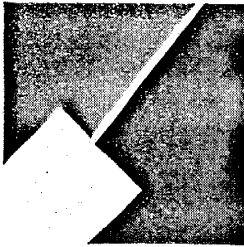


M-NCPPC




THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION


8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MEMORANDUM

DATE: October 12, 2005

TO: Dan Janousek, Development Review Division

VIA: Mary Dolan, Countywide Planning Division, Environmental 

FROM: Marion Clark, Countywide Planning Division, Environmental 

SUBJECT: Special Exception request No. S-2651
Sycamore Store

Recommendation: Approval

Environmental Planning staff recommends approval of Special Exception request No. S-2638 with the following conditions:

- Prepare a Tree Save Plan and submit to M-NCPPC Environmental Planning staff prior to issuance of sediment and erosion control permits. This plan must be prepared by an ISA certified arborist and demonstrate full compliance with the requirements of Forest Conservation Law Section 22A-12.
- The Plan shall make every effort to preserve two-thirds of the critical root zone of the 36" caliper Sycamore tree.

Forest Conservation

This application has an approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD). An exemption from Forest Conservation was granted because this special exception request applies to an existing structure and will not result in the clearing of existing forest or trees. A Tree Save Plan is required. Development of the required parking encroaches into the critical root zone of a 36" Sycamore tree. Although a retaining wall is proposed to reduce the amount of encroachment, the layout of the wall and other features within the critical root zone can be revised to preserve 30% of the critical root zone. Furthermore, using other tree preservation methods will increase the likelihood of survival. The Tree Save Plan shall fully describe such methods as root pruning and pre and post construction watering / fertilization schedules.

Environmental Guidelines

This property is not located within a Special Protection Area or Primary Management Area. There are no steep slopes, no erodible soils, no wetlands, and no streams or associated environmental buffers.

Stormwater Management

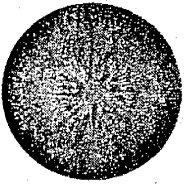
Department of Permitting Services requirements for stormwater quality and quantity control must be fulfilled prior to issuance of sediment and erosion control permits.

Noise

This use is not expected to generate a noise disturbance to surrounding uses.

Dust

There should be no objectionable fumes, noise or odors resulting from the proposed use.
Dust is not expected to be problematic.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Montgomery County Department of Park and Planning

October 6, 2005

MEMORANDUM

TO: Dan Janousek, Coordinator
Development Review

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning

FROM: Scott James, Planner/Coordinator *SJ*
Transportation Planning

SUBJECT: Special Exception Petitions S-2651
Conversion of a non-residential office
7025 Macarthur Boulevard, Bethesda
Zone R-90
Bethesda Policy Area

This memorandum is Transportation Planning staff's adequate public facilities review of the subject special exception case to permit the reuse of a commercial retail store as a non-residential office space.

RECOMMENDATION

Transportation staff supports approval of this petition as it meets the adequate public facilities test for transportation requirements with the following conditions:

1. Limit the facility to 2,802 square feet of non-residential office space use.
2. Provide one designated Americans for Disabilities Act (ADA) accessible parking space with appropriate signage.

The Transportation Planning staff finds that the proposed special exception use satisfies the Local Area Transportation Review test and will have no adverse effect on nearby roadway conditions or pedestrian facilities.

DISCUSSION

Site Location and Access

The site is located at 7025 Macarthur Boulevard at the corner of Macarthur Boulevard and Walhonding Drive. The property was previously used as a corner grocery and general store prior to its current proposed use as professional office space. Access to the store is from Walhonding Road immediately north of its intersection with Macarthur Boulevard.

The applicant has worked with staff from Historic Preservation, Development Review and concerned citizens to minimize the anticipated impact to adjacent properties. The historic designation of the property has resulted in a constrained site plan.

Vehicular Access, Circulation, and Parking

The applicant proposes to meet all parking needs on site. The proposal includes provision of a gravel surface parking lot with capacity for six vehicles, and one asphalt surface parking space that is ADA compliant. A front entrance and a side/rear entrance provide access to the building. The applicant proposes to schedule staff work hours in such a manner as to minimize the number of vehicles in the parking lot. Delivery and client vehicles will park on-site, but are not expected to occupy on-street parking spaces. The proposal will not change or adversely impact existing pedestrian facilities.

Master Plan Roadways and Bikeways

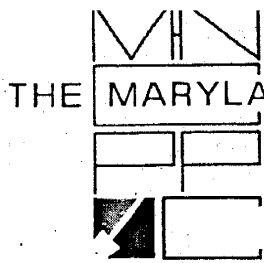
Macarthur Boulevard is an arterial roadway with a minimum recommended right-of-way width of 120 feet. At its intersection with Walhonding Road, Macarthur Boulevard has two lanes, serving primarily commuter traffic into and out of the District of Columbia. Some recreational use of the roadway occurs during off-peak time periods as it provides access to nearby regional trails. The shared-use path/off road trail DB-1 runs alongside Macarthur Boulevard from Interstate 495 to the District of Columbia line.

Local Area Transportation Review

A traffic study is not required to satisfy Local Area Transportation Review, because the site would generate fewer than 30 total peak-hour trips during the morning and evening peak periods. Therefore, the applicant is not required to analyze the impact of site-generated traffic on adjacent intersections. The additional vehicle trips resulting from delivery services, client and staff meetings are not anticipated to generate sufficient peak hour trips so as to affect local roadway traffic patterns.

SJ:gw

mno to Janousek re S2651 Sycamore Store



MEMORANDUM

Date: October 7, 2005
To: Daniel Janousek
Community Based Planning Division
From: Taslima Alam *TBA*
Subject: Board of Appeals Petition No. S-2651

The current structure is sitting on a part of a lot. In the event of any new buildings or an increase in building square footage, conformance under chapter 50 will be required prior to the issuance of any building permit.

LAW OFFICES

MILLER, MILLER & CANBY DEVELOPMENT REVIEW DIVISION

OCT 07 2005

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MICHAEL G. CAMPBELL
SOO LEE-CHO

October 3, 2005

Francoise Carrier, Esquire
Hearing Examiner's Office
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 217
Rockville, MD 20850

RE: Board of Appeals Special Exception No. S-2651
Brenneman & Pagenstecher, Inc.
Non-Residential Professional Office

Dear Ms. Carrier:

As a result of continuing discussions between the Petitioner and Staff of Maryland-National Capital Park & Planning Commission, it is necessary to amend the Petitioner's application a second time. Accordingly, included with this cover letter are the following:

1. Second Amended Petitioner's Statement of Operations.
2. Revised Special Exception Site Plan.
3. Revised Special Exception Landscape Plan and Landscape Details.

As your office may know, there is now a process in place by which a "lock" is placed on a petitioner's application fourteen days in advance of the Planning Board hearing. Accordingly, there should be no further changes in the Petitioner's application, unless they arise at the Planning Board public meeting.

In accordance with the provisions of Section 59-A-4.24, the Petitioner seeks the permission of the Board to amend its special exception application after ten days' notice to all parties entitled to the original notice.

Thank you for your attention to this request.

Sincerely yours,

MILLER, MILLER & CANBY

JODY KLINE

Jody S. Kline

JSK/dlt

Enclosures

cc: Dan Janousek
Martin Klauber, Esquire
Dean Brenneman
Bill Landfair

BEFORE THE BOARD OF APPEALS
FOR MONTGOMERY COUNTY, MARYLAND

In the matter of the petition of :
BRENNEMAN & PAGENSTECHER, INC. : Case No. S-2651
For a Special Exception for a :
Non-Residential Professional Office :

SECOND AMENDED PETITIONERS' STATEMENT OF OPERATIONS

Summary of Petition:

Petitioner, Brenneman & Pagenstecher, Inc., seeks a special exception to operate a professional office for architects at 7025 MacArthur Boulevard in Bethesda, Maryland. The subject property is described as part of Lot 32, Block B-2, "GLEN ECHO HEIGHTS" subdivision, located in the R-90 zone, consisting of approximately 6,873 square feet. The subject property, which is owned by the Dean K. Brenneman, Peter W. Pagenstecher, and Mark A. Anderson, is currently improved with an historic structure, built circa 1919 and used continuously until 1995 solely for the operation of the SYCAMORE STORE – a neighborhood grocery – and adjoining storekeeper's living quarters. Petitioners propose to restore and rehabilitate the historic structure for use as professional offices for the firm of Brenneman & Pagenstecher, Inc., with space for both professional staff and associated administrative staff. Petitioners do not intend to reside on the premises – the historic structure will be used exclusively for professional office.

Petitioners' Background:

The Petitioner, Brenneman & Pagenstecher, Inc., is a professional architectural firm engaged in residential remodeling. Dean K. Brenneman, A.I.A. is the principal architect, with 20 years experience serving the residents of Montgomery County. Mr. Brenneman has served as a

commissioner and chairman of the City of Rockville Historic District Commission and served on the board of local historic preservation groups. He is a member of the American Institute of Architects and speaks nationally on architectural issues related to residential remodeling. The firm's designs have been published broadly and have received numerous architectural and historic preservation awards.

Legislative Background:

On April 12, 2005 the Montgomery County Council unanimously approved Zoning Text Amendment 05-01 for the purpose of allowing a nonresidential professional office by special exception in the R-90 zone if the property is:

1. Designated as historic in the County's Master Plan for Historic Preservation; and
2. Located along a highway with an existing right-of-way of at least 120 feet; and
3. Contains a structure formerly used for nonresidential purposes.

Historic Designation:

The Petitioner has initiated action to protect the historic Sycamore Store via inclusion in the "Locational Atlas and Index of Historic Sites in Montgomery County". The Petitioner has thoroughly researched and documented the history of this Bethesda landmark and has received unanimous recommendations for designation by the Montgomery County Historic Preservation Commission and the Montgomery County Planning Board. Local citizens' associations and historic preservation organizations have also expressed full support for Historic Designation. No opposition of any kind has been expressed. Authorizing legislation is currently pending review and action by the Montgomery County Council.

Property Characteristics:

The Sycamore Store fronts upon a 120' right-of-way – MacArthur Boulevard – at the busy intersection with Walthonding Road. The historic structure has no front yard setbacks to speak of, as it immediately abuts the property lines on both street frontages. The MacArthur Boulevard right-of-way runs atop the Washington Aqueduct; a massive buried conduit supplying 300 million gallons/day of drinking water to the District of Columbia and parts of Northern Virginia. The building sits at grade with MacArthur Boulevard while the rear-yard of the property is rendered unusable by a steep slope. The combination of these factors renders the Sycamore Store undesirable as a residence, as evidenced by its failure to attract a single bid for that purpose, at any price, in over 6 months on the market in 2003/2004.

The Sycamore Store is isolated by over 30' of grade change from the adjacent homes in Glen Echo Heights. This isolation further contributes to the undesirability of the property for residential purposes, and reinforces a non-residential use. But this isolation also serves as a natural buffer – activities of the Petitioner will have little direct impact on immediate neighbors.

Improvements and Landscaping:

The historic Sycamore Store is a 1-1/2 story frame structure on a brick foundation and dirt cellar. It was built circa 1919 for the express purpose of establishing a neighborhood grocery store and providing living space for the storekeeper and family. The building was enlarged in 1925 and again in the late 1930's. No significant improvements have been made since. The Sycamore Store ceased operations in 1995 and the storekeeper and his wife moved away in January 2004.

In appearance, the exterior of the building is a hybrid; with portions abutting the intersection having a distinct "country store" appearance while the remaining portions have a