




MCPB
Item No.
Date: 01.23.14

Aspen Hill Minor Master Plan Amendment, Scope of Work

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Completed: 01.15.14

Description

This memorandum presents the Scope of Work for the Aspen Hill Minor Master Plan Amendment, including: background information; planning framework; purpose of the Plan; schedule; outreach activities; and next steps.

Summary

Staff recommends approval.

I. Introduction and Background

In April 2013, the County Council approved a process for evaluating requests for minor master plan amendments. The minor amendment process provides an opportunity to reassess aspects of a master plan, in an expedited process, to address current community priorities, changing conditions, or issues that were not originally considered in an existing master plan. While comprehensive master plans create a planning framework designed to last 15 to 20 years, minor master plan amendments are targeted and focused on addressing current and pressing planning issues. Like comprehensive master and sector plans, minor master plan amendments involve extensive public participation, including public meetings and opportunities to testify before the Planning Board.

Prior to the County Council's adoption of an updated process and timeline for new minor master plan amendments, representatives for the property owner of the former Vitro/BAE office building at 4115 Aspen Hill Road submitted an application for a minor master plan amendment. The Planning Department accepted the application in October 2012, and proposed an expansion of the amendment area to include properties south of Aspen Hill Road along with the Vitro/BAE site (see Figure 1 on the following page). The County Council incorporated the expanded Aspen Hill Minor Master Plan Amendment area into the Department's work program in the fall of 2013.

The Aspen Hill Minor Master Plan Amendment (Minor Amendment) process will address approximately 14 acres of land located at the intersection of Connecticut Avenue and Aspen Hill Road, the majority of which was recommended for office zoning in the 1994 *Aspen Hill Master Plan* (see Figure 1 on the following page). Of the 14 total acres included in the Minor Amendment, the former Vitro/BAE office building and associated parking encompass approximately 10 acres. Gas stations are situated on the northwest and southwest corners of the Connecticut Avenue and Aspen Hill Road intersection, and the Aspen View Center office building, its associated parking, and a residence make up the remaining amendment properties on the south side of Aspen Hill Road.



Figure 1: Aerial Context / Existing Zoning

The Aspen Hill Minor Master Plan Amendment adjoins one of the Aspen Hill neighborhood’s most popular shopping center areas with close and immediate proximity to the intersections of Connecticut Avenue and Georgia Avenue and Connecticut Avenue and Aspen Hill Road. Immediately to the north of the Minor Amendment area is a Home Depot; to the east is Northgate Plaza which includes a Kohl’s, Michaels, and Rite Aid and the Aspen Hill Shopping Center which includes a Giant Grocery, U.S. Post Office, and Panera Bread; and to the northeast is a Kmart (see Figure 1). Single-family detached homes, interspersed with institutional uses, are predominant to the south and west.

II. Purpose

The Aspen Hill Minor Master Plan Amendment will look at additional redevelopment and zoning opportunities for the Subject area. The 1994 *Aspen Hill Master Plan* limits over half of the Minor Amendment area to office uses and associated parking. When the Master Plan was approved in 1994, the Vitro office building at 4115 Aspen Hill Road had been a long standing employment center in the area. Over the past decade, both Vitro and BAE have vacated the site and the 265,000 square foot office building has remained vacant since 2010. In general, the office market has changed and declined throughout Montgomery County (see Figure 4, page 8). The current trend in office uses is to move away from the suburban car-oriented campus of past decades and to cluster around multiple-use, mass transit centered areas.

The owner of the former Vitro/BAE site has marketed the property as an office use for over four years with no success. The property owner has received interest from prospective large-scale retailers, however, the current zoning and language in the 1994 *Aspen Hill Master Plan* does not allow for retail uses. Several of the lots on the south side of Aspen Hill Road are also zoned for office use (see Figure 1, previous page). Although those property owners have not discussed with Staff any future development plans, given changing market trends, the Minor Amendment review will reevaluate the existing office zoning on each of the properties, as well as the existing lower intensity commercial zoning at the northwest and southwest corners of the Aspen Hill Road and Connecticut Avenue intersection.

III. Proposal

The minor amendment process provides an opportunity to reassess the Subject area and analyze alternative redevelopment and zoning opportunities. The review will consider existing development potential and reevaluate the area's potential within the context of a changing office market in the County as a whole, the intent and rationale of the 1994 *Aspen Hill Master Plan*, and any impacts to the surrounding transportation network. Staff will analyze the surrounding intersections and the transportation impacts of different land use scenarios, which may include community and regional scale commercial uses, multifamily or single-family attached residential, and mixed-use. Each of these steps will be presented to the public for their consideration and input, as is described in further detail in the Outreach section of this Scope of Work.

IV. Planning Framework

1994 Aspen Hill Master Plan

The Minor Amendment area is located within the approximately 13.2-square mile *Aspen Hill Master Plan* boundary (see Figure 2 below). The majority of the Subject area is highlighted in the 1994 *Aspen Hill Master Plan* as “Significant Parcel 3: Lee Development Group Office Building Site”; and “Significant Parcel 4: Mobil Service Station and the Aspen View Center Office Building” (see Figure 3, following page). The areas were recommended for a change in zoning in the 1994 Plan, and therefore include greater detail about preferred land use. Staff will take the language and intent of the Plan into consideration, as well as changing conditions since 1994, when developing recommendations for the Minor Amendment area.



Figure 2: Minor Amendment Location within the 1994 *Aspen Hill Master Plan* boundary

Although not included in this Minor Amendment, “Significant Parcel #2” (see Figure 3) had originally been part of the Vitro office complex, and changes recommended to that property through the 1994 Master Plan had implications on the present Minor Amendment properties. By 1994, Vitro had vacated the offices at Significant Parcel #2 and Home Depot demonstrated interest in the site for a new store. This conversion of the Home Depot site from an office use to a retail commercial use, spurred the inclusion of language in the Plan that emphasized the future intent for the surrounding properties. As part of the description for Significant Parcel #2,

the 1994 Plan stated: “The conversion of this site to retail use should not be considered a signal to intensify the use of this site nor the surrounding retail area into a regional shopping area. Should the demand for retail uses in the planning area increase, this Plan envisions intensification of the other existing retail centers without additional expansion of commercial zoning. No new commercial zoning should be permitted on Aspen Hill Road west of Connecticut Avenue beyond what is recommended in this Plan” (page 41).

Furthermore, the site of the currently vacant and former Vitro/BAE office building is identified as “Significant Parcel #3” (see Figure 3) in the 1994 Plan which states that the site “should be maintained as an office employment center for the Aspen Hill community” (page 46). The Plan recommended a change in zoning from commercial (C-1 Convenience Commercial) to office (C-O Commercial, Office Building) to “preserve this site as an employment center and preserve job opportunities for residents to work near their home” (page 47). The R-90 (Residential, One-family) portions of the site which were used for parking were reconfirmed.

The majority of the properties on the southwest side of the Aspen Hill Road and Connecticut Avenue intersection are identified as “Significant Parcel #4: Mobil Service Station and Aspen View Center Office Building” in the 1994 Plan (see Figure 3). The Plan recommended that “the entire service station site be zoned C-1 to better reflect the actual use of the site. The entire office building [Aspen View Center] site would be appropriate for O-M zoning with no expansion of the existing development” (page 47).

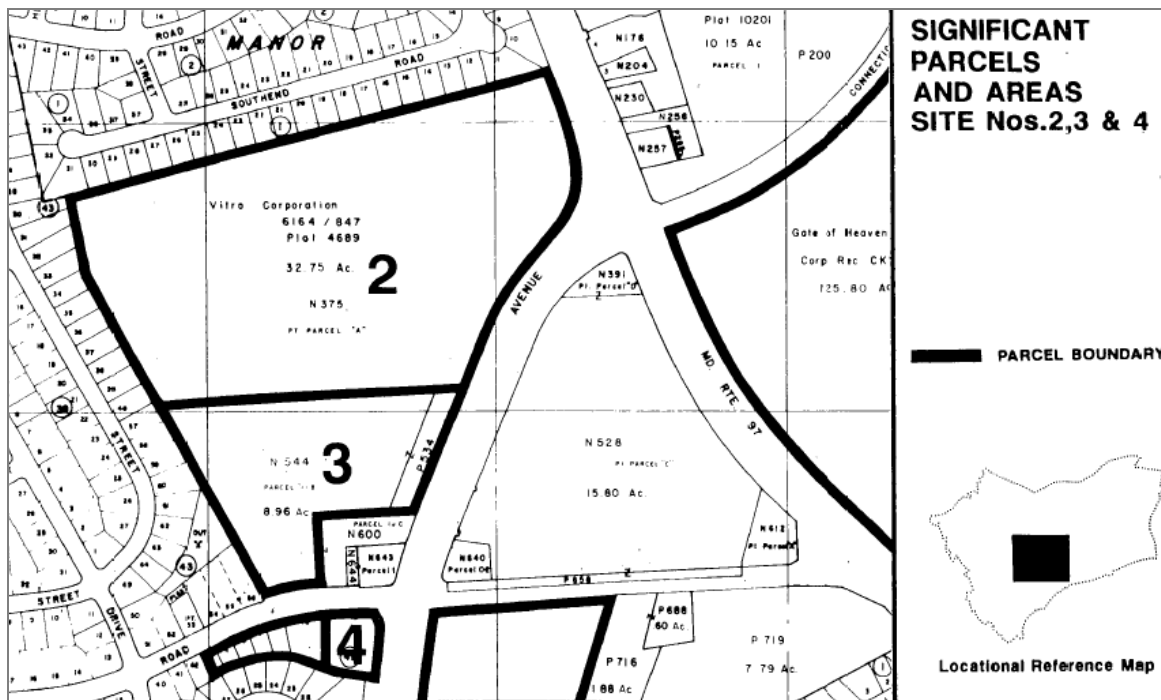


Figure 3: Significant Parcels, Land Use Section, Page 44 of the 1994 Plan

Greater Aspen Hill Neighborhood Summary Profile

Planning Staff is coordinating with Research and Special Projects Staff to establish a baseline profile of the greater Aspen Hill Neighborhood as a means to inform recommendations for the Minor Amendment properties. Research and Special Projects Staff has utilized the 2007-2011 American Community Survey 5-year estimate from the United States Census Bureau for 13 census tracts that match most closely to the greater Aspen Hill boundary (see Attachment 1). Staff will continue to gather more detailed data as the minor amendment process continues. The table below provides an initial summary of the neighborhood demographic profile:

Data Set	Aspen Hill	Montgomery County
Total Population	60,090 (6.3 % of County)	959,738
65 years & older	22.0%	12.2%
Race and Hispanic Origin*		
• Not Hispanic	78.3%	83.5%
• Hispanic or Latino	21.8%**	16.5%
Occupation		
• Management, business, science, arts	40.3%	55.9%
• Service	23.8%	15.0%
Average Household Size	2.58	2.68
Tenure		
• Owner-occupied	69.9%	68.8%
• Renter-occupied	30.1%	31.2%
2011 Median Household Income	\$70,072	\$95,660

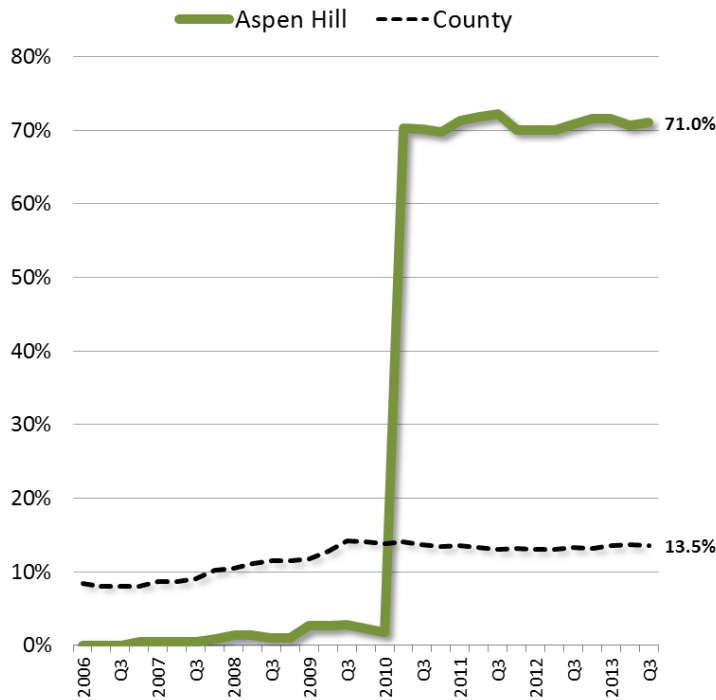
*Those of Hispanic origin may be of any race.

**Between 2000 and 2011 the Hispanic or Latino population grew from 14.1% to 21.8%; the fastest growing group with an increase of 63%.

Sources: 2000 U.S. Census, 2007-2011 American Community Survey 5-year estimate, U.S. Census Bureau; Research & Special Projects, Montgomery County Planning Department, M-NCPPC

Given the interest in transitioning the largest parcel within the Minor Amendment area from an office use, Staff is analyzing market conditions, opportunities, and trends. Initial findings confirm a decline in the office market, a decline that is particularly sharp in Aspen Hill since the departure of BAE from the Vitro property in 2010 (see Figure 4 below). The greater Aspen Hill area accounts for 0.5 percent of office space in the County and has not added new office space since at least 1996. With the departure of the BAE from the Vitro property in 2010, the office vacancy rate went from 2 percent to 71 percent.

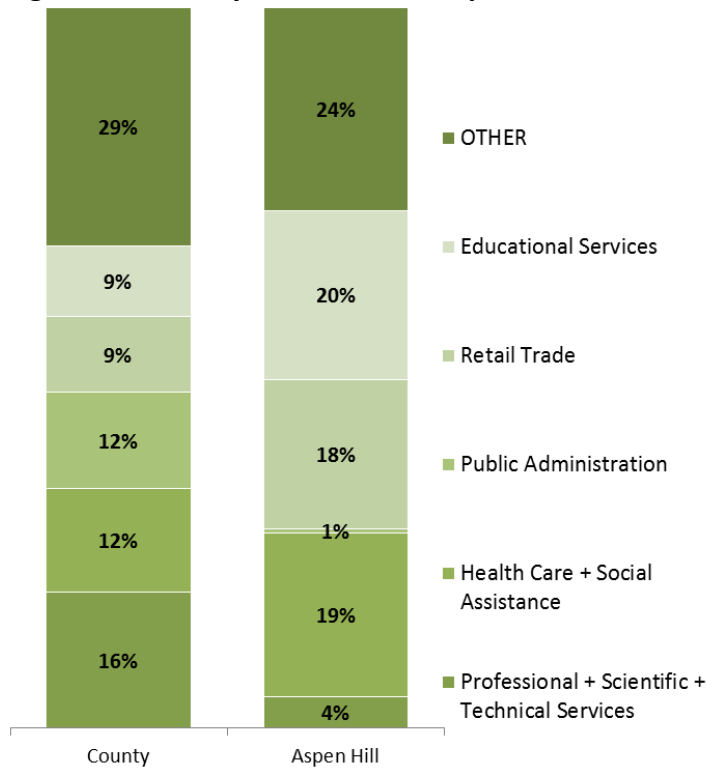
Figure 4: Office Vacancy Rate: Greater Aspen Hill and Montgomery County Comparison



Source: Montgomery County Planning Department analysis of CoStar data as of November 22, 2013.

Beyond office uses, Aspen Hill has a higher percentage of education, healthcare and retail jobs and a smaller base of professional, science, technical and public administration employment than the County as a whole (see Figure 5, following page). Almost one quarter of employed residents are in service industry occupations. The top five employers in the greater Aspen Hill area are: Montgomery County Public Schools, Home Depot, Community Imaging/Radiology, Leisure World, and Sunrise Senior Living.

Figure 5: Industry Mix: Greater Aspen Hill and Montgomery County Comparison



Source: U.S. Census Bureau, Center for Economic Studies; Maryland DLLR, Quarterly Census of Earnings & Wages, Montgomery County Planning Department

This data, along with more detailed market analysis that is forthcoming from Research and Special Projects Staff, will be utilized by Planning Staff to frame initial recommendations for the Minor Amendment area. These initial recommendations will be presented to the community for their consideration and input in late March/early April.

V. Outreach

Outreach efforts will include a combination of community meetings, small group and individual meetings, and online and social media platforms. Planners will meet with individual property owners, business owners, and community residents throughout the process. Such meetings are essential to ensure that all stakeholders are adequately heard during the development of Plan recommendations. Outreach efforts will include public meetings, an interactive project website, and opportunities to testify before the Planning Board. Spanish translation services will be provided at public meetings as necessary and key documents will be translated.

A project kick-off community meeting was held on December 3, 2013, at the Aspen Hill Community Library to introduce the project and timeline to the community. Aspen Hill area citizen and homeowner associations within two miles of the Limited Amendment site were contacted via email as well as a list of interested parties that had contacted the Planning Department about the project over the course of the last six months.



Project Kick-off Community Meeting: December 3, 2013 at the Aspen Hill Library

Approximately 35 individuals attended the kick-off meeting and raised the following issues and concerns:

- the impact of additional traffic on the already congested intersections at Aspen Hill Road and Connecticut Avenue and Connecticut Avenue and Georgia Avenue;
- additional educational, social service, and recreational facilities are needed in the area--- the subject location should incorporate such uses;
- existing schools are overcrowded and cannot support additional housing;
- the former Vitro/BAE office building has sat vacant too long, and safety has become a concern;
- given changing market conditions, additional retail commercial uses could be supported within the subject area;
- the planning process should be expedited so that the site can be redeveloped as soon as possible.

Additional public meetings will be held to continue to provide opportunities for community members to provide feedback. All public meeting dates, events, and staff reports will be posted on the Aspen Hill Minor Master Plan Amendment website at:

<http://www.montgomeryplanning.org/community/aspenhill/>

The online outreach component will include the following elements:

- Regular e-mail, social media, and website updates;
- Web-based tool to enable the public to provide input about project recommendations; and
- Dedicated website with archival information, resources, and updates.

The one-on-one outreach component will include:

- Staff participation in community and civic meetings and events;
- A second community workshop to present and discuss project recommendations, and a final open-house-style preview of the staff recommendations before they go to the Planning Board;
- Citizen comment at Planning Board worksessions (as permitted); and
- Citizen testimony at the Planning Board Public Hearing.

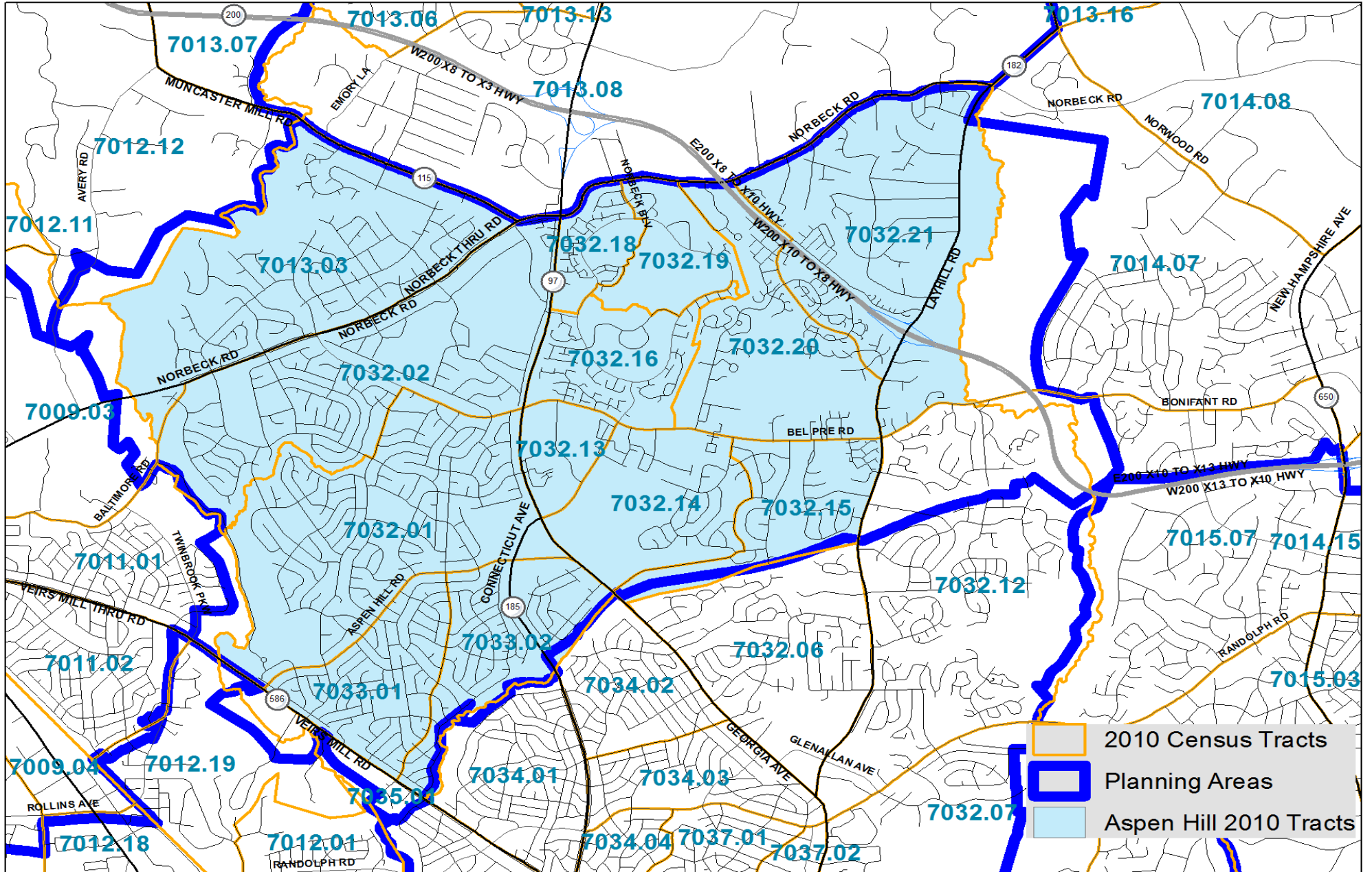
VI. Next Steps

A detailed project timeline is included as Attachment 2 and outlines the schedule from the Project Scope of Work through County Council Resolution of Approval. Staff has initiated the online component of the outreach strategy and will continue to work toward the development of the staff draft recommendations for presentation to the public in late March/early April and to the Planning Board in June 2014.

VII. Attachments

1. Aspen Hill 2010 Census Tracts Map
2. Project Timeline
3. Application for a Minor Master Plan Amendment, Lerch Early & Brewer, 10/3/2012

Aspen Hill Planning Area: 2010 Tracts

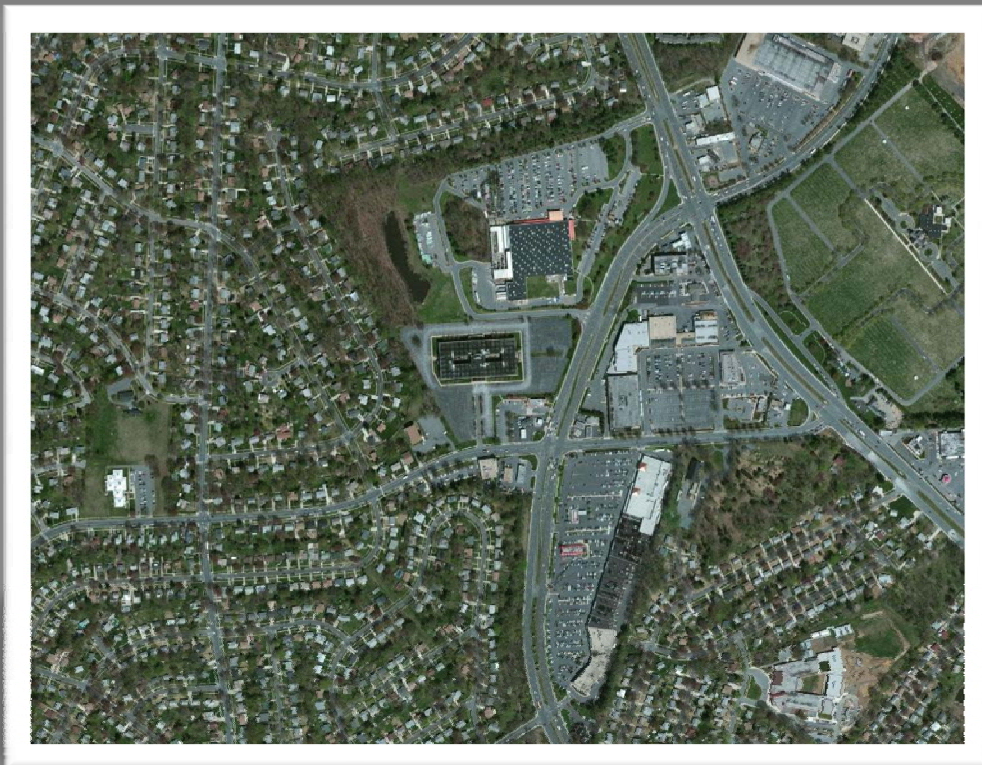


Aspen Hill Minor Master Plan Amendment Work Program

Year	2014																																															
Month	Jan			Feb			Mar			April			May			June			July			Aug			Sept			Oct			Nov			Dec			Jan			Feb			Mar					
Week	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Program Elements	Planning Staff												Planning Board Review						Executive			Council																										
	Scope			Analysis / Draft Preparation						Public Hearing						Worksessions			Review			Review																										
Scope of Work																																																
Community Meeting #1																																																
Scope of Work to Planning Board	⚙️																																															
Market Study / Retail Analysis	➡️																																															
Analysis / Prelim Recommendations																																																
Analyze Zoning, Environ, Transp	➡️																																															
Develop Urban Design Guidelines	➡️																																															
Preliminary Recommendations	➡️																																															
Community Meeting #2																																																
PB Discussion / Progress Update																																																
Prepare Draft Plan																																																
Refine Staff Recommendations	➡️																																															
Community Meeting #3																																																
Draft Staff Plan to Planning Board																																																
Conduct Public Hearing																																																
PB Public Hearing																																																
Planning Board Worksessions																																																
PB Worksessions																																																
Prepare Planning Board Draft																																																
Final Planning Board Draft Approval																																																
Transmit to Executive/Council																																																
Executive Review																																																
Council Review/Worksession																																																
County Council Notice Period																																																
Council Public Hearing																																																
Council Review and Approval																																																

APPLICATION FOR MINOR MASTER PLAN AMENDMENT CONSIDERATION

Aspen Hill Property – 4115 Aspen Hill Rd



INTRODUCTION

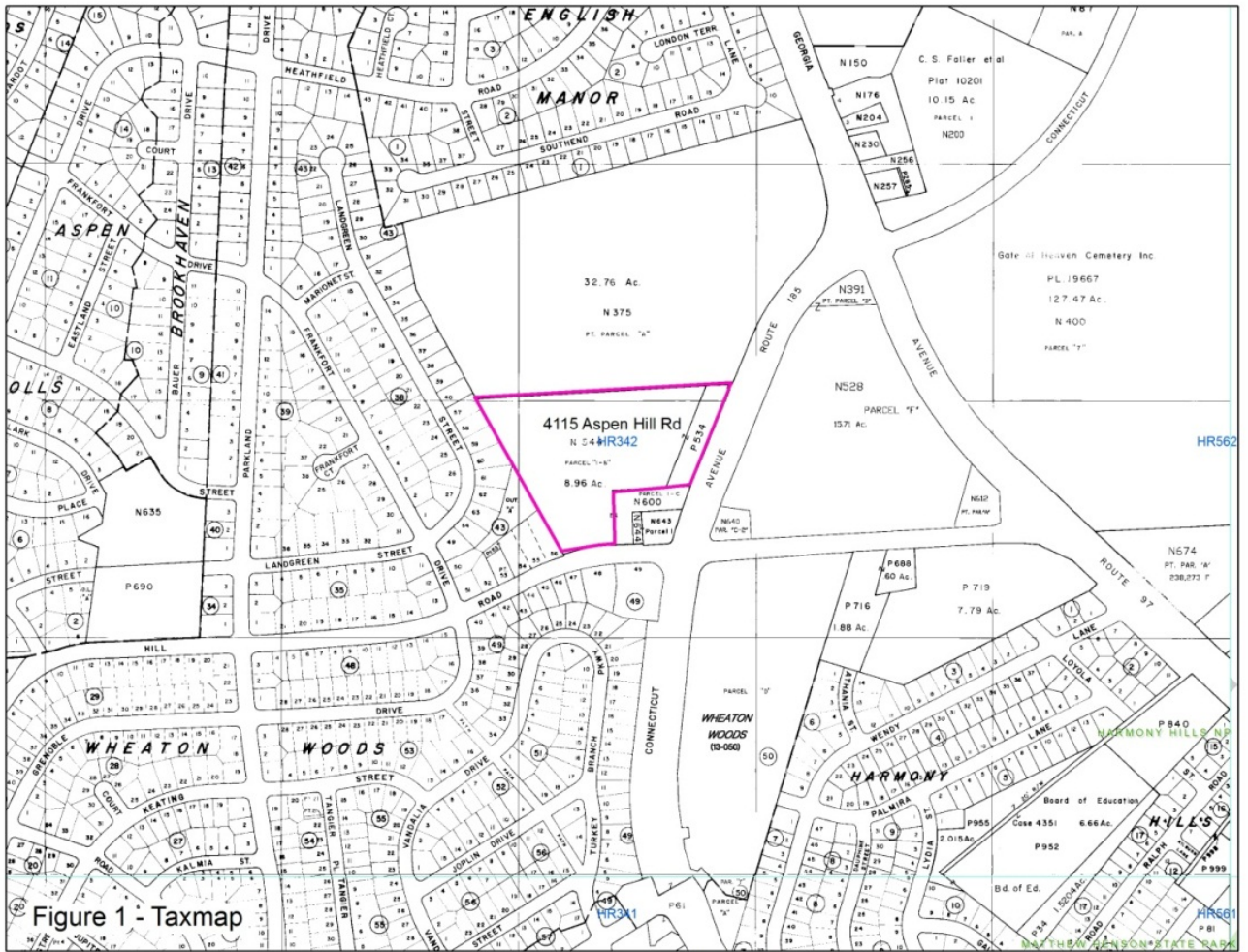
The redevelopment of the BAE/Vitro site in the center of Aspen Hill, owned by Lee Development Group, is a great opportunity for Montgomery County to improve the economic vitality of an aging commercial area, strengthen the stability of the nearby residential neighborhoods, and enhance the character and identity of this corridor of the County. The area will experience a true “renaissance” by replacing an unused and obsolete office building that is surrounded by surface parking lots, with an active, modern community serving retail use. The Minor Master Plan Amendment process is the appropriate first step toward redeveloping the site and achieving a number of public policy goals for the Aspen Hill community and for the County.

The Minor Master Plan Amendment process is the proper vehicle by which to evaluate the appropriate land uses for the Property, because all of the following conditions apply: (1) Conditions have changed dramatically since the existing master plan was adopted (2) There are obstacles to fulfilling the recommendations of that plan which could not have been contemplated at the time it was adopted (3) The process is a mechanism intended to address new market trends, emerging economic conditions, obsolete situations, and unique opportunities peculiar to a limited part of a planning area, all of which are present here (4) In examining the proper land use, and related appropriate zoning classification, this proposed amendment stops short of specific uses or users within any land use category.

BACKGROUND

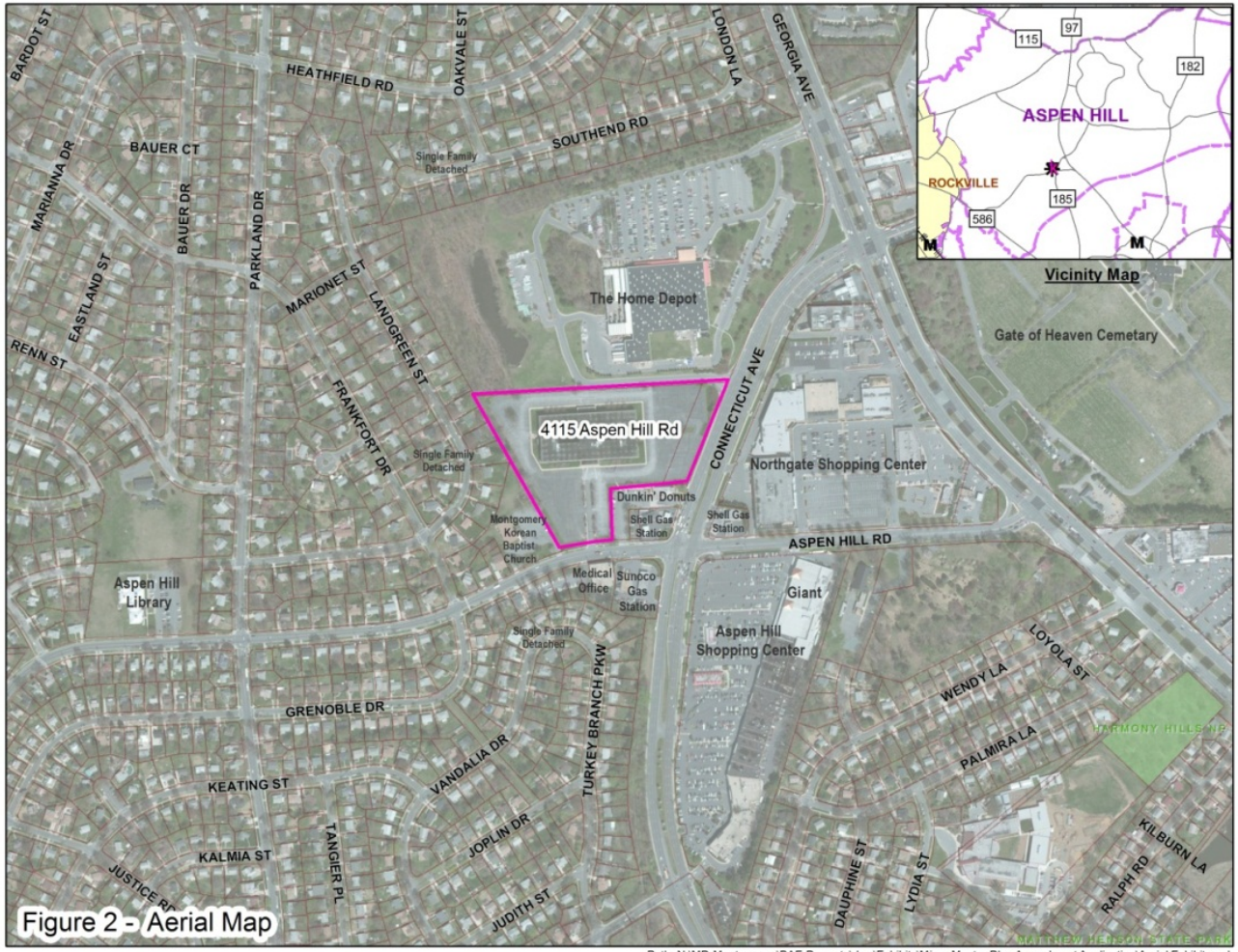
The property to be considered for a Minor Master Plan Amendment is the ±10.03 acre property owned since the 1950's by Lee Development Group, located along the west side of Connecticut Avenue between the intersections with Georgia Avenue and Aspen Hill Road (the "Property"). The Property is currently improved with an office building of approximately 265,000 square feet that was built and occupied for its entire life by the Vitro Corporation in its various corporate forms. Most recently, BAE Systems occupied the building following its acquisition of Vitro. BAE/Vitro vacated the site in 2010. **Figure 1** is a tax map which delineates the Property and **Figure 2** is an aerial exhibit showing current site conditions. Attached as **Exhibit A** are photographs depicting the Property.

Figure 1



Path: N:\MD-Montgomery\BAE Property\dwg\Exhibits\Minor Master Plan Amendment Application\Taxmap Exhibit.mxd

Figure 2



The Property is split zoned, with the office building and ±4.9 acres zoned C-O, and ±5.1 acres, primarily portions of the parking areas, zoned R-90, with a special exception. The C-O Zone is a very limited office zone. Lee Development Group (itself and through brokers), has vigorously marketed the property for office use for the past four years with no success. In the current office market in the County, only those areas well served by public transportation, principally METRO, are securing tenants, both from the government and private sector. There is no office market in the current economic climate for sites like this one. On the other hand, the location has proven to be a successful community serving retail area.

The owner has received great interest in the Property from retail users, principally large scale, broad-based merchandise retailers. The presence of other retail uses in the immediate area is appealing to consumers, concentrating opportunities and convenience in a single trip to the area. The C-O Zone does not allow such uses.

The characteristics of office and retail uses have changed in the 18 years since the adoption of the 1994 Aspen Hill Plan. The Property is no longer suitable for office use in its current zoning configuration and has the potential to remain vacant for an extended period unless new uses can be considered. The area

has no proximity to the type of transit services desired by office users today, nor to other related office uses so as to create a critical mass as a viable office destination. Even during its period of office use, the area drew very little additional office use aside from Vitro (later BAE). When Vitro originally moved to what is now the Home Depot property, and then expanded to the LDG building, the company was seeking an area for itself alone; proximity to other office uses and the related service facilities was not important, and certainly not in the way it is today.

The Lee family has owned the property for over 50 years. The current building was built for Vitro's use in 1964. The building was to provide added space to support the main Vitro Headquarters that was located just to the north, on the current site of the Home Depot. The company sought to create a controlled campus environment for itself. Being away from traditional office markets was a benefit at that time, rather than a detriment. Attitudes of office users today are different. Most do not want isolated "campus" sites, but rather seek transit oriented, mixed-use environments.

The loss of the office use has hurt the neighborhood because the vacant, unused site does not contribute to the neighborhood in any positive way. The Northgate Plaza Shopping Center site across the street from the Property, owned by the Lee family, also suffered a loss with the closing of its grocery store anchor. Unlike the BAE/Vitro site, where the efforts of the Lee family to find a new user have been unsuccessful, a new user, Kohl's department store, was found for this Northgate Plaza building. The entire Northgate Plaza Shopping Center was renovated and is now 96% leased. Attached as Exhibit B are "before and after" photographs of the Center. The neighborhood has been significantly revitalized by this effort. This experience has further convinced the owners that the BAE/Vitro site should be retail. The revitalization efforts for Northgate Plaza, which are benefiting this area, will only be continued if the BAE/Vitro property is placed in a retail zone.

Attached to this application are letters from three groups that attest to this view. The first two letters are from the Aspen Hill Civic Association and the Montgomery County Hispanic Chamber of Commerce [MCHCC] (collectively, Exhibit C-1). The Aspen Hill Civic Association states in its letter:

"We, the Board of Directors and membership, express our support for your application for a Minor Master Plan Amendment, the only viable path to change this obsolete vacant building site into a vital and productive commercial property benefiting our surrounding communities." [Emphasis Added].

The MCHCC letters states:

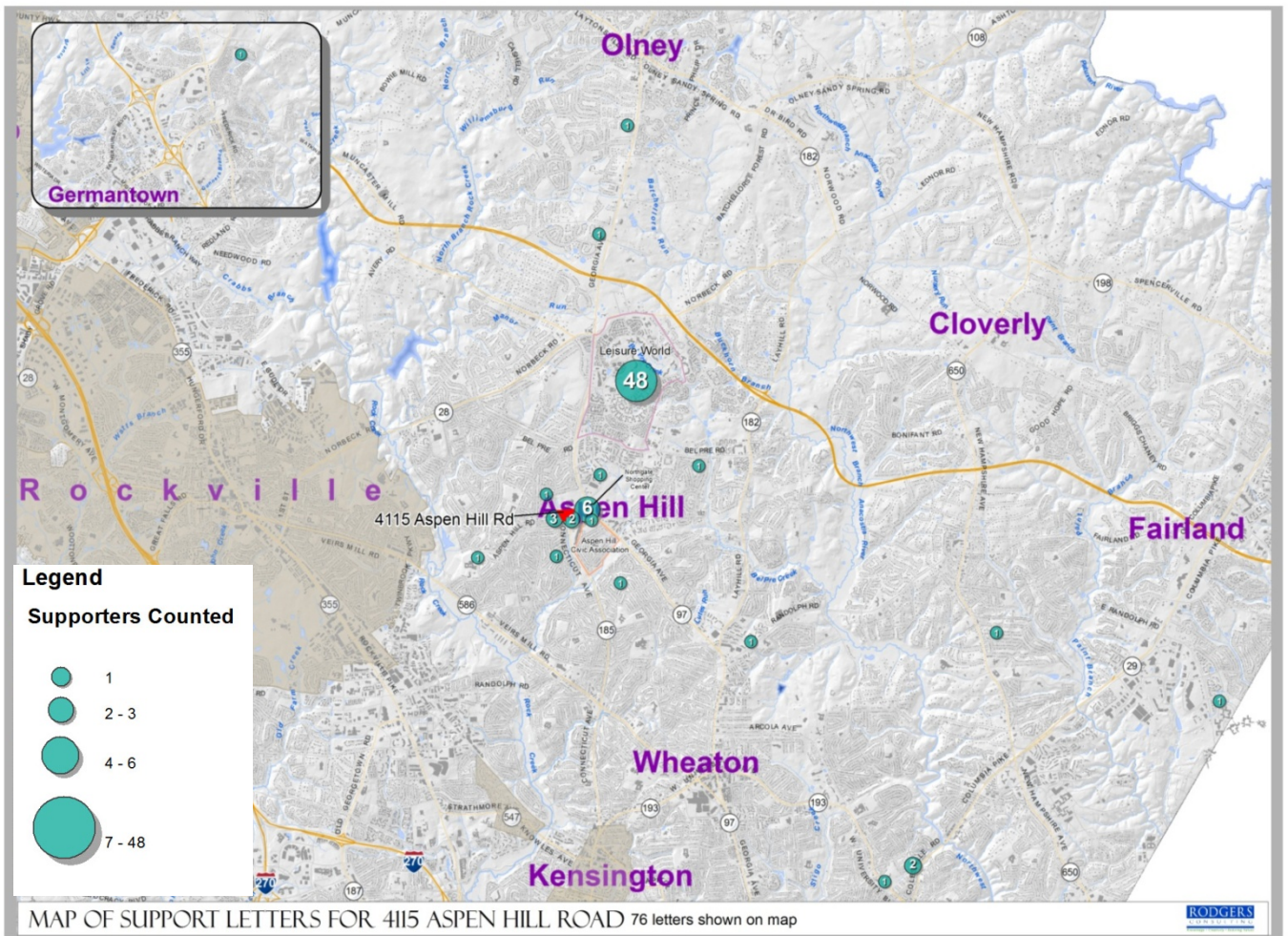
"We are a strong supporter for the rezoning of the BAE/Vitro Campus from zoning to retail. This area has very limited commerce and our community members need to travel a distance to have access to a broader selection of retail merchants. The change would provide new opportunities for entrepreneurship and employment, as well as the ability to construct meeting places as a part of a diverse retail center."

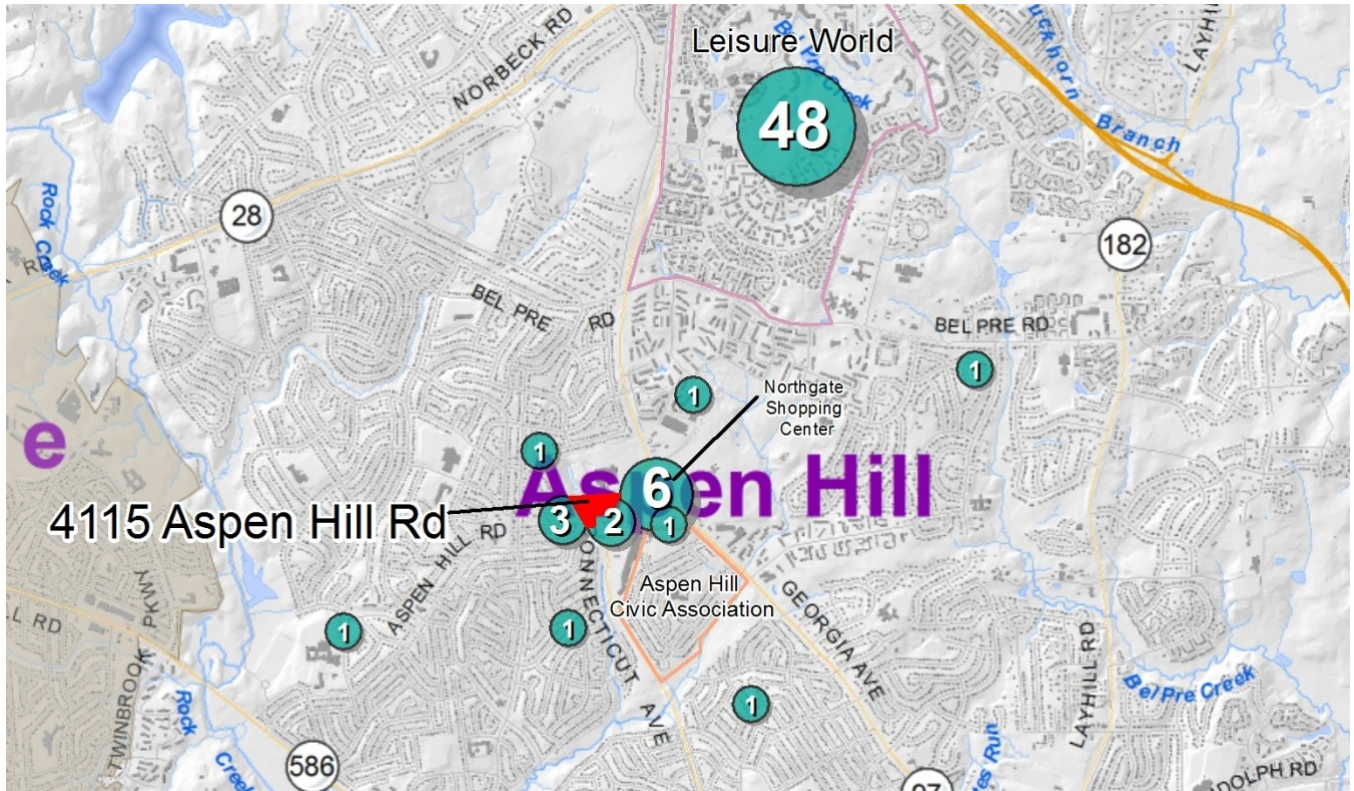
The second group of letters is from small businesses as in the area, such as Dunkin Donuts, Dollar Place, and Apache Appliance. In their letters, the retailers express their support for this Minor Master Plan Amendment for the Property. All these businesses agree that the addition of retail on the BAE/Vitro Property will further enhance retail opportunities in this area and thereby benefit many business owners. They agree that having additional retail opportunities and job opportunities for the area will benefit this neighborhood (collectively, Exhibit C-2).

The final group of letters is from area residents. These come from a variety of adjacent neighborhood which are indicated on **Figure 3**. They all support the addition of retail to the BAE/Vitro site. There are over 70 letters from residents of the area, including many from Leisure World which is located approximately 1.5 miles from the Property (collectively, Exhibit C-3).

Figure 3

(Note: exhibit zoomed in on the following page)





This area of Aspen Hill, functionally, has become principally retail in character. There is a market for significant retail revitalization. Therefore, it is appropriate for the County to look at a new, replacement zone for this Property, which would allow retail, consistent with the character of the Home Depot property just to the north, and compatible with the other commercial uses concentrated on both sides of Connecticut Avenue. Multi-tenant facilities are provided east of Connecticut Avenue, with single-user retail primarily west of Connecticut in the form of Home Depot. The Property is uniquely placed to support other, single-user retail, adding to the variety of choices that would then be available to the area.

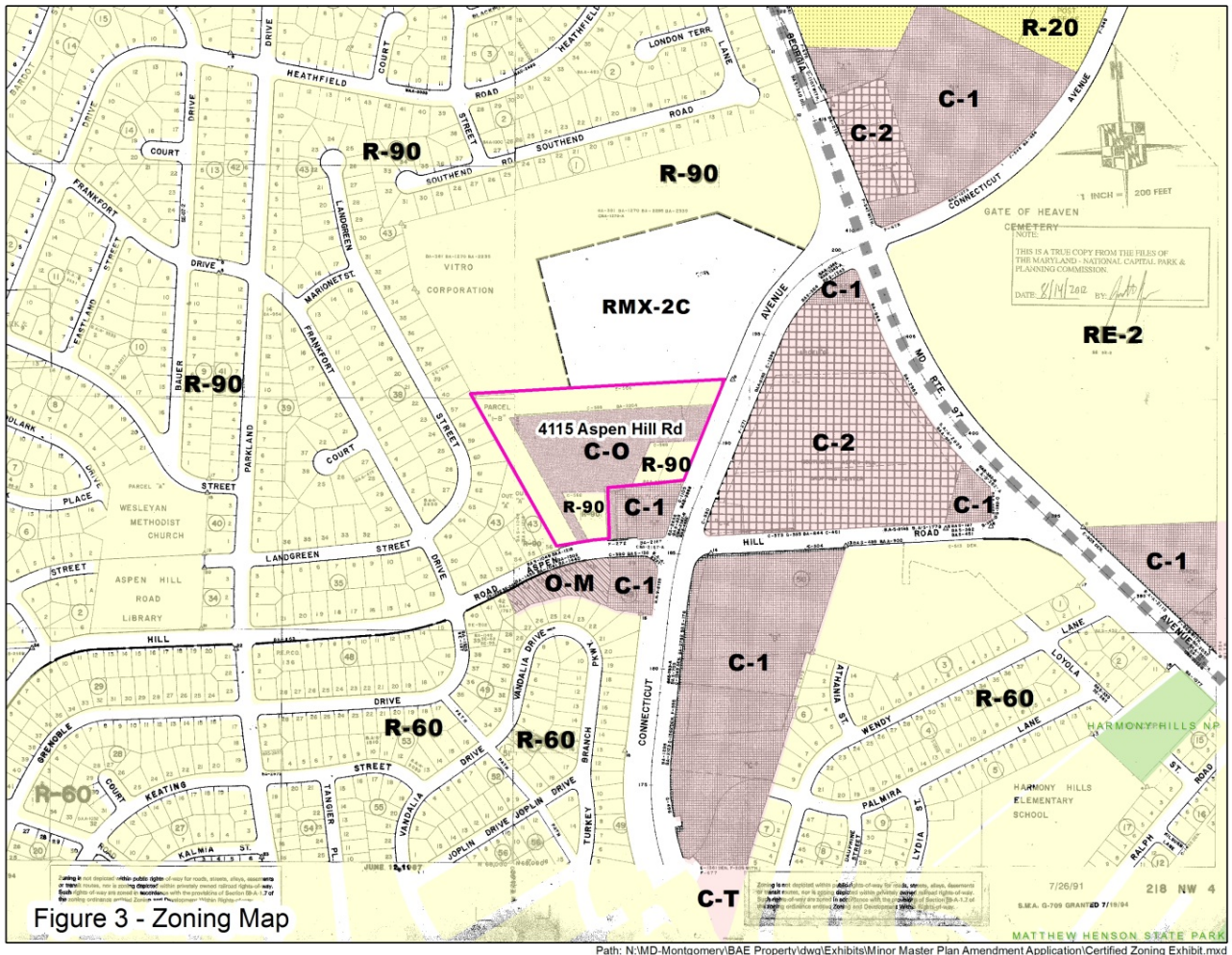
EVALUATION CRITERIA

The proposed Aspen Hill Minor Master Plan Amendment will achieve all of the goals intended for the planning process. The remainder of this application focuses on how the BAE/Vitro Property satisfies the evaluation criteria established for reviewing proposed Minor Master Plan Amendments.

1. **Identify the nature of the amendment being requested and why an amendment is considered necessary in the context of the current master plan and zoning.**

The Subject Property is split zoned, with the office building zoned C-O, and the parking areas zoned R-90, with a special exception. (See **Figure 4**). The applicable area master plan covering the property – the Aspen Hill Master Plan of April, 1994 – recommends the property for the C-O zone encompassing the footprint of the office building and the R-90 zone for the remainder of the site occupied by surface parking. (1994 Master Plan text, page 40.)

Figure 4



The current master plan text is too specific and inflexible. The current plan facilitated the transition of the Home Depot site, but thought of the Property only in terms of the then – status quo. The Plan provides:

Lee Development Group Office Building Site

“The 10.03-acre parcel, south of the former Vitro site, is owned by the Lee Development Group (LDG)... This site should be maintained as an office employment center for the Aspen Hill community.

“This Plan recommends continued office use for this site with a C-O (Commercial, Office building) zoning designation replacing the [then]-existing C-1 (Convenience Commercial) zones. The existing C-1 zoning permits additional retail activity which does not conform to this Plan’s vision. The C-O zone is recommended so the existing office uses more closely conform to the site’s zoning. In addition, the existing R-90 zoning is used for parking and should be reconfirmed. This zoning recommendation would preserve this

site as an employment center and preserve job opportunities for residents to work near their home.

“If in the future, there is a desire to redevelop this site in conjunction with the former Vitro site, a common development plan is desirable; however, this may be prevented by separate ownership.” (1994 Aspen Hill Master Plan, pp. 46-47.)

At the same time, the 1994 Plan's acknowledgment of retail use at the former Vitro headquarters site (now, Home Depot), resonates in 2012 for the LDG Property:

“This site has been an asset to the community as the single non-retail employment center in the planning area. Vitro was a good neighbor by buffering the surrounding residents from activity ... the existing surplus of office space in the County and the decision by Vitro to vacate the on-site offices, coupled with the proposal from Home Depot for a low density use of the property, leads to the recommendation to allow a limited amount of retail use on the site ...”

“The RMX-2C zone is recommended so that the retail use can proceed in a limited fashion with a site plan requirement for any significant changes. The zoning recommendation recognizes the commercial use of the proposed reconfiguration of the parking lot area. This Plan endorses the granting of a special exception for parking and providing screening, berms, open space and stormwater management in the R-90 portion of the site. The RMX-2C zone would accommodate the desired retail use for this site and have a lower permissible building density than the present C-2 zoning ...” (1994 Aspen Hill Master Plan, p. 45)

The 1994 Plan made the right recommendation for how to deal with the Vitro Headquarters, once it was abandoned as an office use. The same rationale applies to the BAE/Vitro Property that has now been similarly abandoned. The only difference is that the former occurred when the 1994 Plan was being developed and the latter did not occur until today. But, the same reasoning behind the Headquarters conversion in 1994 applies to the BAE/Vitro Property today. The reasoning was correct in 1994; it only took time for similar conditions of the BAE/Vitro Property to mature.

The facts that supported the Headquarters rezoning in 1994, similarly support rezoning to the BAE/Vitro Property today. Though a different property has been abandoned by its long-term office user, the conversion to retail use as the appropriate solution is as correct today as it was in 1994.

The proposed Minor Master Plan Amendment is therefore really seeking to make treatment of the BAE/Vitro Property consistent with the treatment of the Headquarters property under the 1994 Plan, now that similar factual circumstances apply. The theories supporting the conversion from obsolete office use to retail use in 1994 are equally applicable and appropriate today to the BAE/Vitro Property.

The C-O and R-90 zones do not permit retail use. The appropriate zone for retail development on the Property would be the RMX-2C zone, the same zone as the Home Depot site to the north. The RMX-2C

Zone can only be mapped on the Property through a sectional map amendment when recommended in an approved and adopted master plan. This Minor Master Plan Amendment is a necessary first step -- to modify the 1994 Plan by providing an alternative retail land use recommendation to the office land use recommendation that is no longer the appropriate zoning category for the Property. The purpose of the Council in creating the Minor Master Amendment process was to make the planning process more nimble, and to be able to move more quickly to take advantage of opportunities for businesses to consider locating in the County. This proposal is a natural step in the evolution of the Property and the evolution of retail in Aspen Hill that has already begun with the opening of Kohl's and the upgrading of Northgate Plaza. Retail on the BAE/Vitro site is the next logical step.

In simplistic terms, the zoning needs to change so that the retail use can go forward. Since the RMX-2C zone requires being recommended in a master plan, and the current master plan speaks only to office use, the master plan must be amended. The Minor Master Plan Amendment process is appropriate because it can address the zoning "quagmire" of this site more expediently and efficiently than a full Master Plan review. While the Aspen Hill Plan is scheduled to commence review in October of 2013, it will likely be at least four years before that process can be completed. The redevelopment of this site has already been in limbo for four years and should not have to wait four additional years to be mapped in an appropriate zone. Again, it is precisely to address situations such as this that the Minor Master Plan Amendment process was created.

2. Identify the area for which an amendment is being requested.

The address of the property to be the focus of the Minor Master Plan Amendment is 4115 Aspen Hill Road. The tax account for the Property is 13-00957051. The applicable area Master Plan for the Property is the April, 1994 Aspen Hill Master Plan. The Property is located in the northwest corner of the Connecticut Avenue and Aspen Hill Road intersection, and bordered on the north by the Home Depot property and on the west by a church (refer to **Figure 2**). The property is surrounded on three side with sites zoned for retail uses. The zoning of these surrounding properties is shown on **Figure 4**.

3. Describe how the requested amendment benefits the public and what impacts might be anticipated as a result of this application

The property owner is requesting that the Subject Property be recommended for retail use and subsequently rezoned to RMX—2C to allow the construction of one or more retail commercial buildings. Retail use of the Property would generate the following public benefits:

1. The land use pattern in the area is community serving retail along the arterial roadways surrounded by established residential neighborhoods. The Property is no longer an appropriate location for office uses as evidenced by the abandonment of the existing office building by the long-term office user in 2010, and the inability to procure a replacement office tenant for the past four years.
2. A major goal of the 1994 Master Plan is to "promote a healthy economy, including a broad range of business, service, and employment opportunities at appropriate locations" (page 16). Replacing the existing obsolete office building with a new retail use and structure will significantly improve the economic vitality of Aspen Hill.
3. The presence and continued deterioration of the existing vacant office building and unused parking lots is a threat to the stability of the surrounding neighborhoods, both residential and commercial. The negative impact that vacant commercial properties

have on nearby residential property values (the cracked windows effect) is well documented (see Exhibit D). Protection of existing residential communities is a main housing objective of the 1994 Master Plan (page 16).

4. One of the goals of the 1994 Master Plan is to “provide for attractive land uses that encourage opportunity for social interaction and promote community identity” (page 17). This is what happened in Downtown Silver Spring when the Whole Foods market opened as part of the first phase of redevelopment. Similarly, modern, well designed retail use on the Property will help to enhance the community identity of Aspen Hill. The retail use would not only be consistent with the existing mix of commercial uses, but could also improve the character of the primary retail area in Aspen Hill. A step toward this objective has begun with the opening with Kohl’s across the street from the Property.
 5. A Minor Master Plan Amendment and rezoning for retail use would allow the site to be redeveloped in accordance with modern environmental protections. While the Property is already well served by existing roads, utilities, and other infrastructure, it is an infill site occupied by an obsolete office building and a large impervious parking lot, a concept viewed as dated. The redevelopment of the site will require meeting all of the new stormwater management regulations, forest conservation requirements, and the developer will have to address other environmental policies.
 6. The County has identified sites like this as not just appropriate, but desirable locations for redevelopment to respond to changing economic and demographic trends. The site should be reevaluated for placement in a zone where it can be put into a productive use that is more compatible with the neighborhood than the current potential uses. This is in the interest of the surrounding community, as well as the owners.
 7. A new use would provide jobs (especially to residents of the Aspen Hill area) and other economic benefits for the County. The vacant site does none of this.
 8. Redevelopment and replacement of the existing building will enhance the vitality of the neighborhood and its visual environment.
 9. The County has an interest in maintaining the economic viability of its land resources. The consideration of this area to determine an appropriate zone for redevelopment of the BAE/Vitro site will result in increases in jobs, taxes and revenues for the County.
4. **Please identify the master or sector plan for which the amendment is requested and how the requested amendment advances current land use objectives.**

The applicable master plan covering the Property is the 1994 Aspen Hill Master Plan. The Plan therefore is 18 years old and has not been updated. The applicant’s proposal is consistent with the overarching vision stated in the Plan:

“The Plan proposes an evolutionary rather than a revolutionary vision for Aspen Hill. The Plan reinforces the primarily suburban and residential character of the Aspen Hill area by retaining its residential zoning with relatively few refinements. The Plan seeks to increase opportunities for community interaction. It looks to reduce the social and sometimes physical isolation of various neighbors through both public investment and physical designs of private activity.” (1994 Aspen Hill Master Plan, Page 1).

The applicant’s proposal advances several land use objectives including the Wedges and Corridors Concept contained in the General Plan for Montgomery County; the redevelopment of properties served

by existing transportation facilities, utilities, and other infrastructure; and the protection of environmentally sensitive resources. The BAE/Vitro site shares a property boundary with the Home Depot site and, since the development of the two properties is of a related type, they could be developed in a coordinated way. This Amendment will continue to revitalize this retail/service corridor by adding uses on the BAE/Vitro site that are compatible with and provide synergy with existing uses in the area as one of the goals of the 1994 Master Plan is to “provide for attractive land uses that encourage opportunity for social interaction and promote community identity” (1994 Aspen Hill Master Plan, Page 17).

The location of appropriate retail uses together often inures to the benefit of all, whereas the presence and continued deterioration of the existing vacant office building and unused parking lots is a threat to the stability of the surrounding neighborhoods, both residential and commercial. The negative impact that vacant commercial properties have on nearby residential property values (the cracked windows effect) is well documented (see Exhibit D).

The desire to consider this site for a Minor Master Plan Amendment is largely borne out of the need to “meet changing economic and demographic trends,” one of the goals of the Minor Master Plan process. As noted previously, the current zoning and master plan effectively limit the Property to office uses and have thereby rendered reuse of the site economically impossible. BAE/Vitro vacated the site in 2010, and despite concerted efforts, the owners have been unable to find any office tenants. The “market” speaks for itself, and has resoundingly rejected this site for office use. The existing office space is now abandoned and completely unproductive, yet the site is located at the intersection of major transportation corridors and serviced by existing roadway infrastructure. But the area is not the transit-oriented locale that office uses and users now demand, so it is not marketable to them. The site is surrounded by retail/service uses that serve the nearby and broader community, yet the site now does not contribute in any way. It is appropriate to evaluate this site through the Minor Master Plan process to once again make it a productive resource for the owner, community and County.

When redeveloped, the Property will provide jobs for local residents and other County workers. Adding employment opportunities of all types and skill levels for County residents is vitally important for the sustainability of the County, its workforce and its economy.

In addition to replacing the current unproductive use with a productive one, the redevelopment of the site will require meeting all of the current stormwater management regulations, forest conservation requirements and address other environmental policies. The site was developed in an era where these requirements/policies did not exist, and redevelopment will confer a significant public benefit by utilizing these practices.

The proposed improvements on the site will have to meet the County Green Building Law, including meeting LEED standards.

The Minor Master Plan process is the appropriate, and is perhaps the only viable method of considering the appropriate land use for the BAE/Vitro site. There is no appropriate zone available to facilitate the redevelopment of the site without either a master plan amendment or a text amendment. One of the reasons the Council adopted the Minor Master Plan Amendment process was to avoid the use of text amendments to address planning issues.

The redevelopment of the Property with retail and potentially other complementary uses, will enhance the existing commercial businesses in the area. This advances a major goal of the 1994 Master Plan, to “promote a healthy economy, including a broad range of business, service, and employment opportunities at appropriate locations” (page 16). Introduction of new, desirable, retail uses will create a synergy with existing businesses to draw in new patrons for both existing and new businesses. This will contribute to the overall vitality of the local area economy.

One of the articulated goals of the Minor Master Plan Amendment process is to “overcome circumstances where a regulatory environment precludes advancing public objectives and benefits by allowing a proposal that is consistent with evolving planning goals to proceed.” Consideration of the redevelopment of the Property through a Minor Master Plan Amendment is completely consistent with this goal. The current zoning for the Property precludes its redevelopment with anything other than the current use type. Instead, County planning goals should accommodate its redevelopment in a way that responds to evolution in the marketplace and in community needs. The site currently does not contribute any public benefits or advance public objectives. The interests of the owner, the community, and the County are best served by evaluating and determining a more appropriate zone.

As noted in Paragraph 1 above, retail use for the Property is really consistent with the reasoning of the 1994 Plan. Where the office use was disappearing, retail was the appropriate replacement. Only because the office use on the BAE/Vitro Property had not yet demonstrated itself to be obsolete, was there no corresponding recommendation for retail use at the time.

The facts have now changed, so that redevelopment is appropriate and retail use under the same RMX-2C Zone is the proper method.

5. What zoning changes are necessary to implement the amendment being requested?

The applicant requests that the Property be recommended for reclassification to RMX—2C that will allow appropriate retail uses to be developed on the site, but with the protections afforded by site plan review. The RMX-2C needs to be mapped through the sectional map amendment process, thus the need for a new zone recommendation through a Minor Master Plan Amendment process.

6. Identify interested parties relevant to your application?

The applicant has had ongoing conversations with adjacent and nearby commercial and residential property owners. (See chronology of meetings attached as Exhibit E.) Many people in the community have expressed concerns about the vacant office building and unused parking lots and support the potential redevelopment of the site.

The applicant’s outreach has included residents and businesses in the area of the Property, as well as other important groups (Aspen Hill Civic Association and Montgomery County Hispanic Chamber of Commerce). The response from these disparate groups has been generally consistent and positive (attached as Exhibits C-1 through C-3 are a sampling of the many letters of support from the community and Figure 3, is a location map for letters of support). There is a strong desire to not have a vacant building languish over the long term; prompt reuse is preferable. Large-scale retail use is attractive, providing residents with opportunities for both employment and comparison-shopping. Many responding would like to see a grocery component in a future retail use, since the area has traditionally had two grocery stores. Businesses see the expansion of the retail uses as a positive for attracting more

customers generally. They see the expansion as raising all retailer boats, rather than detracting by pulling customers only to a new use.

The applicant also owns the Northgate Plaza Shopping Center, just east of the Property across Connecticut Avenue. The applicant has recently retenanted the former grocery store space there with a new Kohl's store and is also completing a comprehensive upgrade to the façade on the entire Center. Therefore, the applicant has every reason to be sure that new retail use on the Property will not just "not impair" existing retail in the area, but will, in fact, enhance that existing retail. As can be seen by the letters of support from businesses and the Hispanic Chamber of Commerce, there is strong support from businesses very proximate to the Property (including those in the Northgate Plaza). They have already experienced the negative effects from the BAE/Vitro departure and resulting customer loss. These businesses recognize the benefits of a greater amount of retail uses and the expected customer increase. Tenants at Northgate Plaza have already seen an increase in sales just due to the opening of Kohl's.

During the Minor Master Plan Amendment process, the applicant expects to be an active participant in working with the Aspen Hill community about the multiple benefits of this proposal.

7. Do you consider traffic volumes or transit patterns to be a major consideration in your application and if so, how do you propose to address those concerns?

The Minor Master Plan Amendment for Aspen Hill contemplates replacing 265,000 square feet of office use with approximately 118,000 square feet of retail use on the Property. The applicant retained a transportation consultant, Kimley-Horn Associates, to preliminarily evaluate the traffic impact of this change in land use. The Kimley-Horn Report, attached as Exhibit F, concludes that the retail use will generate fewer net trips in both the AM and PM peak hours compared to office use on the Property. In addition, the nearby major intersections of Georgia Avenue with Connecticut Avenue, and Aspen Hill Road with Connecticut Avenue, will operate with lower critical lane volumes, and therefore less congestion, during both the AM and PM peak hours with development of retail in place of office use. The Kimley-Horn Report is not a full-scale adequate public facilities analysis; such a broader report can be completed during the processing of the Amendment or at the time of subdivision. However, the attached Report clearly documents that the traffic impact that needs evaluation is minimal or nonexistent, since the trips to be generated will be less than those from the office use. While additional intersections might be analyzed, one could certainly expect a similar beneficial reduction in impact. For these reasons, the traffic volumes and related traffic analysis should not be a major concern with this application and should thereby require a fairly limited portion of the analysis effort.

8. Has your request been the subject of a previous master plan amendment, rezoning, zoning text amendment, of similar application?

No.

CONCLUSION

The desire to consider the Subject Property for a Minor Master Plan Amendment is largely borne out of a pressing need to “meet changing economic and demographic trends,” which is one of the goals of the Minor Master Plan Amendment process. As noted previously, the current zoning and master plan effectively limit the site to office uses and thereby render reuse of the property economically unviable. The market speaks for itself, and has resoundingly rejected this site for office use. The result is that the building will remain a vacant drain on the community and the County, visually and economically. The existing office building is now abandoned and completely unproductive, yet the site is located at the intersection of major transportation corridors and serviced by existing infrastructure. The site is surrounded by commercial uses that serve the Aspen Hill community, but it does not contribute to the vitality of the area. The Minor Master Plan Amendment process is the appropriate method to evaluate this site -- to once again make it a productive resource for the owner, community, and County.

Exhibit A



Exhibit B

