



City of Rockville

## MEMORANDUM

July 19, 2007

TO: Planning Commission

FROM: Castor D. Chasten, Planner III

SUBJECT: Waiver Request from Section 25-437 of the Zoning Ordinance  
Southlawn Industrial Center Ownership Lot 1-F  
40 Southlawn Court, Rockville, Maryland 20850

On July 2, 2007, in accordance with Section 25-193 of the City of Rockville Zoning Ordinance Use Permit Amendment USA1998-0582C was approved by the Chief of Planning subject to specific conditions. The referenced application amended previously approved Use Permit Amendments USA1998-0582A and USA1998-0582B. Approval of the subject use permit amendment (USA1998-0582C) allows for the construction of an indoor sports facility in lieu of the warehouse use initially approved under previously approved use permit USE98-0582.

The subject ownership lot (Lot 1-F) is approximately 2.6 acres in size and is the fifth and final ownership lot to be developed on the overall 24.9-acre site, formerly known as the Ward Property. In accordance with the site development plans submitted, the proposed indoor sports facility to be constructed on the subject lot will be approximately 62,049 square feet in size. A total of 95 parking spaces will be provided, all located along the full length of the site's frontage. Site vehicular access will be provided via a single site entrance which enters/exits onto the private access roadway that connects to Southlawn Court.

Under the referenced use permit amendment, the applicant seeks a waiver from requirements of the above referenced section of the Zoning Ordinance, which stipulates that "electrical transformers and other specified equipment are to be installed underground in all zones." The property is located in the I-1 (Service Industrial) Zone. The applicant seeks approval to install the site's electrical transformer aboveground, in the front northwest area of the site, adjacent to the site entrance and surface parking lot. The transformer would be screened by a five (5) foot tall board-on-board enclosure, as shown on the attached information provided by the applicant.

The applicant submits the subject request and attached information for the Commission's review and consideration, in support of the subject waiver request.

/cdc  
Attachment

July 13, 2007

Mr. Steven Johnson, Chairman  
City of Rockville Planning Commission  
111 Maryland Avenue  
Rockville, MD 20850

Re: Request for Waiver; Above Ground Transformer  
Our File No. 102459.00003

Dear Mr. Johnson:

The purpose of this letter is to request a waiver of the City's requirement that all transformers be placed under ground.

We represent 40 Court, LLC, the developer of the proposed building on Lot 1F, Southlawn Industrial Park. A Use Permit has been approved for the construction of a building to house a "Recreational and Sport Facility, Indoor, Commercial." The actual use will be a Champions Field House, for sports activities. Champions has indoor fields for field hockey, volleyball and related field sports.

Lot 1F is located along the private road extension of Southlawn Court. A similar waiver for an above-ground transformer had been granted to the Sportsplex on Lot 1C. This transformer will not be visible from adjoining properties since it will be located within the industrial park. It will be screened by a wood fence structure. A plan showing the location of the transformer and the screening is attached.

The reasons to grant the waiver are as follows:

1. The sole tenant is Champions Field House, who provides fields and training for primarily women playing field hockey and volleyball.
2. The below grade transformer is more expensive to build, install and maintain. Due to the below grade location, the transformer must be water tight. The installation must be in a special concrete structure, allowing for access and special circulation of air, to avoid

Mr. Steven Johnson

July 13, 2007

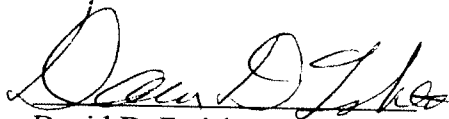
Page 2

undue heat build-up. Maintenance of the transformer is not only difficult but also hazardous. All of this cost must be absorbed by a tenant who can least afford the extra expense, and whose participants come to the facility on a regular basis and will not be impressed by a below grade transformer.

3. The visibility of the transformer will be screened by a wood fence that will allow access for maintenance but not increase the cost for its installation and repair.
4. The property across the street is a DHL distribution facility. The Red Gate golf course will be screened from the wood fence by the building itself.
5. The area in the rear of the building is in forest conservation and the power lines do not run in that area. This location is the only possible location for the transformer.

It is requested that the Planning Commission grant a waiver to allow the above-ground installation along with the screening of the transformer.

Sincerely,



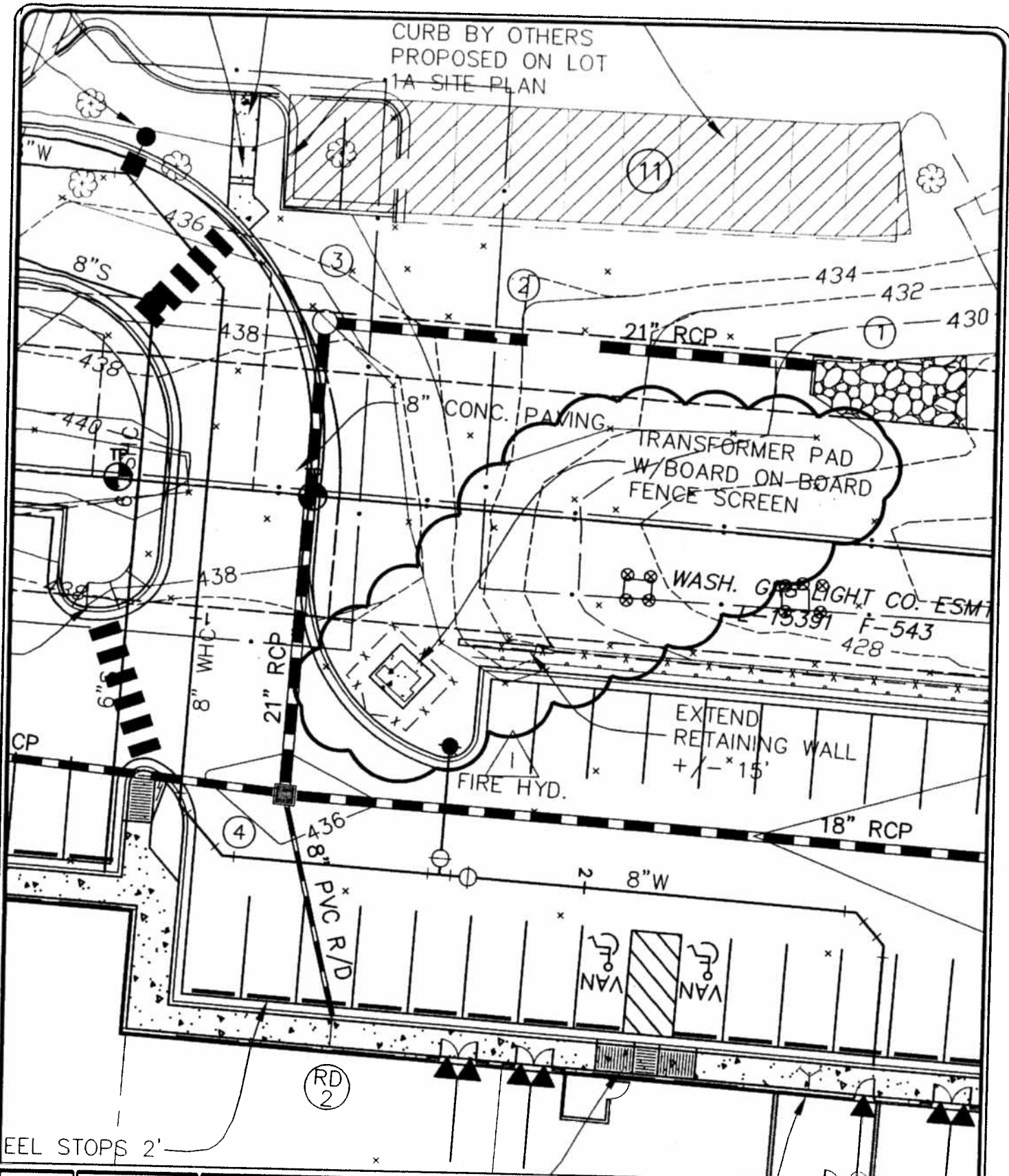
David D. Freishtat

DDF:grs

Enclosure

cc: Mr. Allen Kronstadt  
Mr. Cas Chasten ✓  
Mr. James Wasilik  
Michael Plitt, PE

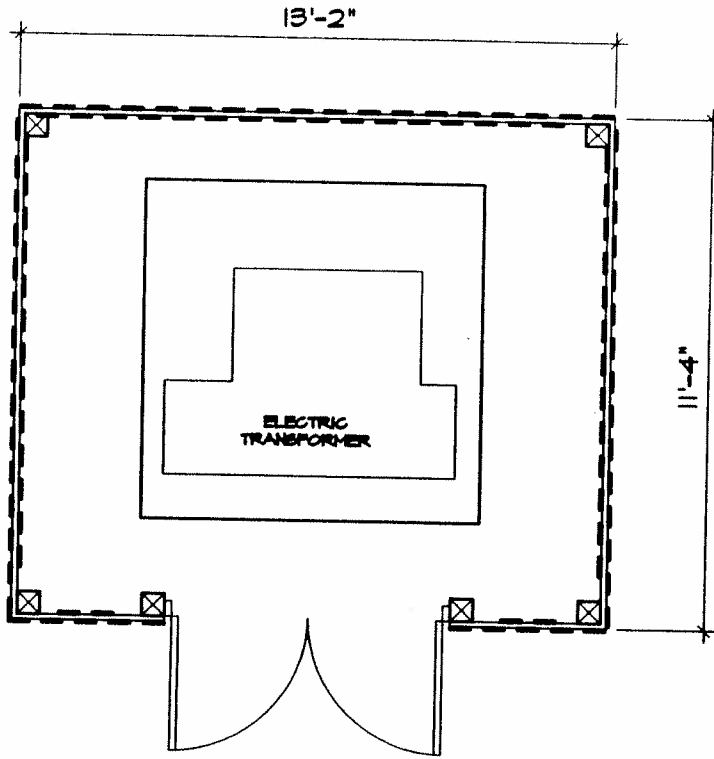
CURB BY OTHERS  
PROPOSED ON LOT  
1A SITE PLAN



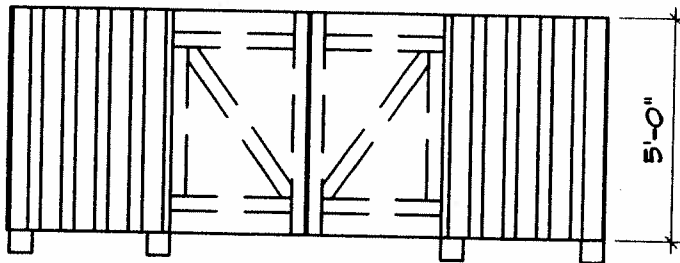
EEL STOPS 2'

<p>SHEET <b>ASK.1</b></p>	<p>DATE <u>7-12-07</u>          ARCHITECT <u>RSS</u>          DRAWN BY <u>JLR</u>          CHECKED BY <u>RSS</u>          JOB NO. <u>203048</u></p>	<p><b>SOUTHLAWN II</b>          SOUTHLAWN INDUSTRIAL PARK          ROCKVILLE, MD</p> <p>A.R. Kronstadt Realty Investors, Inc.          11369 Rockville Pike, Suite 705          Rockville, Maryland 20852</p>	<p><b>SAA</b>          ARCHITECTURE LLC.          Architecture / Planning          8810 Pinebluff          Silver Spring, MD 20910          www.saaarch.com</p>	<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION							<p>7-12-07 PERMIT COMMENTS</p> <p> </p> <p> </p> <p> </p> <p> </p> <p> </p>
NO.	DATE	DESCRIPTION												


NOTE:  
 ALL CORNER & DOOR POSTS TO BE MIN 8'-0"  
 BELOW GRADE IN CONCRETE BASE  
 ENCLOSER TO BE PRESURE TREATED WOOD  
 HINGERS & LATCHES FOR DOORS TO BE GALVANIZED  
 HINGERS TO BE HEAVY DUTY 6" MIN



BOARD-ON-BOARD ENCLOSER PLAN



DOORS TO BE FRAMED WITH 2X4 CROSS BUCK  
 TYPE IV BOARDS ON EXTERIOR

<p>SHEET <b>ASK.2</b></p>	<p>DATE <u>7-12-07</u>          ARCHITECT <u>RGS</u>          DRAWN BY <u>TLR</u>          CHECKED BY <u>RGS</u>          JOB NO. <u>203048</u></p>	<p><b>SOUTHLAWN II</b>          SOUTHLAWN INDUSTRIAL PARK          ROCKVILLE, MD</p> <p>A.R. Kironstach Realty Investors, Inc.          11100 Rockville Pike, Suite 705          Rockville, Maryland 20852</p>	 <p><b>SAA</b>          ARCHITECTURE LLC.          Architecture / Planning          11100 Rockville Pike, Suite 705          Rockville, Maryland 20852          www.saaarchitect.com</p>	<p>REVISIONS</p> <table border="1"> <tr> <td>NO.</td> <td>DATE</td> <td>DESCRIPTION</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION										<p>1-12-07 PERMIT COMMENTS</p> <hr/> <hr/> <hr/> <hr/> <hr/>
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City of Rockville  
 111 Maryland Avenue  
 Rockville, Maryland  
 20850-2364  
 www.rockvillemd.gov

Community Planning and  
 Development Services  
 240-314-8209  
 TTY 240-314-8137  
 FAX 240-314-8210

Historic Preservation Office  
 240-314-8230

Inspection Services Division  
 240-314-8240

Long Range Planning  
 Division  
 240-314-8206

Planning Division  
 240-314-8226

Revitalization/Housing  
 Division  
 240-314-8206

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 Scott Ullery

CITY CLERK  
 Eric F. Funkhouser

TTY ATTORNEY  
 Paul T. Glasgow

July 2, 2007

c/o Harvey Fernebok  
 A.R. Kronstadt Realty Investment, Inc.  
 11300 Rockville Pike, Suite 705  
 Rockville, Maryland 20852

Re: Use Permit Amendment USA1998-0582C  
 Southlawn Industrial Center Ownership Lot 1-F  
 40 Southlawn Court, Rockville, Maryland 20850

Dear Mr. Fernebok:

In accordance with Section 25-193 of the City of Rockville Zoning Ordinance, the referenced application and accompanying development proposal have been approved subject to specific conditions. The subject application amends previously approved Use Permit Amendments USA1998-0582A and USA1998-0582B. Approval of the subject use permit amendment (USA1998-0582C) allows for the construction of an indoor sports complex in lieu of the warehouse use approved under previously approved use permit USE98-0582.

The subject ownership lot (Lot 1-F) is approximately 2.6 acres in size and is the fifth and final ownership lot to be developed on the overall 24.9 acre site, thus comprising a total of five (5) ownership lots. In accordance with the site development plans submitted, the proposed indoor sports facility to be constructed on the subject lot will be approximately 62,049 square feet in size. A total of 95 parking spaces will be provided, all located along the full length of the site's frontage. Site vehicular access will be provided via a single site entrance. Please be advised that approval of this use permit amendment is subject to full compliance with the following conditions.

1. The applicant must submit to the Chief of Planning eleven (11) copies of the revised site plan, illustrating the following site development issues and/or concerns have been satisfactorily addressed and/or relevant information provided:

- a. Amend the reference to the size of the proposed building listed under the site data on site development plan sheet #1 of 2 to correctly denote the proposed building facility is to be approximately 62,049 square feet in size.
- b. Provide written approval from the utility company that holds the easement for all proposed planting, development activity, and proposed vehicular parking within the existing 40 foot wide gas line easement that is located along the front area of the site. Such approval must be acquired prior to the issuance of building permits and/or other permits that will be needed to initiate development activity within this area of the subject property.

July 2, 2007

- c. In accordance with Section 25-437 of the Zoning Ordinance, "it is city policy to have all electric, telephone and other utility lines, cables, transformers and equipment lockers placed underground in all zones."
  - d. One set of building elevation drawings and floor plans for the proposed indoor sports building facility must be submitted to the Planning Division Office with the submission of the revised use permit amendment site plans.
  - e. The applicant must provide written concurrence from owners of the respective site ownership lots, affirming their support of the applicant's requested use permit amendment and development proposal for the subject property.
  - f. Provide an approved signing and pavement-marking plan to the Chief of Planning prior to the issuance of a building permit. The plan shall provide internal traffic control devices for the site including signing and pavement markings for the internal access roads, at the proposed speed humps, and intersection with the Ice Rink site. The plan shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). The plan must be reviewed and approved by the Chief of Traffic & Transportation. Signage and speed humps must be installed prior to the issuance of an occupancy permit for the proposed sports building facility.
2. The Department of Public Works (DPW) requires the following information and/or action be taken regarding the proposed site development proposal.
- a. Appropriate bonds must be posted and permits obtained for stormwater management and sediment-erosion control.
  - b. Submit stormwater management easement and maintenance agreement that includes the Bay Filter Structure prior to issuance of Public Work permits.
  - c. Relocate the proposed STOP sign and bar from the access road to Lot 1-F to access road leading to Lots 1-C and 1-A. At this "T-junction" allow free movement along the through legs of the intersection.
  - d. Provide ten (10) inverted U-Racks and a bike room or five (5) bike lockers (two bikes per lockers) at a convenient and safe location.
  - e. Construct an eight (8) foot wide concrete shared-use path along Southlawn Lane right-of-way (r/w) west of the intersection of Southlawn Lane and Court. Obtain all necessary permits from Montgomery County prior to issuance of building permits. Path must be constructed prior to the issuance of occupancy permits for the proposed sports facility. Coordinate minor re-grading and clearing up to a

maximum of five (5) feet beyond the property line with the adjacent owner of the neighboring property.

f. Construct speed humps per Montgomery County standards on the access road as shown on the use permit plan, prior to the issuance of an occupancy permit for the proposed sports building facility.

g. Provide one (1) parking space at the dead end of the longer section of the parking lot driveway to allow for U-turns.

i. The applicant shall contribute \$12,000 towards the total cost of a traffic signal at the intersection of Southlawn Lane and Southlawn Court as a requirement of previously approved Use Permit USE95-0542. Should the signal not be approved by the Montgomery County Department of Public Works and Transportation within two (2) years after occupancy of the last building, (i.e., the proposed sports facility that will be constructed on Ownership Lot 1-F), the City of Rockville will refund the afore noted contribution to applicable parties.

j. The applicant must pay to the City of Rockville a Transportation Demand Management (TDM) fee at the rate of \$0.10 per square foot of commercial space per year for a period of ten (10) years (approximately \$6,204.90 per year for 10 years). A TDM agreement must be executed between the applicant, the property owner, and the City of Rockville before the issuance of the building permit. The agreement shall specify the timing and other requirements of the future payments of the TDM fee including, but not limited to, providing for prepayment of all or a portion of the TDM fee. The requested TDM fee payment will start prior to the issuance of the occupancy permit for the proposed facility. The TDM fee will be incorporated into the City's TDM program funds and used for various programs designed to reduce the number and impact of vehicle trips within the City of Rockville.

3. The City Forester requires the following prior to the issuance of the Forestry Permit:

a. Submit a new Forest Conservation Plan (FCP) for approval by the City Forester. All proposed landscaping and must be shown on the FCP.

b. Execute a five-year warranty and maintenance agreement for the landscape trees and trees to be planted within afforestation area #2.

c. Post bond for significant replacement trees and the afforestation area. The bond for significant replacement trees is \$300.00 per tree. The bond for the afforestation area is \$2.00 per square feet of afforestation area.

Harvey Fernebok

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4. Applicant must fulfill the Publicly Accessible Art in Private Development Ordinance. Several options for providing art are available to the applicant. This requirement must be completed prior to the issuance of an occupancy permit.
5. The applicant must develop a parking management plan, to ensure that ample parking will be available on the subject ownership lot and overall site, during those hours when the proposed sport facility is operating at full capacity and hosting an array of recreational activities. The parking management plan must also include an analysis that examines and describes how the applicant would retrofit the existing stormwater management pond located on Ownership Lot 1-A to allow for additional surface parking to be built, which could be shared by Lots 1-F, 1-A, and 1-C, when each of those lot's recreational facilities are experiencing high levels of patron usage. The parking management plan must be submitted to DPW's Chief of Traffic and Transportation and the Chief of Planning for review and approval prior to the issuance of the occupancy permit for the planned new sport facility.

Once all of the referenced conditions of approval have been satisfactorily addressed, please contact our office prior to submission of revised plans and associated materials. Please speak with Cas Chasten, the project's assigned staff planner, who will be responsible for insuring all conditions have been addressed as requested.

Lastly, please be advised that Section 25-193(b) of the Zoning Ordinance requires that "notwithstanding the provision of subsection (d), which requires that construction or operation of the project commence within two (2) years of the date of this approval or the use permit shall become void; as per subsection (b), the limitation for commencement for all phases of development for a multiple building development use permit, shall not exceed eight (8) years."

Cordially,

*Castor A. Chasten, for*

R. James Wasilak, AICP  
Chief of Planning

/cdc

cc: Sondra Block, Assistant City Attorney  
Charles Baker, Chief of Inspection Services  
Elise Cary, Assistant City Forester  
Castor Chasten, Planner III - CPDS  
Emad Elshafei, Chief of Traffic & Transportation - DPW  
David Freishtat, Esquire, Shulman Rogers Gandal Pordy & Ecker, P.A.  
Christine Henry, Recreation & Parks Administrative Ser. Manger  
Sara Navid, Mont.Co.Dept.of Permitting Services

Harvey Fernebok

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July 2, 2007

Mike Plitt, Macris, Hendericks, & Glascock, P.A.  
Nazar Saleh, Civil Engineer II- Traffic & Transportation - DPW  
Richard Ward, Ward Corporation  
Mark Wessel, Civil Engineer III – DPW  
Jim Woods, Civil Engineer II - DPW

***P.S. Please read and return the following statement:***

Note: Building permits will be issued only when all of the afore noted conditions of approval have been met/satisfied and a copy of the following acknowledgement has been signed/executed by the applicant and other owners having property interests/rights to ownership lots located on the subject property. Said acknowledgement must be returned to the City's Community Planning Office. Please be advised that the Chief of Planning's approval does not constitute approval by any other agency or department having jurisdiction over the proposed site development and/or uses.

**I ACKNOWLEDGE RECEIPT OF USE PERMIT AMENDMENT USA1998-0582C AND AGREE TO FULLY COMPLY WITH ALL CONDITIONS UPON WHICH APPROVAL WAS GRANTED. I FURTHER ACKNOWLEDGE THAT FAILURE TO COMPLY WITH THESE CONDITIONS MAY CAUSE APPROVAL TO BE REVOKED BY THE CHIEF OF PLANNING.**

\*

\_\_\_\_\_  
(Applicant's Signature)

\_\_\_\_\_  
(Please Print – Applicant's Name)

\*

\_\_\_\_\_  
(Ward Corporation – Owner's Signature)

\_\_\_\_\_  
(Please Print – Owner's Name)

\*

\_\_\_\_\_  
(Arc IceSports & Entertainment)  
(Owner/Assigns Signature)

\_\_\_\_\_  
(Please Prints – Owner's/Assigns Name)

Harvey Fernebok

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July 2, 2007

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(CMC Group, Inc.)  
(Owner/Assigns Signature)

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(Please Print – Owner/Assigns Name)

