

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-082

Site Plan No. 81983080B

Washington Science Center Parcel M

Date of Hearing: July 28, 2022

## **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, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on October 13, 1983, the Planning Board approved Site Plan No. 819830800 for 354,840 square feet of office development on 12.94 acres of I-3 zoned-land, located at the southwest quadrant of the intersection of Josiah Henson Parkway (Formerly Montrose Parkway) and East Jefferson Street ("Subject Property"), in the White Flint Policy Area and White Flint Sector Plan Phase 2 ("Sector Plan") area; and

WHEREAS, on July 5, 2007, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 81983080A (MCPB No. 07-47), to make minor modifications to the site, including the provision of a 5-foot sidewalk between Parcels L and M and construction of a new guard house with security gates at the Parcel L entrance on the Subject Property; and

WHEREAS, on July 28, 2022, Executive Plaza Venture, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plan to convert approximately 15,500 square feet of existing office space into a child day care center for up to 120 children and 60 staff, replace 22 existing parking spaces with an outdoor play area, and make ADA upgrades to building entrances and walkways on the Subject Property; and

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

WHEREAS Applicant's application to amend the site plan was designated Site Plan No. 81983080B, Washington Science Center ("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 18, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 28, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Rubin, seconded by Commissioner Verma, with a vote of 4-0; Chair Anderson, Commissioners Cichy, Rubin and Verma voting in favor with Commissioner Patterson being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 81983080B for the conversion of 15,500 square feet of the existing office into a child daycare center for up to 120 children and 60 staff, replacement of 22 existing parking spaces with an outdoor play area, and upgrades to building entrances and walkways for ADA compliance by adding the following conditions:<sup>1</sup>

9. Right of Way

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services, Right-of-Way Section (DPS-ROW) in its memo dated April 18, 2022 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.

10. 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 31, 2022, 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 Site Plan approval.

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<sup>1</sup> For the purpose 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.

11. 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 resolution (and other applicable resolutions) on the approval or cover sheet(s).
- b. Fire and Rescue Access plan should be included in the Certified Site Plan.
- c. Modify data table to reflect development standards approved by the Planning Board.
- d. Show the final design and location of the bicycle parking spaces.
- e. Add and/or Modify note No. 2 to state "Design details and final layout for new roof-top sidewalks and entrances will be determined at time of Building Permit."

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 Washington Science Center Parcel M, Site Plan No. 81983080B, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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. Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect.
2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

As shown on the Development Data Table on the Site Plan Amendment drawings, the Site Plan Amendment meets all of the requirements of the former I-3 zone. The principal change proposed with the Subject Application is the conversion of approximately 15,500 square feet of office use to day care use, which is a permitted use in the I-3 zone. In terms of zoning compliance, the only other change proposed is to the parking area. The Applicant is required to

provide 964 off-street parking spaces for the office and day care uses combined. While 22 existing parking spaces will be removed to create the Play Area, the Property will still retain 1,138 parking spaces, well above the minimum required.

The Subject Property includes approximately 12.94 acres zoned I-3. The Application satisfies the applicable development standards as shown in Table 1, Development Standards.

Table 1: Development Standards

Standard (I-3)	Required	Previously Approved	Approved with Amendment
Lot Area (min)	n/a	12.94 acres	12.94 acres
Density (max)	.5 FAR*	354,840 sf	354,840 sf
Office		354,840 sf	339,340 sf
Child Day Care Center		0 sf	15,500 sf
Minimum Green Area (min)	35%	319,944 sf (56.8%)	319,944 sf (56.8%)
Height (max)	100 feet	100 feet	100 feet (as existing)
<b>BUILDING SETBACKS</b>			
Abutting residentially zoned property recommended for one-family zoning and development on the applicable master plan	200 feet	217 feet	217 feet (as existing)
Abutting residentially zoned land recommended for residential zoning and development other than single-family	100 feet	203 feet	203 feet (as existing)
Abutting an arterial road, local street, or private street within the I-3 or R&D zones	25 (55**) feet	331 feet	331 feet (as existing)
Abutting a lot classified in the I-3 or R&D zone	25 feet	111 feet	111 feet (as existing)
<b>PARKING SETBACKS</b>			
Abutting residentially zoned property recommended for one-family zoning and development on the applicable master plan	100 feet	176 feet	176 feet (as existing)
Abutting residentially zoned land recommended for residential zoning and development other than single-family	100 feet	148 feet	148 feet (as existing)

Abutting an arterial road, local street, or private street within the I-3 or R&D zones	35 feet	91 feet	91 feet (as existing)
Abutting a lot classified in the I-3 or R&D zone	25 feet	8*** feet	8 feet (as existing)

\*Max FAR for I-3 zone is .5, however application was approved for 354,840 sf of office development (.63 FAR).

\*\*From 59-C-5.34 of the Prior Code, "If proposed building is more than 40 feet in height then 1 foot of additional building setback for each 2 feet of height"

\*\*\*The Prior Code Section 59-C-5.34 allowed Planning Board approval because the neighboring property was under the same preliminary plan.

Table 2: Parking

Use		Required	Previously Approved	Approved with Amendment
Office	2.7 spaces per 1,000 gsf	917 spaces	1,160 spaces	1,078 spaces
Child Day Care Center	1 space per employee	40 spaces	0 spaces	
	1 space per 6 children	20 spaces	0 spaces	60 spaces
Total spaces		977 spaces	1,160 spaces	1,138 spaces

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

The existing access point from East Jefferson Street will be maintained in its current configuration. The internal parking areas will continue to provide vehicular circulation for office staff and visitors, pick-up/drop-off, deliveries, as well as other short-term parking needs. The Applicant proposes minor modifications to the internal driveway as a means of accommodating drop-off and pick-up operations associated with the day care use.

There are no material changes proposed to the previously approved building locations, open spaces, landscaping, recreational facilities, or circulation systems. Thus, the Planning Board's previous findings that the approved existing conditions are adequate, safe and efficient remain valid.

4. *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.*

The proposed day care will complement the existing office uses on the Property and in the surrounding area, as was specifically acknowledged in the Sector Plan.

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-D-3.8; 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 SEP 21 2022 (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).

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**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 the motion of Commissioner Rubin, seconded by Vice Chair Verma, with a vote of 4-0-1, Chair Anderson, Vice Chair Verma, and Commissioners Cichy, and Rubin voting in favor, Commissioner Patterson abstaining, at the regular meeting held on Thursday, September 8, 2022, in Wheaton, Maryland and via video conference.



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Washington Science Center Parcel M,  
Site Plan Amendment 81983080B

