



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

MCPB No. 19-084
Site Plan No. 81981081A
8101 Glenbrook Road
Date of Hearing: July 18, 2019

JUL 24 2019

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on January 21, 1982, the Planning Board, approved Site Plan No. 819810810, for one building on 46,909 square feet of CBD-1/C-1 Zoned-land, located at the northeast quadrant of Glenbrook Road and Rugby ("Subject Property"), in the Bethesda Policy Area and Sector Plan for the Bethesda Central Business District, 1976 ("Sector Plan") area; and

WHEREAS, on December 2, 1982, the Planning Board approved an amendment to the Site Plan No. 819810810 (Amendment) to modify previously approved conditions on the Subject Property; and

WHEREAS, on October 5, 2018, MDR 8101 Ground Lease, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plans to convert 21,200 square feet of office use to a day care facility for up to 231 children on the Subject Property; and

WHEREAS, the Application to amend the site plan was designated Site Plan No. 81981081A, 8101 Glenbrook Road ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 8, 2019, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 18, 2019, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency

Christa Scott 7/11/19

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WHEREAS, on July 18, 2019, the Planning Board voted to approve the Application by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan Amendment 81981081A for one building with up to 30,204 square feet of non-residential uses comprised of up to 21,200 square feet of daycare center use (up to 231 students) and up to 9,004 square feet of general office use, on 25,733 square feet of land, zoned CR 3.0 C 3.0 R 3.0 H-120 subject to the following conditions which supersede all conditions of approval for Site Plan 819810810 and the subsequent December 2, 1982 amendment.

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan Amendment No. 12016001A.

2. Public Open Space, Facilities, and Amenities

The Applicant must maintain all open space areas located on the Subject Property.

3. Transportation

A daycare employee must be present in the garage to direct traffic during the morning drop-off and evening pick-up periods.

4. Pedestrian & Bicycle Circulation

- a. The Applicant must provide a minimum of (7) seven bicycle parking spaces to include both long-term and short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit bicycle room in the garage or building, and the short-term spaces must be inverted-U racks (or approved alternative) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the public bicycle rack(s) must be identified on the Certified Site Plan.

5. Department of Permitting Services-Right-of-Way

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated May 10, 2019 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

6. Landscaping

- a. Prior to issuance of final Use and Occupancy Certificate, all on-site amenities, including, but not limited to: lights, sidewalks/pedestrian

pathway, hardscape, benches, trash receptacles, bicycle facilities must be installed.

- b. The Applicant must install landscaping no later than the next growing season after completion of site work.
- c. Any limits of disturbance must be shown on the Certified Site Plan.

7. Lighting

- a. Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All on-site exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All on-site down-lights must have full cut-off fixtures.
- c. Deflectors must be installed on all proposed fixtures to prevent excess illumination and glare.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

8. Development Program

The Applicant must construct the development in accordance with the Development program table as shown on the Certified Site Plan.

9. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the stormwater management concept exemption letter and the Site Plan Amendment resolution on the approval or cover sheet(s).
- b. Revise Data Table to show: the correct required open space requirement and provided open space requirements and the entire fence that encloses the playground.
- c. Revise Site Plan to show removal of on-street parking spaces on Glenbrook Road.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 81981081A, 8101 Glenbrook Road, submitted via ePlans to the M-NCPPC as of the date of the Staff Report July 8, 2019, are required, except as modified by the above conditions of approval; and

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

- 1. The development satisfies any previous approval that applies to the site;*

The Site Plan conforms to all binding elements of Sketch Plan No. 320160010.

- 2. The Development satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

The Application is not subject to any development plan or schematic development plan in effect on October 29, 2014.

- 3. The development satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

Not applicable, as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- 4. The development satisfies applicable use standards, development standards, and general requirements under this Chapter;*

- Development Standards

This property is zoned CR 3.0 C-3.0 R-3.0 H-120, within the Bethesda Overlay Zone, and was developed under the Optional Method of Development. The Application satisfies the applicable development standards as shown in the following data table.

Table 1
 Development Standards CR Zone (Optional Method of
 Development)

Site Plan 81981081A Data Table			
Section 59.4	Development Standard	Permitted/ Required	Approved
	Gross Tract Area (sf)	n/a	26,591 sf
	Dedications (sf)	n/a	858 sf
	Net Tract Area (sf)	n/a	25,733 sf
4.5.4.B. 2.b	Density (CR-3.0, C-3.0, R-3.0, H-120) Commercial FAR/GFA Residential FAR/GFA Total FAR/GFA	3.0/79,773 sf 3.0/79,773 sf 3.0/79,773 sf	Up to 3.0/30,204 sf 0 Up to 3.0/30,204 sf
4.5.4.B. 2.b	Building Height (feet)	120 ft	35 ft
4.5.4.B. 1	Minimum Public Open Space (10%)	10% 2,574 sf	16% 4,018 sf
4.5.4.B. 3	Min. Building Setbacks (feet) Front Side Side street Rear	0 ft 0 ft 0 ft	10.5 ft 2.8 feet 0 ft
6.2	Parking Spaces, minimum-maximum ¹ Day Care Facility Office TOTAL Bicycle Spaces Office Day Care	64-85 18-27 82-112 2 4	27 2 29 3 4

¹The Project is located within the Bethesda Parking District and will be subject to the parking district tax regulations in lieu of providing the full minimum parking.

b. Division 4.7. Optional Method Public Benefits

The existing office building will remain under this Application. Since there is no new development under this Amendment, it is not required to provide public benefits.

c. General Requirements

i. Site Access

Vehicular access will continue to be from Glenbrook Road into the existing underground parking garage. Access for pedestrians and short-term bicyclists will be from the existing building's main entrance on Glenbrook Road, while long term bicyclists will enter from the underground parking garage. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

ii. Parking, Queuing, and Loading

Parking for the building will be provided in the existing underground parking garage. Vehicular access will occur from the garage's entrance on Glenbrook Road. Commercial vehicles will continue to service this site from the existing loading dock on Rugby Avenue. This separation of vehicular movements will limit the potential for conflicts between private and commercial vehicles.

iii. Open Space and Recreation

In the CR Zone the required amount of open space is 10% for a property greater than 10,000 square feet. The open space for this Project is 4,018 square feet or 16% which exceeds the 10% requirement.

iv. General Landscaping and Outdoor Lighting

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by office users and visitors to the site. The existing tiered planters along the Glenbrook Road frontage will continue to provide plantings that soften the existing building's façade and street presence. The on-site lighting will limit the necessary light levels to streets and sidewalks.

5. The development satisfies the applicable requirements of Chapter 19 and 22A of the Montgomery County Code.

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

The site is exempt from the Chapter 19 regarding storm-water management requirements as outlined by the Montgomery County Department of Permitting Services, Water Resources Section in a letter dated June 10, 2019. Additionally, a drainage study was submitted for the site and the surrounding area and found to be adequate.

b. Chapter 22A, Forest Conservation.

This development is exempt from the requirements of Article II of Montgomery County Code, Chapter 22A (Forest Conservation Law). A Forest Conservation Exemption request was confirmed on September 11, 2018, (No. 42018199E) under the exemption category 22A-5(s)(2). The development is an activity occurring on a tract of land less than 1 acre in size that will not, 1) result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree and 2) reforestation requirements would not exceed 10,000 square feet.

6. The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

The Project provides adequate, safe, and efficient parking and circulation patterns. The building's existing location provides ease of access to the adjoining and surrounding sidewalks in Downtown Bethesda area, Battery Lane Urban Park, and the surrounding residential area. The on-site open space continues an existing and well-maintained streetscape along both Glenbrook Road and Rugby Avenue which will activate both the use and the sidewalk along the property. The open space and landscaping adequately and efficiently address the needs of the use and fulfills recommendations of the Sector Plan while providing a safe environment.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. The vehicular circulation is designed to minimize pedestrian and bicycle conflicts. The emphasis on pedestrian and bicycle circulation on the site coupled with the recommendations contained in the Sector Plan are an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles. The locations of the buildings and structures are adequate and efficient and do not pose any safety concerns on the site.

7. The Development substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

The Site Plan Amendment substantially conforms with the recommendations of the Sector Plan and fulfills these recommendations through improved bicycle and pedestrian connections, reduced non-auto driver travel, and establishment of a child care facility in Downtown Bethesda.

8. *The Development 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 development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required 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 Planning Board finds this development will be served by adequate public facilities, including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. An Adequacy test for public schools is not required as the Amendment proposes no residential units.

9. *The Development is in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

Not applicable, the Subject Property is not located in a Rural Residential or Residential zone.

10. *The Development is compatible with existing, approved or pending adjacent development.*

The building is existing and changes under this Site Plan Amendment will be internal to the building and underground parking garage. The only exterior change is the removal of the surface parking lot for 5 vehicles along the northern boundary and the installation of outdoor play area in this location. The outdoor play area will be enclosed by a fence. Therefore, the existing building (structure) and its uses continues to be compatible with existing and proposed adjacent development in the Battery Lane District through the building's massing, setbacks, and height that were found compatible under previous Planning Board approvals for this site.

11. *To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find 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.

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

12. *For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 24 2019 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Patterson, with Chair Anderson and Commissioners Cichy and Paterson voting in favor of the motion, and Vice Chair Dreyfuss and Commissioner Fani-González absent, at its regular meeting held on Thursday, July 18, 2019, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board