

CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT

SEPTEMBER 21, 2007

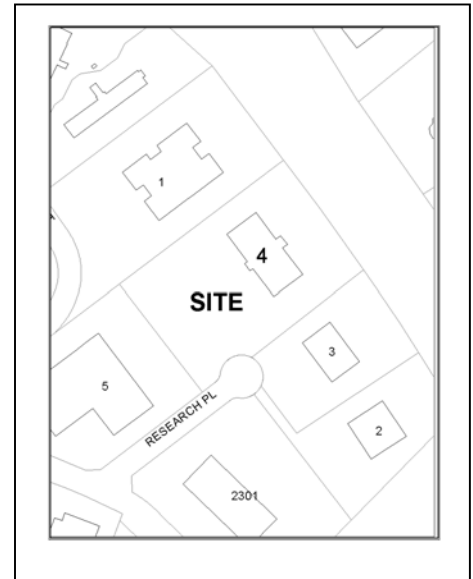
SUBJECT:

Zoning Variance Application APP2007-00880

Applicant: Washington Property Company
c/o Jonathan Meyers
4710 Montgomery Lane, Suite 900
Bethesda, Maryland 20814

Property
Location: 4 & 5 Research Place
Washington National Pike Industrial Park
Rockville, Maryland 20850

Planning Commission Review Date: September 26, 2007
Board of Appeals Public Hearing Date: October 6, 2007



REQUEST:

The request is submitted in accordance with Section 25-311 of the City of Rockville Zoning Ordinance. The applicant seeks the following zoning variances from the 35 foot height limit restriction of the I-3 (Industrial Park) Zone: a) a variance of 41 in order to construct a (5) five-story office building, 76 feet in height, and b) a variance of 25 feet from said height limit restriction in order to construct a ten (10) level parking structure that will be 60 feet in height. Hence, the applicant plans to construct the office building and parking structure on the referenced subject property located at 4 Research Place.

PREVIOUS RELATED ACTION:

- Use Permit U-338-67, Robert R. Furman – a development proposal to construct an 86,682 square foot office building on the subject property (then) located in the I-2 (Light Industrial) Zone. Approved by the Planning Commission on June 7, 1967.
- Use Permit U-515-70, Research Limited Partnership – a development proposal to construct a one story 58,418 square foot building on lot 3 in the Washington National Industrial Park (then) located in the I-2 (Light Industrial) Zone. Approved by the Planning Commission on January 6, 1971.
- Use Permit USE2002-00650, Four Research Place Limited Partnership – a development proposal to construct a new 28,460 square foot office building on the western area of the

subject site. Approved by the Chief of Planning on September 6, 2002. (APPLICATION APPROVAL EXPIRED DUE NON IMPLEMENTATION OF THE PROJECT)

- Special Exception SPX2005-00354, Strayer University Inc. – a request to establish a private business, trade, and job training school at 4 Research Place in the I-3 (Industrial Park) Zone. Approved by the Board of Appeals on September 10, 2005
- Use Permit Amendment USA2002-0650A, Strayer University Inc. – a proposal to establish a private business, trade, and job training school at 4 Research Place in the I-3 Zone. Approved by the Chief of Planning on November 8, 2005.

BACKGROUND:

The requested height variances are both necessitated by the applicant's proposal, and dependent upon the consolidation of the subject properties, 4 and 5 Research Place, into a single record lot. Such a consolidation allows for the creation of a larger property, which in turn will provide needed site area to construct the proposed new office building in order to achieve the I-3 Zone maximum floor area ratio (FAR) limits of .5. While the proposed lot consolidation will allow the development proposal to comply with the zone's FAR limit, and respective side yard setback requirements, the proposed office building and parking structure as designed, exceed the 35 foot building height limit of the I-3 Zone at the setback line. Staff notes that the building height in the I-3 Zone is limited to not more than 1/3 the horizontal distance from the lot line. Thus, the applicant submits the subject variance requests, attempting to comply with the height restrictions of the zone, while proposing the noted lot/property consolidation that would provide needed site area to construct the office building and parking structure. It is important to note that although the planned lot consolidation does not require Board of Appeals approval, it is key to implementation of the development proposal.

STAFF RECOMMENDATION:

Should the Board of Appeals choose to grant the requested variances, staff recommends that approval be subject to the applicant's compliance with the following conditions:

1. The proposed office building and parking structure be constructed of materials compatible in make, color, and quality to that of the exterior façade of the existing office buildings located on the respective lots. Also, said development is to be implemented in accordance with site and building plans submitted with the variance request, as prepared by Macris, Hendricks & Glascock, P.S. and Bignell Watkins Hasser Architects respectively.
2. Removal of trees and/or other vegetative materials, along with removal of existing on-site surface parking facilities to accommodate construction of the office building and parking structure will require full compliance with the City's Forest & Tree Preservation Ordinance requirements.

3. The applicant must submit a new final record plat that consolidates the existing properties, i.e., Lot 3 & Lot 2, as identified and discussed in the subject zoning variance request. Note, the record plat consolidating both lots is required in order for the proposed development to comply with applicable side yard setback requirements and the allowed .5 floor area ratio (FAR) limit of the I-3 Zone.
4. Submit for review and approval of a Use Permit Application.

ANALYSIS:

Property Description

The subject properties are located in the Washington National Pike Industrial Park and are identified as Part of Lot 2 and Lot 3, Block A. The property located at 4 Research Place and referred to herein as Lot 2 is approximately 5.4 acres in size. The property located at 5 Research Place (Lot 3) is approximately 4.4 acres. The property located at 4 Research Place is located at the northeast terminus of Research Place, approximately 500 feet east of Research Boulevard. The property at 5 Research Place has street frontage on three streets, Research Place, Research Boulevard, and Research Court (See Exhibits 1 thru 3).



Aerial Overview of 4 & 5 Research Place

The property at 4 Research Place is improved with a three-story office building, 68,100 square feet in size and accompanying on-site surface parking facilities comprising 289 parking spaces (ref. USA2002-0650A). Vehicular access to the property is provided via two site entrances onto Research Place. The 5 Research Place property is improved with a one-story office building and

as per the plans submitted, is approximately 58,573 square feet in size. The site has site surface parking comprising 183 parking spaces and has singular vehicular entrances on Research Place and Research Court. The properties (Lots 2 and 3), are bounded on the west, northwest, and south primarily by office related land uses, and to the east by Interstate Highway 270.

The existing sites are covered primarily with impervious materials, i.e., office buildings, drive aisles and site surface parking facilities. The existing office building on Lot 2 is located in the eastern area of the site, with accompanying surface parking located in the western (front) and eastern (rear) yard areas of the site. The office structure located on Lot 3 is located primarily in the center of the site with accompanying site surface parking located in the northwest and eastern areas of the site. While both sites are modestly landscaped, there are mature trees and other vegetative materials onsite, all ranging in species and size.



Aerial Overview of 4 & 5 Research Place

Site Use & Project Proposal

The applicant (Washington Property Company) owner of 4 Research Place plans to construct an office building approximately 70,814 square feet in size and 76 feet in height (i.e., five stories). Under the proposal the applicant also proposes to construct a nine level parking garage which would be 60 feet in height, located on the north side of the proposed office building. Both structures would be constructed on what is now site surface parking for 4 Research Place. As previously noted, existing Lot 2 is approximately 5.4 acres in size and contains an existing three level office building, approximately 68,100 square feet in size. Under the current proposal to construct an additional office building on existing Lot 2, said additional site development would exceed the allowable .5 floor area ratio for the I-3 Zone.

The applicant has entered into an agreement with and received authorization from the property owner (Alexandria Real Estate Equities, L.P.) of 5 Research Place to consolidate that site with the 4 Research Place property. Such a consolidation creates one single lot of record approximately 9.8 acres in size. Hence, the larger property would allow the applicant to construct the new office and parking structure and remain compliant with the .5 floor area ratio of the I-3 Zone. Also, under the planned consolidation of the subject properties, the proposed new office building and parking structure would then comply with the applicable 50 foot side yard setback requirement for the I-3 Zone.

As noted, the applicant submits the subject zoning variance requests in order to construct a five-story, 76 feet tall, 70,814 square foot office building and a ten (10) level, 60 feet tall parking garage which will be located on the north side of the proposed office building (See Exhibits 6 thru 10). Thus, the applicant seeks approval of a height variance of twenty-five (25) feet for the proposed parking structure and a height variance of forty-one (41) feet for the proposed office building.

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. The Washington National Pike Industrial Park in which the subject properties are located was established in the mid to late 1960s. The subject properties located at 4 and 5 Research Place were developed in the early 1970s. The requested building height variances would allow the construction of a 76-foot tall – five-story office building and 10 level – 60 foot tall parking structure. The proposed development would be located on a substantial area of surface parking spaces that now serve the existing office building located at 4 Research Place. While the proposed structures would be

substantially taller than the existing office buildings now located on the property the heights are not out of character with a number of other office buildings located in the surrounding area. It is important to note that while a number of the other office buildings located within the site area exceed the 35 foot height limit of the I-3 Zone, most are located on properties which are larger than the subject site (less consolidation) and allowed the building to be set back further from property lot lines, and therefore allowed additional building height. Staff does note that while a number of the other buildings may exceed the 35 height limit of the I-3 Zone, none of those building structures are free standing parking structures.

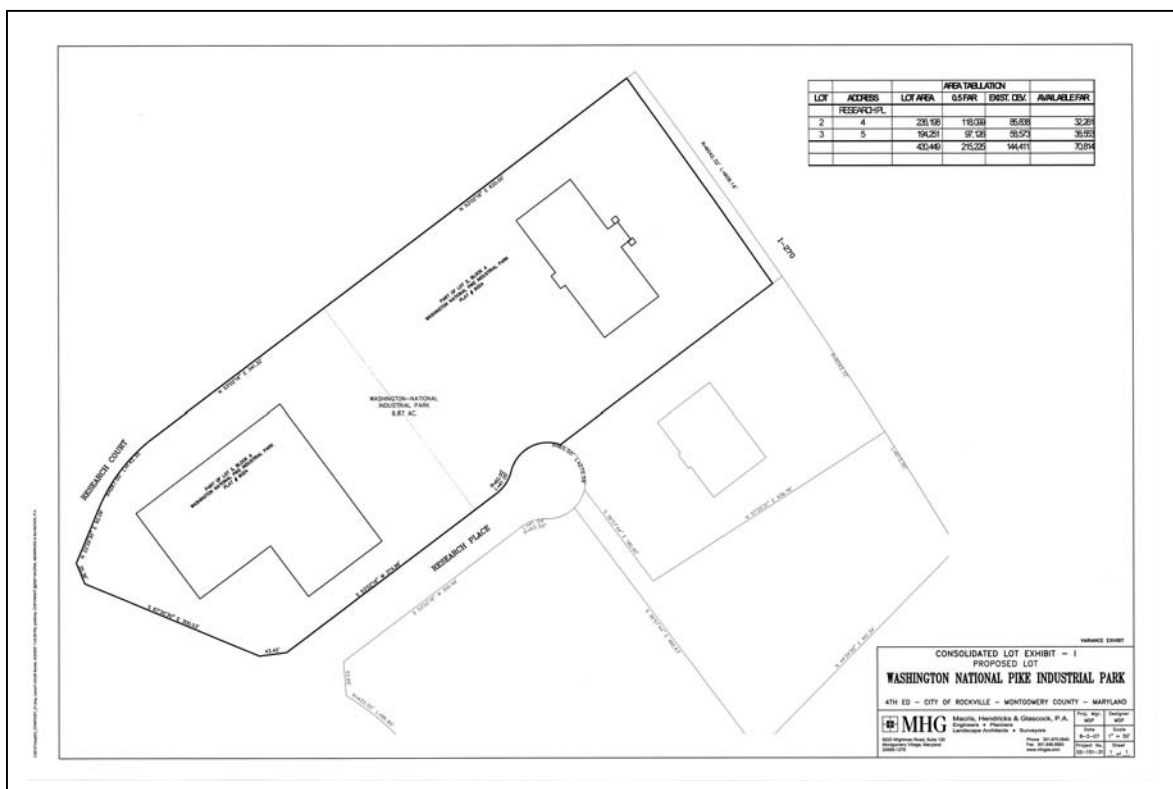
Staff would however agree that the planned five (5) level office building as designed, save the planned parking structure, would be in keeping with the physical character of other office buildings located in this area of the city. Based on field observations and aerial photographs of the site area, buildings of similar height located in the site area, appear to be located on larger properties than the subject lot, which again would account for their height and site placements



Aerial Overview of Neighboring Properties

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

The applicant affirms that the height variances as requested, are in part due to the size and shape of the combined property. The site's (both lots consolidated) skewed rectangular shape, coupled with the existing layout of the existing office buildings and site surface parking, all serve to limit the height and placement of the proposed new office building and parking structure. The applicant notes and staff would agree, that were the property (both lots combined) larger or wider, it is likely the office building and or parking structure could be set back further from the property lines than those proposed under the subject request. In accordance with Section 25-311 of the Zoning Ordinance, buildings in the I-3 zoned may not exceed a height of "35 feet at the

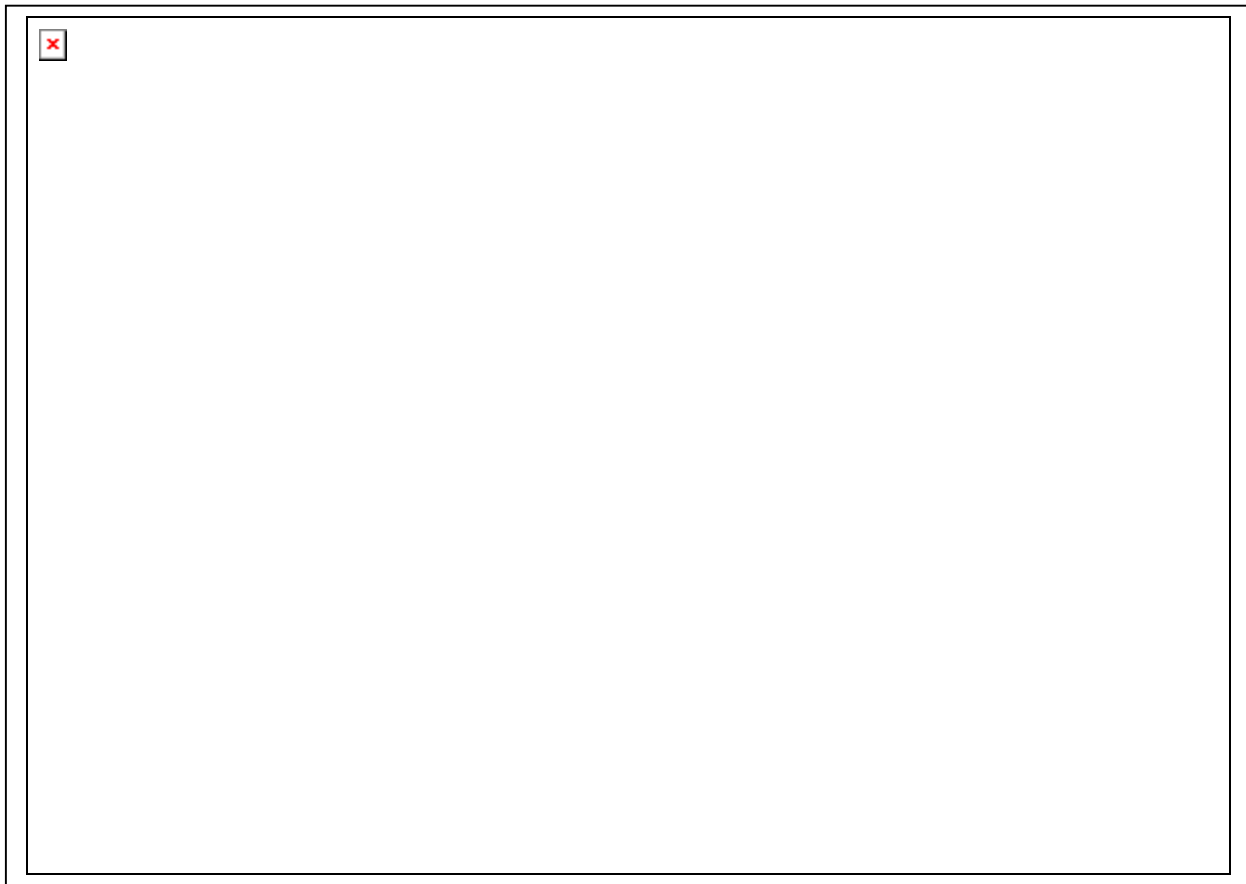


**Illustration "A" Consolidated Lot Exhibit
Also See Exhibit 5**

minimum front, sides, and rear setbacks, or not greater than 1/3 the horizontal distance to the nearest lot line, whichever is greater." While the office building and parking structure as proposed would not exceed the required minimum building setback of the zone once both lots are consolidated, the property is not large enough to allow both proposed structures to be set back 1/3 the horizontal distance to the nearest lot line. For example if the property were large enough and the office building could be set back approximately 228 feet and the parking structure set back approximately 180 feet from all lot lines, the structures could be constructed as proposed and the variances would not be needed to exceed the afore noted height restriction.

Hence, the applicant affirms that due to the size and present development of the properties, coupled with the presence and site location of the Research Place cul-de-sac, all are physical site features not created by the applicant and collectively create the need for the variances as requested by the applicant.

3. A literal enforcement of the Zoning Ordinance would result in practical difficulty for the applicant. If the height variances are not granted the building and parking garage would have to be redesigned to conform to the height restrictions and maximum FAR limits of the I-3 zone. The developer's goal is to develop an office building and sufficient parking facilities that will meet the needs of potential high technology tenant users. As noted in the application request, the applicant believes that if the building were redesigned to comply with the height limit, a smaller three (3) level building would not be as marketable to the kind of tenant user/s the developer hopes to attract to this site.



**Illustration "B" - Proposed Site Development Plan
Also See Exhibit 1**

Based on all of the afore noted factors, staff would recommend that if the Board of Appeals finds suitable justification to grant Variance Application APP2007-00880, that the approval be subject to the conditions referenced on pages two and three 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 31 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.

List of attachments:

Attachment "A" – Authorization Letter
Exhibit "1" – SPX2005-00354 Site Plan
Exhibit "2" – U-515-70 Approved Site Development Plan
Exhibit "3"- Proposed Site Development Plan
Exhibit "4" – Building Cross Sections
Exhibit "5" – Lot Consolidation Plan
Exhibits "6 thru 10" – Building Elevation Drawings
Exhibits "11 & 12" – Typical Floor Plans