

Specific Conditions:

Sec. 59-G-2.38. Offices, professional, nonresidential.

An existing single-family structure may be used for professional office purposes by any member or members of a recognized profession, such as a doctor, lawyer, architect, accountant, engineer, veterinarian, but not including the following:

- (a) a medical, dental or veterinarian clinic
- (b) an in-patient treatment facility
- (c) a general business office, such as an insurance company office, a trade association, a manufacturing company, an investment company, a bank or a real estate company.

ANALYSIS: The petitioner's proposal is for an Attorney's office, which is a professional general business office.

The property must be:

- (a) located in a central business district that is designated as being suitable for the transit station-residential (TS-R) zone on an approved and adopted sector plan;
- (b) designated as suitable for a nonresidential professional office in the R-60 zone on an approved and adopted master or sector plan and located along a highway with an existing right-of-way width of at least 90 feet or along a portion of an arterial road designated as a boundary of a Central Business District; or
- (c) located in the R-90 zone and:
 - (1) designated as historic in the Master Plan for Historic Preservation;
 - (2) located along a highway with an existing right-of-way of at least 120 feet; and
 - (3) contain a structure formerly used for nonresidential purposes.

ANALYSIS: The proposal meets the requirement in part "b" listed above. The subject property is designated as suitable for a nonresidential professional office in the R-60 zone on an approved and adopted master plan and located along a portion of an arterial road, Cedar Street, which is an 80-foot wide master planned arterial road with a pavement width of 46 feet (described on page 65 in the North and West Silver Spring Master Plan). Cedar Street is designated as a boundary of the Silver Spring Central

Business District. The building on the site was formerly used for nonresidential purposes.

The Board must find that the property:

- (a) will not constitute a nuisance because of traffic or physical activity;
- (b) will not affect adversely the use and development of adjacent property;
- (c) will have at least 25 percent of the lot area devoted to green area.

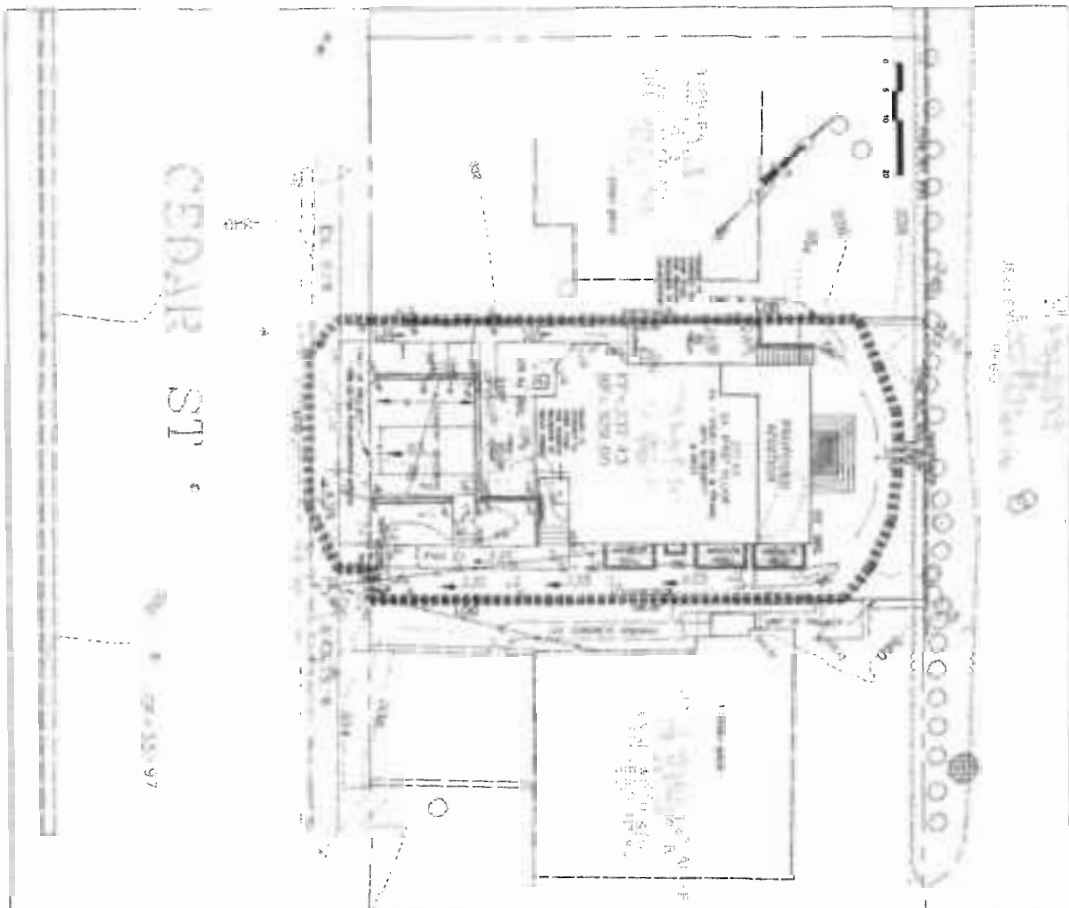
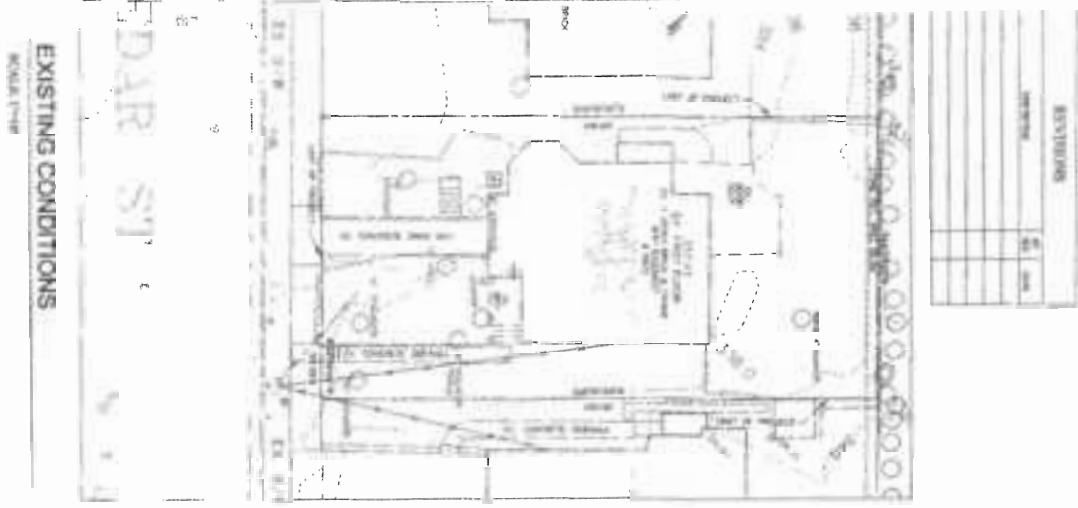
ANALYSIS: The proposed change to the building will not adversely affect the use and development of adjacent property or become a nuisance. The limited size of the building and the nature of the use are compatible with adjacent properties. The property fronts the CBD and will be across from a planned and approved apartment project. The development plan indicates that more than 46.1% green area will be provided.

CONCLUSION

Upon review of the petitioner's petition for a non-residential professional office in the R-60 zone, staff recommends approval because the preponderance of evidence indicates that the proposal will be in harmony with the general character of the neighborhood, considering population density, design, scale and bulk of any new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses (Note: part of the General Conditions).

Attachments:

Development Plan	Attachment 1
Landscape Plan	Attachment 2
Elevations	Attachment 3
Transportation Division Staff Memorandum	Attachment 4
Community-Based Planning Division Staff Memorandum	Attachment 5
Silver Spring Parking District Map	Attachment 6



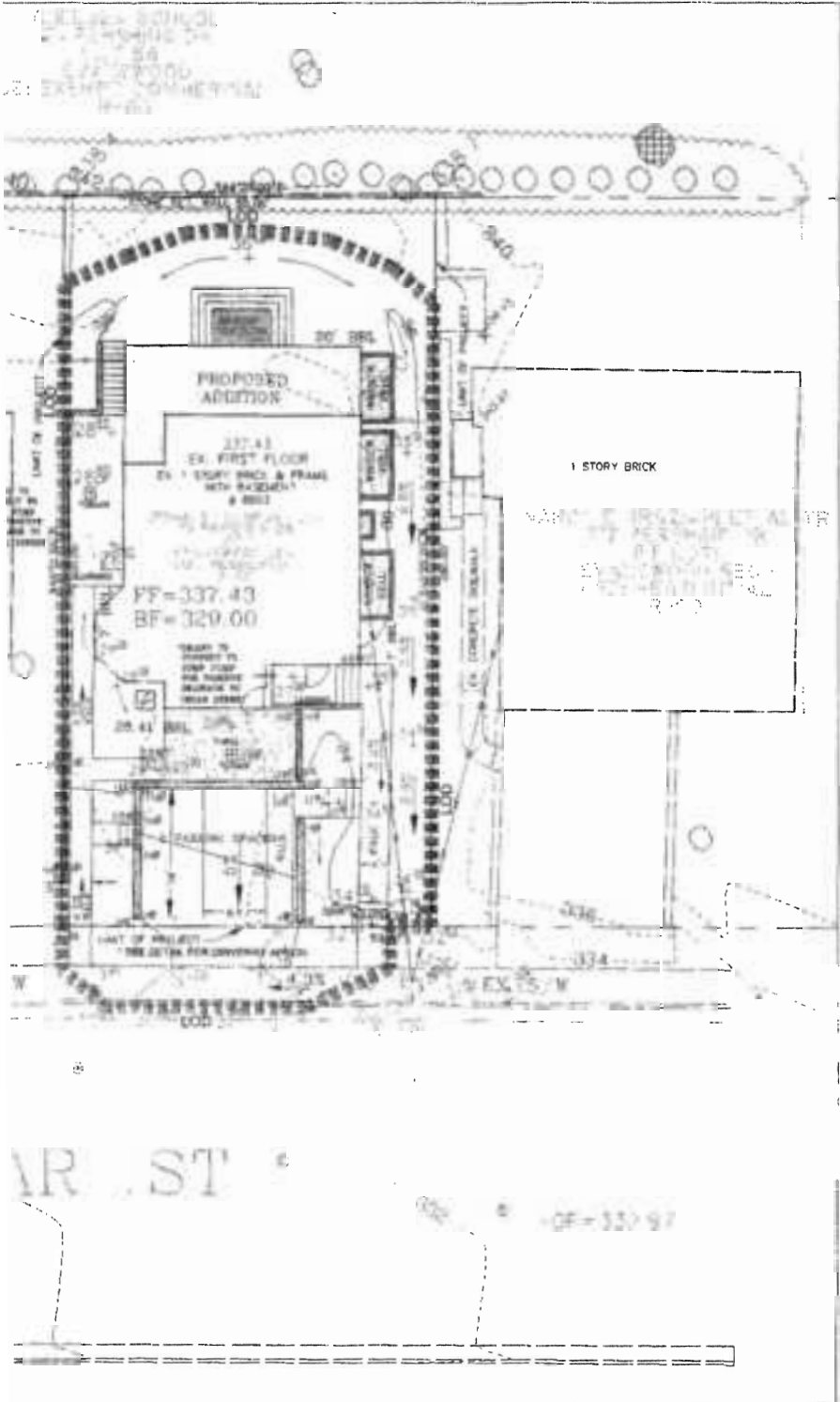
REVISIONS	
NO.	DESCRIPTION

PERMITS
NO. 11184

NOTICE TO CONTRACTOR

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.

PROPERTY MAP



PROPOSED PLAN

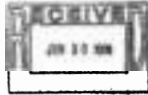
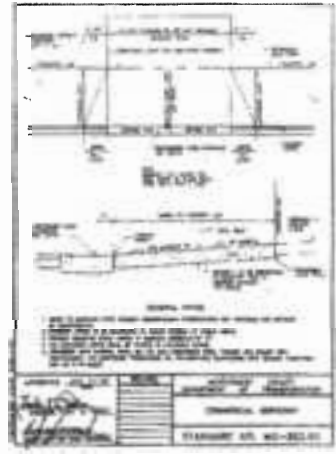
SCALE: 1"=10'



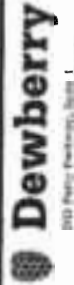
VICINITY MAP
SCALE: 1"=2000'

SITE ELEMENT	ACQUIRED/PERMITTED	PROPOSED
LOT AREA	10,000 SQ. FT.	10,000 SQ. FT.
LOT WIDTH	100 FT. MIN.	100 FT. MIN.
LOT DEPTH	100 FT. MIN.	100 FT. MIN.
FRONT SETBACK	10 FT. MIN.	10 FT. MIN.
REAR SETBACK	10 FT. MIN.	10 FT. MIN.
SIDE SETBACK	5 FT. MIN.	5 FT. MIN.
MAXIMUM HEIGHT	35 FT. MAX.	35 FT. MAX.
MAXIMUM COVERAGE	40% MAX.	40% MAX.

- GENERAL NOTES:**
1. EXISTING BUILDING TO REMAIN WITH THE EXISTING ROOF AND STRUCTURE FOR THE EXISTING LOT AREA.
 2. EXISTING BUILDING TO BE DEMOLISHED AND RECONSTRUCTED WITH THE EXISTING LOT AREA.
 3. EXISTING BUILDING TO BE DEMOLISHED AND RECONSTRUCTED WITH THE EXISTING LOT AREA.
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 7. EXISTING BUILDING TO BE DEMOLISHED AND RECONSTRUCTED WITH THE EXISTING LOT AREA.



2011



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Gaithersburg, MD 20878-1100
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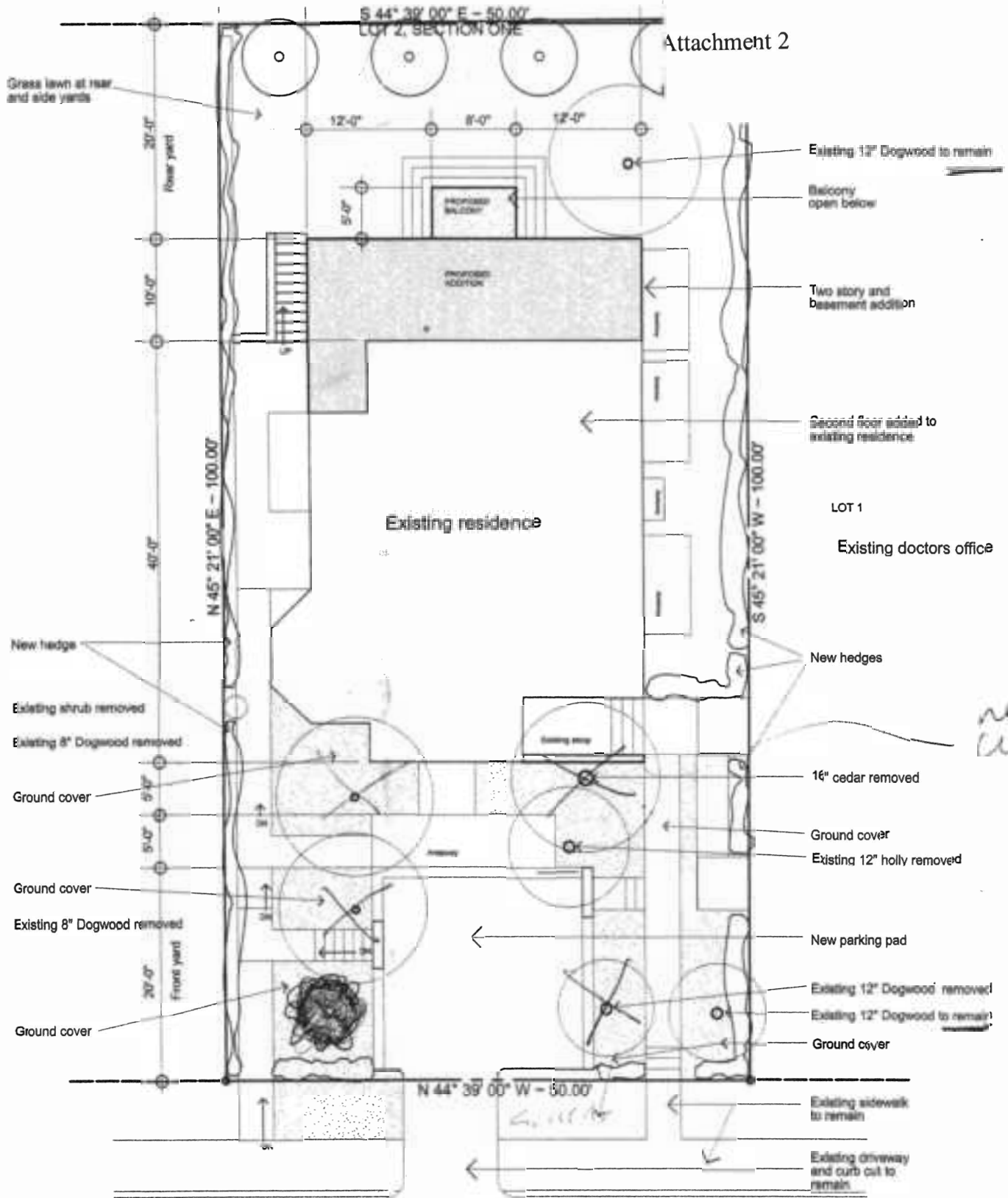
Project No.	303
Client	303
Address	303
City	303
State	303
Country	303



1000 PARK PARKWAY, SUITE 100
GAITHERSBURG, MD 20878
301.948.8000

MONTGOMERY COUNTY, MARYLAND

SITE PLAN
8603 CEDAR STREET
SILVER SPRING, MARYLAND
11TH ELECTION DISTRICT



LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"

Landscape Legend

- New tree Lagerstroemia India, Pink, Common Crapemyrtle
- New hedge Nadima Domestica, 3' OC
- Ground cover Vince Minor, 1' OC

⊕ EXISTING FRONT ELEVATION
SCALE: 1/8" = 1'-0"

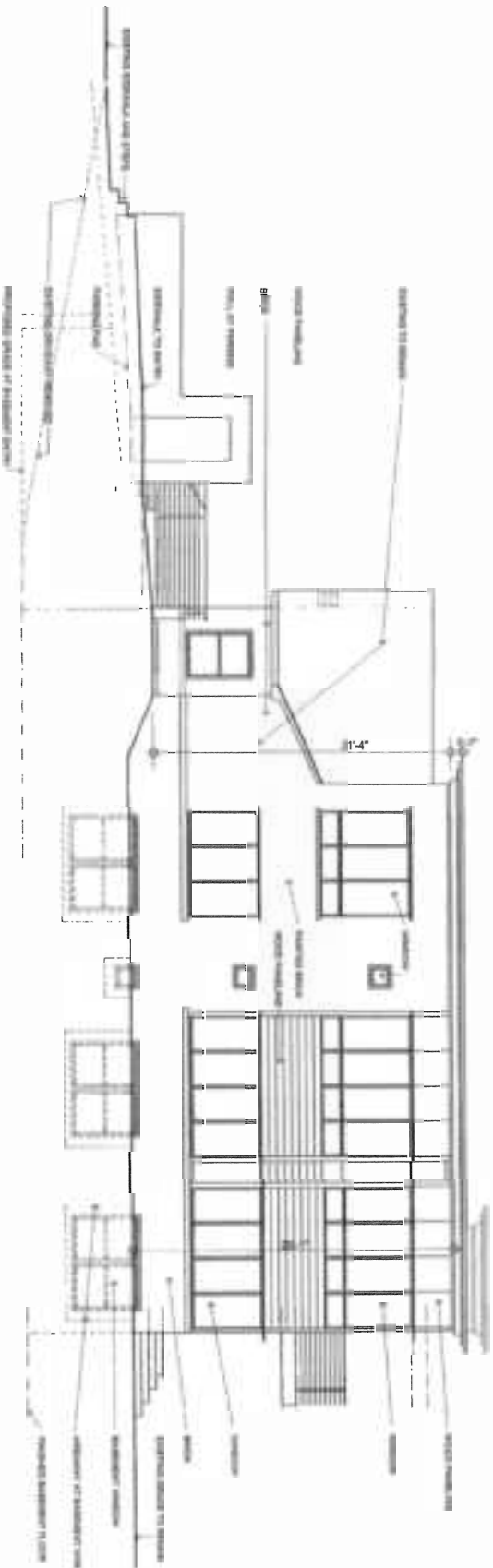


⊕ PROPOSED FRONT ELEVATION FROM STREET
SCALE: 1/8" = 1'-0"



⊕ PROPOSED FRONT ELEVATION AT AREAWAY
SCALE: 1/8" = 1'-0"





⊕ PROPOSED SOUTH SIDE ELEVATION



June 26, 2006

MEMORANDUM

TO: Dan Janousek, Senior Planner
Development Review

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning

FROM: Scott A. James, Planner/Coordinator *Saj*
Transportation Planning

SUBJECT: Special Exception Petitions S-2673
Non-resident professional office within an existing residential structure
8603 Cedar Street
Zone R-60
North & West Silver Spring Master Plan Policy Area

This memorandum is Transportation Planning staff's adequate public facilities review of the subject special exception case to permit.

RECOMMENDATION

Transportation staff supports approval of this petition as it meets the adequate public facilities test for transportation requirements with the following condition:

- Limit the facility to 4,707 square feet of non-residential office space use.

The Transportation Planning staff finds that the proposed special exception use satisfies the Local Area Transportation Review test and will have no adverse effect on nearby roadway conditions or pedestrian facilities.

DISCUSSION

Site Location and Access

The site is located at 8603 Cedar Street at the corner of Cedar Street and Pershing Drive in Silver Spring. The property is designated as suitable for non-resident professional office use in the North and West Silver Spring Master Plan. Access to the site is from Cedar Street, which serves as the designated boundary of the Silver Spring Central Business District.

Vehicular Access, Circulation, and Parking

The applicant proposes to preserve the current on-site parking spaces and to make use of the on-street metered parking in addition to the public parking garage located on Ellsworth Drive. The applicant proposes operating hours from 7:30 AM until 9:00 PM for Monday to Friday, with office hours from 9:00 AM until 5:00 PM on weekends. A total office staff of sixteen personnel is proposed, with up to a maximum of ten client visits per day to the office. The proposal will not change or adversely impact existing pedestrian facilities.

Master Plan Roadways and Bikeways

Cedar Street is classified as an arterial roadway with a minimum recommended right-of-way width of 80 feet. At its signalized intersection with Ellsworth Drive, Cedar Street is designated an element in the on-road bicycle facilities network of Silver Spring. The recent proposed development of Downtown Silver Spring, sections B and E, bounded by Ellsworth Drive, Pershing Drive and Cedar Street will review an alternate alignment for this shared-use trail.

Local Area Transportation Review

A traffic study is not required to satisfy Local Area Transportation Review, because the site would generate fewer than 30 total peak-hour trips during the morning and evening peak periods. Therefore, the applicant is not required to analyze the impact of site-generated traffic on adjacent intersections.

SAJ:gw

mno to Janousek re S-2673 Cedar Street office



May 3, 2006

MEMORANDUM

TO: Dan Janousek, Zoning Analyst
Development Review Division

FROM: Glenn Kreger, Silver Spring/Takoma Park Team Leader *GK*
Community-Based Planning Division

SUBJECT: Board of Appeals Petition No. S-2673

I have reviewed the above-referenced Special Exception request for a non-residential professional office at 8603 Cedar Street. Although Cedar Street is the boundary of the Silver Spring Central Business District (CBD), the subject property is within the area covered by the August 2000 North and West Silver Spring Master Plan. It is located across Cedar Street from a proposed 222-unit midrise (55' tall) residential project within the CBD.

The North and West Silver Spring Master Plan retained the designation that properties on Cedar Street between Ellsworth Drive and Pershing Drive are suitable to apply for non-resident, professional office Special Exceptions. Map 18 and Table 1 (attached) in the Master Plan specifically designate 8603 Cedar Street as appropriate for non-resident professional offices. This property is also within the Silver Spring Parking Lot District (see attached map); consequently, the Master Plan encourages the applicant to use the Parking Lot District to satisfy their parking needs "due to limited front and rear yards and topography." A public garage has been constructed nearby as part of the Downtown Silver Spring optional method development. The combination of this facility and on-street public parking should provide parking for the proposed use that is also consistent with the recommendations in the Master Plan.

Although the proposed use is consistent with the recommendations in the Master Plan, we are concerned about proposed modifications to the structure that seem inconsistent with master plan goals. The Master Plan supported non-residential professional uses on this block but it was also clear that the properties along Cedar Street needed to retain a residential appearance to help maintain the character of the existing residential neighborhood. The Special Exception standards for non-residential professional offices states that "the Board may allow the exterior of the premises to be changed, altered or modified provided the single family character and the basic residential appearance of the building is retained."

Based on the elevations submitted as part of the application, we are concerned that this condition may not have been satisfied. I would request that you encourage the applicant to reconsider they type of windows being proposed as part of this application; more typical residential windows would probably be more appropriate given the Master Plan language and special exception standards.

We are also concerned about the proposed parking pad in front of the house. The Master Plan states that "paving of front yards for parking is inconsistent with this Plan's goal of maintaining residential character and sustaining stable neighborhoods. The parking required for any approved special exception use should be met through the Parking Lot District to minimize the number of spaces on the property and help retain a residential character along Cedar Street." (p. 44) In light of this recommendation, we recommend that the proposed parking pad be replaced with landscaping.

N:\dept\divcp\kreger\S-2673

Attachments

Silver Spring Parking District Map

