



## Kaiser Permanente Aspen Hill, Preliminary No. 120200130 & Site Plan No. 82018007A



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Completed: 7/20/2020

### Description

Preliminary Plan: Request for a maximum of 180,000 square-foot for a medical facility, built over two phases; for a maximum of 846 parking spaces.

Site Plan: Request to construct a 180,000 square-foot medical facility, built over two phases; phase 1 to consist of 130,000 square feet of development, 542 parking spaces, and 63,144 square feet of open space; phase 2 to consist of 180,000 square feet of development, 846 parking spaces, and reduces the open space to 44,148 square feet.

Location: Northwest quadrant of the intersection of Aspen Hill Road and Route 185-Connecticut Avenue.

Master Plan: 2015 Aspen Hill Minor Master Plan Amendment.

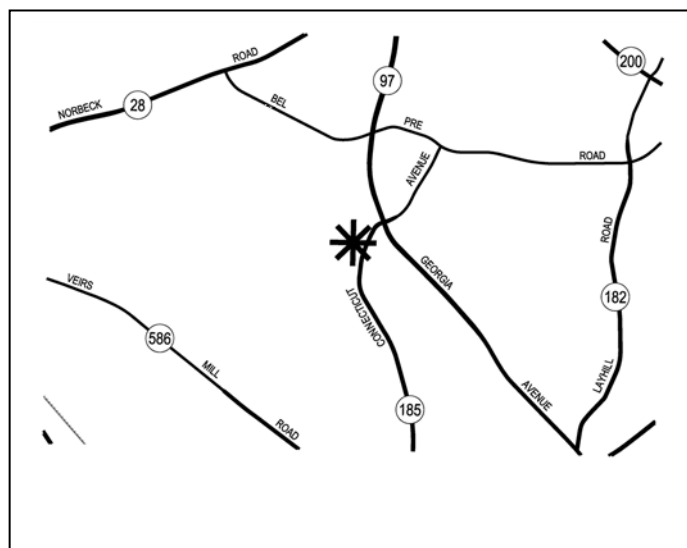
Zone: CRT-1.5, C-0.5, R-1.0, H-60.

Property Size: 10.04 acres.

Acceptance Date: November 22, 2017.

Applicant: Kaiser Permanente.

Review Basis: Chapter 59, Zoning Ordinance.



### Summary

- Staff recommends approval with conditions.
- The Application includes two waivers to modify or exceed the Zoning Ordinance, Chapter 59, including the Build-to-Area front setback from Connecticut Avenue (Section 59-4.5.3.C.3.b) and the screening requirement adjacent to the Home Depot property that is zoned R-90 (Section 59-6.2.9.C.3.b.).
- The Applicant will construct a sidepath along the Connecticut Avenue and Aspen Hill Road frontages of the site.
- The Community has concerns regarding the amount of traffic entering the property from Aspen Hill Road.

## **SECTION 1: RECOMMENDATION AND CONDITIONS**

### **Preliminary Plan No. 120200130**

Staff recommends approval of Preliminary Plan No. 120200130. All site development elements shown on the latest electronic version of Preliminary Plan No. 120200130 submitted via ePlans as of the date of this Staff Report are binding:

1. This Preliminary Plan is limited to one lot for 180,000 square feet of medical office uses.

### **Adequate Public Facilities and Outside Agencies**

2. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for ten years (120) months from the date of mailing of this Planning Board Resolution.

### **Outside Agencies**

3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated April 28, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
5. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated June 15, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated May 16, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

### **Other Approvals**

#### **Concurrent Site Plan Approval**

8. Before submitting a record plat application for the Subject Property, the Applicant must receive Staff certification of Site Plan No. 82018007A. The number and location of site elements including but not limited to buildings, on-site parking, site circulation, sidewalks, open spaces, onsite amenities, and sidepath is determined through site plan review and approval.

9. If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan amendment. Minor adjustments to the lot configuration as result of final design of the traffic signal and related equipment at the shared driveway entrance and Connecticut Avenue at permitting with the Maryland State Highway Administration (MDSHA) will not require an amendment to the Preliminary Plan or Site Plan.

## **Transportation**

### Existing Frontage Improvements

10. Prior to the recordation of plat, the Applicant must satisfy all necessary requirements of MCDPS and MDSHA to construct a 10-foot wide sidepath along the Property frontage on Aspen Hill Road and Connecticut Avenue.

### Off-Site Improvements

11. The Applicant must construct a 10-foot-wide sidepath along the north side of Aspen Hill Road and the west side Connecticut Avenue. The sidepaths must extend offsite, within the public right-of-way, and connect at the intersection of Aspen Hill Road and Connecticut Avenue and maintain the 10-foot-width, to the extent possible.

## **Record Plats**

12. Environmental remediation, clearing and/or grading is permitted only for the removal of the existing Vitro/BAE Building on the Property prior to recordation of plat(s).

### Easements

13. The record plat must show necessary easements.
14. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
  - a. The record plat must reflect building restriction lines, as shown on the Preliminary Plan, to show the location of the Floodplain, as approved by MCDPS.

### Notes and Labels

15. The record plat must reflect all areas under common ownership.

## **Certified Preliminary Plan**

16. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
17. The Certified Preliminary Plan must contain the following note:

*Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

18. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
  - a. Show resolutions and approval letters on the certified set.
  - b. Update the final location of the Floodplain line with BRL as shown on the FCP and Certified Preliminary Plan.
  - c. PIE must include all sidepaths, traffic signal boxes and bus stop shelters along Connecticut Avenue, and the final locations will be confirmed by MCDOT, MDSHA, and MCDPS.
  - d. The Limits of Disturbance on the Final Forest Conservation Plan must be consistent with the LOD on the Sediment and Erosion Control Plan.

#### **Site Plan No. 82018007A**

Staff recommends approval of Site Plan Amendment No. 82018007A and accompanying waivers. All site development elements shown on the latest electronic version of the Site Plan Amendment No. 82018007A submitted via ePlans as of the date of this Staff Report are required. The previously approved plan No. 820180070, findings, and conditions of approvals are no longer valid and are superseded by the following conditions.<sup>1</sup>

#### **Density, Height & Housing**

1. Density  
The Site Plan is limited to a maximum of 130,000 square feet of medical office use for Phase 1, and an additional 50,000 square feet for Phase 2 for total maximum density of 180,000 square feet of development on the Subject Property.
2. Height  
The development is limited to a maximum height of 60 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

#### **Open Space, Facilities and Amenities**

3. Public Open Space, Facilities, and Amenities
  - a. The Applicant must provide a minimum of ten percent (10%) of public open space on-site for Phase 1 and 2.
  - b. Prior to issuance of the Final Use and Occupancy Certificate for Phase 1, the Applicant must construct the streetscape improvements along the Property's frontage on Aspen Hill Road and Connecticut Avenue.
  - c. Prior to issuance of the Final Use and Occupancy Certificate for Phase 1, all public open space and onsite amenities associated with Phase 1 on the Subject Property must be completed.

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

- Prior to issuance of the Final Use and Occupancy Certificate for Phase 2, all public open space and onsite amenities associated with Phase 2 on the Subject Property must be completed.
- d. All parking spaces above the 4.0 ratio parking for Medical uses must be made available to the public for parking.
  - e. Landscape buffer along the western boundary must provide fencing between existing lots 57-60 on Landgreen Street.

## **Site Plan**

### **4. Site Design**

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A301-A305 of the submitted architectural drawings, as determined by M-NCPPC Staff.

### **5. 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 onsite 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 onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c. Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

## **Environment**

### **6. Forest Conservation & Tree Save**

The development must comply with the Final Forest Conservation Plan.

- 7. The Limits of Disturbance (LOD) on the Final Forest Conservation Plan must be consistent with the LOD on the Sediment and Erosion Control Plan.
- 8. There shall be only environmental remediation, clearing, grading, or demolition for the removal of existing the Vitro/BAE Building on the Property prior to receiving approval of the Final Sediment and Erosion Control Plan.

## **Transportation & Circulation**

### **9. Transportation**

Prior to any building permit for Phase 2 the Applicant must construct and install the traffic signal at the intersection of Connecticut Avenue and the shared driveway with Home Depot, subject to MDSHA review and approval.

10. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 32 long-term and 9 short-term bicycle parking spaces. The long-term spaces must be secured, bicycle lockers, as shown on the Site Plan, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- b. Prior to issuance of the first Use and Occupancy Permit, the Applicant must construct a 10-foot-wide sidepath along the north side of Aspen Hill Road and the west side of Connecticut Avenue. The sidepaths must extend offsite and connect at the intersection of Aspen Hill Road and Connecticut Avenue, within the public right-of-way, and maintain the 10-foot-width, to the extent possible.

11. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated May 16, 2020, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

12. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable on-site Site Plan elements, including, but not limited to plant material, lighting, outdoor recreational facilities, site furniture, fences, railings, private utilities, paths, sidewalks, sidepaths, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

13. Development Program

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

14. 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 approval letter, development program, and Site Plan and Preliminary Plan resolutions on the approval or cover sheet(s).

- b. Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
- c. Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.
- f. Circulation plans for the truck loading must show access from Connecticut Avenue.
- g. Aspen Hill Road entrance must be designed as a “right in and out” channelized access, to be confirmed by MCDOT and Planning Staff.
- h. Architectural windows on all elevations (per sheets A0303.1 and A0304.1) must be consistent.
- i. PIE must include all sidepaths, traffic signals boxes and bus stop shelters, along Connecticut Avenue and final locations will be confirmed by MCDOT, MDSHA, and MCDPS.
- j. The long-term spaces must be in a secured bike lockers, as shown on the Site Plan, and the short-term spaces must be inverted-U racks, or approved equal rack, installed in a location convenient to the main entrance, and it is preferred that the racks are protected from the weather. The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan
- k. Revise the variance request to remove tree #12 and add tree #1 to the requested list.



## Site Vicinity

The Property holds two formal addresses:

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The Property is located immediately south from The Home Depot, located at 14000 Georgia Avenue in Aspen Hill, with a shared private entrance from Connecticut Avenue. Figure 2 shows the site's confronting uses. Single-family detached homes, interspersed with institutional uses, are predominant to the south and west. Immediately to the west, the Aspen Hill residential community made up of single-family detached houses are located across the green buffer of the site.





Figure 2: Bird's eye view of the subject property

### Site Description

Located about 1.9 miles south of the Inter-County Connector (MD 200) and about 1.9 miles from the Glenmont Metro Station, the Vitro office building and associated parking encompass approximately 10 acres of the Property. Initially built in 1968, the multi-story building consists of approximately 265,000 square feet of gross floor area with a basement level for storage and parking. The Vitro Corporation was a major United States defense contractor which became part of BAE Systems Inc. in 1999. In the early 1980s, the Vitro Corporation was Montgomery County's largest civilian employer, with somewhere around 5,000 employees in the area.

At the steepest point of the Property, there is approximately 10 feet of grade change from the top of the curb at Connecticut Avenue to the parking area. There are no forest or streams on-site but there is an engineered floodplain associated with an off-site stormwater management facility.



Figure 3: The Vitro/BAE Building; View from Aspen Hill Road entrance; Elevation change on Connecticut Avenue; Western fence in disrepair

### Previous Approvals

The Planning Board approved Site Plan application 820180070, submitted by Lindsay Ford, on August 1, 2018. That approval was to replace the existing 265,000 square-foot vacant office building with a 95,000 square-foot car dealership. The project included landscape and hardscape improvements to the existing parking lot, and various pedestrian and vehicular upgrades. The new dealership would maintain roughly the same building footprint as the existing vacant office building.

The proposed Lindsay Ford project was never constructed, and ownership has now changed hands to Kaiser Permanente.



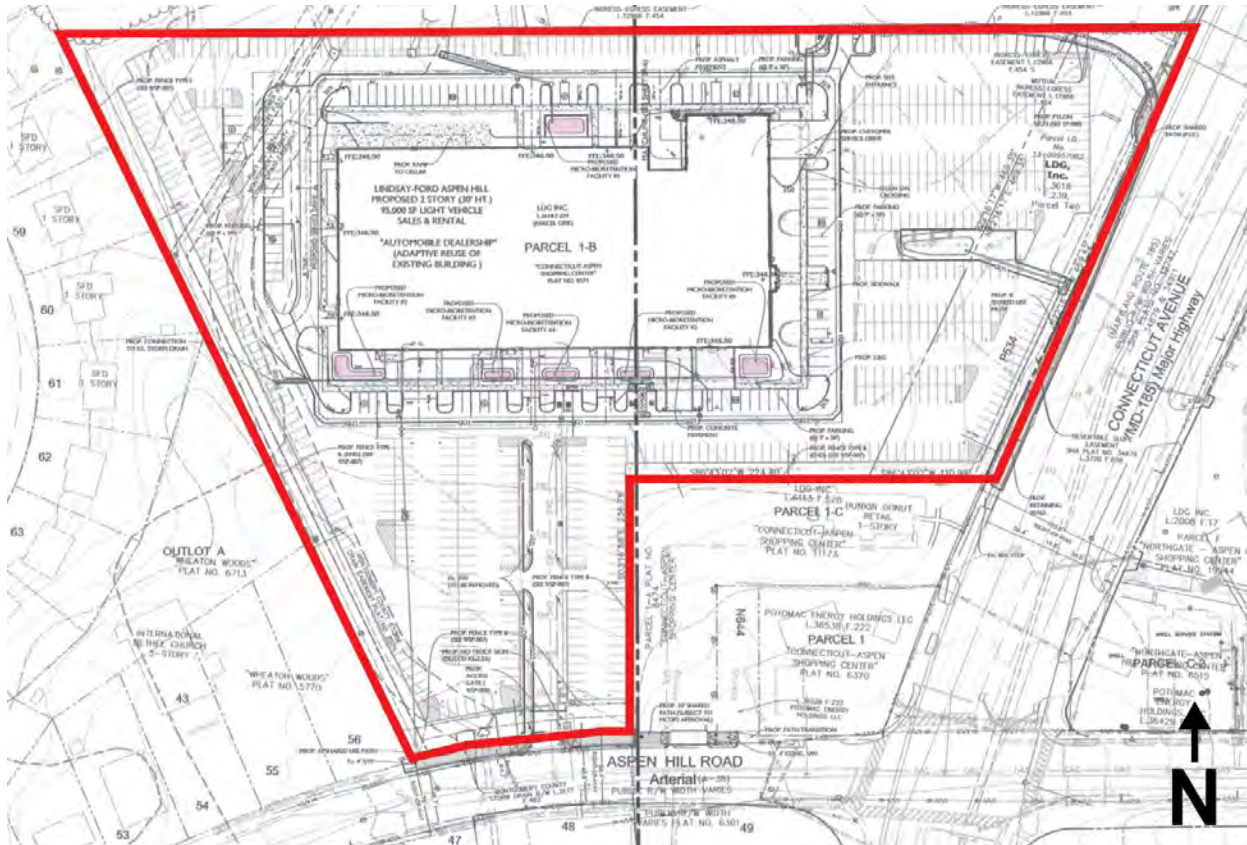


Figure 4: Lindsay Ford Site Plan 820180070

### SECTION 3: PROJECT DESCRIPTION

#### Proposal

The Applicant is proposing to redevelop the Property into a Kaiser Permanente medical facility of up to 180,000 square feet, to be developed on a single lot. The site plan application covers two phases that will be constructed for this project.

The Phase 1 will include the first 130,000 square feet of medical center development, 542 parking spaces in a surface parking lot, and 63,144 square feet of open space. The open space includes a plaza at the northeast corner of the property, a health and wellness trail that circulates around the surface parking lot at the northwest of the property, and a community garden at the center-west portion of the property.

The Phase 2 will include the construction of an additional 50,000 square-foot northern wing of the main building, as well as a new structured parking garage at the center-north of the property, which will include an addition of 304 parking spaces to bring the project total to 846 spaces. Phase 2 will also include an enlarged community garden and open space at the center west of the property.

As part of the project, the applicant will also construct a sidepath along Connecticut Avenue and Aspen Hill Road. On Connecticut Avenue, the sidepath will continue south past the property boundaries and in front of the Dunkin Donuts and gas station properties, where it will then tie into the existing sidewalk. On Aspen Hill Road, the sidepath continues off-site, in front of the Dunkin Donuts and gas station properties (using the available right-of-way), before merging with the existing sidewalk at the corner. Existing utility poles cannot be relocated, preventing the expansion of the sidepath at this location. The

surface parking lot abuts residential uses on the subject property's northern western property line, and this area will include screening required by the zoning code for parking lots abutting residential uses. To the north the project abuts Home Depot, and to the southwest the project abuts a church, neither of which require screening from the surface parking lot. The project will have two points of entry. The Aspen Hill Road access point will be an employee entrance only and will be channelized to restrict left turn movement in to the site. The main access from Connecticut Avenue will be a new signalized intersection.



Figure 5: Kaiser Permanente Aspen Hill Site Plan 82018007A

#### Preliminary Plan lot configuration.

The Property exists in two different parcels, Parcel 1-B, which covers the majority of the site, and Parcel P534, which is at the east of the site along Connecticut Avenue. This Application proposes to consolidate the West Parcel and the East Parcel into a single lot. This will eliminate the internal boundaries between the West Parcel and the East Parcel but will not alter the external boundaries or expand the area of the Property. The tract area will be 437,112 sq. ft. from the West Parcel and 46,609 sq. ft. from the East Parcel, plus 837 sq. ft. of previously dedicated land area for a total area of 437,949 sq. ft. or 10.05 acres (Figure 6 of lotting plan).



Figure 6: Lotting Plan

The Project is requesting to extend the validity period of the adequate public facilities (“APF”) review for Phase 2 to ten (10) years. This is based on estimated timelines for plan approvals and permitting, Kaiser anticipates it will complete Phase 1 and begin providing service to members at the end of 2022. Phase 2 may not begin for 5 to 10 years. Justification for this APF validity period is provided below.

#### Site Plan Phase 1 & 2

As stated, Phase 1 includes a 130,000 sq. ft. medical office building, 63,144 square feet (14% of site area), and 549 surface parking spaces. Phase 2 includes the construction of an additional 50,000 sq. ft. of medical office space, for a total of 180,000 sq. ft., reduces the public open space to 44,148 square feet (10% of site area), provides an above-grade parking structure, which would increase the parking for an additional 321 spaces, for a total of 870 parking spaces.



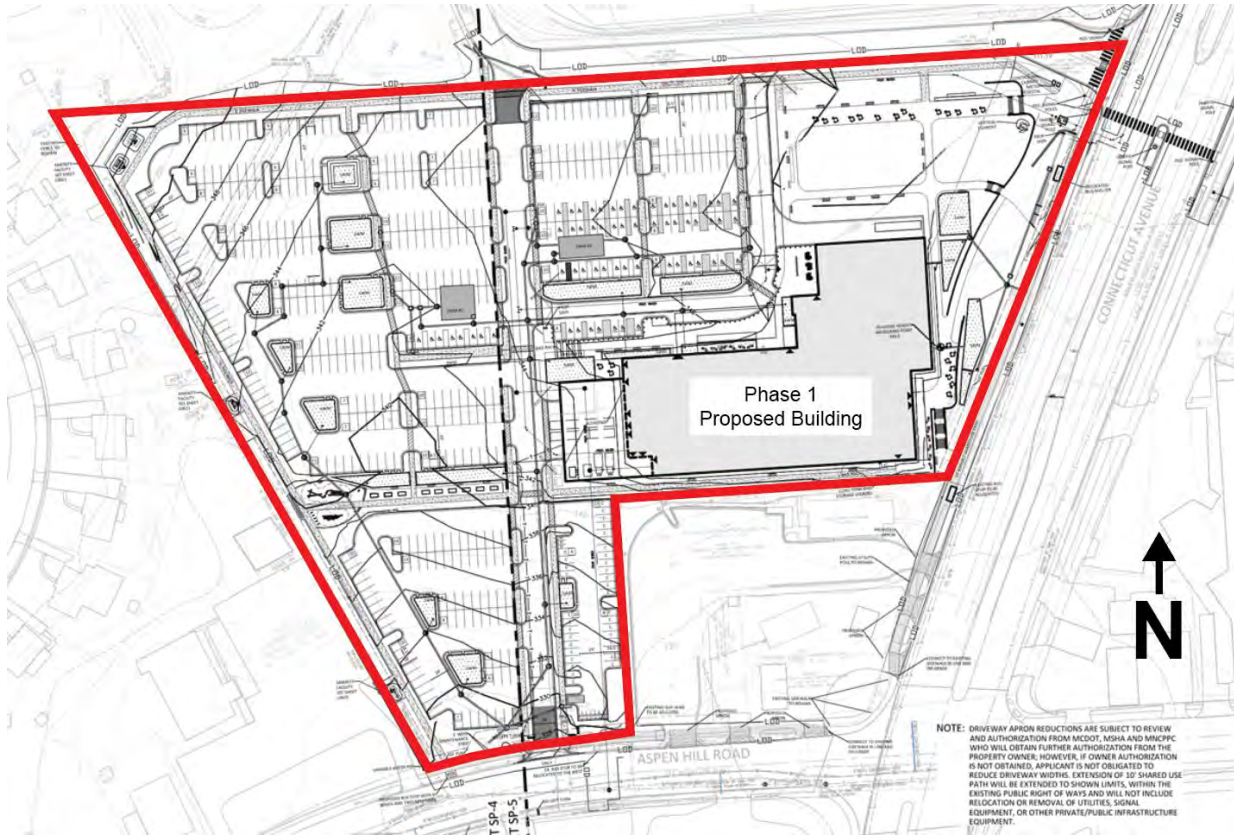


Figure 7: Phase 1 Site Plan

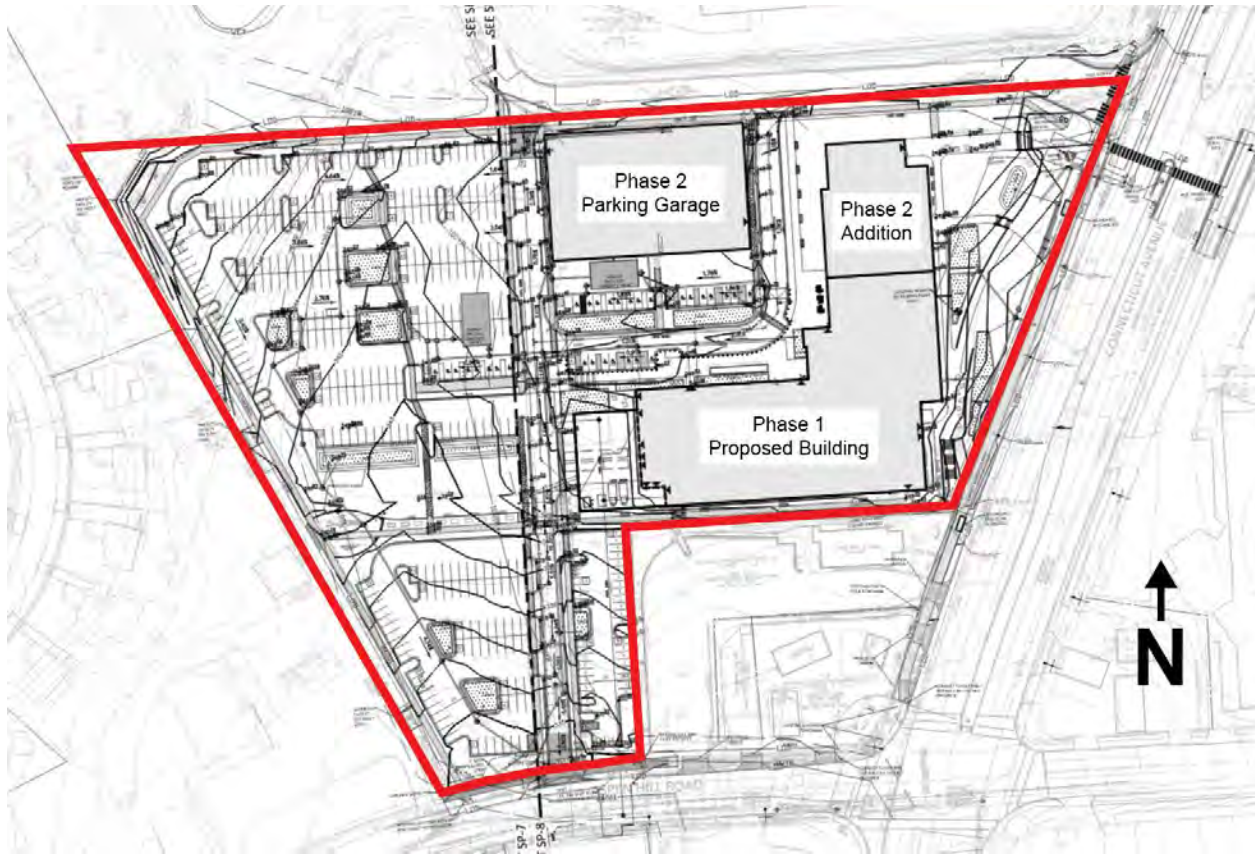


Figure 8: Phase 2 Site Plan

#### Open Space & Amenities “Thrive Walk”

The Public Open Space amenities at the Property, including : i) new greenspace that integrates and orients the Property towards Connecticut Avenue and provides outdoor area for mindfulness and fitness activities; ii) a nature trail with exercise equipment along the perimeter of the Property, which is being branded as the “Thrive Path”; and iii) a community garden that will provide native plant, flower and/or herb garden in the middle of the Property. See the following rendering of the planned open spaces and onsite amenities.





Figure 9: Public Open Space at Northeast of Subject Property

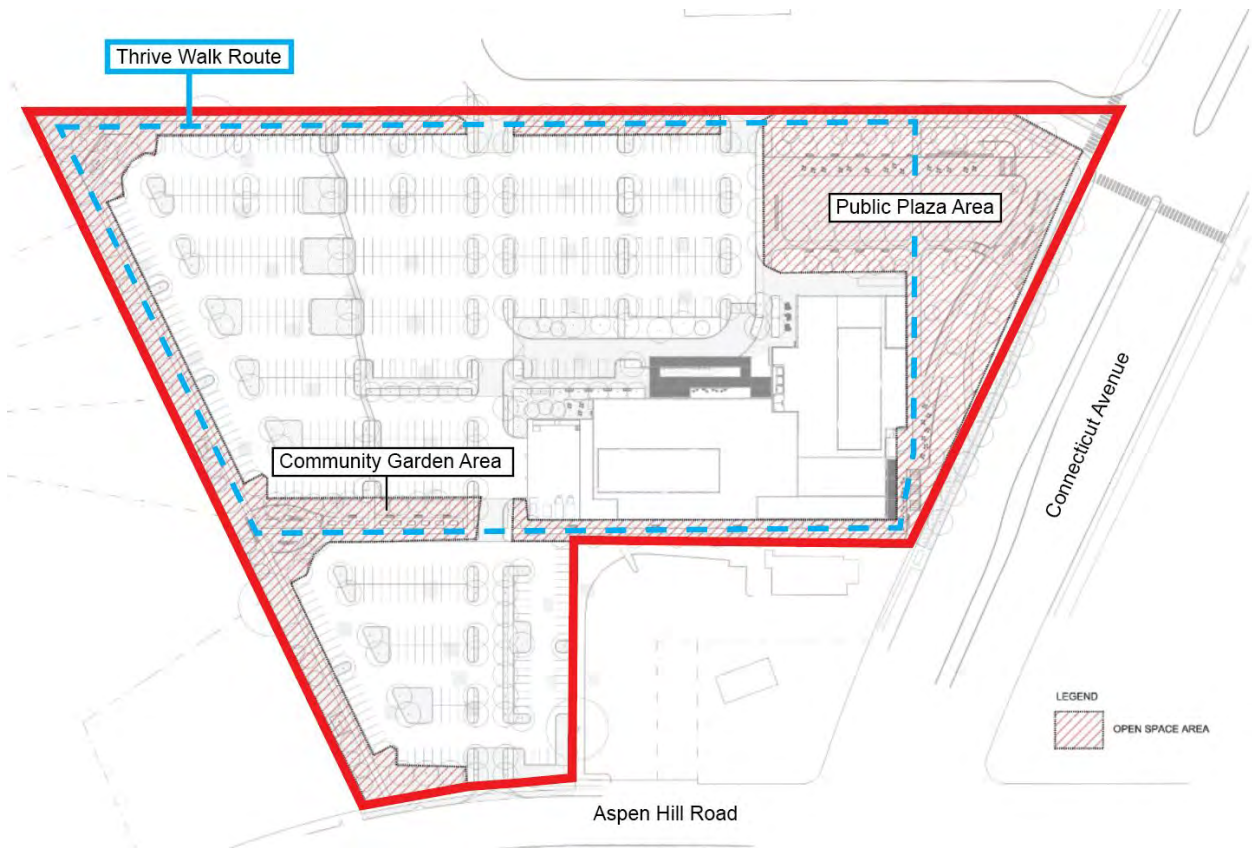


Figure 10: Phase 1 Open Space Plan



Figure 11: Phase 1 Community Garden and Thrive Walk Area

### Phase 2

The addition of Phase 2 will reduce the overall open space for the site. However, it will increase the area near the Community Garden to be used as event space and allow for additional public greenspace with a playground and/or picnic table.



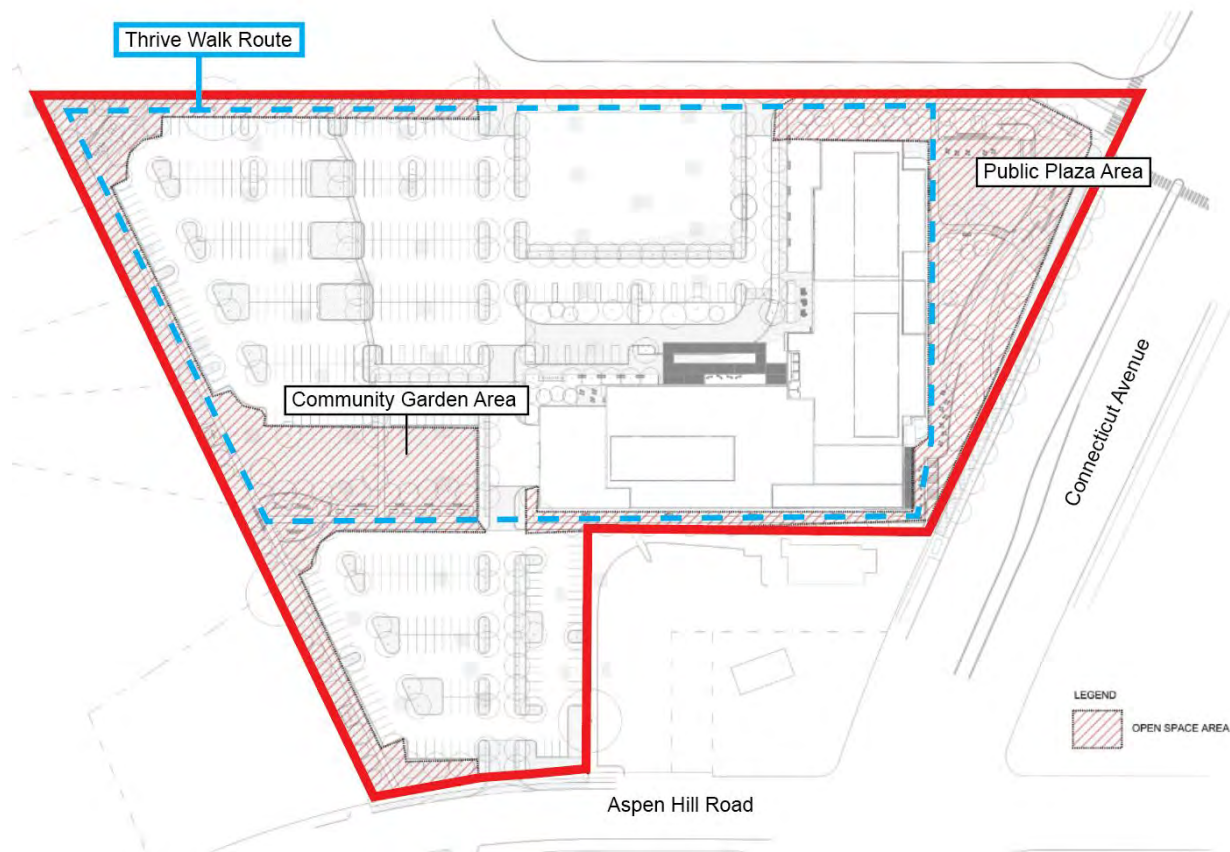


Figure 12: Phase 2 Open Space Plan



Figure 13: Phase 2 Community Garden Space

### Architecture and Elevations

The main façade will face Connecticut Avenue and will have a prominent view from the intersection of Aspen Hill Road and Connecticut Avenue. The site will create a gateway feature at the Home Depot shared access drive. A portion of the building will be constructed of modules stacked up to 4 stories (approximately 60 feet above grade), and other modules which function optimally at 2 stories (approximately 29 feet above grade). The modular construction system utilizes specifically sized elements and connectors which facilitate the efficiency and speed of construction. The Garage will be 6-stories tall, but with more conventional floor heights, and a combined height of approximately 60 feet above grade.



4 EAST ELEVATION - PHASE 1  
1/8" = 1'-0"



3 WEST ELEVATION - PHASE 1  
1/8" = 1'-0"



2 NORTH ELEVATION - PHASE 1  
1/8" = 1'-0"



1 SOUTH ELEVATION - PHASE 1  
1/8" = 1'-0"

Figure 14: Phase 1 Elevations





Figure 15: Phase 2 Elevations

### **Transportation**

The Applicant will construct frontage improvements, including a 10-foot sidepath with a 6-foot landscaped buffer along both the Connecticut Avenue and Aspen Hill Road frontages. Along Connecticut Avenue, the sidepath stretches from the northeast corner of the property southwest along the west side of Connecticut Avenue. This stretch of sidepath extends past the boundaries of the subject property and in front of the Dunkin Donuts and Shell Gas Station properties towards the intersection of Connecticut Avenue with Aspen Hill Road.

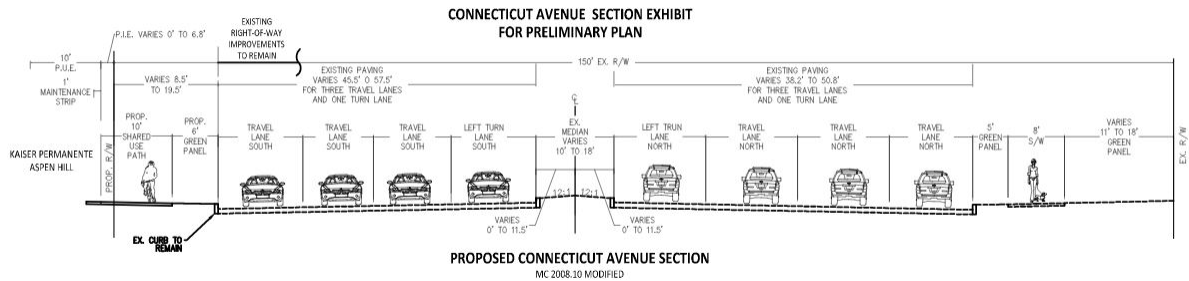


Figure 16: Connecticut Avenue Section

Along Aspen Hill Road, the sidepath begins at the southwest corner of the subject property and stretches east in front of the Dunkin Donuts and Shell Gas Station properties. At the northeast corner of the intersection of Aspen Hill Road and Connecticut Avenue, the two sidepaths tie into the existing sidewalk. The sidepath could not be extended all the way to the corner due to existing utilities and other site constraints.

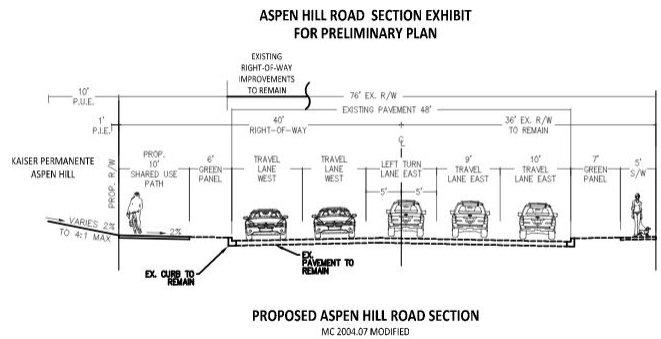


Figure 17: Aspen Hill Road Section

Access to the site via Aspen Hill Road is restricted to Kaiser Permanente employees and emergency personnel. An automated gate will be installed to prevent public access, along with signage marking the entrance for employees. The access gate is situated approximately 100 feet north of the entrance to Aspen Hill Road to provide internal queuing for employees accessing the site and prevent queuing on Aspen Hill Road. This access point will be right-in, right-out only.

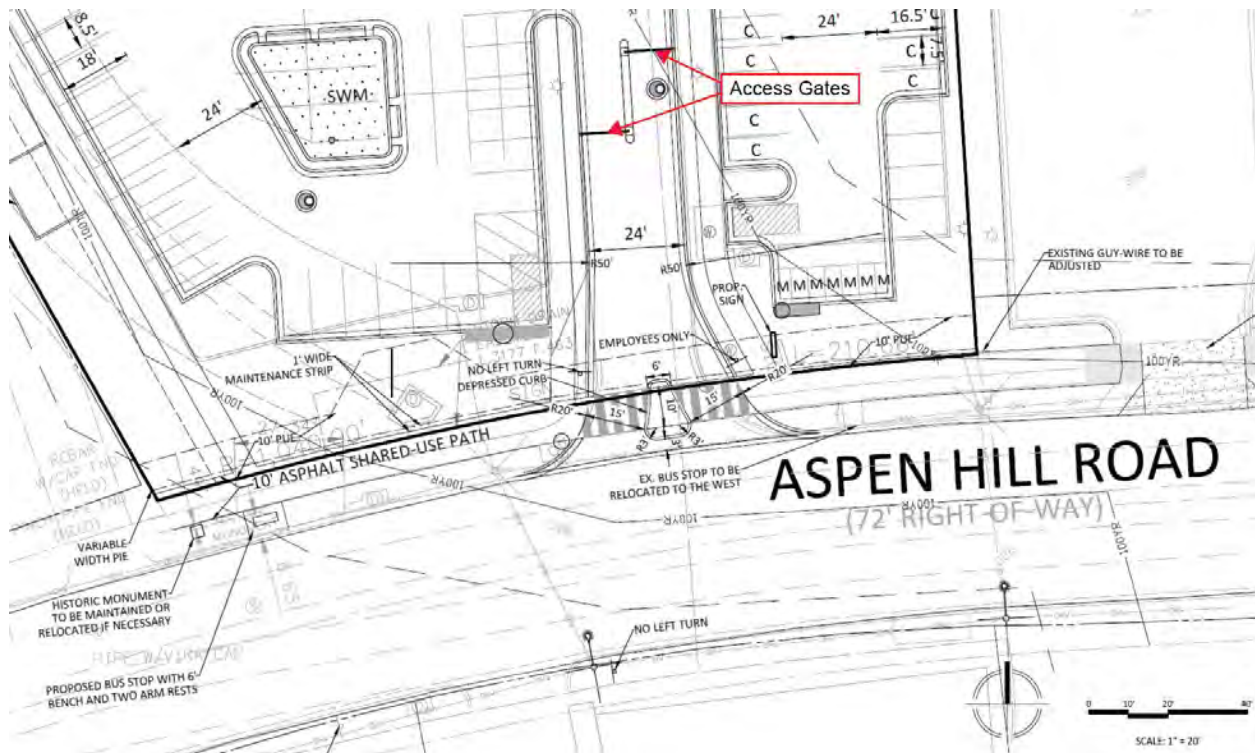


Figure 18: Channelized Aspen Hill Access

The Applicant is proposing a full traffic signal at the intersection of Connecticut Avenue and the shared driveway, including updated crosswalks, ADA accessible ramps, and median refuge islands. This traffic signal is strongly supported by Planning Staff and MCDOT and has been approved by the Maryland State Highway Administration. More detail regarding the traffic signal is included in the Transportation section.

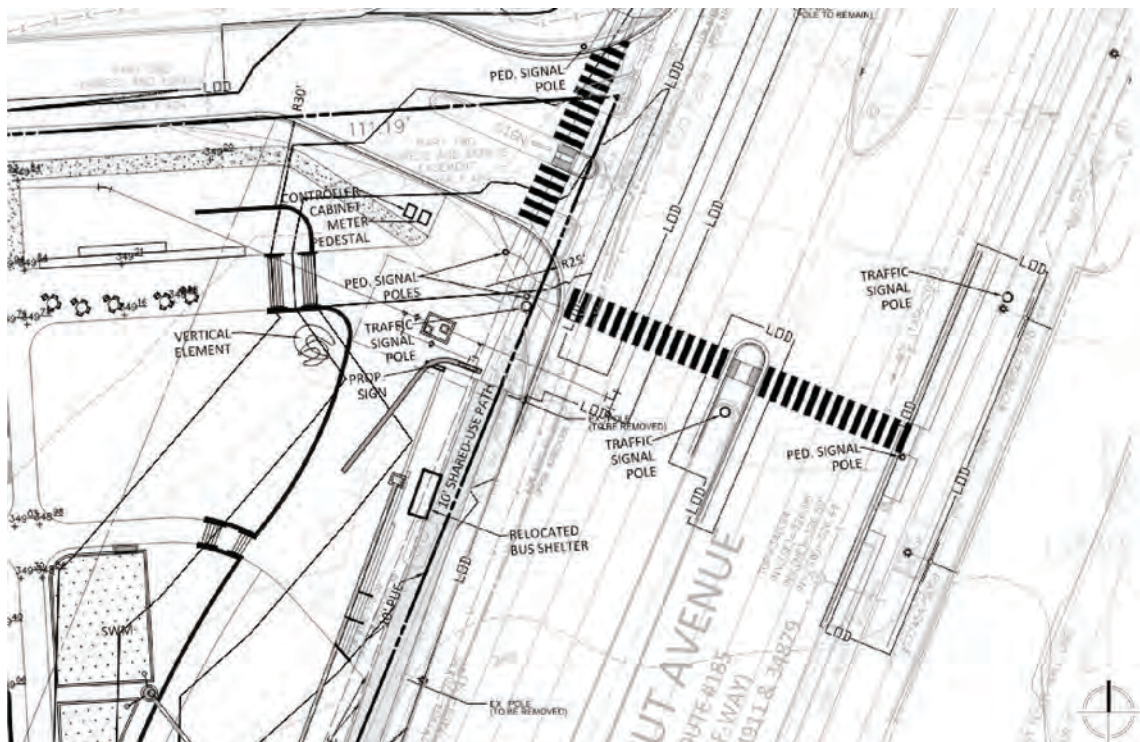


Figure 19: Proposed New Signal Location



### Community Outreach

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. Staff has received emails and calls from residents on the proposed development. Planning Staff has heard directly from Aspen Hill Civic Association (AHCA) and the Aspen Hill Advocates. The major concern is the number of trips that will utilize the entrance on Aspen Hill Road.

The prior approval limited the Aspen Hill Road entrance/exit for employees and emergency services only and directed the majority of traffic to the Site's Connecticut Avenue entrance. Similarly, the Applicant has committed to limiting the Aspen Hill Road access to an "employee only" entrance. Furthermore, as conditioned, the Aspen Hill Road access will be channelized to eliminate left-turns into the site and provide for safer vehicular movement on Aspen Hill Road. Also, Planning Staff determined the truck deliveries must access from Connecticut Avenue, as conditioned per Certified Site Plan No. 12.f. See Attachment 4 for additional correspondence from the community and response from the Applicant.

## SECTION 4: PROJECT ANALYSIS AND FINDINGS

### Preliminary Plan No. 1202000130

Under Section 50.4.2.D, the Planning Board must make the following findings to approve a Preliminary Plan:

1. *The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The lots have been reviewed for compliance with Section 50-29(a) of the Subdivision Regulations. The layout of the subdivision, including size, width, shape, and orientation of the lot continue to be appropriate for their location within the subdivision and meet all applicable requirements of the CRT Zone.

- a. *The Preliminary Plan provides for required public sites and adequate open areas.*

The Project provides all required master plan 10' sidepath along the property's frontage and no additional dedication was required for future public infrastructure. The Project establishes the minimum 10% public open space per each phase.

- b. *The Lot(s) and Use comply with the basic requirements of Chapter 59.*

The consolidation lots were reviewed for compliance with the dimensional requirements for the CRT zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Table 1.

2. *The Preliminary Plan substantially conforms to the Sector Plan or Urban Renewal Plan*

The 2015 Aspen Hill Minor Master Plan Amendment (Master Plan) acknowledges the changing office market in the area, and recommends zoning to allow redevelopment that includes a neighborhood-serving mix of uses and activate the Connecticut Avenue corridor. The Master Plan also provides specific design criteria to support "the transition of this area to a more pedestrian-friendly, accessible, and human-scale environment." (p. 13)

The long-term goal of the Master Plan is to facilitate comprehensive redevelopment, it recognizes the near-term likelihood of single-use redevelopment in transitional areas such as this commercial cluster. The Medical Center does not satisfy the long-term vision of a mixed-use development, however many of the human-scale and pedestrian-friendly design elements are met through the proposal.

- Public Realm: The Public realm along Aspen Hill Road will be improved with additional plantings, and the existing sidewalk will be expanded to become a sidepath (10 feet wide) extending to Connecticut Avenue. The existing sidewalk along Connecticut Avenue will be replaced with a greenspace buffer (6 feet wide), a two-way sidepath (10 feet wide), and a pedestrian sidewalk (8 feet wide).
- Building Placement: The Medical Center buildings are placed towards the south east of the Property. Building heights are concentrated along Connecticut Avenue and decrease from Connecticut Avenue moving west towards the existing single family neighborhoods.
- Public Amenities: In addition to the Medical Center, the Property includes an event space community plaza, an outdoor area for mindfulness and fitness activities, a nature trail with exercise equipment, and a native plant, flower and herb garden in the middle of the Property.
- Building Entrances: The main entrance is located on Connecticut Avenue for people walking, biking or taking transit. The entrance includes landscaping and seating which are visible and accessible from Connecticut Avenue. The existing access from Aspen Hill Road will be gated and available only for emergency use and employees. Visitors traveling by car to the Medical Center will access the Property through the shared drive aisle with Home Depot.
- Vision Zero: In addition to the bikeway and sidewalk improvements, the project will provide a new traffic signal and pedestrian facilities at the shared drive aisle and Connecticut Avenue, which was identified in the Master Plan.

Although the proposal does not fully advance the goal of a walkable mixed-use neighborhood center envisioned by the Master Plan, it does begin to provide the pedestrian and bicycle improvements and public amenities. This application delivers a prominent new building which will enhance the Property's general appearance, mobility improvement along its frontages for pedestrians and cyclists, and public amenities. Thus, these improvements are found to be in substantial conformance with the Master Plan.

#### Sector/Master-Planned Roadway and Bikeway

Connecticut Avenue is classified as a Major Highway, M-7, by the 1994 *Aspen Hill Master Plan*, with a recommended 150-foot right-of-way. The Applicant is providing the required dedication to expand the landscaped zone and construct the sidepath. Aspen Hill Road west of Connecticut Avenue is classified as an Arterial, A-38, by the 1994 *Aspen Hill Master Plan*, with a recommended 80-foot right-of-way. No additional dedication is required along Aspen Hill Road. The 2018 *Bicycle Master Plan* recommends a two-way separated bike lane on the west side of Connecticut Avenue and a sidepath on the north side of Aspen Hill Road.

The Preliminary Plan substantially conforms to the 2015 Aspen Hill Minor Master Plan Amendment, the 2018 Bicycle Master Plan, and the 2018 Master Plan of Highways and Transitways.

### *3. Public Facilities will be adequate to support and service the area of the subdivision*

#### 50-4.3.J.5 - APF Extension request for Phase 2

The Application is requesting a phased approval, per Section 50-4.3.J.5 to extend the validity period of the APF approval for Phase 2 to 10 years. Per Sections 50-4.3.J.5.b, "if an applicant requests a longer

*validity period than the minimum specified in 5.a, the applicant must submit a development schedule or phasing plan for completion of the project to the Board for its approval.”*

- i. At a minimum, the proposed development schedule or phasing plan must show the minimum percentage of the project that the applicant expects to complete in the first 5 or 7 years, whichever is the applicable minimum, after the preliminary plan is approved.*

The Application is proposing to construct 72 percent of the total development for Phase 1 (130,000 sq. ft.) within the first 5 years. This includes all frontage improvements along Aspen Hill Road and Connecticut Avenue, and the onsite amenities shown on the Site Plan. The APF approval for Phase 2 that is subject to the extension request, to allow the building permit to be filed for Phase 2 (which is 28 percent of total constructions) within 10 years of the Preliminary Plan approval.

- ii. To allow a validity period longer than the specified minimum, the Board must find that the size or complexity of the subdivision warrant the extended validity period and would not be adverse to the public interest. The Board must condition a validity period longer than the specified minimum on adherence to the proposed development schedule or phasing plan, and may impose other improvements or mitigation conditions if those conditions are needed to assure adequate levels of transportation or school service during the validity period.*

Due to the complexity of developing Medical Offices the applicant needs this additional time for Phase 2 to justify the need for growth and allocate funding. The Project will meet the motor vehicle adequacy tests for both Phases. Because it will generate fewer than 50 new pedestrian trips, new non-motorized trips, and new transit trips, the Project is exempt from reviewing these systems for adequacy and no off-site improvements are required. However, as previously stated the Applicant is proposing a 10-foot wide sidepath long the property's frontage and a new traffic signal as a part of Phase 1. Therefore, the project will not adversely impact the public's interest.

#### Recommendation

Planning Staff recommends the Planning Board approve the APF validity period to 10 years, based on the finding outline within this staff report, per Section 50-4.3.J.5.

#### Vehicular Site Access Point and Circulation

The site is accessible from Connecticut Avenue and Aspen Hill Road. Vehicular access to the site from Connecticut Avenue is available via a shared driveway north of the site, which also provides access to The Home Depot. Access to the site via Aspen Hill Road is restricted to Kaiser Permanente employees and emergency personnel. An automated gate will be installed to prevent public access. The access gate is situated approximately 100 feet north of the entrance to Aspen Hill Road to provide internal queuing for employees accessing the site and prevent queuing on Aspen Hill Road.

The Applicant is proposing a full traffic signal at the intersection of Connecticut Avenue and the shared driveway, including updated crosswalks, ADA accessible ramps, and median refuge islands. This traffic signal is strongly supported by Planning staff and MCDOT, will better regulate vehicular access onto the site for patients and visitors, and enhances pedestrian safety at the intersection. The Applicant completed a signal warrant analysis to assess the feasibility of a traffic signal at this location. Six vehicular volume warrants are met under the existing conditions and the proposed future conditions (Phase 1). The Maryland State Highway Administration (MDSHA) reviewed the signal warrant analysis and approved the installation of the traffic signal. The Applicant will design and construct the new signal

but must coordinate with MDSHA to determine the ultimate cycle length and submit a Design Request for the proposed traffic signal location.

Tightening vehicle turning radii is recommended in the 2019 Aspen Hill Vision Zero Study. To slow vehicle turning movements and shorten crossing distances for pedestrians, the curb radii at the entrance from Aspen Hill Road are reduced to 20 feet and the curb radii at the intersection with Connecticut Avenue are reduced to 25 feet.

#### Parking

On-site parking is provided in four surface parking lots for Phase 1; a structured parking garage will be constructed on the northeastern surface parking lot to accommodate increased parking demands associated with Phase 2 of the development.

The Applicant is requesting adequate parking to accommodate its members, staff, and the community members, who are invited to use the amenities on-site. Although a Parking Waiver was included with the original application to provide more than the allowed maximum number of parking spaces (which is a ratio of 4.0 spaces per 1,000 square feet of building area), a parking waiver is not necessary because the additional spaces are not limited or restricted in their use. Therefore, the Project will provide 542 spaces for Phase 1 (a ratio of 4.2 spaces per 1,000 square feet), and 846 spaces for Phase 2 (a ratio of 4.7 spaces per 1,000 square feet). These parking ratios will allow for adequate employees and members/patients to park on the Property without encroaching on the neighborhood.

#### Public Transit Service

Four local bus routes operate along Connecticut Avenue and Aspen Hill Road adjacent to the site:

- **Ride On Route 26:** Operates Monday-Sunday between the Glenmont Metro Station and the Montgomery Mall Transit Center, with intermediate stops at the Twinbrook Metro Station, White Flint Metro Station, and Rock Spring.
- **Ride On Route 34:** Operates Monday-Sunday between Bel Pre Road and Friendship Heights Metro Station, with intermediate stops at the Bethesda Metro Station, Medical Center Metro Station, Kensington, Wheaton Metro Station, and along Veirs Mill Road.
- **Ride On Route 41:** Operates Monday-Sunday between the Glenmont Metro Station and Bel Pre Road, operating primarily along Connecticut Avenue.
- **Metrobus L8:** Operates Monday-Sunday between Aspen Hill Road and Friendship Heights Metro Station, with stops in Kensington, Chevy Chase Lake, and Chevy Chase Circle, operating primarily on Connecticut Avenue.

The existing Ride On/Metrobus stop on the west side of Connecticut Avenue is being moved approximately 300 feet north to be located closer to the new traffic signal on Connecticut Avenue.

#### Pedestrian and Bicycle Facilities

Aspen Hill is designated as a Bicycle Pedestrian Priority Area (BiPPA), where the enhancement of bicycle or pedestrian traffic is a priority. As such, the Applicant is providing a 10-foot sidepath and a 6-foot landscaped buffer along the site's frontage with Connecticut Avenue and Aspen Hill Road. The sidepath on Connecticut Avenue is designed to be converted to a two-way separated bike lane at a later date, as recommended by the 2018 *Bicycle Master Plan*. The sidepath will be extended along the Shell gas

station frontage to the intersection of Aspen Hill Road and Connecticut Avenue, within the MDSHA right-of-way.

An internal sidewalk network (6-feet wide) along the primary north/south driveway, the shared driveway with Home Depot, and along the south side of Phase 1 provides safe pedestrian access within the site. Crosswalks are provided where all sidewalks cross drive aisles or connect through parking lots and along the main entrance loop, to facilitate access from the parking lot into the facility.

The site is providing 41 bicycle parking spaces, 32 long-term and nine short term. Short-term bike parking is located along the building's main entrance loop and adjacent to the long-term bike lockers on the southeast side of the site. Additionally, runnels are provided on both staircases leading from Connecticut Avenue to allow bicycles to better navigate the grade change.

#### Local Area Transportation Review

Per the 2016-2020 Local Area Transportation Review Guidelines, a traffic study is required to satisfy the motor vehicle adequacy analysis if the proposed use generates more than 50-person trips within the weekday peak hours. As the total number of peak-hour vehicle trips serving the site exceeds 50 trips per peak hour, the Applicant was required to complete the motor vehicle system adequacy test, including a traffic impact study (TIS). The pedestrian, bicycle, and transit adequacy analysis were not triggered for this project.

Vehicle trip generation for the site was analyzed using the ITE Trip Generation Rates for Medical Office Building and adjusted based on the mode split assumptions for the Aspen Hill Policy Area. The site is replacing an existing office building and will generate a marginally higher number of trips in Phase 1, and a substantially higher number of trips following the completion of Phase 2. In Phase 1, the site is projected to generate 372 person trips during the AM peak hour and 594 person trips during the PM peak hour. Compared to the existing office building, this is an increase of only nine person trips in the AM peak period. In Phase 2, the site is projected to generate 496 person trips during the AM peak hour and 824 during the PM peak hour. As detailed below, vehicular delays at study intersections are not exceeded during the PM peak period.

Peak Period	Auto Driver	Auto Passenger	Pedestrian*	Transit	Bicycle	Person Trips
<b>Phase 1</b>						
<b>AM</b>	276	68	28	11	17	<b>372</b>
<b>PM</b>	441	108	45	17	28	<b>594</b>
<b>Phase 2</b>						
<b>AM</b>	369	90	37	14	23	<b>496</b>
<b>PM</b>	611	150	63	24	39	<b>824</b>
*Pedestrian trips are the sum of all transit and bicycle trips generated by the project						

The traffic impact study analyzed 13 nearby intersections. The Aspen Hill Policy Area is a yellow policy area, which applies the critical lane volume (CLV) level of standard for study intersections with a CLV of

1,350 or less; the Highway Capacity Manual (HCM) delay-based level of service standards is used to analyze signalized intersections with a CLV of more than 1,350. Of the 13 intersections analyzed, two exceeded the 1,350 threshold and were analyzed by HCM delay: Connecticut Avenue / Aspen Hill Road (AM peak period) and Georgia Avenue / Bel Pre Road (AM peak period). The HCM congestion standard for intersections within the Aspen Hill Policy Area is 59 seconds. Based on the results of the HCM analysis, the Connecticut Avenue / Aspen Hill Road intersection exceeds the policy area congestion standard of 59 seconds in the AM peak period of the future conditions. The Applicant proposed signal timing adjustments that will mitigate the site's vehicular impact and reduce delay at the intersection below the policy area threshold. However, these signal timing adjustments were not accepted by MCDOT. Per the LATR Guidelines, pedestrian and bicycle improvements qualify as mitigation when the policy area congestion standard is exceeded. To satisfy the LATR test, the Applicant is extending the sidepath off-site on both Connecticut Avenue and Aspen Hill Road. These improvements will prioritize bicycle and pedestrian movement, as stipulated by Aspen Hill's BiPPA designation. The intersection of Georgia Avenue / Bel Pre Road does not exceed the policy area threshold and no mitigation is required.

Intersection	Existing Conditions		Background Conditions		Phase 1 Future Conditions		Phase 2 Future Conditions	
	AM	PM	AM	PM	AM	PM	AM	PM
Connecticut Avenue / Aspen Hill Road	61.1	--	61.5	--	70.4	--	72.9	--
<i>Signal timing modifications</i>	--	--	--	--	53.6	--	54.8	--
Georgia Avenue / Bel Pre Road	57.1	--	57.3	--	--	--	58.3	--
HCM delay shown as seconds; HCM delay standard for Aspen Hill Policy Area is 59 seconds								

### Transportation Demand Management

In accordance with Montgomery County's recently adopted countywide transportation demand management legislation, the Applicant must implement a Level 1 Basic Plan for Phase 1, and upgrade to a Level 2 Action Plan following the completion of Phase 2:

**Level 1 Basic Plan** must implement County-led strategies at the Project and must include:

1. Appoint a Transportation Coordinator and Commitment to Cooperate the Department's Programs – includes assistance include distribution of information on commuting options, coordinating with the Department to conduct commuting-related outreach, participation in commuter survey.
2. Notification – Each owner of a project is required to notify the Department in writing within 30 days of receipt of final U & O certificate from the Department of Permitting Services and communicate change in Transportation Coordinator's contact information.
3. Access to the Project - provide space in the project for the promotion of TDM;
4. TDM Information - display TDM-related information in highly visible location(s).

**Level 2 Action Plans** require of applicants/owners in Orange and Yellow Areas, all of the elements of Level 1 plans, plus:

5. Selection of strategies to be implemented to achieve the NADMS goals (5% higher than the District's NADMS goal).
6. Commitment to fund and implement the Plan.
7. Self-Monitoring to determine if the Project-based TDM Plan is contributing toward achievement of the District's goals.
8. Committing funding to implement the specific actions.
9. Biennial Report – must be provided to the County in alternating years.
10. Addition and/or Substitution of Strategies – if the strategies initially selected have not made progress towards the goal by four years after the date of final occupancy.
11. Additional Funding Commitment – if the project still has not made progress towards the goal within 6 years after final occupancy.
12. Performance Incentives - the owner may be eligible for annual performance incentives established by MCDOT for continued contribution over multiple years toward achievement of commuting goals, including reductions in TDM fees or other financial benefits, as established in the Executive Regulation.

This approval must be obtained from MCDOT prior to issuance of any building permit by the Department of Permitting Services.

#### Other Public Facilities

The proposed development will be served by public water and sewer systems. Fire and Rescue has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations and health care will continue to be sufficient following the construction of the project. Electric, gas and telecommunications services will also be available.

#### *4. All Forest Conservation Law, Chapter 22A requirements are satisfied*

##### Environmental Guidelines

Staff approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420200710 on December 10, 2019. The approximately 10.03-acre Property is currently developed with a two-story office building and associated asphalt surface parking lots. There are no forest or streams on-site but there is an engineered floodplain associated with an off-site stormwater management facility. All proposed structures are outside of the floodplain and associated 25' Building Restriction Line (BRL). The proposed plan is in conformance with the *Environmental Guidelines*.

##### Final Forest Conservation Plan

The Applicant has submitted a Final Forest Conservation Plan (FFCP) with the Preliminary Plan and Site Plan. This FFCP amends FFCP #SC2020011, approved with the sediment control plan associated with the demolition of the existing development. The forest conservation requirements of 1.68 acres were met in an off-site mitigation bank as a part of the approval of FFCP #SC2020011. The FFCP shows the proposed development and all disturbance necessary for development. As submitted, and including approval of the accompanying variance request, the plan complies with Chapter 22A, Forest Conservation.

Due to the engineered floodplain being associated with an off-site stormwater management pond that would occur in the event of a breach, Planning Staff is not establishing a conservation easement, per Section 22A-12(b)(2).



### Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The Applicant submitted a variance request on April 1, 2020 to impact one (1) tree, tree #12, that is considered a high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law. The submitted variance request missed one additional tree (# 1) which is a specimen tree proposed to be impacted, but not removed. Tree #1 is a 35" White Mulberry in poor condition with 31% impacts to its critical root zone (CRZ). Tree #12 is a 57" White Oak that is located off-site. The variance request indicates that tree #12 will have a 3.51% impact to its CRZ. However, the last iteration of plan has removed the disturbance that would impact tree #12. A corrected variance request adding the impacts to tree # 1 must be submitted prior to approval of the Certified Preliminary Plan.

### Unwarranted Hardship

Tree #1 is located on the western property line, adjacent to the existing parking lot. The CRZ for tree #1 is currently impacted by this parking lot. The Applicant has proposed a walking path with fitness equipment along the western property line. The Applicant would not be able to construct this path without impacting the CRZ of tree #1. Thus, the Applicant has a sufficient unwarranted hardship to consider a variance request.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted.

### Variance Findings

- 1. Will not confer on the applicant a special privilege that would be denied to other applicants.*

As noted above, the Applicant cannot construct the fitness path improvements along the western property line without the approval of this variance. Thus, granting the variance will not confer a special privilege on the Applicant.

- 2. Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is based on the locations of the tree, rather than on conditions or circumstances which are the result of actions by the Applicant.

- 3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the need to provide a fitness path and not a result of land or building use on a neighboring property.

*4. Will not violate State water quality standards or cause measurable degradation in water quality.*

The Applicant has minimized the impacts on trees by restraining the disturbance necessary to construct the fitness path. No variance trees are proposed for removal therefore no mitigation is required for these impacts. The project will not violate State water quality standards or cause measurable degradation in water quality.

#### Variance Recommendation

Staff recommends that the variance be granted.

*5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The Applicant received approval of their stormwater management concept from the Montgomery County Department of Permitting Services, Water Resources Section on June 15, 2020. The concept meets required stormwater management goals using a combination of ESD approaches including rain gardens, permeable paving, and microbioretention areas. The Property is not subject to a water quality plan, and there are no floodplain requirements. The requirements of Chapter 19 for stormwater management are satisfied.

*6. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

No other provisions apply to the Subdivision. (Need to address street grid per Sector Plan recommendations).

#### **Site Plan No. 82018007A Findings**

Per Section 7.3.4 of the Zoning Ordinance,

1. When reviewing an application, the approval findings apply only to the site covered by the application.

2. To approve a site plan, the Planning Board must find that the proposed development:

a. satisfies any previous approval that applies to the site;

Per the conditions of approval, the Applicant must satisfy and comply with all aspect of the concurrent approval for the Preliminary Plan No 120200130. All conditions of prior approved per Site Plan No. 820180070 are no longer valid and are superseded by the conditions established in this Staff Report.

b. 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;

This section is not applicable.

- c. 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;

This section is not applicable.

- d. satisfies applicable use standards, development standards, and general requirements under this Chapter;

#### Build-to-Area (BTA) Waiver

The Site Plan Application includes two waivers to modify or exceed the Zoning Ordinance, Chapter 59, including the Build-to-Area front setback from Connecticut Avenue along the eastern boundary of the property (Section 59-4.5.3.C.3.b) and screening requirement along the northern boundary adjacent to the Home Depot property that is zoned R-90 (Sections 59-6.2.9.C.3.b.):

*Per 59-4.5.3.C.3.b. The Build-to Area requirements may be modified by the Planning Board during site plan review under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.*

The Applicant is requesting relief from the 20-foot max required setback from to 35 feet and the Building in front street BTA of 70% to zero (0)%. This is due to the physical constraints and topography of the site, which has significant grade difference from the Property along Connecticut Avenue (see figures 19-21); and the angled frontage that makes the modular construction design inefficient, if required to align the building frontage with Connecticut Avenue; to create the Medical Center, the building front print must be placed at right angles. Also, to achieve a slope that complies with ADA requirements, ramped approaches from the pedestrian level along Connecticut Avenue will require a substantial setback. In addition, the eastern boundary of the Property along Connecticut Avenue must accommodate the Master Plan 10-foot sidepath and 6-foot greenspace buffer. Planning Staff supports the relief to the BTA due to site constraints.



Figure 19: Subject Property from Connecticut Avenue looking north



Figure 20: Subject Property from Connecticut Avenue looking south





Figure 21: Site from Connecticut Avenue looking west

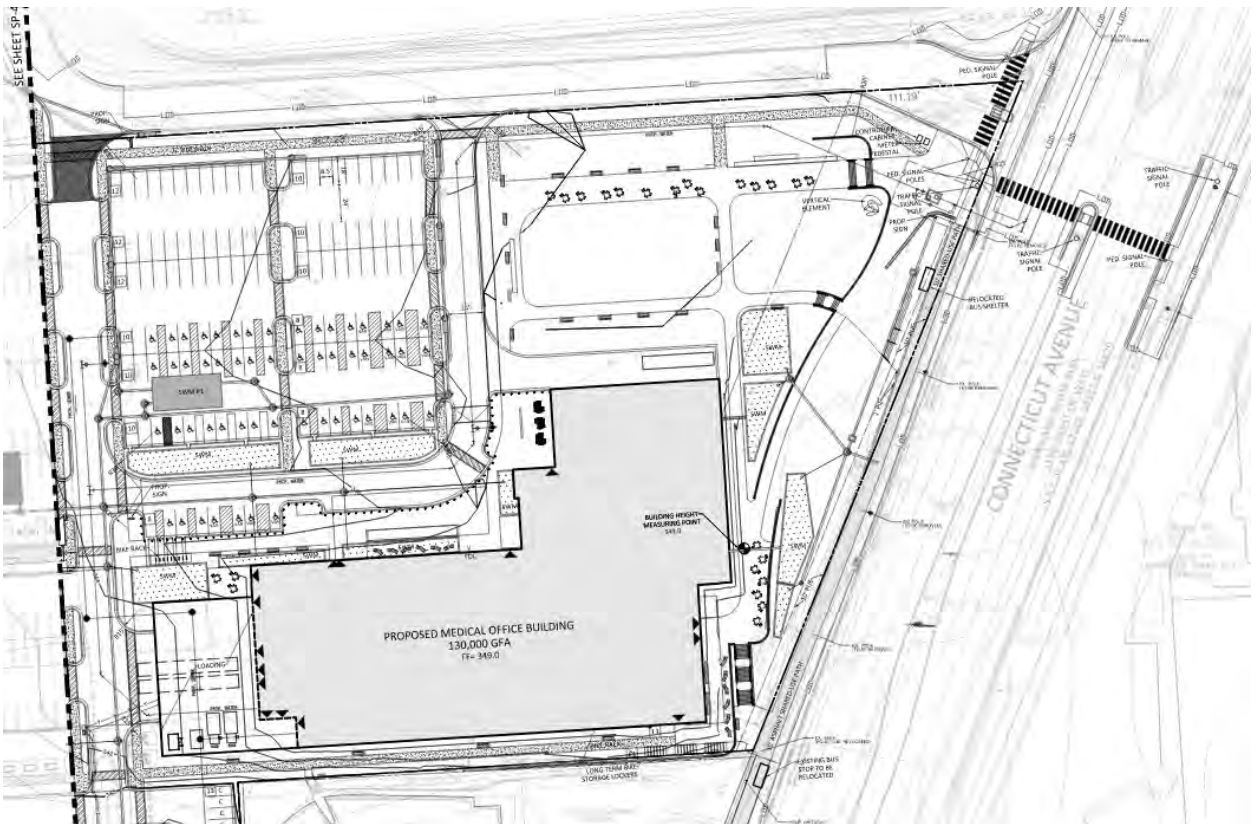


Figure 22: Connecticut Avenue Phase 1 Frontage

#### Perimeter Planting Waiver

Per Section 59-6.2.9.C.3, where the Property abuts residentially zoned land that is improved with an institutional or commercial use, a perimeter planting area meets the following:

- i. be a minimum of 6-feet-wide;
- ii. contain a hedge or low wall a minimum of 3-feet-high; and
- iii. have a canopy tree planted every 30 feet on center; unless
- iv. the property abuts another parking lot, in which case a perimeter planting area is not required.

On the northern side the abutting residential property is used by Home Depot for a stormwater management pond and the parking is further away. Therefore, although there is really no residential use on this residentially zoned land, the Applicant is providing a (14-foot) landscape strip, the Thrive Path and canopy trees and plantings along this Property line. If required to provide the 3-foot hedge or wall it would adversely impact the trees and exercise elements planned for this area. Planning Staff supports the request of relief to the “Perimeter Planting”.

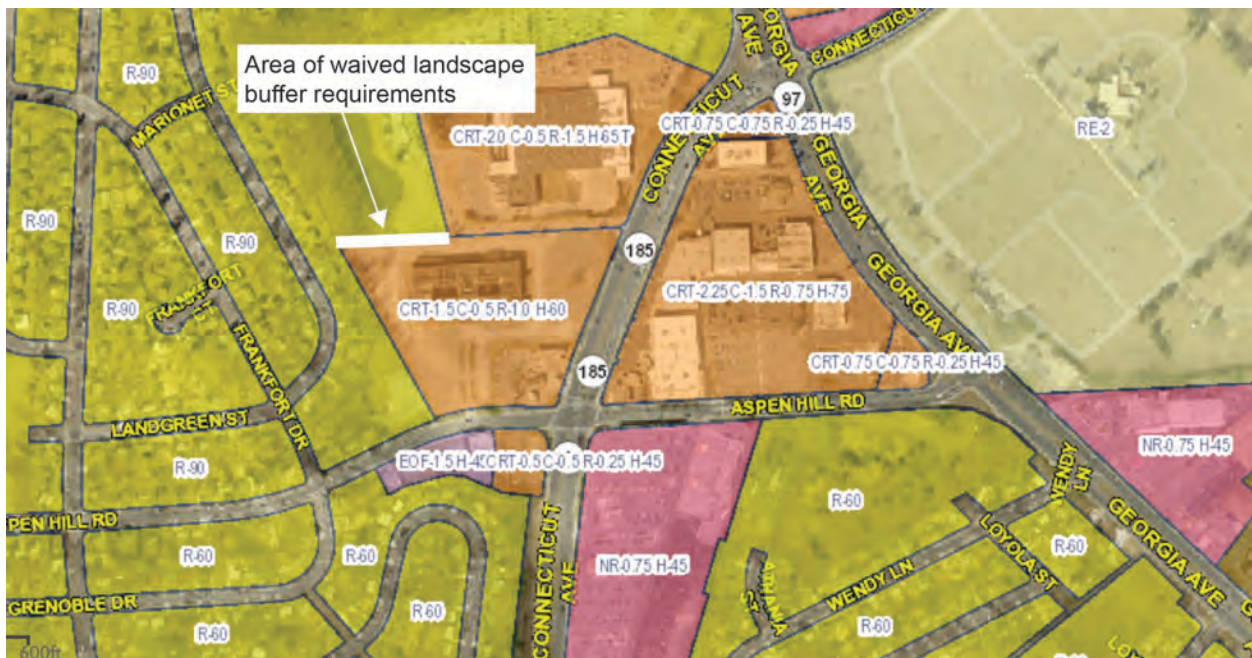


Figure 23: Zoning Map

The Application includes two waivers to modify or exceed the Zoning Ordinance, Chapter 59, including the Build-to-Area front setback from Connecticut Avenue along the eastern boundary of the property (Section 59-4.5.3.C.3.b) and the screening requirement along the northern boundary adjacent to the Home Depot property that is zoned R-90 (Sections 59-6.2.9.C.3.b.). Planning Staff recommends the Planning Board approve both waivers as justified within this Staff Report.

- i. *Division 4.5 Commercial/Residential Zones and Division 4.4 Residential Zones*

#### Development Standards

The Site is approximately 180,000 square feet zoned CRT-1.5, C-0.5, R-1.0, H-60. The data table below shows the Application’s conformance to the development standards of Section 59-4.5.4.

Table 1- Project Data Table			
Section 59	Development Standard	Permitted/ Required	Proposed
	Tract Area (sf)		437,112 sq. ft.
	Previous Dedication		837 sq. ft.
	Gross Tract Area		437,949 sq. ft.
<b>Zone</b>	<b>CRT-1.5, C-0.5, R-1.0, H-60</b>		
<b>4.5.4.B.2.b</b>	<b>Density</b>		
	FAR (Total)		
	Commercial	C-0.5	C-0.3
	Residential	R-1.0	R-0
	Phase 1 Gross Floor Area	656,924 sq. ft.	130,000 sq. ft.
	Phase 2 Gross Floor Area	656,924 sq. ft.	50,000 sq. ft.
	Total Gross Floor Area	656,924 sq. ft.	180,000 sq. ft.
<b>4.5.4.B.2.b</b>	<b>Building Height (feet)</b>	60	60
<b>4.5.4.B.3</b>	<b>Minimum Setback (feet)</b>	20	35
<b>4.5.4.B.1</b>	<b>Minimum Public/Common Open Use Space (%)</b>	10%	n/a
	Phase 1 Square Footage		63,144 sq. ft.
	Phase 1 Percentage		14%
	Phase 2 Square Footage		44,148 sq. ft.
	Phase 2 Percentage		10%
<b>6.2.4.</b>	<b>Minimum Parking Spaces</b>		
	Phase 1 Parking Spaces	516	542
	Phase 2 Parking Spaces	720	846

ii. *Division 6.4 General Landscaping and Outdoor Lighting*

All other elements of the project unless previously stated, provides adequate landscaping and lighting, as well as other site amenities, to ensure that these facilities will be safe, adequate, and efficient for adjacent residents and visitors. The Project will include streetscaping improvements, with a side path, street trees, open space with amenities, and lighting.

As shown in the Development Standards table and findings above, the proposed Site Plan meets all the general requirements and development standards of Divisions 59-4.4 and 59-4.5 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance, except for Section 59-4.5.3.C.3.b and Sections 59-6.2.9.C.3.b.

e. satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

As stated in Preliminary Finding no. 5, this project meets the requirements for Chapter 19.

ii. Chapter 22A, Forest Conservation.



As stated in Preliminary Finding no. 4, this project meets the requirements for Chapter 22A, Forest Conservation.

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

Parking and Circulation

The proposed parking is behind the building along Connecticut Avenue to allow for a safe and attractive pedestrian streetscape. Internal circulation is provided by two-way circulation drive aisles.

Building Massing

The proposed building has been pulled up to Connecticut Avenue to extent possible due to the grade constraint. This will establish a building present along the streetscape and enhance the pedestrian environment. The 60 feet building is consistent with other commercial buildings in the area.

Open Spaces and Site Amenities

As stated, the Open Space will be reduced from 63,144 square feet to 44,148 square feet between Phase 1 and Phase 2 but will maintain the 10% minimum requirement per Chapter 59. The Amenities provided on the Site Plan are community scale spaces that are designed as an amenity to the surrounding residential neighborhood. The Application will provide a community garden, walking trail, area for local a farmers' market, and useable open space at the main entrance. These spaces will significantly improve the streetscape and pedestrian experience on the Property.

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

As stated in Preliminary Finding no. 2, this project meets the requirements for the *2015 Aspen Hill Minor Master Plan Amendment*.

- h. 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;

As described in the Preliminary Plan section of this report, the Project will be served by adequate public services and facilities.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and

Not applicable as the Property is not located in a Rural Residential or Residential Zone.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.

The Property is compatible with existing adjacent developments. The Project adheres to the height and density of the Property's zone and with the recommendations contained in the Master Plan. The Subject Property abuts a property zoned R-90 and meets the standards, except for Sections 59-6.2.9.C.3.b and 59-6.2.1. The Project will contribute to the medical services available in the Aspen Hill community and surrounding area. The building's architecture and design provide an appropriate scale that complements the existing and permitted density/heights of the surrounding properties.

## **SECTION 5: CONCLUSION**

The Preliminary Plan and Site Plan applications satisfy the findings under Section 50.4.2.D of the Subdivision Regulations and Section 59-7.3.4. of the Zoning Ordinance and substantially conforms to the recommendations of the *2015 Aspen Hill Minor Master Plan Amendment*. Therefore, Staff recommends approval of the Preliminary Plan and Site Plan with the conditions specified at the beginning of this report.

## **ATTACHMENTS**

1. Preliminary Plan
2. Site Plan
3. Approval Letters
4. Correspondence
5. Applicant's Traffic Statement