies Adequate Public Facility (APF) requirements and does not necessitate further transportation analysis.

D. Parking, Queuing and Loading Section 59.6.2

Section 59-6.2.10, of the Zoning Ordinance entitled, Parking Waiver states that, *“the deciding body may waive any requirement of Division 6.2, except the required parking in a Parking Lot District under Section 6.2.3.H.1, if the alternative design satisfies Section 6.2.1”*

The intent of Section 6.2.1. is to ensure that adequate vehicle and bicycle parking requirements are provided in a safe and efficient manner. The Applicant is requesting the following parking facility waivers from the Zoning Ordinance:

- for reduction to parking facility required yard setbacks (*Section 59.6.2.K.2.b*); and
- for reduction to perimeter planting areas (*Section 6.2.9.B.1,2, and 3*).

Parking Facility Waiver Requests

Section 59.6.2.5.K Facilities for Conditional Uses in Residential Detached Zones

Any off-street parking facility for a conditional use that is located in a Residential Detached zone where 5 or more parking spaces are provided must satisfy the following standards:

Section 59.6.2.5.K.2.b. *The minimum side parking setback equals 2 times the minimum side setback required for the detached house*

In the R-60 Zone, the minimum required side yard setback is 8 feet, thus a 16-foot setback is required for the parking facility along the northern property line. The existing parking facility is sited 15 feet from this property line. The Applicant is requesting a waiver for 1-foot setback for the parking facility. To have the Applicant remove one foot of existing asphalt to meet this

required setback would be onerous to the Applicant. The difference between a 15-foot setback and 16-foot setback is not discernible to staff or clients who visit the site or to nearby residents in the surrounding area. Staff supports the parking facility side yard waiver request.

Section 6.2.9.B. Parking Lot Requirements for Conditional Uses Requiring 5 to 9 Spaces

If a property with a conditional use requiring 5 to 9 parking spaces is abutting Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use, the parking lot must have a perimeter planting area that:

- 1. satisfies the minimum specified parking setback under Article 59-4 or, if not specified, is a minimum of 8 feet wide;*
- 2. contains a hedge, fence, or wall a minimum of 4 feet high; and*
- 3. has a minimum of 1 understory or evergreen tree planted every 30 feet on center.*

Based on the above requirement, the existing parking facility would be required to have an 8-foot perimeter planting area along the its northern border and adjacent to the KSCSGW elderly housing complex. A 4-foot high chain-link fence runs along the entire length of the northern property line. The length of the existing parking facility along the northern property line is approximately 60 feet. As shown on the Applicant's Landscape Plan (Figure 7), landscaping is planted for approximately 26-feet along the edge of this parking facility. The remaining 34-feet of this parking facility along the northern property line, contains no trees or shrubs and does meet the 8-foot landscaping requirement. The Applicant has requested a waiver from the perimeter landscaping requirement for this portion of the parking facility.

Presently, the 26-foot long landscaped area contains shade and flowering trees for a depth of 9 feet, which screen a portion of this parking facility from the abutting residentially developed property. However, this abutting property to the north is also owned by the Applicant and developed under approved conditional use (S-1424) as a senior housing complex. The proposed conditional use will provide services for the elderly residents of this complex. Implementation of this section of the Zoning Ordinance by adding additional screening adjacent to the parking facility would essentially sever the linkage the two properties are trying to achieve by locating adjacent to each other. The existing 26-foot long landscaped area effectively screens the parking facility from the elderly housing complex and maintains the residential character of the area. Staff supports the Applicant's waiver request for relief from this landscaping requirement.

Finally, Figure 7 shows that the rear yard contains a substantial amount of shade and flowering trees along with a 6-foot high board-on-board fence along the rear property line. This landscaping and the fence provide an adequate and effective screening for the existing parking facility and proposed conditional use from the abutting residential use to the east.

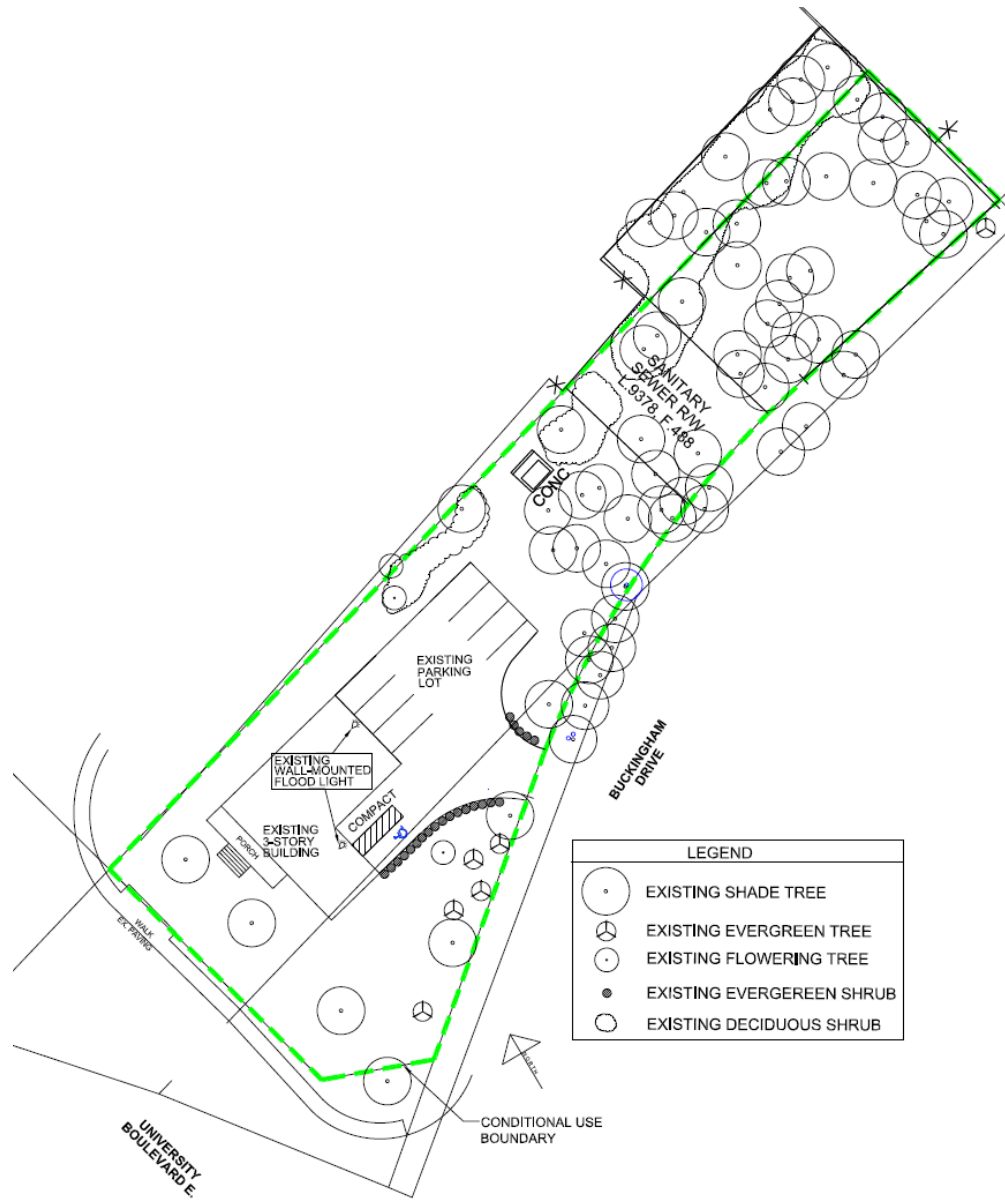


Figure 7: Existing Landscaping Plan

Section 6.2.5. Vehicle Parking Design Standards

Section 6.2.5.1. Size of Spaces

1. Each parking space must satisfy the following minimum dimensional requirements:

	Standard Space		Compact Space	
Parking Angle	Width	Length	Width	Length
Perpendicular	8.5'	18'	7.5'	16.5'

As shown on the submitted site plan, the existing parking facility contains 8 parking spaces which measure approximately 9 feet by 15 feet. One parking space is located in front of the proposed use's entrance. The location of this parking space is not acceptable for adequate and safe on-site pedestrian circulation. The conditional use requires 5 parking spaces and 2 additional parking spaces are required for the residential use. As a condition of approval Staff recommends that the parking space in front of the entrance be removed and that the parking facility is restriped for 7 perpendicular spaces. The 7 parking spaces will be sufficient to accommodate the proposed use and the on-site residential rental unit.

Section 6.2.5 G.2 Drive Aisles

2. A drive aisle must have the following minimum width based on the configuration of the adjacent parking spaces and travel direction:

Parking Type	One Way	Two Way
Perpendicular	20'	20'

The existing drive aisle is 30 feet in width. With the recommended condition of approval, the parking spaces will be reconfigured for the appropriate perpendicular dimensions, and the drive aisle width will decrease to the 24 feet which is sufficient to accommodate two-way traffic in the parking facility.

Section 6.2.5.I. Walkways

An off-street parking facility must have pedestrian walkways or sidewalks as needed for pedestrian safety. A pedestrian walkway or sidewalk must be distinguished by stripes, wheel stops, curbs, or other methods approved by the applicable deciding body.

The submitted site plan does not show a walkway within the off-street parking facility. To accommodate this requirement, staff recommends that the area shown for the compact parking space be removed and replaced with a pedestrian walkway. The walkway can be delineated by striped markings. A condition of approval is recommended that the Applicant install this walkway at the time the parking lot is restriped.

Section 6.2.6. Bicycle Parking Design Standards

Section 6.2.6.A.1.a. Each long-term bicycle parking space must be provided within a building, covered parking garage, or bicycle locker located near the building or structure and the street or other bicycle right-of-way

Under this conditional use, one long-term bicycle parking space and one short-term bicycle parking space is required. The submitted site plan shows two bicycle parking spaces located in an area of the parking facility. The dimensions and type of the bicycle parking spaces will be determined by MCDPS prior to issuance of permits for this conditional use. This requirement has been satisfied.

E. Section 59-6.4.4. E Outdoor Lighting Requirements

Outdoor lighting for conditional uses must be directed or screened to ensure that illumination is 0.1 footcandles or less at any lot lines that abuts a detached building type not located in a Commercial/Residential or Employment zone.

The Applicant is not proposing new outdoor lighting for the private club, service organization. Existing lighting is mounted on the rear wall of the dwelling unit and adjacent to the entrance of the proposed conditional use. Both fixtures will remain. The existing lighting is residential in nature and will not create a problem with illumination on abutting properties.

E. Section 6.5. Screening Requirements

Section 59.6.5.2.B.1 Agricultural, Rural Residential, and Residential Detached Zones

In the Agricultural, Rural Residential, and Residential Detached zones, a conditional use in any building type must provide screening under Section 6.5.3 if the subject lot abuts property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use. All conditional uses must have screening that ensures compatibility with the surrounding neighborhood.

The proposed use will be in a single-family detached house. There are no physical changes to the property or structure under this request. The existing on site landscaping and vegetation will continue to ensure the compatibility of this conditional use with the surrounding neighborhood.

G. Environment and Forest Conservation

There are no champion trees on or near the property. The Forest Conservation Law does not apply to the requested conditional use, because the property is less than 40,000 square feet. A non-applicability form was signed by Staff on December 13, 2016, and was included in the submittal package. No forest conservation or environment issues are associated with this proposed use.

H. Community Concerns

To date, no comments from the community have been received.

Section IV: Conditional Use General and Specific Findings

Sec. 59.7.1.E. Necessary Findings

Sec. 59.7.1.E.1- *To approve a conditional use application, the Hearing Examiner must find that the proposed development:*

- (i) **Sec. 59.7.1.E.1.a-** *satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;*

A conditional use (S-1591) for non-resident medical practitioner was approved for the property in November, 1988. This use is no longer operational. A condition of approval is recommended for the Applicant to file an abandonment request with the BOA, thereby extinguishing the previously approved use on the site.

- (ii) **Sec. 59.7.1.E.1.b-** *satisfies the requirements of the zone (Division 59-4), the use standards under Division 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6.*

The requested service organization is allowed as conditional use in the R-60 Zone. As shown previously in Table 1, under the Development Standards Section, the proposed use meets the standards for the R-60-zone. The Applicant is requesting waivers from the parking facility setbacks and perimeter landscaping requirements as previously cited. Staff supports both waiver requests for the Site.

Section 3.4.8.B. Private Club, Service Organization

B. Use Standards

2. *Where a Private Club, Service Organization is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:*

- a. *The minimum lot area required is twice the minimum required for a detached house building type in the zone, up to a maximum of 3 acres.*

The subject property is located in the R-60 Zone which requires a minimum lot size of 6,000 square feet. The property contains 22,522 square feet, more than twice the minimum required (12,000 square feet) for the requested conditional use. This requirement has been met.

- b. *The minimum lot width at the front lot line is twice that required for a detached house.*

For the R-60 zone, the minimum lot width at the front lot line is 25 feet. The subject Property has a minimum lot width of 78 feet. This requirement has been met.

c. The maximum coverage allowed is 15%, including accessory buildings, or 20,000 square feet, whichever is less.

The total coverage for all existing structures is 8% (1,965 square feet) well below the 15% maximum coverage. No increase is proposed for any existing structures. This requirement has been satisfied.

d. The minimum open space requirement is 50%.

As shown in Figure 8, submitted by the Applicant, the amount of open space is 18,152 square feet or 77% of the site which exceeds the 50% minimum requirement. This requirement has been satisfied.



Figure 8: Proposed Open Space

e. In the AR zone, this use may be prohibited under Section [3.1.5](#), Transferable Development Rights.

Not applicable, the site is located in the R-60 zone

- (iii) ***Sec 7.3.1.E.1.c-*** *substantially conforms with the recommendations of the applicable master plan.*

The property is located in the 2000 East Silver Spring Plan area. As discussed under the Master Plan section of this report, the proposed use substantially conforms with the recommendations of addressing the social service needs of this community and by encouraging conditional uses that maintain the residential character of the area.

- (iv) ***Sec. 7.3.1E.1. d.-*** *Is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan.*

The proposed use will be harmonious with the character of the surrounding one-family neighborhood. There are no new structures or surface parking areas proposed by this conditional use. The existing landscaping and vegetation will continue to maintain the property's residential appearance. The activities and traffic conditions associated with the use will be limited to specific hours of operation and days of the week, as stated in the recommended conditions of approval. Therefore, the proposed use will not alter the character of the surrounding neighborhood in a manner inconsistent with the Master Plan.

- (v) ***Sec. 7.3.1.E.1.e-*** *Will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity or scope of conditional uses sufficiently to affect the area adversely or alter the predominately residential nature of the area; a conditional use application that conforms with the recommendations of a master plan does not alter the nature of the area.*

The defined neighborhood contains 12 conditional uses including the vacant non-residential medical practitioner. Of the 12 approved conditional uses – seven are residential, such as accessory apartments and housing for the elderly. The remaining uses include a service organization, a veterinary hospital, two non-residential medical practitioners and a monopole. The requested use will not increase the number of conditional uses in the area as it will replace the vacant non-resident medical practitioner use on site. Nor will the requested use increase the intensity or scope of conditional uses in a manner that would affect the area adversely or alter its residential nature. Moreover, the proposed use conforms with the Master Plan recommendation for the provision of social service organizations to serve the residents in East Silver Spring.

- (vi) ***Sec. 7.3.1.E.1.f-*** *will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:*

- i. *If a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, or storm drainage; or*
- ii. *If a preliminary plan of subdivision is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage.*

The property is served by adequate public services and facilities. The subject property is on an unplatted parcel. Since no new construction is proposed, a subdivision to create a platted lot is not necessary. However, construction of any new building or encroachment across the parcel line would trigger the requirement for a subdivision and plat. No school age children will be generated by the proposed use therefore, a school facility payment is not required. Additionally, the Applicant obtained an exemption letter from the MCDPS stating the property is exempt from stormwater management requirements. This letter is included in Attachment D.

- (vii) **Sec. 7.3.1.E.1.g**—*will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:*
 - i. *The use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;*
 - ii. *Traffic, noise, odors, dust, illumination or lack of parking; or*
 - iii. *The health, safety or welfare of neighboring residents, visitors or employees.*

The proposed development will not cause undue harm to the neighborhood as a result of non-inherent adverse effect alone or in the combination of inherent and a non-inherent adverse effect of the defined categories.

An analysis of inherent and non-inherent adverse effects considers size, scale, scope, light, noise, traffic and environment. Every conditional use has some or all of these effects in varying degrees. What must be determined during the course of review is whether these effects are acceptable or would create adverse impacts sufficient to result in denial. To that end, inherent effects associated with the use must be determined. In addition, non-inherent effects must be determined as these effects may, by themselves, or in conjunction with inherent effects, form a sufficient basis to deny a special exception.

The inherent physical and operational characteristics necessarily associated with a private club service organization: (1) vehicular trips to and from the site; (2) hours of operation, (3) noise generated by additional traffic to the site, and (4) lighting.

With the development conditions as proposed by staff, there are no adverse traffic impacts that would result from the proposed conditional use. The existing driveway on Buckingham Drive will serve staff and visitors to the site. The Applicant will limit the hours of operation and the number of employees. All lighting is adequate and consistent with the residential character of the neighborhood. The site is landscaped with mature trees and shrubs that are well maintained.

Non-inherent characteristics associated with this proposed conditional use include: the location of the existing surface parking lot in the rear of the site. With the recommended conditions of approval, for hours of operation, number of staff, and vehicular movements into and out of the site, as well as the continued maintenance of on-site landscaping and screening, the proposed use will be acceptable and would not create adverse impacts sufficient to result in denial of this conditional use.

2. *Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.*

Not applicable, no construction, reconstruction or alteration of existing structures is proposed by this conditional use.

3. *The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require conditional use approval.*

Staff is recommending approval of the proposed use with conditions. The requested waivers for parking facility setbacks and parking facility perimeter landscaping are deemed compatible with nearby properties.

4. *In evaluating the compatibility of an agricultural conditional use with surrounding Agricultural or Rural Residential zoned land, the Hearing Examiner must consider that the impact does not necessarily need to be controlled as stringently as if it were abutting a Residential zone.*

Not applicable, as the site is located in the R-60 zone.

5. *The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood:*
- a. *Filling Station;*
 - b. *Light Vehicle Sales and Rental (Outdoor);*
 - c. *Swimming Pool (Community); and*
 - d. *the following Recreation and Entertainment Facility use: swimming pool, commercial.*

Not applicable, as the requested use is not among the above listed uses.

6. *The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood:*
- a. *Funeral Home; Undertaker;*
 - b. *Hotel, Motel;*
 - c. *Shooting Range (Outdoor);*
 - d. *Drive-Thru*
 - e. *Landfill, Incinerator, or Transfer Station; and*
 - f. *a Public Use Helipad, Heliport or a Public Use Helistop.*

Not applicable, as the requested use is a private club, service organization.

Section V: Conclusion

Staff recommends approval of Conditional Use 2017-12 for a private club service organization facility subject to conditions stated on page 2. Staff recommends approval of both requested waivers for the minimum side yard setback for the parking facility along the northern property line (Section 59.6.2.5.K.2.b.) and for perimeter parking lot landscaping for conditional uses (Section 59.6.2.9.B.1, 2, and 3).

Attachments:

Attachment A: Board of Appeals Opinions

Attachment B: Transportation Memo

Attachment C: Environmental Memo

Attachment D: Exemption Letter from MCDPS

Attachment E: Subdivision Memo

COUNTY BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Telephone
Area Code 301
217-6600

Case No. S-1591

PETITION OF TUNG PI LEE
(Hearing held October 20, 1988)

OPINION OF THE BOARD

Case No. S-1591 is the petition of Tung Pi Lee, Petitioner, for a special exception pursuant to Section 59-G-2.36 of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1984, as amended) to permit a non-resident medical practitioner's office.

The subject property is Parcel 328 located at 700 Buckingham Drive, Silver Spring, Maryland in the R-60 Zone.

Decision of the Board: Special Exception granted to petitioner only, subject to conditions enumerated herein.

I. SUMMARY OF THE EVIDENCE
Petitioner's Proposal

Petitioner and his witnesses, Joseph Lynott, Esquire and Thomas Walsman (architect), appeared and presented the following binding testimony and exhibits of record.

Petitioner owns the subject property which consists of 24,000 square feet and has recently completed the construction of a three-story single-family residence fronting on University Boulevard. Petitioner proposes residential use for the two upper floors; conversion of the currently unimproved basement into his medical office. He stated that the residential area will be occupied regularly and continuously either by his parents or prospective tenants (perhaps in the future by him). Petitioner is confident he will be able to rent the residential portion of the house if his parents elect not to reside there.

Mr. Walsman described the residential area on the middle and top floor as including a kitchen, living, dining and family rooms as well as four bedrooms and two bathrooms, some 2600 square feet of floor area. Comparing this area to the proposed office area, which will encompass 1900 square feet, he established that sixty percent of the house will be used residentially (see plans, Exhibit Nos. 5(a)-(d)).

He advised that the required six off-street parking spaces, accessed off Buckingham Drive, will be provided in the eastern, rear of the house 85 feet from University Boulevard (Exhibit No. 5(a)). The parking area will meet or exceed all setback and landscape/screening requirements called for by the Zoning Ordinance, according to Mr. Walsman. Both right and left turn access from University Boulevard onto Buckingham Drive is permissible, enabling easy access to the subject property.

EXHIBIT #

13

R-60

TEMPLE ISRAEL

MALIBU DRIVE

WEAVER

EAST

RD.

CORNWALL ST.

COMPTON

BUCKINGHAM

KINGS ST.

LODEN ST.

DALEVIEW

R-60

M.N.C.P. & P.C.

M.N.C.P. & P.C.

PAR. "A"

PAR. "A"

UNIVERSITY

BOULEVARD

SILVER SPRING

PRESBYTERIAN CHURCH



G

Access into the office will be through the existing garage area, which is to be converted into a patient waiting area. The garage door will be replaced by a permanent wall containing an entry door and window. According to Mr. Walsman, this will be the only exterior alteration to the house generated by the proposed special exception usage. Mr. Walsman testified that the facility will consist of a waiting/reception area, two examining rooms, two offices, one "operating/treatment" room, a lab, and a bathroom (Exhibit No. 5(a)). The office and residence will share a laundry room situated in the basement area.

Petitioner testified he will be the only practitioner to use the facility and outlined his proposed on-site practice as follows:

1. Office hours:

Monday - 8 a.m. to noon; 3:30 p.m. to 5:30 p.m.
Tuesday - 8 a.m. to noon; no p.m. hours
Wednesday - no hours
Thursday - 8 a.m. to noon; 3:30 p.m. to 5:30 p.m.
Friday - 8 a.m. to noon; no p.m. hours
Saturday - (alternating every other weekend) 8 a.m. to noon; no p.m. hours
Sunday - no hours

2. Employees

one receptionist
one nurse (part-time)

3. Patients scheduled for twenty minute intervals, with a maximum of three per hour.
4. The facility will have the equipment and functions typically found in the office of a gastroenterologist.
5. Activities will consist of examinations and treatment of patients, but no on-site operations will be conducted. No drugs will be dispensed, used, or otherwise kept on the premises. No equipment or other items or devices used will create any dangerous or offensive noise, odor, fumes, light and the like either on-site or upon neighboring uses. Nor will any potential threat of contamination by way of chemicals, radiation, disease and the like be present on site to the detriment of patients, employees, or neighbors.
5. A small sign depicting petitioner's name and practice will be sited on the property.

The subject property, located near Holy Cross Hospital and the Washington Adventist Hospital, where the petitioner regularly sees patients, is peculiarly well suited to his needs. He has outgrown his current office of 800 square feet and needs 1500 square feet. He surveyed the area of this property for another office location. The nearest facility leasing space for a medical office was 831 University Boulevard, which had only 700-800 square feet available, not sufficient for his needs.

Opposition

Opposition in the form of letters in the record and by testimony of William R. Martin (President, Clifton Park Homeowners Association) was received by the Board. The concern centers upon a perception that the medical facility was petitioner's primary construction focus and will have a detrimental impact upon the neighborhood by changing its residential character. They doubt petitioner will be able to find and retain tenants capable of meeting the rental payments a house of this great size will command. Without tenants, the medical office will define the usage to the distress of the residential neighborhood. Some concern was also expressed that a house this large will likely be rented by a group not a family, creating a further detrimental impact on the neighborhood. All these factors, they fear, will deflate property values.

C. MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION TECHNICAL STAFF

The Technical Staff, after reviewing the petition, recommended conditional approval (Exhibit No. 8), finding that the proposed usage satisfied all conditions required for granting petitioner's requested special exception. Staff noted its concern over setback encroachments given petitioner's proposed siting of the parking area as set forth on the site plan. Staff believed this situation may be corrected by modifications to the site plan (to which petitioner testified in agreement). Staff also suggested the design of a coordinated landscaping plan be undertaken by petitioner and the neighboring Korean Housing for the Elderly project (see Case S-1424).

II. FINDINGS OF THE BOARD

The Board has carefully reviewed the binding testimony received at the hearing and the exhibits of record, and concludes that the petitioner, by a preponderance of the evidence, has met the burden of proof in the following manner:

1. A non-resident medical practitioner's office is a permissible special exception in the R-60 Zone.
2. The proposed use complies with the specific standards and requirements set forth for a non-resident medical practitioner's office (Section 59-G-2.36(a)) of the Zoning Ordinance as follows:
 - (a) The evidence reflects that the exterior of the premises will not be changed or altered in appearance, except for the modifications to the garage door;
 - (b) The middle and top floors of the residence, comprising 60% of the floor space of the building, will be continuously occupied and devoted to residential uses;
 - (c) Office space of suitable size and location for petitioner's medical practice is not available in either the nearest commercial zone or the nearest medical clinic office building;

- (d) The petitioner alone will treat patients at the facility; no other practitioner will use the facility;
 - (e) The use will not constitute a nuisance because of traffic or physical activity in view of the relatively modest size of the medical use, its hours of operation, and its location;
 - (f) The use will not constitute a nuisance because of noise;
 - (g) The use will not adversely affect the use and development of neighboring properties in the general neighborhood given the predominantly residential usage of the property;
3. The petition is consistent with the applicable master plan for the area which recommends continued R-60 zoning for this property. The R-60 zone allows the petitioned use by special exception.
 4. The petitioned use is in harmony with the general character of the neighborhood, considering population, density, design, scale and bulk of structures, intensity and character of activity, traffic and parking conditions, and number of similar uses. The density, scale and bulk of the structure is consistent with adjacent residential structures, and minimal traffic and physical activity will be generated at the location.
 5. Based upon the binding testimony of the petitioner, it is clear that the petitioned use will not be detrimental to the use, peaceful enjoyment, value or development of surrounding properties, and no objectionable nuisance factors will emanate from the use.
 6. The subject property currently is adequately served by public facilities.
 7. The Board finds that the use, when evaluated in conjunction with existing and approved special exceptions in the neighboring one-family residential area, will not increase the number, intensity or scope of special exception uses sufficiently to affect the area adversely or alter its predominantly residential character, given the small scale and size of this use, together with its predominantly residential usage.

Accordingly, based upon the foregoing findings and conclusions, the requested special exception to permit the operation of a medical practitioner's office for use by other than a resident of the building (physician) is Granted to petitioner only, subject to the following conditions:

1. Petitioner shall be strictly bound by all oral and written testimony, evidence and exhibits in the record.
2. Any change to the statement of operation, to include additional staff or practitioners (either as a resident practitioner or

non-resident practitioner), hours of operation, scope of activities, major equipment, or the layout design of the facilities will require a further approval by the Board of Appeals.

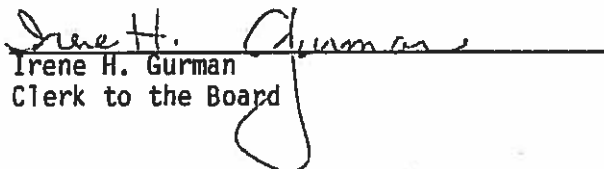
3. The non-residential use of the facility is strictly limited to the petitioner.
4. Petitioner shall provide six (6) on-site parking spaces on the property. They shall be shown on a site plan to be reviewed and approved by the Technical Staff of the Maryland-National Capital Park and Planning Commission.
5. Petitioner shall submit a landscape plan to the Technical Staff for review and approval. Once approved, all elements and features detailed on this plan will be promptly implemented and thereafter will be properly, adequately, and continuously maintained by petitioner. Two copies of the approved site plan and landscape plan will be submitted to the Board for its files.
6. Petitioner shall ensure that the residential portion of the property is occupied continuously as a residence without any substantial gaps in occupancy.
7. All required permits and licenses incidental to petitioner's proposed operation within the facility shall be obtained and thereafter timely renewed.

The Board adopted the following Resolution:

BE IT RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that the opinion stated above be adopted as the Resolution required by law as its decision on the above-entitled petition.

The foregoing Resolution was proposed by K. Lindsay Raufaste, and concurred in by Judith B. Heilmann, Chairman, Max H. Novinsky, Howard Jenkins, Jr., and Helen R. Strang.

I do hereby certify that the foregoing Minutes were officially entered in the Minute Book of the County Board of Appeals this 10th day of November, 1988.

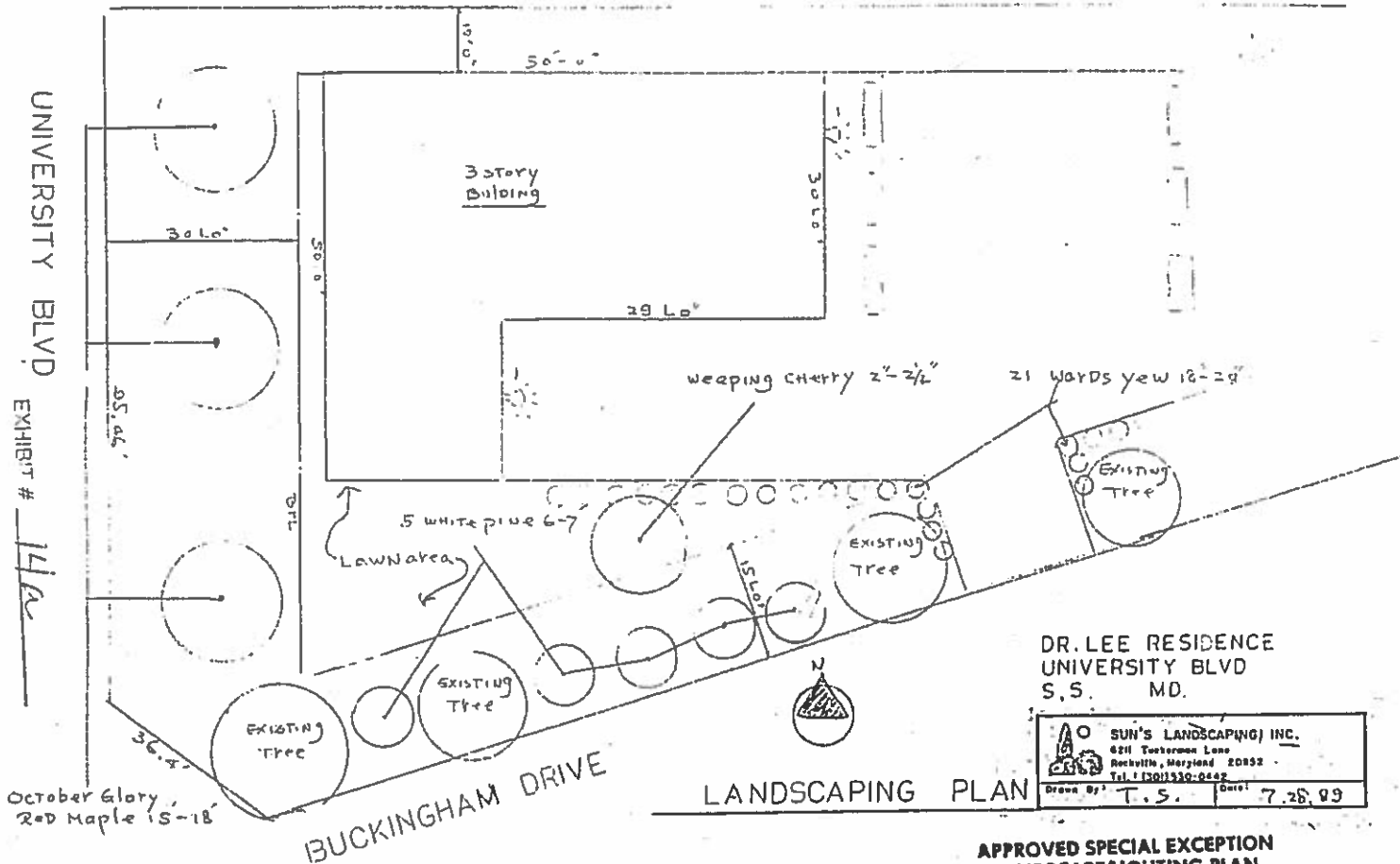

Irene H. Gurman
Clerk to the Board

NOTE: See Section 59-A-4.53 of the Zoning Ordinance regarding the twelve-months' period within which the right granted by the Board must be exercised.

See Section 59-A-3.2 of the Zoning Ordinance regarding Use and Occupancy Permit.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.

UNIVERSITY BLVD
EXHIBIT # 14a



DR. LEE RESIDENCE
UNIVERSITY BLVD
S.S. MD.

SUN'S LANDSCAPING INC.	
6211 Tuckerman Lane	
Rockville, Maryland 20852	
Tel. 1 (301) 330-0452	
Drawn By: T.S.	Date: 7.28.99

LANDSCAPING PLAN

APPROVED SPECIAL EXCEPTION
LANDSCAPE/LIGHTING PLAN

FILE NO. S-15-91
MONTGOMERY COUNTY PLANNING DEPARTMENT

Robert J. Palmer
AUTHORIZED SIGNATURE

8/13/99
DATE

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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Rockville, Maryland 20850
www.montgomerycountymd.gov/content/council/boa/index.asp

(240) 777-6600

Case No. S-1591

PETITION OF TUNG PI LEE

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution Adopted May 8, 2013)

(Effective Date of Resolution: June 13, 2013)

The Board of Appeals has received a letter, dated April 30, 2013, from Joseph T. Nah, Esquire, on behalf of Dr. Tung Pi Lee. Mr. Nah requests modification of the captioned special exception to allow the addition of one non-resident resident practitioner besides Dr. Lee to the practice for only two days a week. Mr. Nah explains that the request is to facilitate Dr. Lee's retirement by the end of 2014 and that it would thus only temporarily increase the number of practitioners from one to two. Mr. Nah further states that no other physical or operational changes are requested, and that "Dr. Lee does not expect any significant increase in the number of patients at the office as this modification represents a transition only, and not an expansion of the practice."

The subject property is Parcel 328, located at 700 Buckingham Drive, Silver Spring, Maryland 20901 in the R-60 Zone.

The Board of Appeals considered the modification request at its Worksession on May 8, 2013. Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance provides, pertaining to modification of special exceptions:

If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the Board, without convening a public hearing to consider the proposed change, may modify the term or condition.

The Board of Appeals considered the modification request at its Worksession on Wednesday, May 8, 2013. The Board finds that the standards for the special


exception in Section 59-G-2.36 of the Zoning Ordinance permit the addition of a second medical practitioner to the practice. The Board further finds that the temporary, part-time addition of one physician to the special exception practice, without a significant increase in the number of patients, will not substantially change the nature, character or intensity of the use or its effect on traffic or on the immediate neighborhood.

Therefore, on a motion by Stanley B. Boyd, seconded by Carolyn J. Shawaker, with John H. Pentecost, David K. Perdue, Vice-Chair, and Catherine G. Titus, Chair, in agreement:


BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-1591 is re-opened to receive Joseph T. Nah's letter dated April 30, 2013; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception is granted; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that all terms and conditions of the original special exception, together with any modifications granted by the Board of Appeals, remain in effect.


Catherine G. Titus
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 13th day of June, 2013.


Katherine Freeman
Executive Director

NOTE:

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of

the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision and conduct a public hearing to consider the action taken.

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

February 10, 2017

MEMORANDUM

TO: Kathy Reilly, Planner Coordinator
Area 1 Planning Division

FROM: Katherine Mencarini, Senior Planer
Area 1 Planning Division

SUBJECT: Private Club/Service Organization
Conditional Use CU2017-12
700 Buckingham Drive
Silver Spring/Takoma Park Policy Area

This memorandum summarizes the Transportation Adequate Public Facilities (APF) review of the subject Hearing Examiner petition. The Property is located at 700 Buckingham Drive and is developed with an existing single-family detached residence. The Applicant seeks approval to use the basement level of the existing structure as a satellite office for a Private Club, Service Organization, a conditional use within the existing R-60 zone. The basement was previously approved as a special exception for a non-resident medical practitioner's office. The Applicant is not requesting any new construction and the building footprint will remain the same. The requested conditional use proposes a maximum staff of three employees operating Monday through Friday 9:00 AM – 5:00 PM, and between 10:00 AM and 3:00 PM on Saturdays. Additional small-group training sessions or meetings (up to eight per month) may be held on weekday/weekend evenings that will run no later than 9:00 PM.

RECOMMENDATIONS

Staff finds that the requested conditional use satisfies the Local Area Transportation Review and Transportation Policy Area Review (LATR/ TPAP) tests and will have no adverse traffic impact on existing area roadway conditions or pedestrian facilities, as proposed. As a result, staff recommends approval of the conditional use application and offers the following conditions and comments:

1. The Applicant must limit the conditional use to 1,920 square feet, as shown on the site plan and analyzed in the traffic statement.
2. The conditional use is limited to the hours of 9:00 AM – 5:00 PM, Monday – Friday and 10:00 AM – 3:00 PM on Saturdays. Additional small-group training sessions or meetings (limited to a maximum of eight per month) are permitted be held on weekday/weekend evenings that will run no later than 9:00 PM.
3. The conditional use is limited to a maximum of three employees.
4. The Applicant will provide at least one long term and one short term bicycle parking space on site.
5. Changes to the striping on the existing onsite parking lot are required in order to meet the parking lot design standards of Section 59.6.2.5. This includes elongating the spaces to meet the required length of 18 feet and reconfiguring the ADA accessible space oriented perpendicularly to the rear entrance.

DISCUSSION

Vehicular Access and Parking

The site is located on the north side of Buckingham Drive, between University Boulevard (MD 193) and Linton Street, with primary access provided via a driveway on Buckingham Drive. Buckingham Drive functions as a Secondary Roadway that measures approximately 82-feet wide with one travel lane in each direction. Maryland State Route 193 is classified as a Major Highway (120' right-of-way) that measures approximately 84-feet wide with three travel lanes in each direction and a landscaped median running the length of the roadway. The application proposes maintaining the on-site surface parking lot accessed via the driveway on Buckingham Drive. Minor changes to the striping of the existing surface lot are needed to comply with Section 59.6.2.5. They include elongating the existing striping so that each parking space meets the minimum 18-foot length requirement, the 8.5-foot width requirement, and preserves a 20-foot drive aisle between the two rows of parking spaces. The parking space closest to the rear entrance needs to meet the design standards for ADA accessibility, which includes dimensions for the space as well as the adjacent aisle. For the record, on-street parking is restricted on the north side of Buckingham Drive. Based on the amount of on-site parking, staff finds that no adverse impacts will result from the proposed general office.

For the proposed general office use, one short term and one long term bicycle parking space are required on site as per Section 59.6.2.4 of the Zoning Ordinance. The locations of the bicycle parking spaces are shown on the site plan included with the conditional use application.

Pedestrian and Transit Service

Both sides of MD 193 have sidewalks that measure five feet in width. These sidewalks are part of a continuous network that connects the site with the surrounding neighborhood and the greater region via MD 193. Sidewalks along MD 193 connect to sidewalks on the south side of Buckingham Drive. Transit service is available from a bus stop along the site's MD 193 frontage (in the northbound direction) and directly opposite the site (in the southbound direction). The bus stop is furnished with a bench, shelter, and trash can. The following transit routes are served by these two stops:

- Metrobus routes: C2 and C4
 - a. **C2:** Provides service between the Greenbelt and Twinbrook Metrorail Stations. Service is provided between approximately 4:30 AM and 1:00 AM Monday through Friday, approximately 5:00 AM and 5:00 PM Saturdays, and approximately 6:00 AM and 12:30AM Sundays.
 - b. **C4:** Provides service between the Twinbrook and Prince George's Plaza Metrorail Stations. Service is provided from approximately 4:30 AM to 1:20 AM Monday through Friday, approximately 5:00 AM to 2:00 AM Saturdays, and approximately 6:00 AM to 1:30 AM Sundays.
- Ride-On route: 14
 - a. **14:** Provides service between Silver Spring and Takoma Park Metrorail stations. Service is provided between approximately 5:30 AM and 9:00 PM Monday through Friday and approximately 7:30 AM and 7:00 PM on Saturdays. There is no Sunday service provided along this route.

Master-Planned Roads and Bikeways

The *2000 East Silver Spring Master Plan* identifies MD 193 as Major Highway M-19, with an ultimate right-of-way of 120-feet, with a median and three lanes in each direction between the Capital Beltway (I-495) and the Prince George's County line.

As one of the major north/south corridors for the plan area, there are several master plan recommendations to improve the walking and biking conditions along MD 193.

1. The *2000 East Silver Spring Master Plan* recommends providing tree-lined sidewalks, landscaped medians, and street trees in wide panels separating sidewalks from traffic.
2. The *2005 Countywide Bikeway Functional Master Plan* identifies MD 193 as a future dual bikeway DB-5, which recommends a shared use path on both sides from the Prince Georges County line to I-495. On the road, the Plan recommends a shared roadway the entire length, with additional informal "bicycle areas" on both sides of the street.
3. No recommendations are made for Buckingham Drive in either the *2000 East Silver Spring Master Plan* or the *2005 Countywide Bikeway Functional Master Plan*.

The *2013 Countywide Transit Corridors Functional Master Plan* recommends 10 corridors for bus rapid transit routes. Segments of MD 193 are included in recommendations for Corridor 8, which is planned to connect the Wheaton Metrorail Station to the Takoma-Langley Transit Center. Between Williamsburg Drive and Piney Branch Road, the Plan recommends dedicated lanes for the bus rapid transit route by adding an additional transit lane to the existing street cross section. The alignment of the transit lane will be determined at engineering design.

The Purple Line is a planned 16-mile light rail line that will provide an east-west connection between Bethesda in Montgomery County and New Carrollton in Prince George's County. The planned alignment includes a segment along MD 193 between Adelphi Road and Piney Branch Road, a few blocks south of the site. The planned station closest to the site is located just under a half-mile away at the intersection of MD 193 and Piney Branch Road (MD 320).

Local Area Transportation Review (LATR)

The proposed use will generate vehicular trips during the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods. The subject conditional use application is not required to submit a full LATR traffic study because the site will generate fewer than 30 vehicular trips. As a result of this exemption, the Applicant submitted a traffic statement that summarized a petition for 1,920 square feet of general office. Based on the 2013 LATR trip generation rate, the proposed use would generate two fewer morning peak-hour trips and three fewer evening peak-hour trips than the previously approved medical office use (Table 1). As a result of the decrease in site generated traffic during the morning and evening peak periods, staff finds that the traffic generated by the proposed conditional use would not adversely impact the existing traffic conditions.

TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED GENERAL OFFICE

	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Previously Approved Special Exception¹ Medical Office ² (1,920 SF)	4	1	5	2	5	7
Subject Conditional Use General Office ³ (1,920 SF)	2	1	3	1	3	4
Net New Peak Hour Trips	-2	0	-2	-1	-2	-3

¹ At the time of approval, this use was subject to the special exception review process.

² ITE Trip Generation Manual, 9th Edition: Land Use Code: 720 (Medical-Dental Office Building)

³ January 2013 LATR/TPAR Guidelines

Transportation Policy Area Review (TPAR)

New developments within the Silver Spring/Takoma Park Policy Area must satisfy the Transportation Policy Area Review (TPAR) test by making a one-time payment equal to 25 percent of the general district impact tax. The proposed conditional use however, is not subject to this TPAR payment because it will not increase the building square footage and will generate fewer trips than the previously approved medical office space. As a result, the proposed development satisfies Adequate Public Facility (APF) requirements and does not necessitate further transportation analysis.



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

TO: Kathy Reilly, Planner Coordinator, Area 1

FROM: Marco Fuster, Senior Planner, Area 1

SUBJECT: Forest Conservation Review:
Conditional Use 17-12
Korean Community Service Center
700 Buckingham Drive
Silver Spring East Master Plan

DATE: January 27, 2017

Mrs. Reilly,

There are no champion trees on or near the subject property and the property is not subject to a previously approved forest conservation plan. Therefore, the forest conservation law does not apply to this conditional use, since it is on a property less than 40,000 square feet. A non-applicability form was previously signed by Staff on December 13, 2016 and was included in the submission packet.

There are no forest conservation issues associated with the request therefore the petition is recommended for approval.

Marco Fuster
Area 1
MNCPPC
301-495-4521
Email: Marco.Fuster@montgomeryplanning.org

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February 8, 2017

Mark C. Etheridge, Manager
Water Resources Section
Department of Permitting Services
255 Rockville Pike, 2nd Floor
Rockville, MD 20850-4166

RE: Korean Community Service Center of Greater Washington;
700 Buckingham Drive, Silver Spring;
Conditional Use Application No. CU 17-12

Dear Mr. Etheridge:

On behalf of our client, Korean Community Service Center of Greater Washington, we hereby request an exemption from stormwater management requirements for the above referenced conditional use application. Our client has filed a conditional use application with the County to use the basement level of an existing structure on the property as a satellite office location for a Private Club, Service Organization, i.e., the Korean Community Service Center of Greater Washington. The first and second floors of the existing structure will remain for residential use and the basement space (previously a non-resident medical office) will be converted to office space for the service organization's use.

The site is located on the northeast corner of University Boulevard East and Buckingham Drive. The property is designated as Parcel P328 on Tax Map JP61 and consists of 0.539 acres (or 23,522 square feet) of land in the R-60 zoning classification.

There is no land disturbance proposed/required by the requested conditional use application. The only change contemplated is to the type of use proposed to occupy the basement level of the existing building. Since there is no land disturbance proposed, this application would be exempt from the requirement of stormwater management concept approval for a conditional use application under Section 7.3.1.B.2.k.viii of the Zoning Ordinance which requires a

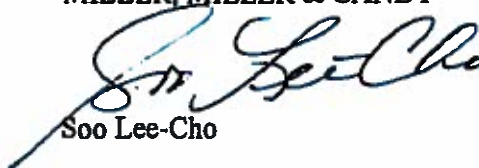
Stormwater Management Concept or Water Quality Plan only if there are exterior changes proposed.

We have enclosed a reduced copy of the Conditional Use Plan for the site as well as a copy of the Applicant's Statement of Justification which indicates no exterior changes to the site are being proposed for your reference.

If you agree that the existing site is exempt from stormwater management requirements, please indicate so by signing below and return a copy of the signed letter to us. If you have comments, questions, or require additional information, please contact us at your convenience.

Sincerely yours,

MILLER, MILLER & CANBY


Soo Lee-Cho

Enclosures

Based on all the above, I hereby agree that 700 Buckingham Drive, Silver Spring, is exempt from stormwater management requirements for purposes of the currently submitted Conditional Use Application CU 17-12.

Signed: 

Date: 8 FEB. 2017

Title: MANAGER / WATER RESOURCES

Reilly, Kathy

From: Braunstein, Neil
Sent: Wednesday, January 18, 2017 4:13 PM
To: Reilly, Kathy
Subject: CU201712

This application is on an unplatted parcel. Since no new construction is proposed, a subdivision to create a platted lot is not necessary. Construction of any new building or encroachment across the parcel line would trigger the requirement for a subdivision and plat.

Neil Braunstein, AICP
Planner Coordinator
Area One
Montgomery County Planning Department - M-NCPPC
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