



MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
 Item #
 7/14/11

July 1, 2011

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Damon B. Orobona, Senior Analyst *DAMON*

VIA: Rose G. Krasnow, Division Chief *Rose*
 Robert A. Kronenberg, Area Supervisor *RAK*

SUBJECT: Local Map Amendment G-907



PLANNING AREA 1

RECOMMENDATION: *Approval*

The applicant, EYA Development, LLC, is requesting a rezoning of 1.81 acres from the I-1 Zone to the R-T 15 Zone for a property located at 5400 Butler Road in the Westbard planning area. The Bethesda Cinder Block Manufacturing Company (BETCO) currently operates on the site and has been there for a number of years. The plant has expressed an intention to relocate, and the applicant is proposing to replace the existing industrial facility with a residential infill redevelopment project consisting of up to 30 townhomes. As part of the brownfield redevelopment, the applicant will provide more MPDUs than required, will provide substantially more open space than is currently located on site today, will connect parkland amenities for nearby residents and users of the Capital Crescent Trail, will alleviate environmental encroachments that currently spill over into adjacent parkland properties, and will add to the housing choice of the area.

To obtain approval for an R-T 15 rezoning, the applicant must show that the site is either (1) designated for the zone in the relevant master plan, (2) there is a need for a transition at the proposed location, or (3) that the proposal is appropriate given the location and density sought. Additionally, the rezoning proposal must be shown to be compatible with the surrounding area and in the public interest.

The Westbard Sector Plan specifically designates the subject property as suitable for townhouse redevelopment. While the Plan states that the R-T 10 Zone is an appropriate zone at this location, the provision of additional MPDUs under the R-T 15 Zone is a public benefit that would not be conferred if the R-T 10 Zone were placed on the property because fewer than 20 units would be achievable. The application also meets the transitional standard, as the property is located between commercial and high-density residential uses and one-family detached homes, and the proposed density is appropriate given the existing residential densities in the area. While up to 30 townhomes falls within the density allowed by the proposed zoning, it is possible that fewer townhomes will actually be approved at the time of site plan.

REPORT SUMMARY

Public Hearings:	July 14, 2011 (Planning Board) July 25, 2011 (Hearing Examiner)
Overview of Site:	The subject property is a 1.81-acre site located at 5400 Butler Road. The site is currently zoned I-1 and is developed with the BETCO cinder block manufacturing plant.
Proposed Zone and Use:	The applicant is proposing to replace the industrial brownfield with a one-family residential townhouse community. The applicant is proposing 16.8 dwellings per acre for the site under the R-T 15 Zone, which includes a 12 percent density bonus for the provision of additional MPDUs.
Master Plan Analysis:	The project is in substantial conformance with the 1982 <i>Westbard Sector Plan</i> . The Plan recommends the redevelopment of the site to a townhouse community. Although the Plan recommends the R-T 10 Zone, the provision of MPDUs, not available under R-T 10, contributes to the appropriateness of R-T 15 zoning at this location.
Environmental Impact:	Existing environmental conditions should improve on the site, as the existing brownfield will be improved through the creation of substantially more green space and the removal of off-site encroachments. A forest conservation plan must be approved at later stages of review; the floodplain boundary must be confirmed.
Traffic Impact:	The application satisfies both the LATR and PAMR tests and will not have an adverse effect on area roadway conditions. The access point from Butler Road must be restricted to commercial vehicles only.
Zoning Provisions:	The project satisfies the purpose clause and development standards of the R-T 15 Zone.
Recommendation:	Approval of the R-T 15 Zone. If the rezoning is approved, the applicant will undertake subdivision and site plan reviews.

I. PROCEDURE

Application G-907, filed on April 6, 2011, seeks a local map amendment, pursuant to §59-H-1.1 of the Montgomery County Zoning Ordinance, to reclassify 1.81 acres from the I-1 Zone to the R-T 15 Zone. The subject property is located at 5400 Butler Road, Bethesda, Maryland.

The application was filed under the optional method of application under §59-H-2.5, which allows the applicant to restrict the development standards or the use of the property to less than the maximum permitted in the requested zone and specify whether development will be staged. Such textual binding limitations are recorded on a schematic development plan that is submitted with the application, and these limitations must also be reiterated in covenants filed in the land records of Montgomery County. Other than the textual binding elements, the site layout shown on the schematic development plan is illustrative in nature.

The Office of Zoning and Administrative Hearings (OZAH) has scheduled a public hearing on the application for July 25, 2011. This hearing will be held in the Stella B. Werner Council Office Building at 100 Maryland Avenue, Rockville, Maryland. Before OZAH's proceedings, the Montgomery County Planning Board will conduct an initial public review of the local map amendment on July 14, 2011, at 8787 Georgia Avenue, Silver Spring, Maryland. The Planning Board will then issue a written recommendation on the rezoning request to OZAH. After getting recommendations from both the Board and OZAH, the District Council has final action on the rezoning request.

II. THE PROPOSAL

A. The Subject Property and Surrounding Area

The subject property is located just outside the Westbard commercial area in close proximity to the Friendship Heights Central Business District. The 1.81-acre site is generally rectangular in shape. The property has an approximate 50 percent increase in slope from east to west, with the sharp grade differential of around 20 feet occurring largely at the western property line where the site adjoins the Capital Crescent Trail (i.e., the trail is elevated above the site). The site adjoins a Euromotors car dealership and repair shop to the north, but abuts narrow strips of parkland to the east and west and a large area of parkland to the south. Little Falls Parkway is approximately 90 feet east of the site. The Westbard commercial area is generally located west of the site, while an area of one-family detached homes is generally located east of the site.

The subject property is currently zoned I-1 and is developed with the BETCO plant, which manufactures and distributes cinder blocks. BETCO has been at this location for a number of

years, but has recently expressed an intention to relocate. The existing plant consists of multiple buildings and is largely comprised of impervious surfaces. The impervious surfaces encroach into the adjacent parkland in many areas. The subject property was previously zoned I-2, then downzoned to I-1 by sectional map amendment in accordance with the 1982 Westbard Sector Plan recommendations to encourage less intensive uses on the property. At the time the Plan was prepared, the site was also designated as suitable for a townhouse redevelopment through the local map amendment process. Pictures of the subject property are shown below.

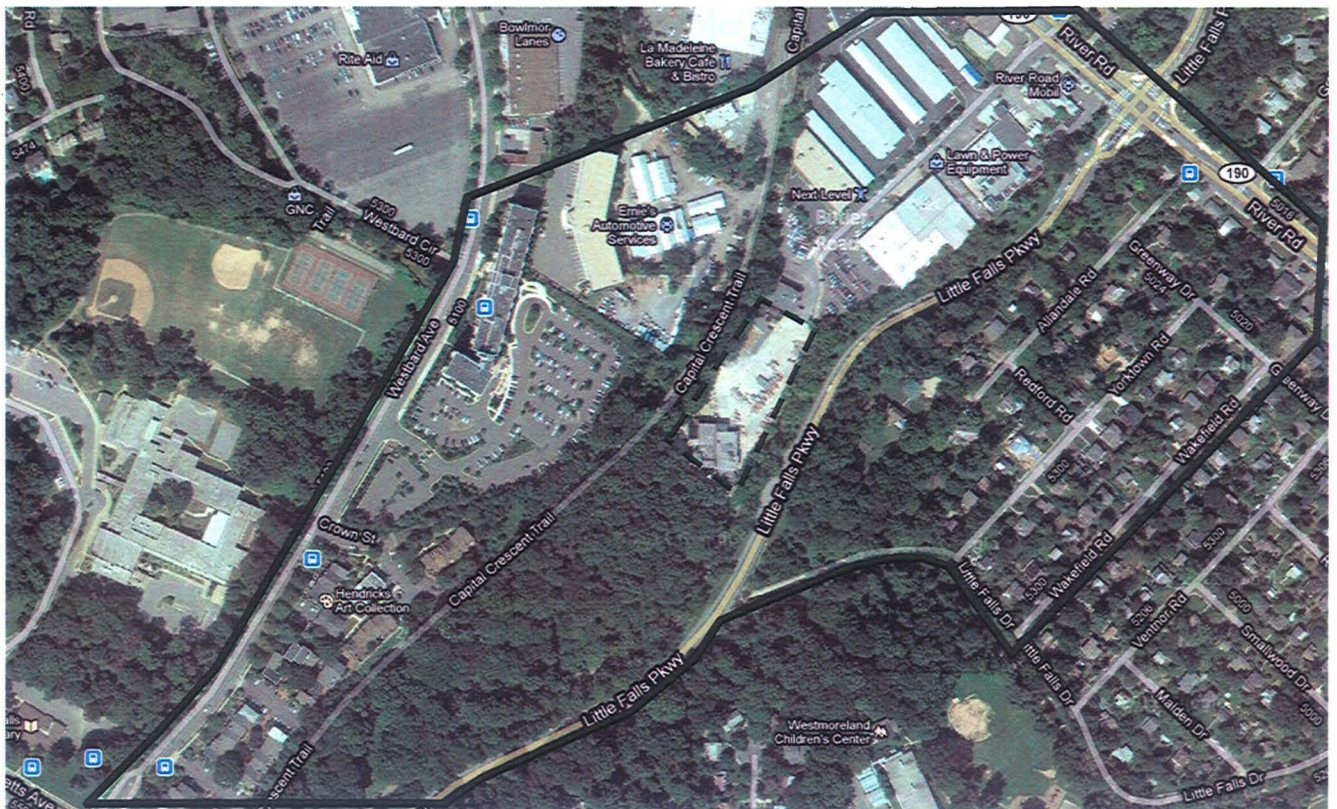
Site Existing Conditions



The surrounding area must be identified in a floating zone application so the compatibility of a proposal can be properly evaluated in light of nearby uses. In this particular case, the surrounding area is generally formed by River Road to the north, the residential homes on the east side of Little Falls Parkway to the east, parkland to the south, and Westbard Avenue to the west. The area identified is comprehensive of nearby land uses, which makes it appropriate for determining whether the proposal will be compatible with surrounding properties. The area uses logical thoroughfares as boundary demarcations and captures the transitional identity of the area.

The land use and zoning pattern of the surrounding area is diverse. The Westbard commercial area is to the west of the site. Here, land uses are mixed, with higher density residential buildings and commercial shopping venues in place under C-0 zoning. Many industrial uses under the I-1 Zone line Butler Road to the north of the site. Parkland immediately surrounds the remaining three sides of the site, all within the R-60 Zone. An existing townhouse community, zoned R-T 12.5, is located further south of the site. One-family residential homes are further east, also in the R-60 Zone. A generalized outline of the surrounding area is shown below.

Surrounding Area



B. Proposed Use

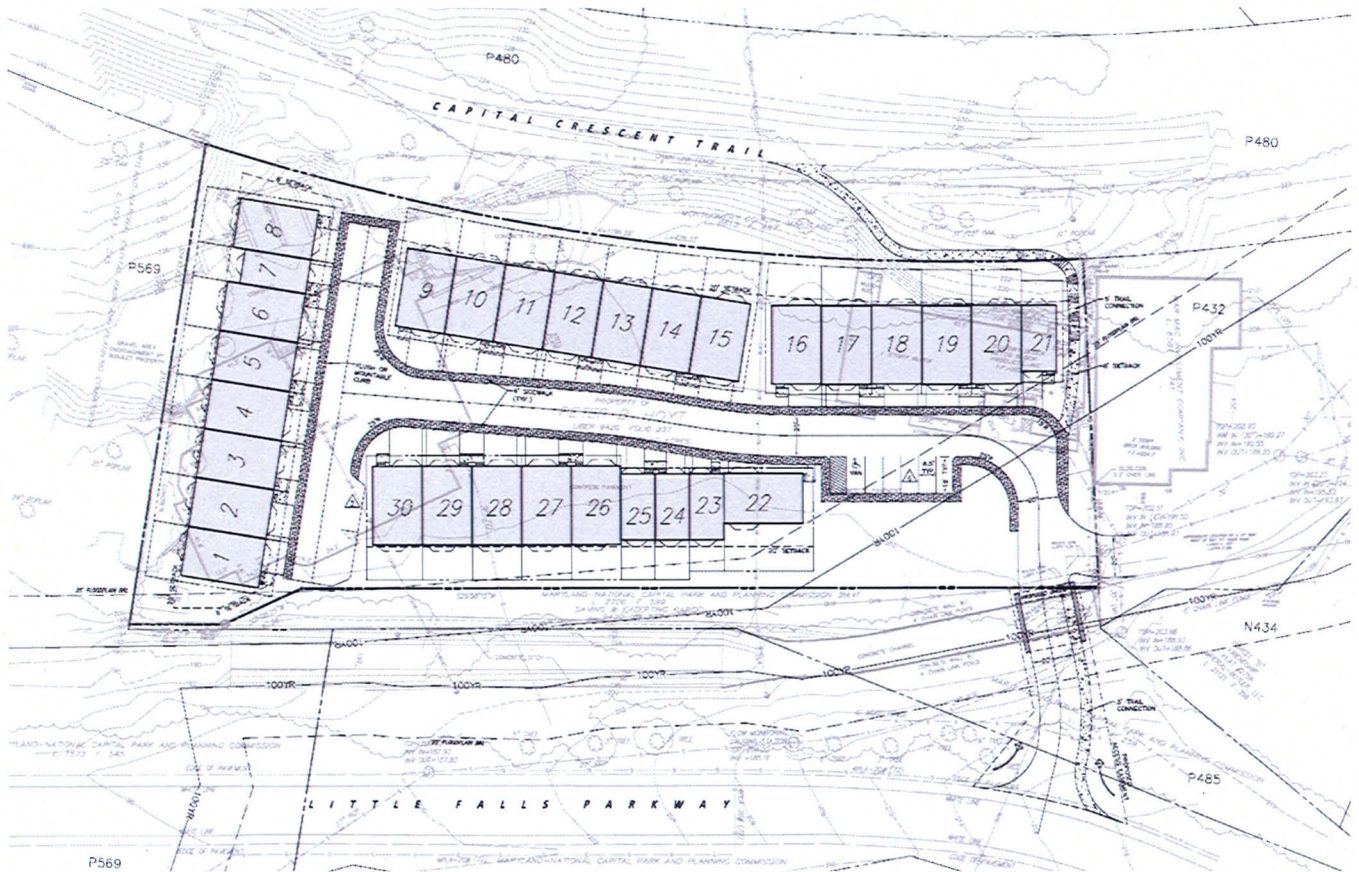
As previously stated, the BETCO plant has expressed a desire to relocate operations. The applicant is proposing to raze the existing cinder block plant and replace it with a townhouse community with up to 30 townhomes. At a density of 15 units per acre, the site would contain 27 units with four required baseline MPDUs (12.5 percent). The applicant originally sought to build 29 units by seeking a density bonus for providing MPDUs, however, the bonus density sought still equated to just four MPDUs – the same as required by the baseline MPDU standard. Staff requested the applicant provide an additional MPDU to justify the density bonus sought. The applicant agreed, but also increased the total number of units by one. Therefore, the project now provides 30 total units, 16 percent of which are MPDUs, well above the minimum requirement for a development of this size (12.5 percent MPDUs).¹

Although the layout of the project is illustrative at the rezoning stage, the applicant went through a number of plan iterations as comments from the Planning Department and other county agencies were incorporated into the applicant's plan. Today, the layout reflects a traditional townhouse site design where all townhomes front to private streets that bisect the property. The front of the units will provide the main pedestrian realm of the townhouse community, whereas the rear of the units back to parkland to provide private areas for residents. Having the units fronting to the proposed private street will activate the public realm of the community. A connection to the Capital Crescent Trail, through the proposed community, from the adjacent Little Falls Park will be provided, which serves to connect these nearby amenities for residents of the area and users of the parks. The redevelopment of the existing brownfield site will substantially reduce the impervious surface on the subject property, as the proposed townhouse community will provide approximately 40 percent open space. Further, all existing offsite encroachments stemming from the BETCO plant will be removed.

The townhomes are proposed to be 3-stories with a maximum height of 35 feet. The homes will have two-car, front-loaded garages (MPDUs are proposed to have a one-car garage. However, DHCA will discuss the possibility of two-car MPDU garages at later stages of review). An additional eight on-street parking spaces for guests will be provided within the development along the private through-street. The total parking count for the development is 63 spaces. Access to the site will be chiefly provided from Little Falls Parkway; an access point restricted to commercial vehicles will be provided via Butler Road due to the restriction against commercial vehicles on Little Falls Parkway.

¹ The size and location of MPDUs are illustrative at this stage as requested by DHCA. See attachment 1.

Illustrative Portion of Schematic Development Plan



BINDING ELEMENTS:

1. DENSITY SHALL BE LIMITED TO NO MORE THAN 30 DWELLING UNITS.
2. NO COMMERCIAL VEHICULAR ACCESS SHALL BE ALLOWED FROM LITTLE FALLS PARKWAY; COMMERCIAL VEHICLE ACCESS SHALL BE PROVIDED FROM BUTLER ROAD.
3. THE PROPERTY WILL HAVE ACCESS TO AND FROM LITTLE FALLS PARKWAY ACROSS AN EASEMENT PROVIDED BY THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION.

Pursuant to §59-H-2.5, the applicant has chosen to use the optional method of application process, requiring the submission of a schematic development plan that differentiates between elements of the proposal that are legally binding and elements that are merely illustrative and subject to variation during subsequent stages of review. Textual binding elements of the plan are to be specified on the face of the schematic development plan and in a declaration of covenants filed in the County's land records so future owners of the property will be on notice of the property's restrictions. The textual binding elements for the subject application are

shown above. Staff recommends the Board encourage the applicant to proffer additional binding elements during the public hearing that go to the heart of compatibility, such as binding elements relating to the proposed open space, setbacks, proposed building heights, and percentage of MPDUs.

C. Public Facilities

Water and Sewer. The Washington Suburban Sanitary Commission (WSSC) reviewed the rezoning application and schematic development plan. WSSC found that the reclassification from the R-60 Zone to the R-T 15 Zone and the subsequent proposed development would not overburden the water or sewer systems of the area.²

Transportation and Roadways. A traffic statement was submitted since the proposed development is estimated to generate less than 30 peak-hour trips during the typical weekday morning and evening peak periods. The estimated peak-hour trip generation for the proposal is based on trip generation rates included in the *LATR/PAMR Guidelines*. A trip generation summary is provided in the table below, which shows that the proposal will generate 14 peak-hour trips during weekday morning peak period and 25 peak-hour trips during the weekday evening peak period.

Summary of Site Trip Generation

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
30 single-family attached (townhouse) units	2	12	14	17	8	25

Source: Wells and Associates, Inc. Hoyt Property, Traffic Statement for Policy Area Mobility Review; March 9, 2011.

Since the proposal will not generate 30 or more peak-hour trips during the weekday morning and evening peak periods, a traffic study is not required for the subject application. Therefore, the application satisfies the LATR requirements of the APF test.

To satisfy the PAMR requirements of the APF test, a development located within the Bethesda/Chevy Chase Policy Area is required to mitigate 30 percent of new peak-hour trips generated by the development. The site trip generation summary in the table above shows that the proposal will generate 25 peak-hour trips during the weekday evening peak period (the highest of the peak-hours). With credit for two peak-hour trips at the existing industrial plant

² See WSSC Memorandum at attachment 2.

and the PAMR requirement to mitigate 30 percent of new trips, the proposal is required to mitigate seven peak-hour trips (i.e., $0.30 \times 23 = 7$).

The applicant is proposing to satisfy the PAMR requirements of the APF test at the time of subdivision approval through various options, such as a one-time payment of \$11,300 per peak-hour trip, off-site shared-use trail construction, or other measures.³

Schools. Montgomery County Public Schools estimates the impact of the proposed development to be approximately eight elementary school students, four middle school students, and four high school students. Enrollments at Westbrook Elementary School, Westland Middle School, and Bethesda Chevy-Chase High School are all over capacity. A school facilities payment at all three levels will be required to obtain subdivision approval during the next phase of review.⁴

D. Environmental Considerations

The subject property has a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD), which was approved on June 30, 2011. As previously mentioned, the site is surrounded by Parkland to the east, south and west, and is adjacent to industrial land to the north. Long ago, the site was graded to be relatively flat with retaining walls and steep slopes at the periphery. Tree stands, not meeting forest definition, are established at the site's perimeter. No significant or specimen trees are located on the property. Forest area occurs immediately adjacent to the property at the southern property line. The property is located at the extreme down-slope of the Willett Branch watershed, which has a two square mile drainage area covering portions of Bethesda. The stream runs adjacent to the western boundary of the site; the associated stream valley buffer encompasses a large portion of the property and includes a 100-year floodplain.

The site's existing cinder block factory has created encroachments into parkland on three sides of the property. The Sector Plan specifically recommends removal of encroachments and any dumped debris, along with an appropriate planting program. Additionally, the Plan includes general recommendations to establish a suitable vegetative buffer along the stream channel within the 100-year floodplain and the adjacent areas of steep slopes. The Plan specifies non-mowed vegetated buffers that include food-bearing annuals, perennials, shrubs, and trees.

Since the Plan recommends townhomes at this location, development within the stream valley buffer is clearly anticipated. However, offsite encroachments will need to be restored to a natural condition and appropriate mitigation for any onsite encroachments to the stream valley buffer will be required. Details of the proposed designs and mitigation will occur at the preliminary plan stage.

³ See full transportation analysis at attachment 3.

⁴ See MCPS Email Memorandum at attachment 4.

The proposal will be subject to a Forest Conservation Plan (FCP) at later stages of review, which will likely require that afforestation requirements are met onsite.⁵ Modifications to the proposed townhouse layout may be required to appropriately site the afforestation plantings. Additionally, the property's floodplain must be verified at the next stage of review. If a larger floodplain exists, the NRI/FSD will need to be updated to reflect the expanded area and the proposed townhouse layout may need to be slightly adjusted accordingly.⁶

E. Development Standards

The proposal shown on the schematic development plan complies with all applicable development standards under the R-T 15 Zone except for the requirement of §59-C-1.732(a), which calls for a 30-foot setback from land classified in a one-family detached zone. However, the Planning Board can reduce this requirement to a distance equal to the sideyard setback if the applicant can demonstrate that a more desirable form of development will result. A reduction of the setback to 20 feet is recommended for optimum design since the reduced setback allows a site layout where the townhomes are open to the interior of the community and front to the proposed streets. The reduction also is sensible because, although zoned one-family detached, the surrounding land is parkland and is undeveloped. Lastly, one row of townhomes is proposed to contain nine units, over the requirement of eight townhouses in a stick, but this is allowable since the provision of MPDUs is above the minimum standard. As the layout is still illustrative, the application will need to satisfy development standards again at the time of subdivision and site plan review. The relevant development standards are shown in the following table.

⁵ See County Code §22A-12(f)(2)(d).

⁶ See full environmental review at attachment 5.

Development Standard	Required	Proposed	Applicable Zoning Provision
Minimum Tract Area	40,000 sq ft (0.92 acres)	1.81 acres	§59-C-1.731(a)
Maximum Density	15 dwelling units per acre (18.3 dwelling units per acre with full MPDU density bonus)	16.8 dwelling units per acre (because of MPDU density bonus)	§59-C-1.731(b)
Building Setback from Land Classified in One-family Detached Zone	30 ft	20 ft	§59-C-1.732(a)
Building Setback from Public Street	20 ft	86 ft	§59-C-1.732(b)
Building Setback from an Adjoining Side Lot	8 ft	8 ft	§59-C-1.732(c)(1)
Building Setback from an Adjoining Rear Lot	20 ft	20 ft	§59-C-1.732(c)(2)
Max Building Height	35 ft	35 ft	§59-C-1.733(a)
Minimum Percentage of Green Area	30 percent	30 percent (40 illustrated on plan)	§59-C-1.34(b)
Parking	2 spaces per unit with 20% reduction per MPDU = 58 Total Spaces	63 spaces	§59-C-1.735 and §59-E-3.7
MPDUs	12.5 percent	16 percent	Chapter 25A of County Code

F. Master Plan Compliance

Although a master plan designation is not specifically required for the approval of a townhouse floating zone⁷, a plan's guidance is nonetheless looked upon. If a plan gives specific recommendations for the potential of a townhouse rezoning at a particular location, this guidance will be heavily weighted. If no specific guidance is given for a property's potential for

⁷ As detailed in section III of the report, the townhouse zone must be either (1) be designated for a specific property in a master plan, (2) be an appropriate density at the proposed location, or (3) satisfy a need for a suitable transition to be approved.

the townhouse zones, then the plan's general guidance will be looked to, as it is in the public interest that a plan's general guidance is followed.

Here, the subject property is specifically recommended for a townhouse redevelopment in the relevant sector plan. The subject property is located within the geographic area covered by the 1982 *Westbard Sector Plan* and is discussed extensively throughout the Plan. On pages 51 and 52, the Plan gives an overarching, specific recommendation for the site that it be downzoned from the property's original I-2 zoning to the I-1 Zone to promote a less intensive use on the site (the property was subsequently rezoned to I-1 through a sectional map amendment). Further, the Plan recommends that the property is suitable for a townhouse redevelopment if access to Little Falls Parkway is obtained. Access to the site from Little Falls Parkway was recently granted via an easement from the Commission. The Plan states that the R-T 10 Zone would be an appropriate zone for the goal of townhouse redevelopment, but doesn't preclude other potential townhouse floating zones.

Under R-T 10 zoning, the subject property would yield approximately 18 townhomes. At 18 units, no MPDUs are required as the number of units is below the 20-unit threshold to trigger MPDU requirements. At the time the Sector Plan was written, the R-T 15 zone did not exist, but R-T 12.5 did. At R-T 12.5, 22 units could be built with three MPDUs or, with a density bonus, 26 units could be built with four MPDUs. However, both the R-T 10 zone and the R-T 12.5 zone require 50 percent open space, which the applicant has stated makes development at either of these densities economically unfeasible. While staff does not take financial aspects of redevelopment into consideration during a review, the R-T 15 Zone seems acceptable given the surrounding land uses and large amounts of nearby parkland, the transitional nature of this project in relation to the higher residential densities to the west, and the furtherance of County planning policies such as the redevelopment of brownfield sites, the removal of environmental encroachments, and the provision of affordable housing.

Many secondary recommendations for the site are discussed throughout the Plan. This guidance is discussed point-by-point below:

- On pages 104-107, the Plan recommends the improvement of stormwater management on the site. The site consists of impervious surfaces and steep slopes with no apparent stormwater management. Therefore redevelopment under current stormwater management regulations will readily achieve the master plan recommendations for this project related to storm water management. Stormwater management will be addressed at preliminary plan, and the applicant will be required to provide modern stormwater facilities.
- On pages 98-102, the Plan identifies excessive noise levels generated from numerous sources reaching within the property. While an increase in noise levels is not anticipated for the proposed change from an industrial use to a residential use, the noise levels identified in the Plan are not compatible with residential areas. Therefore, a

noise analysis and appropriate mitigation measures to achieve compliance with residential noise level standards (such as acoustical insulation) will need to be addressed at site plan.

- On page 107 of the Plan, the Plan discourages construction on excessively steep slopes. The original topography was altered creating walls and even steeper slopes than those that existed previously. Redevelopment of the site and removal of encroachments will provide an opportunity to stabilize some of the excessively steep and erosive slope conditions that currently exist.
- On page 107, the Plan recommends minimizing the extent of impervious areas. Currently, the site is mostly impervious. However, the proposal illustrates that the redevelopment will result in the site being approximately 40 percent greenspace, which is above the minimum 30 percent greenspace requirement of the R-T 15 Zone.
- On numerous pages throughout the Plan (see pages 21, 24, 28, and 52), the Plan articulates that site redevelopment for townhomes is appropriate, provided that a separate entrance to the site can be achieved via Little Falls Parkway. A conceptual illustration of suggested approaches on page 24 furthers the Plan's narrative, showing access to the site from Little Falls Parkway, with Butler Road truncating before reaching the subject property. The Sector Plan narrative and illustration thus provide a basis to interpret that the intent of the Plan for the proposed development scenario included the option of restricting access to the site from all roads except Little Falls Parkway. However, given the prohibition that is in place for commercial vehicles on Little Falls Parkway, the applicant is proposing secondary access to the site from Butler Road. The applicant is proffering to restrict this access for the exclusive use of commercial vehicles serving the development. The secondary, restricted access to Butler Road is acceptable to staff. The applicant must work closely with staff at site plan to ensure that the driveway design conveys that access is solely for commercial vehicles servicing the site.
- On page 76, the Plan shows a recommended pedestrian path between Little Falls Parkway and Crown Street/Westbard Avenue. The alignment for the path is shown crossing the parkland immediately south of the subject property. However, with the proposed access to the development from Little Falls Parkway over Little Falls Branch, staff recommends that the section of the path between Capital Crescent Trail and Little Falls Parkway be provided through the development and be ADA-accessible. Detailed design of the path will be addressed during site plan review.

Given the above analysis, the proposal substantially conforms to the Plan's guidance of replacing the existing industrial brownfield with a residential townhouse community. By replacing the brownfield with a residential, one-family development, the residential character of the area is enhanced and a transition between the Westbard commercial area and the residential one-family detached neighborhood to the east is provided.

G. Community Correspondence

To date, there has been no correspondence regarding the proposed rezoning from the I-1 Zone to the R-T 15 Zone on the subject property.

III. ZONING ORDINANCE COMPLIANCE

A. The Purpose Clause

§59-C-1.721. Intent and purpose. The purpose of the R-T Zone is to provide suitable sites for townhouses:

(a) In sections of the County that are designated or appropriate for residential development at densities allowed in the R-T Zones; or

(b) In locations in the County where there is a need for buffer or transitional uses between commercial, industrial, or high-density apartment uses and low-density one-family uses.

It is the intent of the R-T Zones to provide the maximum amount of freedom possible in the design of townhouses and their grouping and layout within the areas classified in that zone, to provide in such developments the amenities normally associated with less dense zoning categories, to permit the greatest possible amount of freedom in types of ownership of townhouses and townhouse developments, to prevent detrimental effects to the use or development of adjacent properties or the neighborhood and to promote the health, safety, morals and welfare of the present and future inhabitants of the district and the County as a whole. The fact that an application for R-T zoning complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the resulting development would be compatible with surrounding land uses and, in itself shall not be sufficient to require the granting of the application.

As is well-established for the townhouse floating zones, the R-T 15 Zone requires one of three possible locational requirements be met for approval: The proposed rezoning must either (1) be designated in a master plan or other planning document for such development, (2) be determined to be appropriate for development at the particular location for the density sought, or (3) satisfy a need for a buffer or transitional use between commercial, industrial, or high density apartment uses and low density one-family uses. The townhouse floating zones are designed so that the zones can be potentially placed anywhere in the County, as long as the zone meets one of the three above locational requirements, is compatible with nearby uses, and furthers the public interest. In this case, the subject property is designated for townhouse development in the relevant Westbard Sector Plan and the proposal meets both the appropriateness and transitional prongs of the townhouse purpose clause.

Master Plan. As previously discussed, the Westbard Sector Plan specifically recommends a townhouse redevelopment on the subject property.

Appropriate Density. Although *appropriate* is undefined in the zoning ordinance, prior rezoning cases have interpreted the appropriateness standard to be linked to location and density and not as a rigid standard to be mechanically applied. Rather, the standard is applied in a flexible manner so that each application can be evaluated on a case-by-case basis to determine if the requested zone is a proper fit given the location and density proposed.

The subject property is an appropriate site for townhouse development given its location and proposed density. The applicant is applying for R-T 15 zoning, which, if approved, could allow a maximum of 33 units on the subject property using a density bonus, which equals a density of 18 dwelling units per acre. However, the applicant is proposing 30 townhomes on the site, including five MPDUs, for a density of 16.8 dwelling units per acre.

In looking at the existing and approved developments in the surrounding area, it is readily apparent that residential densities of the area transition from higher density to the west to lower density one-family residential neighborhoods to the east. West of the subject property, within the Westbard commercial area, an existing multifamily building has a density of 137 dwellings per acre in addition to the numerous commercial venues located in the area. South of the site, an existing townhouse community has a density of 13 dwellings per acre. The one-family detached residential neighborhoods to the east have a density of approximately five dwellings per acre.

The density proposed for the subject property fits within a transitional framework for the area given the surrounding densities. At 16.8 dwellings per acre, the proposed density provides a transition from the high density apartment building, commercial establishments, and industrial facilities to the west to the low density one-family neighborhood to the east. Additional factors, such as the site being in close proximity to multiple amenities, help lead to the conclusion that the proposed density is appropriate for the area. Given the nature of the surrounding area, the proposed townhouse development is appropriate for the subject property.

Dwelling Units per Acre in Surrounding Area



Transition. The above analysis also lends to the conclusion that the proposal creates a transition between the Westbard commercial area and low-density one-family detached homes located east of the site. With the BETCO plant vacating the site, the proposed townhouse community will provide a more appropriate transition to the lower density residential neighborhood east of the subject property.

B. Compatibility

The proposed townhouse community is compatible with adjacent development in the surrounding area. Both townhomes and detached homes are by nature one-family residential

dwellings, which in itself lends to a presumption of *de facto* compatibility. Furthermore, given the transitional nature of the surrounding area and the characteristics of the specific proposal, which provides comparable building heights and parkland buffers on three sides, any intrusiveness that could threaten the integrity of adjacent uses is minimized.

C. The Public Interest

The R-T 15 Zone requires that the proposed rezoning bear sufficient relationship to the public interest to justify its approval. When evaluating the public interest it is customary to consider master plan conformance and other public interest factors such as adverse impacts on public facilities and the environment, proximity to transit and other amenities, and the provision of open space, affordable housing, or other public benefits.

The applicant proposes a townhouse development, including an affordable housing component, next to existing parkland. A connection to nearby parks is integrated into the townhouse community. Environmental improvements to the site will be provided in the form of updated stormwater management facilities and the removal of encroachments into adjacent parkland. The redevelopment of the site will eliminate an industrial brownfield and replace it with a residential development of appropriate density that fits within the character of the surrounding area and adds to the housing diversity of Bethesda. Additional housing at this location will also provide support for the many businesses near the site in the Westbard commercial area. For these reasons, the application bears a sufficient relationship to the public interest to justify its approval.

IV. CONCLUSION

Planning Staff recommends that Local Map Amendment G-907, for reclassification of 1.81 acres from the I-1 Zone to the R-T 15 Zone, be approved as restricted by the schematic development plan.

V. ATTACHMENTS

1. DHCA Email Memorandum
2. WSSC Memorandum
3. Area 1 Full Transportation Analysis
4. MCPS Email Memorandum
5. Area 1 Full Environmental Analysis
6. Historic Preservation Email Memorandum

From: Schwartz, Lisa [Lisa.Schwartz@montgomerycountymd.gov]
Sent: Tuesday, June 21, 2011 9:29 AM
To: Orobona, Damon
Cc: Ian P. Duke; Aakash Thakkar; Anderson, Christopher
Subject: Hoyt Property: Revised Plans

Damon,

Please see comments on the revised Hoyt Property Schematic Development Plan below (let me know if you need them in the form of a letter):

1. **Proposed Development:** The plan now proposes 30 townhouse units, of which 5 are MPDUs. The MPDU bonus density calculations are correct, and the applicant is now providing one more MPDU than would be required at the base density (as previously recommended by DHCA).
2. **MPDUs - Number of Bedrooms, Size, Location, and Parking:** The proposed MPDUs are now 16 feet wide (as opposed to 14 feet in the earlier plan), and are no longer located together in a dedicated townhouse stick. The MPDUs now have one-car garages, but with no additional off-street parking, and there are only 8 on-street parking spaces, 3 of which are required spaces for the MPDUs. The 8 on-street spaces provide the only overflow and guest parking for the subdivision. Parts of the MPDU and market unit lots and most of the additional parking spaces are still located within the 25 foot wide building restriction line of the 100 year flood plan. Park and Planning staff has indicated that this is acceptable.
 - The MPDUs are now better dispersed than previously. DHCA recommends that the MPDU on Lot 21 be moved to another location that is not an end unit, and that does not directly abut the industrial use. DHCA also continues to prefer that the MPDUs be located as far as possible from the flood plain area.
 - DHCA still has significant concerns about the proposed parking, particularly given that this property is not located near Metro. DHCA continues to recommends that each MPDU have 2 off-street parking spaces.

Prior comments concerning staging, the Agreement to Build, and additional requirements continue to apply.

Please ensure that DHCA receives a copy of any revised plans for this property.

Lisa S. Schwartz
Senior Planning Specialist
Montgomery County Department of Housing and Community Affairs
100 Maryland Ave., 4th Floor
Rockville, MD 20850
(240) 777-3786 - office (240) 777-3709 - fax
lisa.schwartz@montgomerycountymd.gov
www.montgomerycountymd.gov/mpdu

WASHINGTON SUBURBAN SANITARY COMMISSION

**DEVELOPMENT PROPOSAL REVIEW
FOR A
REZONING APPLICATION**

APPLICATION NO.: G-907

DATE: May 16, 2011

APPLICANT: EYA Development LLC

LOCATION: 5400 Butler Road, Bethesda, MD 20816

COUNTY: Montgomery

200' SHEET NO.: 207NW05

PRESENT ZONING: I-1

PROPOSED ZONING: RT-15

SIZE OF PARCEL: 1.8121 acres

DWELLING UNITS: 29 THs

OTHER:

WATER INFORMATION

1. Water pressure zone: 495A
2. An 8-inch water line abuts the property. A non-CIP-sized water extension is required to serve the property.
3. Local service is adequate.
4. Program-sized water main extensions (16 inches in diameter or greater) are not required to serve the property.
5. The impact from rezoning this property would be negligible since fire flows requirement would be same.

SEWER INFORMATION

1. Basin: Little Falls
2. A 27 -inch sewer line abuts the property. A non-CIP-sized sewer extension is required to serve the property.
3. Average wastewater flow from the present zoning: $2000 * 1.8 = 3600$ GPD
Average wastewater flow from the requested zoning: $15 * 1.8 * 130 = 3510$ GPD
Average wastewater flow from the proposed development: $29 * 130 = 3770$ GPD
GPD
4. Program-sized sewer mains are not required to serve the property.
5. Interceptor capacity is adequate.
6. The impact from rezoning this property would be negligible.

Statements of adequacy/inadequacy are made exclusively for this application at this time. Further analysis of adequacy will be part of the review at the time of application for water/sewer service.

Reviewed by Hansa Desai (301)206-8816

MEMORANDUM

June 24, 2011

TO: Damon Orobona, Zoning Analyst
Area 1 Team

FROM: Cherian Eapen, Planner/Coordinator
Transportation Planning
Area 1

SUBJECT: Application No. G-907
Hoyt Property (Parcel P513)
EYA Development, LLC
Southwest quadrant of Little Falls Parkway and River Road; east side of Capital
Crescent Trail
Bethesda/Chevy Chase Policy Area

This memorandum presents the Adequate Public Facilities (APF) review for the subject application to rezone a 1.8 acre property called "Hoyt Property" located along the west side of Little Falls Parkway between River Road (MD 190) to the north and Massachusetts Avenue (MD 396) to the south. The property is currently developed with the Bethesda Cinder Block Manufacturing Company (BETCO) concrete block plant. Access to the plant is currently via Butler Road, which extends south from River Road to the EuroMotorcars site (Parcel P432) just north of the site and via a perpetual easement into the property through the EuroMotorcars site.

The purpose of the rezoning request by EYA Development, LLC ("Applicant") from the I-1 zone to the RT-15 zone is to obtain approval to construct up to 30 single-family attached ("townhouse") dwelling units on the site. Access to the development is proposed via a connection to Little Falls Parkway (via an easement over M-NCPPC owned property) and to Butler Road (through private property – Parcel P432) to the northeast corner of the site.

RECOMMENDATIONS

The following transportation planning comments are recommended to be part of the Planning Board recommendations on the subject application as binding elements for the approval of the application:

1. The Applicant must limit all non-commercial traffic associated with the proposed residential development to Little Falls Parkway.

In the event the Applicant cannot institute a commercial vehicle access permit program for the development via Little Falls Parkway through coordination with the Department of Parks, then an access to the development via Butler Road for the exclusive use of

commercial vehicles serving the development may be permitted, pursuant to the Applicant satisfying the following requirements:

- a. Obtaining and recording an access easement agreement ("Agreement") with the property owner for Parcel P432, prior to the release of any building permit for the development, to provide an easement area between the development and Butler Road for the exclusive use of commercial vehicles serving the development. The Agreement must ensure that the access easement area between the development and Butler Road will be kept free and clear, and not blocked by tractor-trailers or other commercial vehicles servicing the car dealerships and other businesses along Butler Road.
 - b. Providing an effective access control to and from the development through design features at the Butler Road connection to ensure that the connection will only serve its intended purpose (i.e., exclusive in/out access for commercial vehicles serving the development).
 - c. Obtaining preliminary design concept approval from Planning Department staff for the above access design between the development and Butler Road prior to the submission of the subdivision application.
2. The Applicant must obtain preliminary approval from Montgomery County Department of Transportation (DOT), Parks Department, and Planning Department staff for an ADA-accessible trail connection between Little Falls Parkway and Capital Crescent Trail prior to the submission of the subdivision application.

The following are additional transportation planning comments, recommended to be part of the Planning Board recommendations, while noting that these comments may or may not satisfy APF requirements at the time of subdivision.

1. The Applicant must limit future development on the site to 30 single-family attached ("townhouse") dwelling units.
2. The Applicant must satisfy Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) requirements of the APF test under the regulatory requirements in effect at the time of the filing the subdivision application.

DISCUSSION

Recommended Area Roadways and Pedestrian/Bikeway Facilities

The September 1982 Approved and Adopted *Westbard Sector Plan* recommends the following nearby transportation facilities:

1. Butler Road, between River Road to the north and its southern terminus at Parcel P432 (the EuroMotorcars site), as an unclassified roadway with a minimum right-of-way width of 60 feet. It is noted that the *Westbard Sector Plan* also expresses a desire for an

unclassified road connection between Butler Road and the B&O Railroad (now Capital Crescent Trail) with a minimum right-of-way width of 60 feet.

2. River Road, between Little Falls Parkway to the east and Brookside Drive/Ridgefield Road to the west, as a six-lane divided major highway (M-2) with a minimum right-of-way width of 128 feet. A dual bikeway (DB-2; an on-road signed-shared bikeway and a shared use path along the north side of River Road) is also recommended for River Road in the March 2005 Approved and Adopted *Countywide Bikeways Functional Master Plan*.
3. Massachusetts Avenue, between Western Avenue to the east and Sangamore Road to the west, as a four-lane major highway (M-1) with a minimum right-of-way width of 120 feet. An on-road signed-shared bikeway (SR-50) is also recommended for Massachusetts Avenue in the March 2005 Approved and Adopted *Countywide Bikeways Functional Master Plan*.
4. Capital Crescent Trail, a park trail that follows an abandoned railroad right-of-way between Georgetown, in the District of Columbia, and Silver Spring. The trail is adjacent to the proposed development.
5. Little Falls Parkway, a two-lane parkway with bikeable shoulders/bike lanes (EB-42) on M-NCPPC land. Commercial vehicles are prohibited on Little Falls Parkway.
6. Proposed Pedestrian Pathway, a local shared-use path connection between Little Falls Parkway and Crown Street/Westbard Avenue, intersecting the Capital Crescent Trail.

Sector Plan Recommendations on Site Access

Under the "Need to Improve Buffers" sub-section of the "Comprehensive Planning Approach"/"Design Concept" section (page 28), the Plan states the following:

"The BETCO concrete block plant should be screened from view. Should the plant go out of operation, redevelopment should be limited to light industrial. Redevelopment in townhouses should be allowed, provided a separate entrance can be achieved on Little Falls Parkway." (See Attachment 1)

Additionally, under the "Analysis Area K" sub-section of the "Land Use"/"Subarea Alternatives and Proposals" section (page 52), the Plan states the following:

"Under other circumstances, the abutting park suggests townhouse residential as an appropriate use. However, the fact that the only access is through an industrial street clearly rules out that possibility unless access to Little Falls Parkway were to be authorized.

Recommendations – ...If access can be gained off Little Falls Parkway, an appropriate zoning classification would be RT-10." (See Attachment 2)

Similarly, under the “Goals and Guidelines/Residential” sub-section (page 21), the Plan states the following:

“Additional multi-family residential development within the Sector Plan boundary is acceptable wherever little or no conflict with commercial and industrial uses would be expected.” (See Attachment 3)

Finally, the Plan includes a “Design Concept” illustration shown on page 24 (See Attachment 4), which reflects the above Plan narrative by showing a terminus for Butler Road generally in the vicinity of its current terminus, a stream protection and buffer for the area between the subject property and the EuroMotorcars property, and access to the subject site exclusively from Little Falls Parkway.

The Sector Plan narrative and illustration thus provide a basis to interpret that the intent of the Plan for the proposed development scenario was to restrict its access exclusively to Little Falls Parkway. However, given the prohibition that is in place for commercial vehicles on Little Falls Parkway, the Applicant is proposing a secondary access to Butler Road from the development through the EuroMotorcars property. The Applicant is proffering to restrict this access for the exclusive use of commercial vehicles serving the development.

The above secondary, restricted access to Butler Road is acceptable to staff if the Applicant can demonstrate that a good faith effort was made to institute a commercial vehicle access permit program for the development via Little Falls Parkway through coordination with the Department of Parks. Any access to the development permitted via Butler Road must then be contingent on the Applicant satisfying the binding elements recommended in relation to the proposed connection.

Sector Plan Recommendation on Local Pathway

The “Transportation” section of the Plan includes a “Recommended Roadway Improvements” illustration (page 76; See Attachment 5) that shows a “Proposed Pedestrian Pathway” between Little Falls Parkway and Crown Street/Westbard Avenue. The alignment for the pathway is shown on parkland immediately to the south of the development. However, with the proposed access to the development from Little Falls Parkway over Little Falls Branch, staff recommends that the section of the pathway between Capital Crescent Trail and Little Falls Parkway be provided through the development by the Applicant as an ADA-accessible facility. This recommendation is also consistent with the DOT recommendation for the plan (See Attachment 6).

Adequate Public Facilities Review

A traffic statement (dated March 9, 2011) was submitted by the consultant for the Applicant for the subject application per the *LATR/PAMR Guidelines* since the proposed development was estimated to generate less than 30 peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods.

- **Trip Generation**

The peak-hour trip generation estimate for the proposed Hoyt Property development was based on trip generation rates included in the *LATR/PAMR Guidelines*. A site trip generation summary is provided in Table 1, which shows that the development would generate 14 peak-hour trips during weekday morning peak period and 25 peak-hour trips during the weekday evening peak period.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED HOYT PROPERTY DEVELOPMENT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
30 single-family attached (townhouse) units	2	12	14	17	8	25

Source: Wells and Associates, Inc. Hoyt Property, Traffic Statement for Policy Area Mobility Review; March 9, 2011.

- **Local Area Transportation Review**

Since the proposed development will not generate 30 or more peak-hour trips during the weekday morning and evening peak periods, a traffic study is not required for the subject application. With documentation of site trip generation as above, the application satisfies the LATR requirements of the APF test.

- **Policy Area Mobility Review**

To satisfy the PAMR requirements of the APF test, a development located within the Bethesda/Chevy Chase Policy Area is required to mitigate 30% of “new” peak-hour trips generated by the development.

The site trip generation summary presented in Table 1 shows that the development will generate 25 peak-hour trips during the weekday evening peak period (highest of the peak-hours). With credit for two (2) peak-hour trips at the existing block manufacturing plant and the PAMR requirement to mitigate 30% of the “new” trips, the development is therefore required to mitigate seven (7) peak-hour trips (i.e., $0.30 \times 23 = 7$).

The Applicant is proposing to satisfy the PAMR requirements of the APF test at the time of the subdivision approval through various options, such as a one-time payment of \$11,300 per peak-hour trip, off-site shared-use path/trail construction, and/or other measures.

CE/-

Attachments

Attachment 1

improvements and, therefore, they should not be placed in any zoning category that would result in their becoming nonconforming. Both objectives can be achieved under the recommendation here for a Light Industrial Zone (I-1); all present uses would be conforming and conversion to office use would be permitted.

9. Redevelopment Potential

The former Marriott property functioned reasonably well with respect to the surrounding areas. The uses and intensities permitted by the present I-2 Zone, however, are inappropriate. New development must be compatible with surrounding uses and existing traffic constraints.

The Plan recommends that the north end of the property be converted to multi-family use with varying building heights. The south end of the tract should serve as a transition with the adjoining light-industrial uses along Dorsey Lane. That transition could be either moderate office, laboratory or research use. The recommended approach is to authorize a Planned Development (PD) Zone which basically allows for residential use, but which also permits commercial and industrial uses whenever specified in a master plan. This would require approval of a development plan at the time of rezoning. The PD Zone is a floating zone which must be applied for by the owner.

The Plan recommends the PD-28 Zone, recognizing that the density finally approved in a development plan might be less than 28 units to the acre. In addition to a maximum of 353 residential units, the plan would allow office and/or laboratory/research facilities at the south end of the site. Convenience retail to meet the needs of the residents and employees would also be permitted. The purpose is to keep the impact of new development to approximately the same level as the former Marriott operations, with allowance for the

offsetting effects of public transit and intersection improvements.

Granting of the PD Zone should impose operating conditions on the nonresidential uses. Staggered work hours, reserved parking for carpoolers and vanpoolers, and employer-subsized transit fares are among the conditions that might be imposed with the granting of the zone. Because the PD zone is a floating zone that must be applied for by the owner, it cannot be imposed as part of a comprehensive rezoning of the area. Therefore, Commercial Office building zone (C-O) is recommended to be applied to the south part of the tract. If the C-O zoned area is developed separately without applying for the PD zone, the optional method of development of the C-O zone is not permitted by this Sector Plan because it would generate more vehicular trips than are acceptable.

The site has entrances on both Little Falls Parkway and River Road (via Landy Lane). Thus, through traffic has the opportunity to drive through the property and avoid the intersection at Little Falls Parkway and River Road. In spite of adding capacity to this intersection, through traffic can be disruptive to the site occupants. The occupants should retain the choice of entry in order to minimize length of travel and double-hauling through the intersection. Therefore, it is suggested that through travel by outsiders be inhibited by the interior design and operation of the property, while allowing for passage of emergency and service vehicles.

10. Need to Improve Buffers

The perimeter transition can be strengthened at several identified vulnerable points. The BETCO concrete block plant should be screened from view. Should the plant go out of operation, redevelopment should be limited to light industrial. Redevelopment in townhouses should be allowed, provided a separate entrance can be achieved on Little Falls Parkway.

that the plant does encroach several feet into the park property, and action is being taken to correct this. The options available are limited. The current use is allowed only in the I-2 Zone. The depth of the abutting parkland is thin, making the block plant quite visible; its appearance is somewhat out of place with nearby residences. Rubble from the plant appears to have been discarded down the stream banks. Noise from the plant has been reported by nearby residents, although investigation by County authorities has revealed no violation of the Noise Ordinance. Moreover, retention of the I-2 zoning classification leaves open the possibility of the property being converted to more objectionable uses allowed in that zone. A change to the I-1 Zone would permit the plant to continue in use but be converted only to office, warehouse, light manufacturing, or similar use. Under other circumstances, the abutting park suggests townhouse residential as an appropriate use. However, the fact that the only access is through an industrial street clearly rules out that possibility unless access to Little Falls Parkway were to be authorized.

Recommendations — The I-2 Zone should be changed to I-1 so that any redevelopment would be to some less intensive and more desirable use. Meanwhile, in order to reduce the effect of noise and to improve the appearance from nearby areas and to improve acoustical fencing should be installed in the area abutting the parkland.

If access can be gained off Little Falls Parkway, an appropriate zoning classification would be RT-10.

ANALYSIS AREA I

This 2.31-acre site is generally level, with a gentle slope down from River Road towards Willett Branch to the south. The frontage along River Road,

Attachment 2

to a depth of about 100 feet, is zoned C-2, General Commercial. Behind the C-2, the rear portion of the Security Storage site is zoned I-2, Heavy Industrial. This analysis area includes the Security Storage buildings near the B&O Railroad tracks, plus several highway oriented businesses such as an auto service station, a 7-11 store, and a dry cleaning establishment. All of these buildings appear to be in very good condition.

Parking is in short supply; the commercial uses between Security Storage and Butler Road (i.e., the 7-11 and the cleaners) require 36 spaces, but only 20 are provided. All uses have direct access to River Road. The auto service station also has access to Butler Road. The commercial uses along River Road appear to be thriving and therefore likely to remain for some time. The Security Storage building appears to be adaptable to other storage or commercial uses. The 7-11, auto service station and cleaners are small lots fronting on River Road and are expected to continue in local service and retail uses.

The Security Storage facility, currently operating as "warehousing and storage services" is allowed in the I-1, 2, and 3 Zones, as well as the C-2 Zone, so that the existing use may continue indefinitely both in the C-2 and I-2 Zones which divide the property. Alternative uses for this property are limited by the lack of additional space for customer parking which would be required for any more intensive uses. This property has several unusual development constraints. First, it is triangular in shape which results in a fair amount of unusable area. Second, one side of the triangle abuts the B&O right-of-way and one of the two buildings is very close to the trackbed. However, the site does have paved access across the tracks via a private road although it does not appear to be in regular use. Finally, the existing buildings cover 60 percent of the lot leaving only a very small area available for parking.

Recommendation — It is recommended that all of

Attachment 3

the properties along River Road. The dilemma is that none of the existing zones is sufficiently limited in scale so as to prevent development, which cannot be accommodated by facilities proposed for the area. Because of this, the County Council has adopted a new Limited Commercial (C-4) Zone.

12. Neighborhood Protection

Parks and institutional uses are important stabilizing features protecting against expansion of the commercial/industrial activities toward surrounding high-quality neighborhoods. Neighborhood preservation must be a foremost consideration in the Sector Plan.

Apart from ensuring that the uses at the perimeter of the Westbard sector are compatible, there are other concerns about adverse influences in the adjoining areas. One is a matter of cut-through traffic. Another is the possibility of overflow parking by employees in the area. A third concern is that of noise emanating from the commercial/industrial area. Finally, the lack of pedestrian walkways to and from shopping areas, office buildings and apartments poses both hazards and inconveniences.

13. Inappropriate Zones

Over the years, since the early development of Westbard, the provisions in the Zoning Ordinance have changed significantly. Thus, many buildings that did conform with the Zoning Ordinance at the time they were built are no longer in conformance. Examples are the Kenwood Condominiums and the Westwood Towers and Building, plus the various light industry uses located in the Heavy Industrial (I-2) Zone.

14. Environmental Protection

An Environmental Analysis, contained as Appendix

A, details the nature of pollution in Willett Branch and Little Falls Branch. Failing sanitary sewer lines in upstream urban areas account for some of the problem. Stormwater runoff carries many urban wastes into the streams: petroleum products, fertilizers, pesticides, road salt, animal wastes, litter, and other matter. Excavation and grading for new development could result in sediment runoff from erosive soils, unless controlled.

Pollution of Willett Branch is apparent from the presence of white foam, discoloration of the water and the bad odor emanating from the stream. Little Falls Branch, which drains from Friendship Heights, has been classified as a "dead stream." Other intrusions include construction materials and cinder block rubble along the stream banks.

Several other kinds of pollution afflict the Westbard area. Noise emanating from heavily traveled arterials and local industries is a source of annoyance and discomfort to area residents and businessmen. Noise levels are often sufficiently high that they interfere with normal work and conversation. Ambient air quality in Westbard, as with other lower County areas, includes significant amounts of hydrocarbons and photo-chemical oxidants, much of which is produced elsewhere in the Metropolitan area. Heavy traffic volumes may produce excessive carbon monoxide concentrations at the major intersections. Some of the industrial uses in Westbard may also contribute to local air pollution.

GOALS AND GUIDELINES

Residential - The character of the surrounding single-family residential development should be preserved and enhanced by appropriate buffers and traffic controls and/or installations. Multi-family residential structures in Westbard should be protected and the quality of life for residents improved. Additional multi-family residential development within the Sector Plan boundary is accept-



able wherever little or no conflict with commercial and industrial uses would be expected.

Commercial - In view of the fact that all areas surrounding Westbard are committed to stable single-family or townhouse uses, parkland, schools, or churches, there should be no further expansion of the activity center nor any merging with the Friendship Heights, Bradley Boulevard, or Bethesda commercial districts. Local commercial services in Westbard should be preserved and improved to increase their attractiveness as well as their convenience and accessibility to the public.

Industrial - The proximity of existing industrial uses to residences implies that there will continue to be some unavoidable conflict between them. The importance of these goods and services to the proper functioning and welfare of the community must be weighed against the appropriateness of their location in a residential area.

Industrial uses should be buffered to prevent or limit adverse impacts on surrounding uses. Where new development is proposed, maximum use should be made of the natural environment, such as terrain and flora, to prevent the intrusion of industrial uses and to avoid mutual conflicts.

Existing industrial uses, which are suppliers of necessary goods and services to this lower County area, should be protected to minimize costs of distribution and to avoid lengthy travel from elsewhere. For example, a fuel oil distributor serves numerous customers in the Bethesda-Chevy Chase area and consumes fewer vehicle-miles of travel because of the location of the oil storage tanks in the Westbard area. Auto repair, furniture storage, service and distribution facilities are examples of other industrial uses able to serve this

lower County area because of their convenient locations in Westbard. However, areas devoted to heavy-industrial purposes should be stabilized or decreased. To the maximum extent possible, their adverse impacts on surrounding neighborhoods should be diminished. Should redevelopment occur, conversion to more compatible uses should be considered.












Much of the present heavy-industrial zoned area should be reclassified to the light-industrial category (I-1). However, because the Westbard area is not suitable for large employment centers, the redevelopment of both I-1 and C-O zoned properties should be limited to the standard method of development which allows building heights no greater than three stories.

Transportation - The walkway, roadway, and traffic management systems should provide for improved access to commercial and industrial parcels with a minimum of conflict and delay. Substandard existing roadways should be improved wherever possible to smooth the flow of two-way traffic. New roadways may be needed to enhance access to certain properties.

The B&O Railroad right-of-way should be considered as a means of access from River Road to interior properties as an alternative to existing substandard roadways. If the use of the B&O Railroad right-of-way proves to be impractical or insufficient, then some or all of the right-of-way for a roadway should be obtained from adjoining landowners.

The Man-Made Environment - The appearance of the area as a whole and the inter-relationship among buildings should be improved. Suitable buffers between incompatible uses should be planned. Pedestrian amenities should be planned, particularly separation between pedestrians and vehicles, as well as mini-parks, plazas, protected

DESIGN CONCEPT

-  Multi-Family Residential
-  Commercial / Retail
-  Office
-  Industrial
-  (A) Mixed Use Planned Development
-  (B) Major Commercial/Retail Development
-  (C) Urban Boulevard and Gateways Concept
-  (D) Stream Protection and Buffering Program
-  (E) Landscaping and Stream Protection and/or Enclosure
-  (F) Urban Park
-  (G) Improved Roadways

Street Trees and Sidewalk Amenities

Stream Protection and Buffering Program

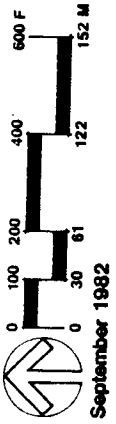
Landscaping and Stream Protection and/or Enclosure

Urban Park

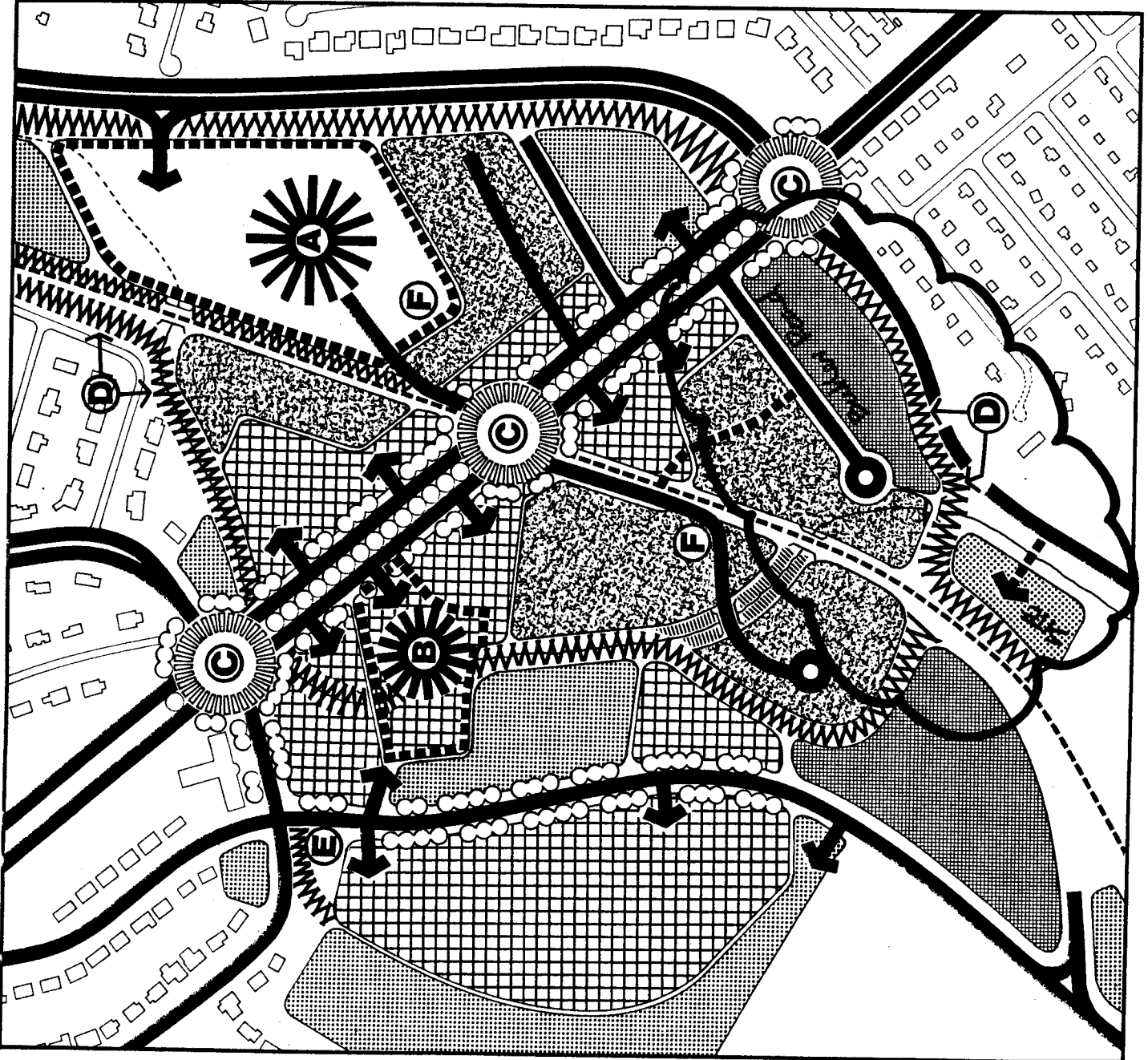
Improved Roadways

Attachment 4

Figure 6
WESTBARD SECTOR PLAN
 Montgomery County, Maryland



September 1982

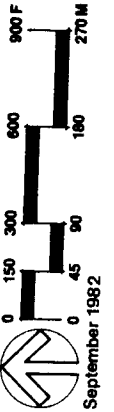


RECOMMENDED ROADWAY IMPROVEMENTS

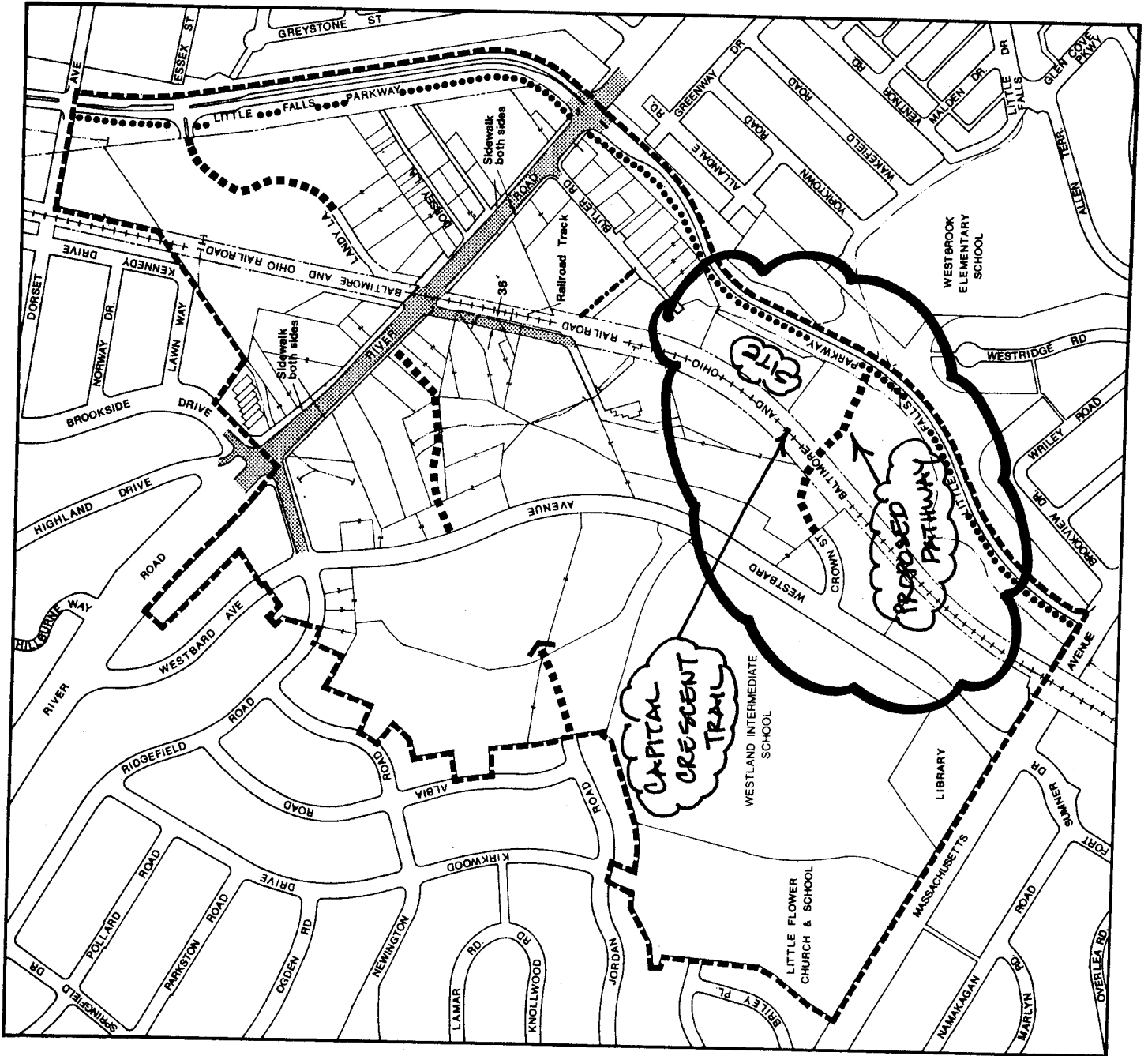
- Sector Plan Boundary
- - - - - Desired Roadway Connection
- ▣ Proposed Pedestrian Pathway
- ▨ Proposed Paving Width
- Existing Bikepath

Attachment 5

Figure 16
WESTBARD SECTOR PLAN
 Montgomery County, Maryland



September 1982





Attachment 6

DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

June 1, 2011

Ms. Rose Krasnow, Chief
Area One
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Zoning Plan No. G-907
Hoyt Property

Dear Ms. Krasnow:

We have completed our review of the March 10, 2011 version of the above-referenced zoning plan, which was reviewed as a Discussion Item at the May 23, 2011 meeting of the Development Review Committee. We do not object to the proposed rezoning.

The following comments are tentatively set forth for the subsequent submission of a preliminary plan:

1. Show all existing topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, utilities, rights of way and easements, etc.) on the preliminary plan.
2. Necessary dedication for improvements to Little Falls Parkway and the Capital Crescent Trail.
3. Necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. Storm drainage and/or flood plain studies, with computations. Analyze the capacity of the existing public storm drain system and the impact of the additional runoff. If the proposed subdivision is adjacent to a closed section street, include spread computations in the impact analysis.
5. Show the location of proposed entrance on the preliminary plan.
6. Site access and details for the proposed private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

montgomerycountymd.gov/311



240-773-3556 TTY

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Ms. Rose Krasnow
Zoning Case G-907
June 1, 2011
Page 2

7. We recommend the proposed connection to the Capital Crescent Trail be Americans with Disabilities Act-compatible. We also recommend the applicant provide a five (5) foot wide concrete sidewalk along the proposed driveway to Little Falls Parkway.
8. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
9. Additional improvements may be recommended if a Traffic Impact Study is necessary for this project.

Thank you for the opportunity to review this pre-preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Area Engineer for this vicinity at (240) 777-2197 or david.adams@montgomerycountymd.gov.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

M:/subd/dca/G-907, Hoyt Property.doc

cc: Aakash Thakkar; EYA Development, LLC
Robert R. Harris; Holland & Knight, LLP
Cindy Bar; Holland & Knight, LLP
Charles A. Irish, Jr.; VIKa Inc.
Damon Orobona; M-NCPPC Area 1
Cherian Eapen; M-NCPPC Area 1
Doug Powell; M-NCPPC Parks
Catherine Conlon; M-NCPPC Regulatory Coordination
Zoning Case Folder
Zoning Case Letters Notebook

cc-e: Marie LaBaw; MCFRS
Henry Emery; MCDPS RWPR
Gail Tait-Nouri; MCDOT DTE
David Adams; MCDOT DTEO

From: Crispell, Bruce [Bruce_Crispell@mcpsmd.org]
Sent: Monday, June 27, 2011 2:53 PM
To: Orobona, Damon
Subject: Rezoning case G-907

Mr. Damon Orobona
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Dear Mr. Orobona:

This email is sent in response to Zoning Application No. G-907, for a property located at 5400 Butler Road, Bethesda, Maryland. This rezoning would result in 30 townhouse units. Based on average yield factors derived from the Montgomery County Planning Department 2008 Census Update Survey, the impact of this project is estimated to be approximately eight (8) elementary, four (4) middle, and four (4) high school students.

This property is located within the Westbrook Elementary School, Westland Middle School, and Bethesda-Chevy Chase High School attendance areas. Enrollment at Westbrook Elementary School is over capacity for the next two years. However, in August 213, an addition is opening at the school that will enable the school to remain within capacity through the 2016—17 school year. Enrollment at Westland Middle School is projected to exceed capacity from the 2011—12 to 2016—17 school years. Enrollment at Bethesda-Chevy Chase High School is projected to exceed capacity from the 2011—12 to 2016—17 school years. The Montgomery County Public Schools *FY 2012 Capital Budget and Amendments to the FY 2011—2016 Capital Improvements Program* (CIP) describes future capital projects that may address the space shortages at the middle and high school levels. This document can be accessed at the following link. Go to Chapter 4 of the document, and then to the section on the Bethesda-Chevy Chase cluster.

http://www.montgomeryschoolsmd.org/departments/planning/CIPMaster_Current2.shtml

The current Subdivision Staging Policy schools test (FY 2012) finds capacity inadequate in the Bethesda-Chevy Chase Cluster at the elementary, middle school and high school levels. At all three levels a school facility payment is required for subdivision approval. In addition, at the middle school level a “placeholder” capital project was added to the capital improvements program by the County Council to avoid residential moratorium based on the projected middle school utilization levels above 120 percent. The “placeholder” capital project is in anticipation of a request next fall for funding for a new middle school in the Bethesda-Chevy Chase cluster to resolve the space deficit at this level.

Bruce Crispell


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MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

TO: Damon Orobona, Area 1

FROM: Marco Fuster, Senior Planner, Area 1 

SUBJECT: Environmental Review
Plan # G-907
Name: Hoyt Property

DATE: June 30, 2011

Natural Resource Inventory/Forest Stand Delineation

The Hoyt Property site has a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) plan #420111520, which was approved on June 30, 2011. The site is surrounded by Parkland towards the East, South and West, and is adjacent to industrial sites towards the north. Decades ago the site was graded into a relatively flat area with retaining walls and steep slopes at the periphery. Tree stands not meeting forest definition have since established along and within the site perimeter. However, no significant or specimen trees are located on the site. Forest area occurs immediately adjacent to the site along the southern boundary. The property is located at the extreme down slope side of the Willett Branch watershed which has a 2 square mile drainage area covering large portions of downtown Bethesda and Kenwood County Club. The stream runs adjacent to the western boundary of the site; the associated stream valley buffer (SVB) encompasses half of the subject property and includes the 100 year floodplain.

Master Plan Environmental Recommendations/Staff Analysis

The property has existing park encroachments on three sides. The Westbard Sector Plan specifically recommends removal of encroachments and dumped debris, along with the follow-up of an appropriate planting program (page 88). Additionally, the Plan includes general recommendations to establish a suitable vegetative buffer along the stream channel, within the 100 year floodplain and adjacent areas of steep slopes (pages 23 & 30). The Plan specifies non-mowed vegetated buffers that include food bearing annual, perennials, shrubs and trees (page 108).

The Approved Master plan recommends townhouses with R-10 zoning on the subject property. Therefore Staff would support redevelopment within the Stream Valley Buffer (SVB). However, the offsite encroachments will need to be restored to a natural condition and appropriate mitigation for any onsite encroachments to the SVB will be required. Details of the proposed designs and mitigation will occur at preliminary plan stage.

The Westbard Sector Plan includes numerous other goals and recommendations for environmental enhancements. Redevelopment should not result in an increase of storm water runoff, water, air, or noise pollution; and should result in an improvement to the environment (page 23). Additionally, the plan includes specific watershed management practices such as avoiding construction on excessively steep slopes, minimizing the extent of impervious area and utilizing porous walkway/paths.

- *Storm Water Management (SWM)(pages 104-107)*
The site consists of impervious surfaces and steep slopes with no apparent storm water management. Therefore redevelopment under current storm-water management regulations will readily achieve the master plan recommendations for this project related to storm water management (and water quality). The SWM review will be addressed at preliminary plan stage.
- *Air Pollution (page 23)*
Currently the site contains a plant to manufacture masonry blocks. It appears that manufacturing operations have been abandoned for some time and the site is used mainly for storage and sale of masonry products and related items. An increase in air pollution is not anticipated for the proposed change from an industrial use to a residential use.
- *Noise Pollution (pages 29, 98-102)*
The master plan identifies excessive noise levels generated from numerous sources reaching within the property. An increase of noise levels is not anticipated for the proposed change from an industrial use to a residential use. However the noise levels identified are not compatible with residential areas. Therefore noise analysis and any appropriate mitigation measures (such as screening, and acoustical insulation) to achieve compliance with residential noise level standards will need to be addressed.
- *Steep slopes (page107)*
The original topography was altered creating walls and even steeper slopes than those which would have previously existed. Redevelopment of the site and removal of encroachments will provide an opportunity to stabilize some of the excessively steep and erosive slope conditions which currently exist.
- *Impervious areas (page107)*
The Plan recommends minimizing the extent of impervious areas. Currently the site is mostly impervious. The submitted greenspace exhibit for the proposed redevelopment illustrates a 40% greenspace area within the site.

The Westbard Sector Plan general recommendations include the retention of natural open space to the extent possible for SWM and other environmental enhancements. The combination of open space, buffer areas, impervious surfaces and SWM will be addressed at the time of preliminary plan.

Forest Conservation

The proposed activity will be subject to a Forest Conservation Plan (FCP), and the townhouse development will require that the afforestation requirements are met onsite [under 22A-12(f)(2)(D) of the forest conservation law]. The amount of afforestation credit needed and appropriate type and locations of the onsite plantings will be determined at later stages. Modifications to the proposed development may be required to appropriately site the afforestation plantings.

The Development Review Committee (DRC) comments state that a revised floodplain study will be required. If the study determines a larger floodplain exists, the NRI/FSD will need to be updated to reflect the expanded area. The proposed design would need to adjust accordingly with respect to the floodplain and associated building restriction lines.

Potentially a Forest Conservation Easement will be used to protect credited trees. The final location of any Forest Conservation Easement areas will be determined at a later stage.

Forest Conservation Variance

The townhouse proposal includes the removal and/or impacts to a number of offsite trees which would be subject to a Forest Conservation Variance (at the time of FCP submission). Ultimately, the plans will need to be endorsed by an ISA certified arborist and include recommended measures to appropriately protect the save trees.

Removal of resources subject to a variance triggers additional planting requirements above and beyond standard forest conservation requirements. These additional planting requirements (if applicable) must also be addressed on the FCP.

From: Whipple, Scott
Sent: Friday, April 22, 2011 11:11 AM
To: Orobona, Damon
Cc: Hardy, Dan
Subject: Zoning Application No. G-907

The subject property, located at 5400 Butler Road, Bethesda, is not identified in the Locational Atlas or designated in the Master Plan for Historic Preservation.

A Master Plan for Historic Preservation site, known as Milton (#35/35), at 5312 Allandale Road, is located directly across Little Falls Parkway from the subject property. Given the distance between the two properties and the existing vegetative buffering, as well as the orientation of the historic structure on its parcel in relationship to the subject parcel, historic preservation staff does not believe that this Local Map Amendment will have an adverse impact on the historic site.

Scott D. Whipple, Supervisor
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