

CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT

June 23, 2005

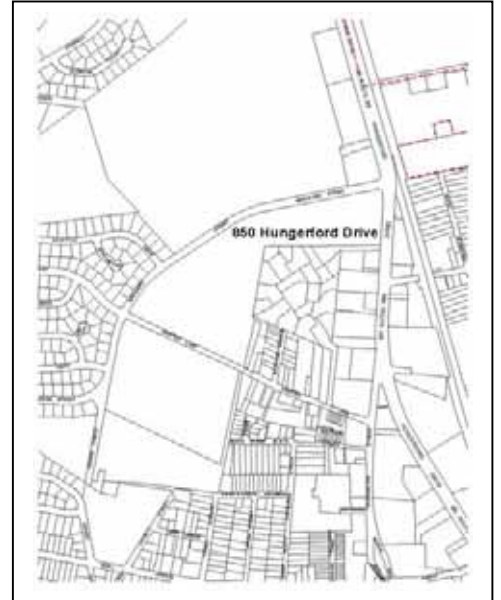
SUBJECT:

Zoning Variance Application APP2005-00845

Applicant: Montgomery County Public Schools
c/o Clarence Scott
900 Hungerford Drive
Rockville, Maryland 20850

Property
Location: 850 Hungerford Drive
Rockville, Maryland 20850

Planning Commission Review Date: June 28, 2005
Board of Appeals Public Hearing Date: July 14, 2005



REQUEST:

The request is submitted in accordance with Section 25-1 of the City of Rockville Zoning Ordinance. The applicant seeks a zoning variance from the 42-inch height limit restriction applicable to a fence, wall, or hedge when located in the front yard area of a subject property. The applicant/property owner (the Montgomery County Public School's Board of Education) plans to construct a 96-inch (8 foot) tall screen wall to shield a new emergency generator and other associated equipment, in the front yard of the subject property, located at the n/w corner of the rear of the existing Board of Education office building.

The Carver Educational Services Center property is approximately 30 acres \pm in size and zoned for R-S (Residential Suburban) land usage. In accordance with the City's Zoning Ordinance, the existing site and use are deemed to be "publicly owned or operated building facilities," which are permitted in the R-S Zone as a special exception land use.

PREVIOUS RELATED ACTION:

Historic District Commission HDC2004-00316, Montgomery Community College - a proposal to expand and upgrade an existing surface parking lot located in the eastern area of the subject site at 850 Hungerford Drive. The proposed new lot will serve as an interim use until structured parking facilities can be constructed on the college's main campus. Approved by the Historic District Commission on October 21, 2004.

Special Exception SPX2004-00351, Montgomery Community College c/o Alan Yanaway - a request to expand existing surface parking facilities located on the Montgomery County Public Schools Board of Education headquarters site located at 850 Hungerford Drive. Purpose of the planned expansion is to provide overflow parking for Montgomery Community College. Granted by the Board of Appeals on February 5th 2005.

Use Permit USE2005-00687, Montgomery Community College c/o of Alan Yanaway – a proposal to expand the existing surface parking facilities located in the eastern area of the MCPS Board of Education property located 850 Hungerford Drive. Approved by the Planning Commission on June 8, 2005.

RELEVANT ISSUES:

In reviewing the application request, the following issue/s emerged and are to be addressed as is appropriate:

- The proposed screen wall enclosure cannot not be located within the abutting parking lot travelway because such a placement, could impede access to parking spaces and to the trash dumpsters located in that area of the property.

STAFF RECOMMENDATION:

Approval is recommended subject to the following conditions:

1. The proposed screen wall enclosure must be constructed of materials compatible in make, color, and quality to that of the exterior façade of the existing office building.
2. The screen wall cannot be constructed with a roof because it is not deemed to be a building addition or expansion of the existing building.
3. Trees and/or other vegetative materials removed in order to accommodate construction of the screen wall enclosure and accompanying emergency generator must be replaced and replanted elsewhere on site, at the direction of the City Forester.
4. If vegetative materials are planted around the screen wall, it must be of a species, which at maturity, will not exceed 42-inches in height, so as to ensure that the site distance of motorist entering and exiting the site entrances to the west, is not impeded or obstructed by such plant materials.

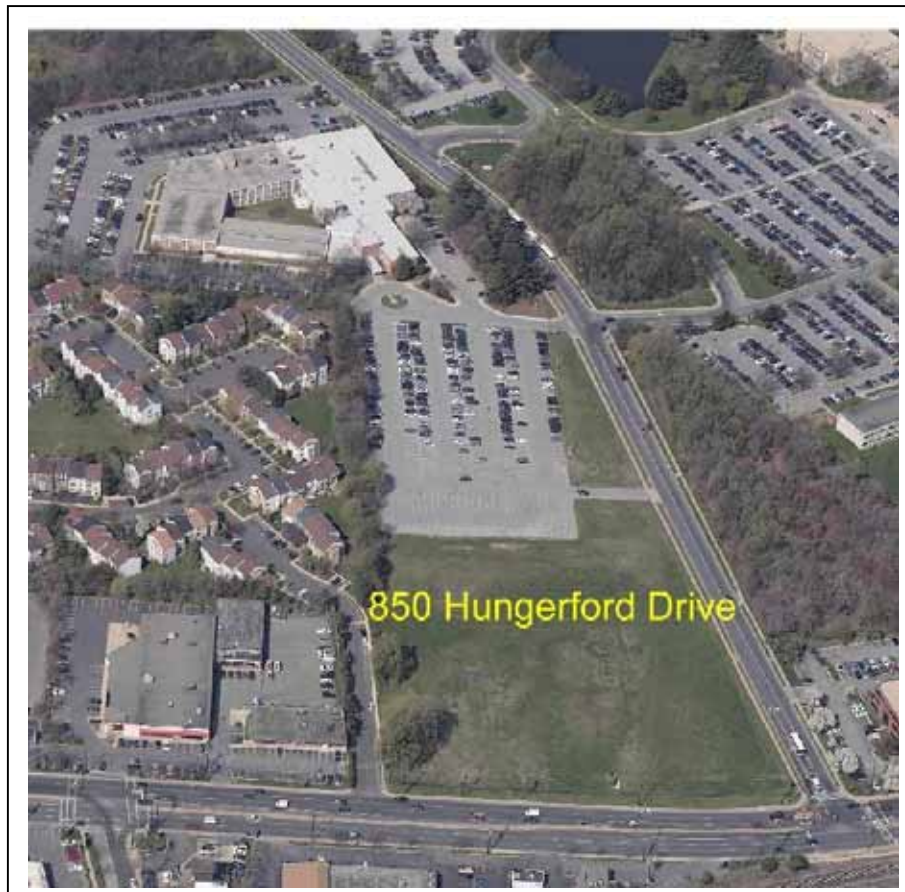
ANALYSIS:

Site Description

The subject 30.65-acre county school owned property is the former George Washington Carver High School property, which today serves as the County School Board of Education's

headquarters. The property has street frontage along Mannakee Street and Hungerford Drive (Md. Route 355). Vehicular access to the site and accompanying site surface parking facilities is via Mannakee Street. The property is bounded to the north by Montgomery Community College, to the east by general commercial and service industrial uses, to the south by general commercial and multifamily (low) density residential uses, and southwest and south by the Rock Terrace School and single-family detached dwellings. The facility is known today as the Carver Educational Services Center. MCPS accounting, payroll, procurement, budget, computer operations, and information office are among the many administrative and support functions located in the Carver Educational Services Center - CESC. The building facility is located in the western area of the site and is bound to the west, south, and east by site surface parking facilities. In addition to the man-made site improvements, the property currently contains a variety of mature trees, shrubs, and hedges, flowering and non-flowering plantings, all of varying sizes and species

Several years ago a significant portion of the former high school site, along with its building facilities, received historic district designation by the Mayor and Council. However, the area of the site that is subject to this zoning variance request is not located within the site designated historic district.



Aerial Overview of the Subject Site

Site Use & Project Proposal

The applicant (MCPS) plans to install a backup emergency generator, which would be surrounded by a specially designed sound attenuation enclosure, accompanied by an above ground 1000-gallon fuel tank, all of which, to be located at the northwest corner of the building facility facing Mannakee Street.



Proposed Site Location of Screen Wall Enclosure

In order to screen the generator and fuel tank from open view of the general public, the applicant proposes to construct an 8-foot tall (96-inch) masonry screen wall (35'9" X 25'6") enclosure around this equipment. The applicant affirms that the generator is needed to ensure the school system's ability to maintain constant communication with school administrators and the community at large, electronically and via two MCPS two cable television channels important information, in the event of a power failure at the Carver Educational Services Center.

The proposed emergency generator is a 500-kilowatt diesel powered unit, encased by a specially designed sound attenuation enclosure. Diesel fuel needed to power the generator will be stored in a 1000 gallon above ground tank located adjacent to the generator. In order to construct the proposed 8-foot tall masonry screen wall enclosure around the noted equipment, the applicant seeks a zoning variance of 54 inches (4 feet 6 inches) from the 42-inch height limit restriction

applicable to walls located in the front yard of a respective property. The proposed screen wall enclosure would be located approximately 10 feet (at its closest point) to the property's front yard lot line located along Mannakee Street (See Exhibit 5).

Staff notes that the screen wall enclosure will not and is not being designed to have a roof. Were the enclosure to have a roof it would be deemed to be a building addition and as such require a zoning variance from the 35-foot front yard setback requirements of the R-S Zone. As noted, the screen wall enclosure as proposed would be located (at its closest point) 10 feet from the front lot line of the subject property. Thus, in order to construct the screen wall enclosure as proposed the applicant seeks approval of the height variance request as submitted.

Applicable Sections of the Zoning Ordinance & Staff Analysis

Section 25-1 of the Ordinance defines a variance as “a modification only of the density, bulk, or area requirements, where owing to conditions unique to the property and not a result of any action taken by the applicant a literal enforcement of the Ordinance would result in practical difficulty.”

After review and analysis of the application request and accompanying proposal, staff offers the following assessment:

1. The variance as requested would not be contrary to the public interest.

Based on all available information, the applicant's request to exceed the 42-inch height limit by 54 inches in order to construct the proposed screen wall enclosure would not be contrary to the public interest. The applicant affirms that the backup generator is vital in the day-to-day operation of the county school system to maintain (at all times) the ability to communicate with school administrators and the community at large. At the present time, in the event of a power failure at the Carver Educational Services Center (CESC), it is not possible for staff and administrators working out of CESC to effectively and efficiently maintain its communication links with other school system staff and/or the public at large. The availability of the proposed backup generator at CESC would allow the school system to maintain its communications systems without interruption, in the event of an electrical power outage at that facility. MCPS is one of the largest public schools systems in the state and the Washington Metropolitan area. It is in the best interest and vital to the safety and well being of MCPS faculty, staff, and students that the CESC facility has support systems and utility infrastructure that enables its staff to maintain open lines of communication to staff and the general public without interruption.

As noted in the request, the applicant proposes to construct the screen wall with building materials compatible with that of the existing CESC building façade. The purpose of the proposed screen wall enclosure is to shield and protect the back-up power system's equipment from open public view and access. As a condition of approval, staff has recommended that any trees or other vegetative material removed to accommodate construction of the screen wall enclosure and backup generator is to be replaced on site, in consultation with the City Forester. Also, based on the site placement of the screen wall enclosure, the site distance of motorist

entering/existing the site's western most site entrances should not be impeded by said site improvements.

2. The variance is requested owing to conditions peculiar to the property and not the result of any actions taken by the applicant.

The George W. Carver High School was originally built in 1951. After its closure, the County School system renovated the building facilities for use as the Board of Education's administrative offices. Today the building facilities and property continue to serve as administrative office and support space for an array of the County's School operations.

The site location for the backup generator and accompanying equipment was chosen by the applicant because MCPS staff, along with their consultants, found that the location provides the most direct access to the main electrical switchgear located inside the subject building. Thus, the applicant believes that if the proposed equipment (along with its proposed screen wall enclosure) is required to be located elsewhere on site, there would be greater disturbance to the site because such a location would be further away from the building's electrical switchgear equipment. However, it is important to note that, if the equipment was located in the rear or side yard areas of the site, the proposed screen wall could be constructed without the need for the requested zoning variance. Thus, based on existing site and building constraints as identified by the applicant, staff would agree with the applicant that other such site placements for the backup generator and its accompanying support equipment would not be the most practical efficient location.

Staff would note that due to the configuration of the property, coupled with the site layout, age and design of the CESC building, the applicant's ability to locate the backup generator, along with the proposed screen wall enclosure elsewhere on site, appears to be limited. Again, both staff and the applicant agree that the emergency back-up generator could be physically located elsewhere; however, according to the information provided, such site placements would not afford the direct access to the building's electrical system as that proposed under the subject request.

3. A literal enforcement of the Zoning Ordinance would result in practical difficulty for the applicant.

If the height variance is not granted, the proposed eight (8) foot tall screen wall enclosure cannot be constructed as proposed. The applicant has determined that the location of the proposed backup emergency generator is the more practical and efficient location from an operational standpoint, due to its close proximity to the building's electrical switchgear located in that area of the building. Also, the applicant notes if the equipment cannot be located as proposed, along with the screen wall, location elsewhere on site would greatly increase the monetary cost associated with the installation and require greater site grading and trenching activity to accommodate such a site placement.

Based on all of the noted factors, staff finds suitable justification to recommend Variance Application APP2005-0845 be approved, subject to the conditions as referenced on page two of this staff report.

COMMUNITY NOTIFICATION PROCESS

Notification cards were sent to abutting property owners informing them of the application request and upcoming Planning Commission review and Board of Appeals public hearing, at which time the subject land use request will be publicly heard and considered. Notices were sent to 337 property owners located within the subject site area. A list of the addresses where notices were sent is contained in the project's application file for public review and inspection.

Attachments

- Exhibit "1" – Generator Specifications
- Exhibit "2" – Fuel Tank Specifications
- Exhibit "3" – Screen Wall Cross Section
- Exhibit "4" – Enclosure Layout
- Exhibit "5" – Site Plan/Topographic Survey