



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**JAN 21 2021**

MCPB No. 20-135  
Preliminary Plan No. 12017017A  
**Westwood Shopping Center**  
Date of Hearing: December 17, 2020

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on May 6, 2019, the Planning Board, by Resolution MCPB No. 19-032, approved Preliminary Plan No. 120170170, creating 111 lots on 23 acres of land in the CRT 2.0, C 0.75, R 1.25, H 60; CRT 1.0, C 0.25, R 1.0, H 45; CRT 1.5, C 0.5, R 1.5, H 75; CRT 2.5, C 0.5, R 2.0, H 75; and CRT 2.5, C 0.5, R 2.0, H 110 zones, located along Westbard Avenue and Ridgefield Road, between River Road and Massachusetts Avenue ("Subject Property"), in the Bethesda/ Chevy Chase Policy Area and *Westbard Sector Plan* ("Sector Plan") area; and

WHEREAS, on June 17, 2020, Regency Kensington Bethesda Owner, LLC ("Applicant") filed an application for approval of an amendment to the previously approved Preliminary Plan to modify the previously approved site access concept, by adding a new access point on the future Westbard Avenue Realignment for loading and service vehicles, and modify the density to permit a residential care facility on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12017017A, Westwood Shopping Center ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 4, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 17, 2020, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on December 17, 2020, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Cichy, seconded by Commissioner Verma, with a vote of 4-1; Commissioners Anderson, Cichy, Patterson, and Verma voting in favor and Commissioner Fani-Gonzalez opposed.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12017017A to modify the previously approved site access concept, by adding a new access point on the future Westbard Avenue Realignment for loading and service vehicles, and modify the density to permit a residential care facility on the Subject Property by modifying the following conditions:<sup>1</sup>

1. This Preliminary Plan is limited to 111 lots for a total development of up to 852,915 square feet, including up to 647,378 square feet of residential uses (up to 104 townhomes, up to 266 multifamily dwelling units, and a residential care facility of up to 106,000 square feet with up to 155 beds) and up to 205,537 square feet of commercial uses (including the 29,305 square feet of commercial uses to remain on Lot 3 Block B/Bowlmor).
4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letters dated March 4, 2019 and October 26, 2020, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
33. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
  - a. Revise the Westwood Shopping Center townhouse layout to remove the double 90-degree turn in the proposed alley adjacent to townhouse lots 50-56.
  - b. Create a new common ownership parcel behind townhouse lots 62-70 for stormwater management conveyance in accordance with MCDPS approved Stormwater Management Concept Plan.
  - c. Revise drawings to show a common ownership parcel for stormwater management behind townhouse lots 57-61.

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<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- d. Revise the Manor Care Category I Easement boundary on all appropriate sheets consistent with the Category I Easement shown on Sheet PP-5.
- e. Rectify inconsistencies between plan graphics/notes/ figures/tables.
- f. Modify data table to reflect development standards, as amended, approved by the Planning Board.
- g. Include the Preliminary Plan resolution on the cover sheet(s).

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

*Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.*

1. The Preliminary Plan substantially confirms to the Master Plan

The Approved and Adopted 2016 *Westbard Sector Plan* envisions Westbard as a vibrant walkable village center adjacent to an enhanced Willett Branch Greenway (Sector Plan, p. 6). Toward that vision, the Sector Plan provided specific recommendations for development of the Subject Property and amenities for the entire Sector Plan area (e.g. the realignment of Westbard Avenue and establishment of the Willett Branch Greenway). Both the site-specific and Sector Plan area recommendations are incorporated in the Subject Application and discussed in more detail below.

The Site is located within the area designated by the Sector Plan as “the Westbard Avenue District.” Specific Sector Plan recommendations include transforming the existing surface parking lots into an inviting, livable, walkable village with stores and apartments and providing new open spaces. Site-specific recommendations are summarized below.

Westwood II Shopping Center is identified as Site 3 in the Sector Plan and recommended for redevelopment in accordance with the CRT zone with a maximum building height of up to 75 feet. The Sector Plan envisioned that this Site would contribute to both the naturalization of the Willett Branch, which runs through the northern portion of the Subject Property, as well as the realignment of Westbard Avenue. As a result of the Site’s contributions, in the

form of right-of-way dedication and parkland conveyance, the Project conforms to the recommendations of the Sector Plan.

2. Public facilities will be adequate to support and service the area of the approved subdivision.

#### School Adequacy Analysis

The development will be served by adequate public facilities, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. The Property is situated in the Walt Whitman School Cluster. Pursuant to both the FY18 and FY19 Annual School Test (which were in place at the time of the original Preliminary Plan Approval), the Walt Whitman School Cluster, as well as the individual school test for Wood Acres Elementary School and Thomas W. Pyle Middle School, are adequate under applicable capacity criterion. Additionally, the residential care facility use has less of an impact on the transportation network and school system when compared to the originally approved multifamily residential use. Water and sewer and other utilities are available to and currently serve the Property. The Property is adequately served by public water and sewer as well as police and fire protection.

#### Transportation

A 155-bed residential care facility is approved in place of the previously approved 144-unit multifamily residential building. Based on trip generation guidance included in the 2017 Local Area Transportation Review Guidelines (LATR), the Project is estimated to generate fewer trips than the previously approved multifamily residential use; 32 fewer person trips in the morning peak hour and 36 fewer person trips in the evening peak hour. Since the Subject Application results in an overall decrease from what was previously evaluated and approved, the LATR was satisfied with a transportation exemption statement, dated July 27, 2020<sup>2</sup>.

Table 1: Project Peak Hour Person Trip Generation Estimate						
	ITE Vehicle Trips		Adjusted Vehicle Trips		Peak Hour Person Trips	
	AM	PM	AM	PM	AM	PM
<b>Previously Approved</b>						
Multifamily Units (mid-rise) 144 units	49	63	43	55	77	98
<b>Approved</b>						

<sup>2</sup> Unused peak hour trips evaluated in the Transportation Impact Study associated with Preliminary Plan 120170170 are reserved and may be applied to future development phases.

Assisted Living 155 beds	29	40	25	35	45	62
Net New	-20	-23	-18	-20	-32	-36

Source: Wells & Associates, LLC Traffic Exemption Statement, dated July 27, 2020.

As stated previously, the only change to the previously approved Preliminary Plan, aside from the conversion of 144 multifamily residential dwelling units to a residential care facility use of up to 155 beds, is the addition of a new access point on Westbard Avenue for loading activities only. The design of the loading access point emphasizes safety for all users along Westbard Avenue and within the Site garage. The driveway will be 28 feet in width, which is the minimum width that will accommodate the truck-turning radii of an SU-30 vehicle. All ingress and egress maneuvers will occur within the site loading area (head-in, head-out), so as not to adversely impact the Westbard Avenue right-of-way. The loading area is completely separated from the parking garage and therefore eliminates any potential conflicts with users of the garage. As conditioned, a Loading Management Plan is required to address the frequency and timing of deliveries, as well as the travel routes delivery vehicles must use to access the Site safely.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 21 2021 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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#### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Fani-González, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor, at its regular meeting held on Thursday, January 14, 2021, in Wheaton, Maryland.



Casey Anderson, Chair  
Montgomery County Planning Board