



**Aspen Hill Minor Master Plan Amendment – Worksession No. 2**

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**Completed: 10/23/14**

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**Staff Recommendation:**

Discuss and provide guidance to staff.

Planning Board members should bring their copies of the Public Hearing Draft.

**Summary**

This memo, attached issues worksheet (Attachment 1), and supporting tables (Attachments 2 and 3) comprise the staff report for the worksessions listed below. The worksheet summarizes public testimony and provides staff responses to the issues raised regarding the Public Hearing Draft Aspen Hill Minor Master Plan Amendment. The Planning Board held a public hearing on September 11, 2014 and held the record open until September 19, 2014. The Board has received correspondence from County agencies, local homeowners and civic organizations, property owners, and other interested community members.

The issues worksheet is designed to get the Board's input and recommendations on issues raised at the public hearing and other testimony received during the open comment period. In addition to issues included in the worksheet, staff received a variety of editorial comments submitted by County agencies and citizens which, given their non-substantive nature, are not discussed in this staff report but will be addressed in the Planning Board Draft.

Each worksession is scheduled for two hours. At the first worksession on October 9, the Planning Board reviewed the following worksheet topics: Process (Issues 1 and 2); Mobility (Issues 3-11); General Land Use (Issues 12-15); and Market Analysis (Issues 22-25). The worksheet has been updated to reflect the applicable Board decisions. At the end of the first worksession, staff began a presentation on Property Specific topics (Issues 16-17). Further presentation and discussion will continue at the second worksession. In addition, representatives for the Vitro/BAE property owner submitted an amended zoning request (Attachment 4) for the Board's consideration prior to the meeting and presented the request to the Board. The amended zoning request for the Vitro/BAE properties and the remaining issues in the worksheet will be addressed at the second worksession on October 30. A third worksession will be held on November 20 for the Board to review and approve the Planning Board Draft Plan for transmittal to the County Executive and County Council.

The current approved schedule for the Minor Master Plan Amendment calls for the Planning Board Draft to be delivered to the County Council by November 2014, requiring Planning Board approval of the Draft Plan by November 20, 2014, the last Board meeting of the month. This will allow staff enough time to prepare the Planning Board Draft Plan for publication and distribution.

A total of three Planning Board worksessions are scheduled as follows:

October 9, 2014	Worksession 1
October 30, 2014	Worksession 2
November 20, 2014	Worksession 3

#### Attachments

1. Public Hearing Issues Worksheet
2. Table 1: Comparison of Uses by Zone
3. Table 2: Comparison of Development Standards by Zone
4. Updated Zoning Request for the Vitro/BAE properties, submitted by Lerch, Early & Brewer

# ATTACHMENT 1

Issue to Be Resolved	Draft Plan (page)	Testimony (Commenter)	Staff Response	Board Decision
<b>Process</b>				
1. Minor Amendment Process	n/a	<p>1. The minor amendment should be paused and wrapped into the larger Master Plan update to address the subject properties. (J&amp;S Cohen; M. Salay; M. Blaeuer; J. Libertelli; S. Robinson; L. Necastro-Pastel; J. Beerweiler; B. Cullison; J. Warman; S. Nasios)</p> <p>2. The Minor Amendment process was not addressed comprehensively. (J. Beerweiler)</p> <p>3. The minor master plan undermines the General Plan and the 1994 Aspen Hill Master Plan. (C. Lamari; J. Beerweiler; M. Bell)</p> <p>4. No rezoning / keep the Vitro /BAE property zoned as is for office or business park use. (C. Lamari; J.A. Sommer; E. Siegel; R. Menendez)</p> <p>5. The MMPA should move forward; the vacant property needs to be addressed so it can be a benefit to the community<sup>i</sup>. (see endnotes on page 13 for a list of commenters)</p>	<p>1. Changes to the Department’s work program are made by the County Council.</p> <p>2. The Minor Master Plan Amendment (MMPA) addressed the area within its boundary comprehensively and extensively, including a review of land uses and zoning; mobility issues; park and school needs; design criteria; and the environment. Based on its consideration of the common needs of the area, Staff has made recommendations for the zoning and use of all land subject to the MMPA.</p> <p>3. The Minor Amendment is an established process to address pressing changes that have occurred within a larger master plan area. The MMPA process allows the Department to respond to a narrower scope of issues within a shorter timeframe than what is required for a large area master plan update. The County Council added the Aspen Hill MMPA to the Department’s work program in spring 2013. The MMPA will amend both the 1994 Aspen Hill Master Plan and the General Plan.</p> <p>4. The Vitro/BAE property has been vacant since 2010, without a viable office tenant. Staff’s market analysis outlined the challenges to finding a tenant(s) for an office building of that size and scale, in a location without Metro access and a cluster of compatible uses. The deterioration of a vacant property is not beneficial to the community, and Staff believes that its recommended zoning will permit the most appropriate and widest range of uses within the MMPA area to serve the community.</p> <p>5. Staff assumes the MMPA is moving forward.</p>	Issues 1-5: No recommended edits or additions. (10/9/2014)
2. Maintenance/ development agreement between property owners and civic association	n/a	A similar agreement to the one between the AH Civic Assoc. and Home Depot should be established for the Vitro/BAE property, that addresses, for example, maintaining landscaping, fencing, controlled lighting between the residential backyards and the commercial property. (C. Petzold; M. Bell)	Such an agreement could be discussed between the property owner and the civic association when a development application is submitted to the Planning Department for review.	No recommended edits or additions. (10/9/2014)

MMPA = Minor Master Plan Amendment

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<b>Mobility Issues (Transit, Street Network, Pedestrians and Cyclists, and Parking)</b>					
3.	Traffic Analysis, Pedestrian Safety, TPAR, Recommendations	Pgs. 23-24 Pg. 25 Pg. 25 Pgs. 25-26	<ol style="list-style-type: none"> <li>Traffic analysis data is outdated. (S. Dean)</li> <li>Traffic analysis didn't take into account the 30,000 SF Home Depot expansion. (J. Salzano; J. Fink)</li> <li>Trip projections for the residential build-out scenario underestimate traffic. (C. Lamari)</li> <li>High density housing will make traffic worse (J. Benedetto)</li> <li>Number of traffic accidents does not match the SHA Pedestrian Road Safety Audit (PRSA). (S. Dean)</li> <li>Why were more intersections not analyzed? LATR Guidelines say that at least two intersections in each direction should be studied. (S. Dean; M. Bell)</li> <li>The impact of the future extension of the Montrose Parkway was not taken into consideration (J. Beerweiler)</li> </ol>	<ol style="list-style-type: none"> <li>Traffic data was collected in April 2014; analysis was conducted the following month in May 2014. The most recent time period of available accident data provided by SHA was for 2005 – 2012.</li> <li>The traffic analysis did include the traffic generated by the Home Depot Expansion in the 'No Build' and all Office/ Residential/ Retail build-out scenarios; however, this was not explicitly stated in the traffic analysis section of the Public Hearing Draft. There were three 'pipeline' developments analyzed as background traffic: Home Depot Expansion; Homecrest 2; and Layhill Overlook. An asterisk could be added to Table 4 (CLV Comparison) of the MMPA draft clarifying which 'pipeline' projects were taken into account.</li> <li>Table 2 (Trip Generation) of the MMPA draft shows that 349 apartment units would generate 145 AM trips and 165 PM trips. These trips are shown for the peak one-hour period only and do not capture every resident leaving for work in the morning or arriving in the evening since many of these trips will occur in the hour right before or right after the peak hour.</li> <li>Table 2 on pg. 23 of the Plan shows that a multi-family use generates the least amount of peak hour traffic as compared to retail and office uses.</li> <li>Staff reviewed the SHA PRSA and cited the number of collisions with pedestrians for the intersection of Aspen Hill Rd &amp; Connecticut Ave (2 collisions between '05 and '09). Staff also obtained newer data from SHA which showed there were 0 collisions with pedestrians between '09 and '12. Additionally, the scope of the PRSA went beyond the study area of this MMPA including the roadway segment south of the study area along Connecticut Ave from Independence Street to Aspen Hill Rd. The PRSA stated that uncontrolled mid-block crossings and numerous commercial driveways along Connecticut Ave are primary reasons for collisions with pedestrians and other vehicles. The MMPA draft already incorporates the PRSA conclusions and solutions into its recommendations.</li> <li>The LATR Guidelines only apply to regulatory cases (not master plans). Staff chose the three intersections to study (Aspen Hill &amp;</li> </ol>	<ol style="list-style-type: none"> <li>No recommended edits or additions. (10/9/2014)</li> <li>Add details to the Tables in the traffic analysis section and move that section to the Appendix. (10/9/2014)</li> <li>No recommended edits or additions. (10/9/2014)</li> <li>No recommended edits or additions. (10/9/2014)</li> <li>Add language to clarify which pedestrian accident data sets are referenced in the draft plan. (10/9/2014)</li> <li>No recommended edits or additions. (10/9/2014)</li> <li>No recommended edits or additions. (10/9/2014)</li> </ol>

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				<p>Connecticut, Connecticut &amp; Georgia, Georgia &amp; Aspen Hill) due to their immediate proximity to the Vitro/BAE site. Staff analysis shows that under every development scenario, Connecticut &amp; Georgia and Georgia &amp; Aspen Hill will operate at a congestion level better than the policy area threshold of 1475. The amount of traffic traveling through each intersection beyond those will reduce over distance and thus the impacts to the intersections will diminish. Therefore, staff did not believe it to be necessary to look at more intersections. Additionally, these three intersections will likely be studied in greater detail as part of an APF review when/if a development proposal is submitted in the area. The traffic analysis scope will be based on the sizes and land uses in the development proposal.</p> <p>7. The future expansion of the Montrose Parkway is outside the parameters of the MMPA study area. The expansion will be addressed during the large area Master Plan update.</p>	
4.	Connecticut Ave, Georgia Ave, and Aspen Hill Rd Congestion	Pg. 23	<p>1. A big-box retailer is going to significantly increase traffic on an already burdened roadway system<sup>ii</sup>.</p> <p>2. Aspen Hill is a narrow residential road--- will it be widened to handle the traffic from a big box retailer. Who would pay for that? (M. Segal; M. Pepson) Who pays for improvements if area is rezoned CRT? (J.Salzano)</p>	<p>1. Regardless of which type of development occurs on the Vitro/BAE property, there will be traffic added to the roadway network (including the existing building being re-occupied). Because of the flexibility of the proposed CRT zone, staff looked at the amount of traffic generated by the highest possible square footages of each potential use (max SFs are highly unlikely to be achieved due to site and parking constraints). Additionally, staff took this conservative approach to the next level with regard to the 'big-box' retail use (Table 3). Trip rates were compared from three different sources: M-NCPPC LATR standard retail rates, ITE trip gen big-box store rates (industry standard), and Walmart-specific trip rates created from data collected at 32 sites. In the analysis, staff chose the highest rates which were M-NCPPC's LATR general retail rates. (The Walmart specific rates were the lowest.) The traffic analysis showed that office would add the most amount of traffic in the morning peak hour while big-box retail would add the most to the roadway network in the evening. Development of multi-family apartments on site would add the fewest vehicles to the adjacent roadway network. The analysis also showed that the intersections of Georgia &amp; Connecticut and Georgia &amp; Aspen Hill would operate better than the policy area CLV threshold of 1475 under every development scenario. The intersection of</p>	Issues 1-2: No recommended edits or additions. (10/9/2014)

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				<p>Connecticut Ave and Aspen Hill Rd would operate acceptably in every development scenario except ‘max build-out of office’ and ‘max build-out of big-box retail’. As staff has stated previously, those ‘worst case’ square footages most likely would not be achieved on site given numerous constraints. SHA agreed with Staff on this point in their 9/9/14 comment letter: “SHA notes that it is unlikely a developer could pursue maximum build-out of sites within the amendment area due to site constraints and that, therefore, it is unlikely the MMPA area’s intersections’ critical lane volume threshold would be exceeded.”</p> <p>2. Aspen Hill Rd is a designated arterial, which is defined as a road meant primarily for the through movement of vehicles at moderate speed. The Plan does not propose widening Aspen Hill Rd. Should improvements to any of the roadways be required in the future due to a specific development proposal, the property owner(s) will be required to comply with the LATR and TPAR guidelines and any other applicable regulations in effect at the time of a development application.</p>	
5.	Recommended traffic light at the shared Home Depot delivery entrance	Pg. 24, Table 4	<ol style="list-style-type: none"> <li>1. Clarify whether the shared driveway to Connecticut Ave is assumed to be signalized and full-movement. (MCDOT)</li> <li>2. Adding a traffic light/formal entrance at the Home Depot delivery entrance would add problems to an already challenged area (J.Warman; J&amp;S Cohen; J. Salzano; M. Segal; J. Beerweiler)</li> </ol>	<ol style="list-style-type: none"> <li>1. Staff suggests that the second footnote of Table 4 of the MMPA draft be clarified that the primary access driveway to Connecticut Ave is assumed to be signalized and full-movement.</li> <li>2. According to conversations with SHA, if a signal were to be installed at this location, the timings would be coordinated with the signals at Georgia Ave and Aspen Hill Rd to provide for smooth traffic flow through this corridor. Additionally, a traffic signal would allow for safe and efficient ingress/egress of Home Depot and Vitro/BAE site traffic.</li> </ol>	<ol style="list-style-type: none"> <li>1. Add a footnote to Table 4, pg. 24 for clarification. (10/9/2014)</li> <li>2. No recommended edits or additions. (10/9/2014)</li> </ol>
6.	Recommended right-in/right-out on Aspen Hill Rd	Pg. 25	<ol style="list-style-type: none"> <li>1. How will this impact users of the Vitro site? (J&amp;S Cohen)</li> <li>2. Such an entrance promotes U-turns for users who want to go eastbound, or they will have to use the neighborhood streets to the west which will decrease safety for residents. (J. Beerweiler)</li> <li>3. Restricting access to Aspen Hill Rd from the Vitro/BAE site to right-in/right-out at this stage of planning may limit the ability to effectively</li> </ol>	<ol style="list-style-type: none"> <li>1. Vehicles seeking to travel west on Aspen Hill Rd or vehicles seeking to enter the site from the east would be able to use this driveway. All other vehicles would be required to use the recommended full-movement signalized entrance located on Connecticut Ave.</li> <li>2. Staff does not anticipate a u-turn problem as it will be evident to vehicles exiting the Vitro/BAE site that the maneuver cannot be easily accomplished given the vehicle back-ups from the Aspen Hill Rd/Connecticut Ave signal and short transition area from four lanes to two.</li> </ol>	<p>Issues 1-2: No recommended edits or additions. (10/9/2014)</p> <p>3. Remove existing references to “subject to MCDOT (or SHA) approval” due to redundancy. Standard reviews of any applicable</p>

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			balance transportation access when a development proposal is considered. (MDOT/SHA)	3. Staff recommends adding to the end of the first sentence of the first bullet under Transportation Recommendations on pg. 25: "subject to MCDOT approval."	agency are required prior to the implementation of plan recommendations. Staff recommended adding language to the Abstract section of the Plan to clarify this point. (10/9/2014) After the 1 <sup>st</sup> worksession, Staff conferred with Legal, who determined that the statement about additional agency approvals is superfluous and request permission to leave it out of the plan.
7.	Mass Transit	Pg. 22	Redevelopment should consider high speed connections to the Glenmont Metro to reduce traffic. (P. Drymalski)	One of the factors taken into consideration when developing recommendations for the plan is the proposed Georgia Ave North Bus Rapid Transit (BRT) route; proposed stations include Georgia Ave/Connecticut Ave in the MMPA area and at the Glenmont Metro Station.	No recommended edits or additions. (10/9/2014)
8.	Pedestrian Safety	Pgs. 25-26	Connecticut Ave crossings are not safe for pedestrians. (J.Salzano; P. Heisserman; M. Dame; L. Wilson; W. Morrison; J. Adcock)	Staff is recommending the implementation of the recommendations from the SHA Pedestrian Safety Audit to improve pedestrian safety along Connecticut Ave. These recommendations include improved crosswalks, shorter blocks, consolidated driveways, and reduced corner turn radii. A new signal would also facilitate safer pedestrian crossings.	No recommended edits or additions. (10/9/2014)
9.	Transportation Recommendations	Pg. 25, bullet 3	Access management should be implemented on Aspen Hill Rd too, not just Connecticut Ave. (MCDOT)	Staff recommends revising Transportation Recommendation Bullet 3 to include Aspen Hill Rd along the frontage within the MMPA area as a section that should have improved access management and improved pedestrian safety.	Include Aspen Hill Road in the language as recommended. (10/9/2014)
10.	TPAR/LATR	Pg. 25, para. 4	Add clarity to the TPAR section for APF and LATR compliance. (MCDOT, Area 2 Transportation Staff)	Staff recommends renaming section from "Transportation Policy Area Review (TPAR)" to "Local Area Transportation Review and Transportation Policy Review (LATR & TPAR)", as well as adding sentences to the paragraph below it clarifying that when/if a development is proposed within the MMPA area, an applicant will need to meet the APF test and submit a detailed traffic study for review (if generating more than 30 peak hour trips).	Rather than revise and add language regarding LATR, remove the existing TPAR section (pg. 25) entirely from the document. (10/9/2014)

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11.	Traffic Analysis Section and Appendix	Pgs. 23-24	Move the traffic analysis section to the appendix and include the more detailed Tables 2 and 4 from previous staff reports. (Area 2 Transportation Staff)	<p>Staff had originally included the traffic analysis in the main text of the MMPA draft to provide transparency to the public. This section is quite technical and will not be directly needed by regulatory reviewers in the future. Additionally, to reduce the amount of technical jargon in the MMPA draft, staff had removed a number of asterisks and points of clarification regarding how the square footages were derived, which background developments were analyzed, and which trip reductions were taken.</p> <p>Staff recommends moving the traffic analysis section (Pages 23, 24, and top of 25) of the MMPA draft to the appendix and include the more detailed versions of Table 2 (trip generation) and Table 4 (CLV comparison) that had been publicly available in previous staff reports and presentations to the Planning Board.</p>	Add details to the applicable Tables and move the traffic analysis section to the Appendix. (10/9/2014)
<b>General Land Use</b>					
12.	Permitted Uses	n/a	<ol style="list-style-type: none"> <li>The subject area is not appropriate for a big box store and does not need another big box retailer<sup>iii</sup>.</li> <li>The area needs more competition, more retail, and a lower cost option on groceries and other merchandise. (A. Gerstel; C. Mathis; R. Pellis; U. Costa) The area needs a large retailer to draw more people to the area to help support existing businesses. (B. Lander; MJ. Ember; J.Rosenbaum)</li> <li>Isn't the County opposed to big box stores? Has the County changed their position? (J.Edwards)</li> <li>Rather than a big box retailer, alternative uses are suitable: <ul style="list-style-type: none"> <li>Medical facility, continuing care community facility, insurance, educational or hospital satellite campus. (S.Dean; J.Salzano; A. Von Saunder; E. Skinner)</li> <li>Open areas where families could play, medical centers for kids, or community center would all benefit the community. (S.</li> </ul> </li> </ol>	<ol style="list-style-type: none"> <li>The Plan does not recommend a specific use or user for any of the properties within the MMPA area. It recommends zones that allow for a variety of different uses. On the Vitro/BAE property under the recommended CRT zoning, those uses include, but are not limited to: residential; offices; clinics; small and large retail; cultural institutions; restaurants. (see Attachment 2 for a more detailed comparison of uses in six potential zones<sup>iv</sup>)</li> <li>See response to number 1 above.</li> <li>The County has not disallowed big box stores. The County defines a <i>department or retail store that exceeds 85,000 SF and that includes a pharmacy and full line of groceries</i><sup>v</sup> as a combination retail use, requiring conditional use approval by the County Hearing Examiner.</li> <li>Each of these potential uses can be accommodated on the Vitro/BAE property under the CRT Zone. For a satellite campus, the specific use would have to be considered--- research and development is permitted; however, Life Sciences<sup>vi</sup> uses would require a different zone. (see Attachment 2 and/or Section 3.1.6 Use Table, Chapter 59, Montgomery County Zoning Code)</li> <li>Developing the Vitro/BAE property as a park would require funding for new parkland acquisition. Several nearby parks already serve this area of the Aspen Hill community, including</li> </ol>	Issues 1-5: No recommended edits or additions. (10/9/2014)



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			<p>Montoya); Indoor rec center. (W. Morrison)</p> <ul style="list-style-type: none"> <li>– Upscale shops/restaurants. (J. Armitage)</li> <li>– Grocery store (D&amp;L Becker)</li> <li>– Medical office, mixed with retail; apartments; and senior housing / continuing care retirement community. (Prof. J. Cowley, submitted by Law Office of G. Macy Nelson)</li> </ul> <p>5. The Vitro/BAE site could be developed as a park (J. Benedetto)</p>	<p>English Manor Neighborhood Park, Parkland Local Park, Aquarius Local Park, Northgate Local Park, Strathmore Local Park and Harmony Hills Neighborhood Park. As properties redevelop within the boundaries of this MMPA, the new development will be required to provide public amenity space as well as meet the recreation guidelines to help offset the needs of any new residents. The 2012 Park, Recreation and Open Space (PROS) Plan does not identify needs for additional parkland in this area of the county; it only specifies 2 additional tennis courts.</p>	
13.	Community Character / Development Pattern	Pgs. 6; 12-20	<p>1. The subject area should not develop as a regional shopping draw<sup>vii</sup>.</p> <ul style="list-style-type: none"> <li>– The tranquility and suburban nature of the community should be protected. (M.Codori; J&amp;S Cohen; C. Lamari; R. Semmig; H. Shah; S. Levy; J. Salzano; M. Dame; J. Adcock; B. Cullison; Sen. R. Manno; S. Nasios; M. Pepson)</li> </ul> <p>2. The subject area should develop with a mix of small shops/ businesses, restaurants, offices, townhomes, local /community serving uses<sup>viii</sup>.</p> <p>3. A big box development will depress property values (E. Skinner; L. Saekissian; R. Dworkin; M. Callahan; B. Callahan; K. Felix; M. Johnson; M. Martin; J. Fink; S. Eisendrath; D. Jeang; M&amp;E Getz; F. Wharton; M. Segal; S. Dean)</p>	<p>1. The Plan does not specifically recommend that the area develop further as a regional draw. The Plan envisions the area as having the <i>potential to yield a greater mix of uses over time, for the benefit of surrounding communities.</i> (pg. 6) The Plan states that <i>the overall goal is to facilitate the enhancement of Aspen Hill as a suburb where people can live, shop, work, and walk to community amenities.</i> (pg. 12)</p> <p>2. The Plan promotes a mix of uses within the area. Plan goals, design criteria, and recommended zones were coordinated to promote a development environment flexible enough to accommodate a range of uses, while promoting compatibility and improved connectivity between uses.</p> <p>3. The Plan does not recommend a specific use or user on any of the properties within the MMPA area. The Plan promotes a flexible mix of uses, densities, and building heights that are compatible with surrounding residential neighborhoods. The design criteria in the Plan add an additional layer of protection, gearing more intense redevelopment toward the street, and reinforcing transition areas adjacent to the single-family neighborhoods. Furthermore, it has been widely documented that many factors can negatively impact surrounding property values, including longstanding vacant properties and buildings.</p>	<p>1. Include language in the plan that describes the market/trade area from which users of the area would be drawn. (10/9/2014)</p> <p>Issues 2-3: No recommended edits or additions. (10/9/2014)</p>
14.	Schools	n/a	<p>The Plan does not speak to schools that may be needed due to additional development. (C. Lamari; M&amp;E Getz; U. Onosakponome)</p>	<p>Staff communicated with Montgomery County Public Schools about the Plan and school capacity within the area. The elementary and middle schools in the cluster are projected to be within capacity for the next six years. Some of the high schools in the service area are projected to exceed capacity in the coming years. As part of the large area Master Plan update, school capacity and the potential for any future capital programs will be</p>	<p>No recommended edits or additions. (10/9/2014)</p>

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				discussed in further detail. If school capacity is inadequate when a residential project is considered for approval, the APF procedures will be followed, and a school facility payment may be required.	
15.	Public Safety	n/a	A big box store would increase crime in the area. (F. Wharton; J. Fink; M. Segal)	Crime is generally a concern with vacant buildings. The prolonged vacancy and deterioration of a site as large the Vitro/BAE property would diminish the vitality of an area and has the potential to attract a variety of nuisances to the area.	No recommended edits or additions. (10/9/2014)
<b>Property Specific Issues (Use, Zoning, Site Design)</b>					
16.	Zoning for north side of Aspen Hill Rd	Pgs. 12-15	<p>1. CRT is not feasible in the short term. The Vitro/BAE site should be rezoned to GR in the short term with the option of a CRTF (floating zone) in the long term. (B. Lee; M. Tull; W. Kominers; C. Bar; D. Wrenn)</p> <ul style="list-style-type: none"> <li>- Recommend GR 0.5 for the short term; CRTF with max 75-90' height for the long term. (W. Kominers)</li> <li>- Imposing CRT now will hinder development; there is a severe grade change on the Vitro site; 100' no-build zone not justified--- should be the CRT/GR setback of 37.5'. (D. Wrenn)</li> </ul> <p>2. CRN is a more appropriate zone to allow for a mix of uses of smaller retail and community oriented uses. (J&amp;S Cohen; J. Salzano; S. Levy; S. Nasios; S. Eisendrath; M. Ryan; M. Dame; U. Onosakponome; S. Convery; E. Skinner; D. Lynch; Aspen Hill Homeowners Group via the Law Office of G. Macy Nelson)</p> <p>3. Objections to GR Zoning: less restrictive retail; allows greater building height; more intense uses; not an appropriate transition to single family houses; contrary to plan goals; more traffic; more light &amp; noise pollution; only 37' setback to houses. (J. Salzano; S. Levy; D. Jeang; M. Ryan; D. Jeang; U. Onosakponome; R. Hirschfield; S. Naas; L. Wilson; J. Adcock; J. Fink; S. Convery; K. Vaitkus; Aspen Hill</p>	<p>1. The CRT Zone allows the flexibility of use now, but also incorporates form standards that promote the option of a greater mix of uses and development types in the future. The CRT Zone is consistent with the MMPA recommendations to begin establishing pedestrian and bicycle friendly frontages in the Plan area, utilizing distinctive architecture and form, connecting uses, and minimizing the impact of surface parking lots. The GR Zone lacks certain form standards that promote a more community-oriented, non-auto dominated environment.</p> <p>Staff analyzed several viable redevelopment scenarios under the CRT requirements and the design guidelines. Staff acknowledges that some of the form requirements are a departure from how some suburban commercial areas have developed in the past; however, Staff is confident that CRT will provide the necessary flexibility to adjust with market changes while facilitating the incremental enhancement of the Connecticut Ave corridor. (see Attachment 3, Development Standard Comparison by Zone<sup>ix</sup>)</p> <p>The no-build zone on the west side of the property is a carry-over from the 1994 Plan to ensure compatibility with the adjacent single-family neighborhood. The no-build zone only applies to commercial structures. Parking and residential uses can be development in the no-build zone. Staff recommends clarifying this in the Draft Plan by replacing "non-residential uses" with "non-residential structures" in the 3<sup>rd</sup> paragraph, last sentence on page 15.</p> <p>2. The CRN Zone is typically applied to neighborhood scaled properties that are smaller than the 10-acre Vitro/BAE site, or the 12-plus acres that includes all properties in the MMPA area</p>	Issues No. 16 – 21 to be discussed at worksession #2 on October 30, 2014.

	Issue to Be Resolved	Draft Plan (page)	Testimony (Commenter)	Staff Response	Board Decision
			<p>Homeowners Group via the Law Office of G. Macy Nelson; C. Steinborn; M. Salay)</p> <p>4. Staff's recommendation of a CRT Zone and Lee Development Group's (LDG) request for a GR Zone are out of context with the surrounding Aspen Hill Neighborhood and conflicts with the visions of the Aspen Hill Master Plan and Staff's vision for the Amendment. (Aspen Hill Homeowners Group via the Law Office of G. Macy Nelson)</p>	<p>on the north side of Aspen Hill Rd, which may be consolidated for future development. The CRN Zone would limit retail development to 50,000 SF. Although many uses could be accommodated within 50,000 SF, the typical suburban grocery store, for example, can have a footprint of between 50-65,000 SF or more. The CRN Zone also does not allow Optional Method development, and would therefore not require public benefits should development reach a certain FAR.</p> <p>3. Staff agrees that the GR Zone would be inconsistent with Plan goals and recommendations. (see above)</p> <p>4. The MMPA area is within the heart of one of Aspen Hill's major commercial shopping areas. There are single-family neighborhoods to the west and south, however, there are also community and regionally oriented commercial uses directly to the north and across Connecticut Ave to the east and southeast. The Aspen Hill Rd, Connecticut Ave, and Georgia Ave triangle is not only a destination for the immediate neighborhoods, but also for the larger community. The 1994 Plan included language to address one specific user at the Vitro/BAE site, which at the time, was a great benefit to the community. The market, however, has dramatically changed over the past two decades, and a large, single-use office tenant at the Vitro/BAE site is no longer viable. With respect to the 1994 Plan placing emphasis on housing in Aspen Hill, staff took this into consideration when recommending CRT given the full range of residential uses permitted in the zone. (Housing is a Limited Use in the Employment Zones like GR.) The MMPA includes language in several areas that promotes community serving uses, quality design, and protecting the adjacent single-family neighborhoods. The MMPA attempts to plan for future changes, while, protecting existing uses.</p>	
17.	Vitro/BAE Property	n/a	<p>1. Opposition to an up-zoning on the Vitro/BAE property. (D. Jeang; J. Libertelli; M. Ryan; U. Onosakponome; N. Nead; M. Valdivia; D&amp;M Klein; K. Felix; F. Wharton)</p> <p>2. The remodeling or reuse of the building should be further explored.</p>	<p>1. Without the MMPA, on Oct. 31, 2014, the Vitro/BAE property will remap to the EOF Zone with a FAR of 3.0. The current zoning recommendation for the properties on the north side of Aspen Hill Rd has a total FAR of 1.5, less density allowed than if there was no amendment.</p> <p>2. There is nothing in the Plan that would prohibit the property owner from reusing the Vitro/BAE building should a tenant be secured.</p>	

Issue to Be Resolved		Draft Plan (page)	Testimony (Commenter)	Staff Response	Board Decision
<b>Design Guidelines</b>					
18.	Transitions between uses	Pgs. 15-19	<ol style="list-style-type: none"> <li>1. The Vitro site does not have enough space/land for a big box use and to have provided the appropriate transitions to the residential neighborhood. (M. Ryan)</li> <li>2. Big box stores bring noise and light pollution from delivery trucks and docks (E. Skinner; L. Saekissian; A. Gardsbane; R. Dworkin; M. Callahan; B. Callahan; K. Felix; M. Johnson; M. Martin)</li> </ol>	<ol style="list-style-type: none"> <li>1. The CRT zone has standards built into the zone to ensure compatibility with, and transitions to, adjoining neighborhoods. In addition, the Plan recommends that <i>projects adjacent to single-family residential neighborhoods should use compatible building mass, height and setback, and façade articulation to create transition to those neighborhoods.</i> (pg. 15) Further, the Plan recommends a 100 ft. no-build area for commercial structures on the far west portion of the Vitro/BAE property. Any development proposal that is submitted for review will have to comply with the zone and be found consistent with the master plan.</li> <li>2. The Zoning code has standards built in that address both the placement of loading docks and the impact of lighting on adjacent uses. See Sections 6.2.8.A (Loading Design Standards) and 6.4.4 (General Outdoor Lighting)</li> </ol>	
19.	Building design/ character	Pgs. 17-19  1994 Plan, Pg. 47	<ol style="list-style-type: none"> <li>1. Aspen Hill deserves quality design/attractive development. (E. Aschan; L. Wilson)</li> <li>2. The Vitro property should develop as mixed use, but with a 3-story max. (M.Codori)</li> </ol>	<ol style="list-style-type: none"> <li>1. The Plan vision includes language about promoting, as redevelopment occurs, distinctive architecture, strong urban design principles; and defining a stronger local identity. The Plan also includes design criteria to provide further direction to accomplish quality design as redevelopment occurs.</li> <li>2. The 1994 Aspen Hill Master Plan includes language that allows for a scenario where the redevelopment of the existing office building could include 2 additional stories beyond the current 3 stories, generally 50-60 ft. in height. The Plan’s recommendation of a 60 ft. height limit is consistent with the 1994 Plan and the Zoning remap. The CRT and EOF zones do include height compatibility standards for properties that abut or confront a residential zone.</li> </ol>	
20.	Design Criteria	Pgs. 17-19	<ol style="list-style-type: none"> <li>1. There is not a clear distinction between short &amp; long term design criteria; design illustrations need to distinguish between short and long term. Alternative design criteria illustrations and language was provided for the Planning Board’s consideration. (W. Kominers; C. Bar)</li> <li>2. Move the first two bullets on page 17, Design Criteria, to the longer term objectives on page 18. (Commissioner Dreyfuss)</li> </ol>	<ol style="list-style-type: none"> <li>1. Staff is open to further discussion on this point, whether through text or illustrations, to ensure that Plan goals and recommendations are clear/ implemented with greater ease.</li> <li>2. The first two bullets on page 17 are critical to taking steps toward activating the Connecticut Ave frontage and establishing an appeal for pedestrians and cyclists. They also point to enhancing the area’s identity and character through architectural elements and maximizing the visibility of new uses.</li> </ol>	

	Issue to Be Resolved	Draft Plan (page)	Testimony (Commenter)	Staff Response	Board Decision
21.	Historic Significance	n/a	Vitro building is an example of mid-century modern architecture that, if preserved, could be a beautiful focal point of the community. (S.Dean; J. Adcock)	Historic Staff does not believe that this resource merits evaluation for listing in the Locational Atlas or designating in the Master Plan for Historic Preservation.	
<b>Market Analysis</b>					
22.	Retail Feasibility Study	Appendix, Pgs. 24-37	Caution against relying on ESRI Business Analyst due to gaps in retailers included in the database and error rates. (Prof. J. Cowley, submitted by Law Office of G. Macy Nelson) The conclusion that the area is underserved by the retail sector or that there is a retail gap is misleading. (M. Bell)	ESRI Business Analyst has limitations in reporting economic information, similar to other proprietary sources such as Claritas and REIS. ESRI retail sales uses the Census of Retail Trade 2002 and 2007 as its benchmark and updates the information using a variety of sources such as the Dun & Bradstreet business database and the Bureau of Labor Statistics. Both sources are considered industry standards. Estimates of market supply are primarily derived from <u>receipts of businesses</u> engaged in the retailing of merchandise, and as a result, accuracy of information tends to improve with larger retailers (since they are more likely to report sales). ESRI acknowledges that smaller establishments without payrolls, such as self-employed individuals and unincorporated businesses, may be underreported, even though they represent more than half all retailers in the United States; however, they represent far less than half of retail sales.  Despite potential underreporting, staff believes the retail analysis to be a worthwhile in determining a “ballpark” estimate of net retail potential for feasibility purposes. Considerably more resources and time would be required to improve accuracy and would likely require a business-by-business inventory of all stores in the trade area.	No recommended edits or additions. (10/9/2014)
23.	Residential Feasibility Study	Appendix Pgs. 8-23	There are deficiencies with the residential analysis. (M. Bell)	Planning staff may not have clearly indicated the study assumptions. While it was stated that staff “assumes the property will be rezoned to RT-12.5 – Residential, Townhouse” the intent was to determine if townhomes could be economically feasible on the 10 acre vacant property in the MMPA area, and if they warranted further consideration. To arrive at this evaluation, staff assumed the requirements of the RT-12.5 zone – the zone generally appropriate for townhomes.  While staff reviewed Aspen Hill’s present population makeup we did not assume that a future townhome buyer would share the same demographic characteristics. The staff report states that for a townhome development to succeed in Aspen Hill, it would likely	No recommended edits or additions. (10/9/2014)

	Issue to Be Resolved	Draft Plan (page)	Testimony (Commenter)	Staff Response	Board Decision
				<p>need to capture home buyers from outside Aspen Hill (page 7). Further, the projected townhome prices were determined by evaluating previous sales in the Residential Trade Area (Zip Codes 20853 and 20906) and comparable townhome prices in Rockville and Wheaton (adjusting for factors such as Metro and freeway proximity, walkability, nearby shopping/dining, etc.) and prices affordable to target markets in Aspen Hill. These included three primary market groups: singles, newlyweds, and one-parent families.</p> <p>Staff agrees that land and site preparation costs would be incurred for any potential reuse of the Vitro/BAE site and they are likely to be considerable. This is because of building demolition, remediation of hazardous materials, and site preparation and grading. These anticipated costs may also influence a property owner's/developer's decision to move forward with preparing the site for development, or not. This would be an especially significant decision if development could not generate sufficient revenue or provide an adequate rate of return. The residential feasibility analysis was not designed to compare alternative uses, but merely to test one use and determine if townhomes alone were economically feasible on the vacant property. This analysis required considering these higher land and site preparation costs. All feasibility studies should account for land and site preparation costs because it should not be assumed that land would redevelop without adequate economic compensation.</p>	
24.	Office Feasibility Study	Appendix, Pgs. 2-6	<p>1. The Vitro/BAE building could be reused as office space:</p> <ul style="list-style-type: none"> <li>- Medical office could be a viable market segment within the MMPA. (Prof. J. Cowley, submitted by Law Office of G. Macy Nelson)</li> <li>- Age and lack of amenities of the existing office buildings in AH are more of a factor as to why there are office vacancies rather than a soft market. (M. Ryan)</li> <li>- The right price can move any property. (D. Hess)</li> </ul> <p>2. The vacancy of one obsolete office building should be placed in the context of what is</p>	<p>1. Staff prepared an office market analysis that outlines the challenges of the office market in general as well as reusing the existing building. Currently, there is a significant surplus of office space in the greater Washington region, making leasing office space very competitive. Tenant location and office space preferences have also changed, moving toward more compact, mixed-use, green, transit accessible employment areas, many of which are near or co-located with clients and suppliers.</p> <p>Staff agrees that the potential for medical office exists and reflects this on page three of the report. This is further evidenced by the smaller scaled medical office at the Aspen View Professional Center on the south side of Aspen Hill Rd. Class C medical office space, however, is unlikely to become the</p>	No recommended edits or additions. (10/9/2014)

	Issue to Be Resolved	Draft Plan (page)	Testimony (Commenter)	Staff Response	Board Decision
			<p>happening in the immediately surrounding communities, for example: Rockville Pike, Rockville, Kensington-Wheaton. (Prof. J. Cowley, submitted by Law Office of G. Macy Nelson)</p>	<p>centerpiece of an economically viable development on the Vitro/BAE site, as its lower rents are unable to generate sufficient revenue to support a 10 acre site. Depending on the ultimate development program, however, Class C medical office space could complement a larger development in the MMPA area. Medical office is a permitted use in CRT and EOF.</p> <p>2. While Aspen Hill is part of the larger office market, it is very distinct from the three other markets used as examples (Rockville Pike, Rockville, and Kensington/Wheaton). All three are proximate to other office users, transit, freeways, shopping and dining, and other features that were discussed in the report, making these areas more attractive for large-scale, potentially Class A, office tenants.</p>	
25.	Impact on Existing Businesses	Appendix, pgs. 30-35	<p>Existing businesses will be displaced by the new urban redevelopment proposed in the plan (C. Lamari) or by a big box retailer. (S. Eisendrath; D. Jeang; R. Menendez; A. Gardsbane; D&amp;M Klein; J. Fink; D. Hess; J. Benedetto)</p>	<p>The retail market analysis indicates that the trade area could absorb a mix of additional retail for Convenience Goods within a 5-Minute Drive-shed and Shoppers Goods within a 15-Minute Drive-shed. The extent of the retail gap indicates that additional retail development, even at a larger scale, is unlikely to have a significant adverse impact on existing businesses. This assumes that existing retail would continue to remain competitive, well positioned (good product quality, differentiation, and variety of merchandise) and well located (good visibility, adequate accessibility, etc.).</p>	<p>No recommended edits or additions. (10/9/2014)</p>

**End Notes**

<sup>i</sup> Direct testimony from D&L Becker; E. Embrey; M. Bronstein on behalf of the Strathmore Bel-Pre Civic Assoc.; R. Clarke; C. Petzold; B. Lee; Lee Development Group representatives; A. Minckler on behalf of the Aspen Hill Civic Association; B. Lander; and indirectly from other commenters in support the Public Hearing draft, as well as from those offering edits to the Public Hearing draft.

<sup>ii</sup> Due to the large number of commenters on this issue, names have been included in this endnote, rather than as part of the issues above in the matrix. (S. Dean; P. Rivera; J.Libertelli; M. Dame; L. Necastro-Pastel; D. Hess; J.Edwards; M. Segal; R. Rodriguez; J. Holder; R. Semmig; M&E Getz; S. Naas; J&S Cohen; P. Drymalski; J. Salzano; A. Von Saunder; P. Heisserman; E. Skinner; L. Saekissian; R. Dworkin; M. Callahan; B. Callahan; K. Felix; M. Johnson; M. Marti; J. Mitchell; L&A Luchs; D. Jeang; R. Menendez; J. Wolf; N. Nead; L. Kovac; D&M Klein; J. Fink; J. Adcock; B. Iroff)

<sup>iii</sup> Due to the large number of commenters on this issue, names have been included in this endnote, rather than as part of the issues above in the matrix. (E. Aschan; S. Dean; J. Warman; M.Codori; T. Mityrakova & V. Dubitsky; J. Benedetto; S.Montoya; S. Orr; S. Melkisetian; R. Rodriguez; J. Holder; P. Drymalski; M. Segal; A. Von Saunder; E.Skinner; L. Saekissian; R. Dworkin; M. Callahan; B. Callahan; K. Felix; M. Johnson; H. Shah; M. Martin; R. Semmig; R. Jones; J.A. Sommer; P.Rivera; J.Libertelli; S. Eisendrath; M. Ryan; D. Jeang; M&E Getz; J. Wolf; U. Onosakponome; A. Gardsbane; L. Kovac; C. Ginsberg; M. Valdivia; R. Hirschfield; D&M Klein; F. Wharton; W. Morrison; L. Necastro-Pastel; J. Adcock; D. Hess; M. Salay; D. Yamin; M. Pepson). In addition to the aforementioned names, the Aspen Hill Homeowners group collected and submitted as testimony, nearly 1,200 signatures “against rezoning which would permit a big-box store at the former Vitro/BAE site”.

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<sup>iv</sup> The list of uses included in Attachment 2 is not an all-inclusive list of uses. For the full table of uses by zone, please see Section 3.1.6 Use Table, Chapter 59, Montgomery County Zoning Ordinance.

<sup>v</sup> See Section 3.5.11.A.1 Combination Retail defined, Chapter 59, Montgomery County Zoning Ordinance.

<sup>vi</sup> See Section 3.5.8.A.1 Life Sciences defined, Chapter 59, Montgomery County Zoning Ordinance.

<sup>vii</sup> (S. Orr; J. Salzano; C. Lamari; R. Semmig; J.Libertelli; U. Onosakponome; J. Adcock; S. Robinson; S. Convery; K. Vaitkus; J. Beerweiler)

<sup>viii</sup> (E. Aschan; M.Codori; T. Mitryakova & V. Dubitsky; P. Drymalski; J. Salzano; R. Jones; S. Levy; J. Mitchell; D.Jeang; J.Libertelli; S. Eisendrath; M. Ryan; M&E Getz; M. Valdivia; L. Gough; S. Robinson; W. Morrison; M. Segal; L. Necastro-Pastel; J. Adcock; C. Steinborn)

<sup>ix</sup> The development standards included in Attachment 3 are not an all-inclusive list of requirements. For the complete list of requirements, Division 4.5 Commercial/Residential Zones and Division 4.6 Employment Zones, Chapter 59, Montgomery County Zoning Ordinance.



## ATTACHMENT 2

**Table 1: Comparison of Uses by Zone**

USE GROUP	ZONE	Commercial/Residential			Employment		
		CRN	CRT	CR	NR	GR	EOF
<b>HOUSEHOLD LIVING</b>							
Single-Unit Living		P	P	P	L	L	L
Two-Unit Living		P	P	P	L	L	L
Townhouse Living		P	P	P	L	L	L
Multi-Unit Living		P	P	P	L	L	L
<b>GROUP LIVING</b>							
Independent Living Facility for Seniors or Personals with Disabilities		L	L	L	L	L	
Personal Living Quarters							
(Up to 50 Individual Living Units)		L	L	L	L	L	
(Over 50 Individual Living Units)		C	C	C	C	C	
Residential Care Facility							
(up to 8 persons)		P	P	P	P	P	
(9 to 16 persons)		L	P	P	L	L	
(over 16 persons)		L	L	P	L		C
<b>EATING AND DRINKING</b>							
Restaurant		L	P	P	P	P	P
<b>LODGING</b>							
Bed and Breakfast		L	L		L	L	
Hotel, Motel			P	P		P	P
<b>MEDICAL AND DENTAL</b>							
Clinic							
(up to 4 medical practitioners)		P	P	P	P	P	P
(more than 4 practitioners)		L	P	P	C	P	P
Medical, Dental Laboratory			P	P		P	P
<b>OFFICE AND PROFESSIONAL</b>							
Office		P	P	P	P	P	P
Research and Development			P	P			L
<b>RETAIL SALES AND SERVICE</b>							
Combination Retail			C	C	C	C	
Retail/Service Establishment							
(Up to 5,000 SF)		P	P	P	P	P	L
(5,001-15,000 SF)		L	P	P	P	P	L
(15,001-50,000 SF)		L	P	P	P	P	L
(50,001- 85,000 SF)			L	L	P	P	
(85,001 - 120,000 SF)			L	L	L	L	
(120,001 SF and Over)			L	L	C	C	

**Key:** P = Permitted Use    L = Limited Use    C = Conditional Use    Blank Cell = Use Not Allowed

**Note:** Table 1 is a sampling of uses and not meant to be an inclusive list. For a full list of uses by zone, see Section 3.1.6 Use Table of the Montgomery County Zoning Code.

## ATTACHMENT 3

**Table 2: Comparison of Development Standards by Zone**

Development Standard	Commercial/Residential Zones			Employment Zones		
	CRN	CRT	CR	NR	GR	EOF
Max Total Density	0.25-1.5	0.5-4.0	0.5-8.0	0.25-1.5	0.5-2.5	0.5-4.0
Max Commercial Density	0.00-1.5	0.25-3.5	0.25-7.5	n/a	n/a	n/a
Max Residential Density	0.00-1.5	0.25-3.5	0.25-7.5	limited to 30% of total site GFA		
Max Height	25'-65'	35'-150'	35'-300'	25'-50'	25'-120'	35'-200'
Max total standard method FAR	n/a	> of 1.0 FAR or 10k SF GFA	> of 0.5 FAR or 10k SF GFA	n/a	n/a	> of 1.0 FAR or 10k SF GFA
Parking Setbacks (min for surface lots)						
Front setback	must be behind front bldg line (Apartment, Multi Use, General Buildings)			must accommodate landscaping, §6.2.9 (Apt., Multi Use, General Bldgs.)		must be behind front bldg line*
Side street setback	must be behind front bldg line (Apartment, Multi Use, General Buildings)			must accommodate landscaping, §6.2.9 (Apt., Multi Use, General Bldgs.)		must be behind front bldg line*
Open Space (standard method, site > 10k SF)						
Townhouse	20%	20%	20%	20%	20%	20%
Apartment (Apt.); Multi Use; General Buildings	10%	10%	10%	10%	10%	10%
Building Orientation (entrance facing street or open space)	required	required	required	n/a	n/a	required*
Transparency (walls facing a street or open space)						
Ground story, front and side/rear (min % for Apt., Multi Use, General Buildings)	required	required	required	n/a	n/a	required*
Upper story (min % for Apartment, Multi Use, General Buildings)	required	required	required	n/a	n/a	required*
Blank wall, front and side/rear (max length for Townhouse, Apt., Multi Use, General Buildings)	required	required	required	n/a	n/a	required*
Build-to Area (BTA: max setback & min % of lot width)	Y	Y	Y	n/a	n/a	Y*
Optional Method?	N	Y	Y	N	N	Y
Sketch Plan and Site Plan	n/a	Y	Y	n/a	n/a	Y
Public Benefits	n/a	by tract size or max total FAR		n/a	n/a	by tract size or max total FAR
Open Space (based on lot area & # of frontages)	n/a	Y	Y	n/a	n/a	Y
Max Height	n/a	mapped unless add. MPDUs		n/a	n/a	mapped unless add. MPDUs

\*only applies when development fronts on a business district street or is recommended in a master plan. If site plan is required, PB may waive requirements.

**Note:** Table 2 is a sampling of development standards and not meant to be an all-inclusive list. For all development standards by zone, see Division 4.5 Commercial/Residential Zones and Division 4.6 Employment Zones of the Montgomery County Zoning Code.

## ATTACHMENT 4



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### MEMORANDUM

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**TO:** Casey Anderson, Chair

**FROM:** William Kominers  
Cynthia Bar

**DATE:** October 7, 2014

**RE:** BAE/Vitro Property-Aspen Hill Minor Master Plan

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We are submitting a new approach for the rezoning of the BAE/Vitro Property for the Planning Board's consideration in the Minor Master Plan process. The property owner continues to agree with the Staff's economic analysis that retail is the appropriate use for the property today. As we have continued to analyze the CRT zone we find that the very prescriptive and inflexible standards of the zone as to form and design will make redevelopment of the property problematic for the type of retail that is marketable in this suburban environment. Zoning the Property properly in order for it to be put to a productive use in the near-term is a main goal of the Minor Master Plan process that will not be realized with CRT zoning.

We still believe that consideration of the GR (General Retail) zone is appropriate, but understand that Staff has concerns regarding that zone. In light of their concerns, we have analyzed the NR (Neighborhood Retail) zone, and believe that this may be the appropriate option for the Property. Again, the NR zone would be for the short-term redevelopment of the site. The owner still supports the concept that the CRT zone can be appropriate for the long-term, and that the Master Plan should recommend CRT as a floating zone that could be applied for in the future when Aspen Hill has become more urban. To make that long-term approach viable, the Board should also consider further the appropriate density that will be needed to support the more urban form of the long-term CRT standards.

The NR zone is described as:

Intended for commercial areas that have a neighborhood orientation and which supply necessities usually requiring frequent purchasing and convenient automobile access. The NR zone addresses development opportunities within primarily residential areas with few alternative mobility options and without a critical mass of density needed for pedestrian oriented commercial uses.

We believe that the GR zone, which is “intended for commercial areas of a general nature, including...clusters of commercial development,” describes the character of this area. However, we understand that due to the large number of single family neighborhoods in Aspen Hill, this area may be viewed by some as somewhat of a hybrid. As such, we believe that the NR zone can also be considered as appropriate for the Property.

Attached is a chart that compares the uses allowed in the CRT and NR zones. The CRT Zone allows more uses. However, the NR zone allows larger retail stores at sizes needed for grocery stores and other general merchandise uses (greater than 50,000 square feet). These are the most likely candidates for the development of the BAE/Vitro Property in the short-term. These would not be allowed in the CRN zone. At the same time, the NR Zone does not allow as many uses as the GR zone.

A critically important element of the NR zone is that it has more flexible design parameters than the CRT zone. The CRT zone anticipates a more urban condition, which does not reflect the reality on the ground in Aspen Hill today, or the market conditions at this time. As you know, the Market Analysis done by Planning Board Staff concluded that there was capacity in Aspen Hill for a large retailer(s) in the general merchandise and/or grocery category. No other use types were supportable today. Economically, and therefore realistically, this type of retail is the only feasible short-term redevelopment candidate for the site, and the CRT zone cannot physically accommodate its design. This is largely due to the inflexible CRT design standards coupled with the fact that the property which will be developed in the short-term does not include the corner at Connecticut Avenue and Aspen Hill Road.

On the other hand, the NR zone, with appropriate design guidelines, can accommodate this type of retail, and other possible neighborhood serving retail/service uses, in the short-term. Attached are several exhibits that illustrate why the CRT zone with its site design limitations are inappropriate in the short term, and correspondingly depict how the NR Zone is appropriate.

Exhibit 1 compares the two zones with a department store prototype. The CRT lay-out shows in red how the CRT development standards result in an unmarketable design that still does not meet the CRT standards. As can be seen, the form required by the CRT results in an irregularly shaped building (problematic for retailers both for merchandising and for operations) which we believe would not physically relate well to Connecticut Avenue if pushed to that street. There are also a number of detailed design requirements in the CRT zone, addressing transparency percentage, spacing of door locations, location of the store’s “front,” open space criteria and others, that are not

practically feasible or cannot be met with this design. Such a building will be extremely difficult to market to tenants, and still does not meet the CRT zone requirements.

We submit that the GR/NR design concept, as shown on the top of the same Exhibit 1, can meet the design standards of these zones, and is more appropriate for the property and the marketplace. This concept allows the building to be set back from Connecticut Avenue and provides a meaningful open space opportunity along this street. The front of the store can be properly located and integrated with the parking. The plan allows future development options for the remainder of the property. This design is marketable and achieves many of the Master Plan goals. Master Plan design guidelines can reinforce this.

Further, it is not known at this time whether there will be one or multiple buildings on the site. Exhibit 2 shows a conceptual design with more than one building. It shows a possible layout for a large anchor and other stores that would be marketable. However, this design does not meet many of the development standards and design requirements of the CRT zone. The conflicts with the requirements are shown in red on Exhibit 2. The requirements that the structures be located within the build-to area of both roadways and that no parking can be in front of any building face cannot be met with this layout. If applied, design criteria for store frontages, door spacing and transparency would also render these stores unleaseable. In short, this plan could not be built under the CRT zone.

In contrast, the same layout can be sited in a way that meets both the market demands and the development standards of the GR/NR zone as shown on the top of Exhibit 2. Again, design guidelines can ensure that other goals of the Master Plan are achieved.

Note that neither analysis considers plans that would merely create a new single-anchor shopping center on the property with small in-line stores. The owner has testified that such a plan would compete with, and therefore detract from their existing center across the highway, as well as others in the area. The market analysis does not support more small scale retail.

In light of these facts, we believe that the flexibility needed to accommodate different short-term scenarios can only be achieved using the GR or NR zone. We understand that other important long-term goals of this Plan are to move the area to a more urban grid, to deemphasize parking, to provide a buffer to the residential community, and to ensure that the site can eventually evolve into a mixed use form—as the rest of the area evolves also. We believe that design guidelines in the Master Plan can achieve these multiple goals. These guidelines could also be different for a plan with a single building than they are for a plan with multiple buildings on the site.

Exhibits 3 and 4 show that the near-term GR/NR development of the Property would not preclude the redevelopment of the Property in the long-term in the CRT zone. A near-term plan in the GR/NR zone with a single large store (Exhibit 3) or multiple

stores (Exhibit 4) can incorporate other mixed use elements when the market is ready for them.

The NR zone is also appropriate for the rezoning of the property due to the historical context of the property and its prior zoning in the neighborhood. The Vitro/BAE property was in the C-1 zone prior to its placement in the C-O zone during the 1994 Master Plan process. The reason this Minor Master Plan is being pursued is due to the recognition that the C-O zone is not an appropriate zone for the property, and that the site should be placed in a zone that allows retail uses. All of the other sites in the Aspen Hill area that were in the C-1 zone are being converted to the NR zone (NR 0.75) during the District Map Amendment to implement the Zoning Rewrite. This is shown on Exhibit 5 which shows the other C-1 properties being re-mapped to the NR zone. The BAE/Vitro property should similarly be placed in the NR zone when considering it as a retail location to allow its near-term redevelopment. This is the point of the Minor Master Plan process. To place the property in the CRT zone now would thwart the immediate redevelopment goal of the Plan and the community.

We request that your evaluation of the proper zone for the property include consideration of the NR zone.

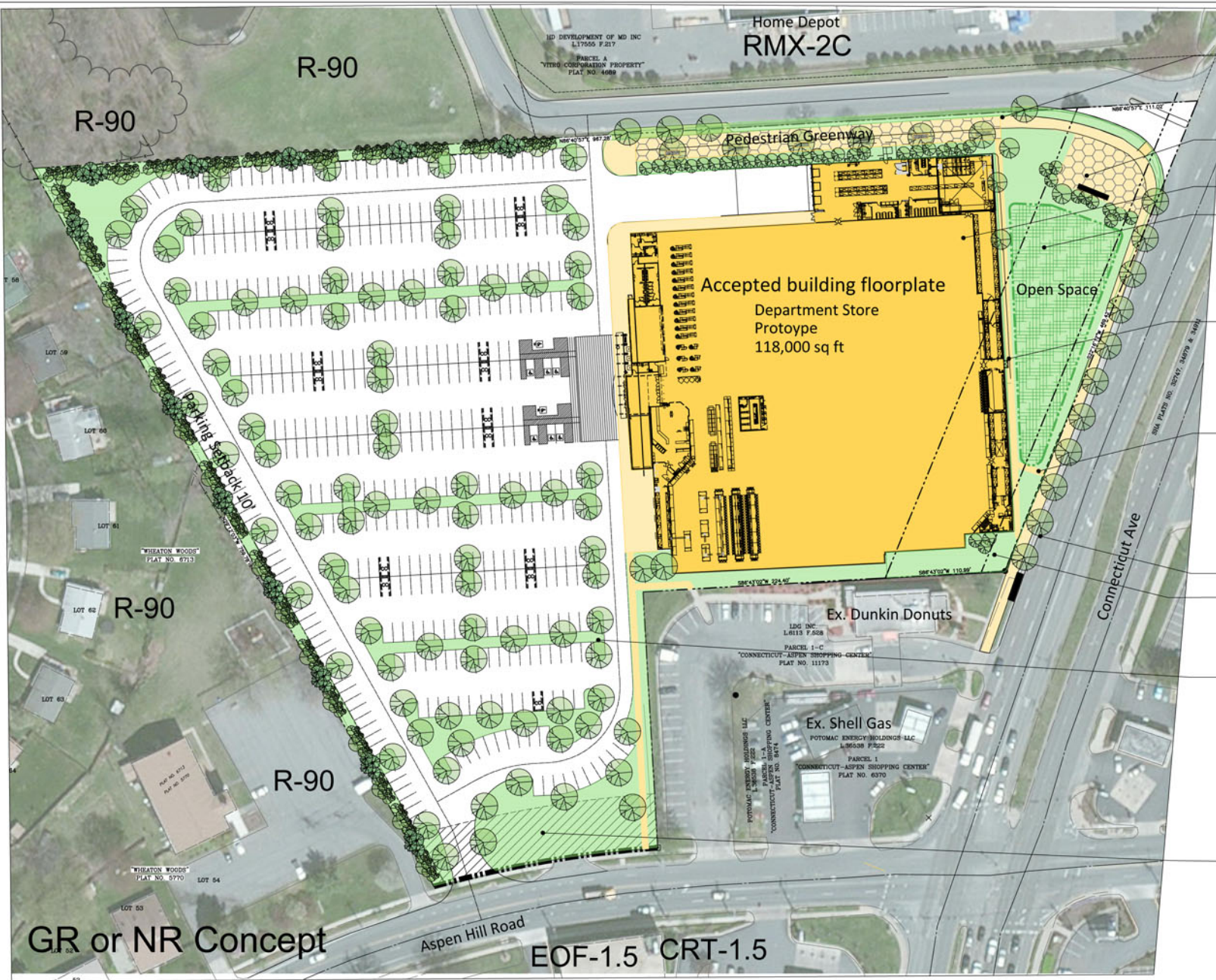
	Definitions & Standards	CRT	NR
<b>Agricultural</b>			
Community Garden	3.2.3	Limited Use	Limited Use
Farm Supply, Machinery Sales, Storage, and Service	3.2.5	Not Allowed	Limited Use
Nursery (Retail)	3.2.7.A	Permitted Use	Permitted Use
Urban Farming	3.2.9	Limited Use	Limited Use
Farm Market, On-site	3.2.11.B	Limited Use	Limited Use
<b>Temporary Agricultural Use</b>			
	3.2.11		
Agricultural Vending	3.2.12.A	Limited Use	Limited Use
Seasonal Outdoor Sales	3.2.12.B	Limited Use	Limited Use
<b>Residential</b>			
<b>Household Living</b>			
	3.3.1		
Single-Unit Living	3.3.1.B	Permitted Use	Limited Use
Two-Unit Living	3.3.1.C	Permitted Use	Limited Use
Townhouse Living	3.3.1.D	Permitted Use	Limited Use
Multi-Unit Living	3.3.1.E	Permitted Use	Limited Use
<b>Group Living</b>			
	3.3.2		
Independent Living Facility for Seniors or Persons with Disabilities	3.3.2.C	Limited Use	Limited Use
Personal Living Quarters (Up to 50 Individual Living Units)	3.3.2.D	Limited Use	Limited Use
Personal Living Quarters (Over 50 Individual Living Units)	3.3.2.D	Conditional Use	Conditional Use
Residential Care Facility (Up to 8 Persons)	3.3.2.E	Permitted Use	Permitted Use
Residential Care Facility (9-16 Persons)	3.3.2.E	Permitted Use	Limited Use
Residential Care Facility (16+ Persons)	3.3.2.E	Limited Use	Not Allowed
<b>Accessory Residential Use</b>			
	3.3.3		
Home Health Practitioner (Low Impact)	3.3.3.G	Limited Use	Limited Use
Home Health Practitioner (Major Impact Impact)	3.3.3.G	Conditional Use	Conditional Use
Home Occupation (No Impact)	3.3.3.H	Limited Use	Limited Use
Home Occupation (Low Impact)	3.3.3.H	Limited Use	Limited Use
Home Occupation (Major Impact Impact)	3.3.3.H	Conditional Use	Conditional Use

	Definitions & Standards	CRT	NR
<b>Civic &amp; Institutional</b>			
Ambulance, Rescue Squad (Private)	3.4.1	Limited Use	Permitted Use
Charitable, Philanthropic Institution	3.4.2	Permitted Use	Conditional Use
Cultural Institution	3.4.3	Permitted Use	Not Allowed
<b>Day Care Facility</b>	3.4.4		
Family Day Care (Up to 8 Persons)	3.4.4.C	Permitted Use	Permitted Use
Group Day Care (9-12 Persons)	3.4.4.D	Permitted Use	Permitted Use
Day Care Center (13-30 Persons)	3.4.4.E	Permitted Use	Permitted Use
Day Care Center (30+ Persons)	3.4.4.F	Limited Use	Permitted Use
Educational Institution (Private)	3.4.5	Permitted Use	Permitted Use
Hospital	3.4.6	Limited Use	Not Allowed
Playground, Outdoor Area (Private)	3.4.7	Permitted Use	Permitted Use
Private Club, Service Organization	3.4.8	Permitted Use	Not Allowed
Public Use (Except Utilities)	3.4.9	Permitted Use	Permitted Use
Religious Assembly	3.4.10	Permitted Use	Permitted Use
<b>Commercial</b>			
<b>Animal Services</b>	3.5.1		
Animal Boarding & Care	3.5.1.B	Conditional Use	Conditional Use
Veterinary Office/ Hospital	3.5.1.C	Limited Use	Limited Use
<b>Communication Facility</b>	3.5.2		
Cable Communications System	3.5.2.A	Conditional Use	Conditional Use
Telecommunications Tower	3.5.2.C	Not Allowed	Permitted Use
<b>Eating &amp; Drinking</b>	3.5.3		
Restaurant	3.5.3.B	Permitted Use	Permitted Use
<b>Funeral &amp; Interment Services</b>	3.5.4		
Funeral Home, Undertaker	3.5.4.C	Limited Use	Not Allowed
<b>Lodging</b>	3.5.6		
Bed & Breakfast	3.5.6.B	Limited Use	Limited Use
Hotel, Motel	3.5.6.C	Permitted Use	Not Allowed
<b>Medical &amp; Dental</b>	3.5.7		
Clinic (Up to 4 Medical Practitioners)	3.5.7.A	Permitted Use	Permitted Use
Clinic (More than 4 Medical Practitioners)	3.5.7.B	Permitted Use	Conditional Use
Medical , Dental Laboratory	3.5.7C	Permitted Use	Not Allowed



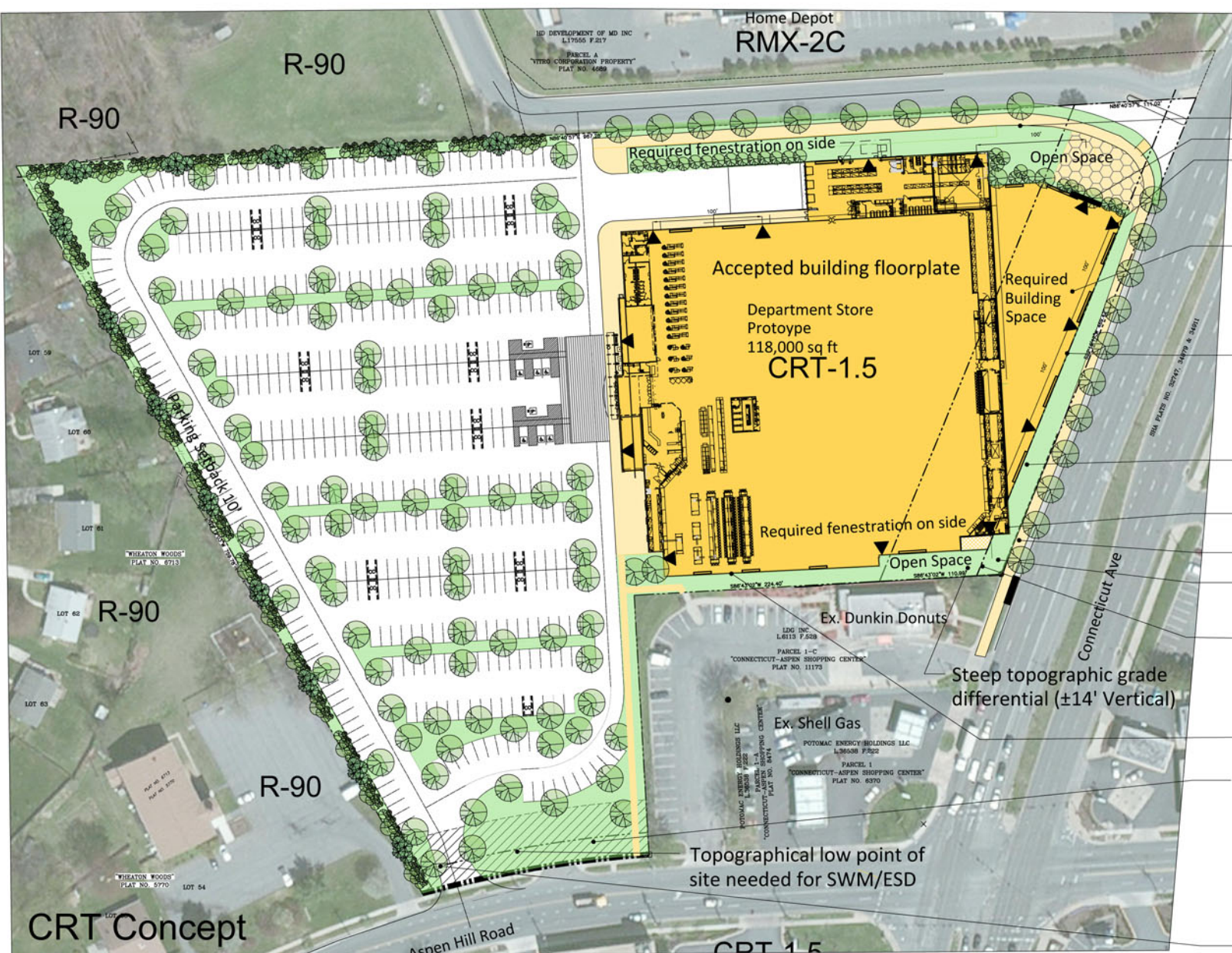
	Definitions & Standards	CRT	NR
<b>Office &amp; Professional</b>	3.5.8		
Office	3.5.8.B	Permitted Use	Permitted Use
Research & Development	3.5.8.C	Permitted Use	Not Allowed
<b>Parking</b>	3.5.9		
Structured Parking	3.5.9.B	Permitted Use	Not Allowed
Surface Parking for Use Allowed in the Zone	3.5.9C	Limited Use	Limited Use
<b>Recreation &amp; Entertainment</b>	3.5.10		
Conference Center	3.5.10.C	Permitted Use	Not Allowed
Health Clubs & Facilities	3.5.10.E	Permitted Use	Limited Use
Recreation & Entertainment Facility, Indoor (Capacity Up to 1,000 Persons)	3.5.10.F	Limited Use /Conditional Use	Conditional Use
Recreation & Entertainment Facility, Outdoor (Capacity Up to 1,000 Persons)	3.5.10.G	Conditional Use	Conditional Use
Recreation & Entertainment Facility, Major (Capacity Over 1,000 Persons)	3.5.10.H	Conditional Use	Conditional Use
<b>Retail Sales &amp; Service</b>	3.5.11		
Combination Retail	3.5.11A	Conditional Use	Conditional Use
Retail/ Service Establishment (Up to 5,000 SF)	3.5.11.B	Permitted Use	Permitted Use
Retail/ Service Establishment (5,001- 15,000 SF)	3.5.11.B	Permitted Use	Permitted Use
Retail/ Service Establishment (15,001-50,000SF)	3.5.11.B	Permitted Use	Permitted Use
Retail/ Service Establishment (50,001-85,000 SF)	3.5.11.B	Limited Use	Permitted Use
Retail/ Service Establishment (85,001-120,000 SF)	3.5.11.B	Limited Use	Limited Use
Retail/ Service Establishment (120,001 SF & Over)	3.5.11.b	Limited Use	Conditional Use
<b>Vehicle/ Equipment Sales &amp; Rental</b>	3.5.12		
Light Vehicle Sales & Rental (Indoor)	3.5.12.B	Limited Use	Not Allowed
Light Vehicle Sales & Rental (outdoor)	3.5.12.C	Limited Use	Conditional Use
<b>Vehicle Service</b>	3.5.13		
Car Wash	3.5.13.B	Conditional Use	Not Allowed
Filling Station	3.5.13.C	Conditional Use	Conditional Use
Repair (Major)	3.5.13.E	Conditional Use	Not Allowed
Repair (Minor)	3.5.13.F	Limited Use	Conditional Use

	Definitions & Standards	CRT	NR
<b>Accessory Commercial Use</b>	3.5.14		
Amateur Radio Facility (Up to 65 Ft in Height)	3.5.14.A	Permitted Use	Permitted Use
Amateur Radio Facility (over 65 Ft in Height)	3.5.14.B	Conditional Use	Conditional Use
Antenna On Existing Structure	3.5.14.C	Limited Use	Limited Use
Drive Thru	3.5.14.E	Limited Use/ Conditional Use	Limited Use/ Conditional Use
Lawn Maintenance Services	3.5.14.G	Limited Use	Limited Use
Live/ Work Unit	3.5.14.H	Permitted Use	Permitted Use
<b>Temporary Commercial Uses</b>	3.5.15		
Construction Administration or Sales Office	3.5.15.A	Limited Use	Limited Use
Transitory Use	3.5.15.C	Limited Use	Limited Use
<b>Industrial</b>			
Dry Cleaning Facility (Up to 3,000 SF)	3.6.3.A	Limited Use	Limited Use
<b>Manufacturing &amp; Production</b>	3.6.4		
Artisan Manufacturing & Production	3.6.4.A	Permitted Use	Not Allowed
Medical/ Scientific Manufacturing & Production	3.6.4.D	Limited Use	Not Allowed
<b>Transportation</b>	3.6.6		
Bus, Rail Terminal/ Station	3.6.6.A	Limited Use	Permitted Use
Railroad Tracks	3.6.6.C	Permitted Use	Permitted Use
Taxi/ Limo Facility	3.6.6.D	Limited Use	Permitted Use
<b>Utilities</b>			
Distribution Line (Above Ground)	3.6.7.A	Limited Use	Not Allowed
Distribution Line (Blow Ground)	3.6.7.B	Permitted Use	Permitted Use
Pipeline (Above Ground)	3.6.7.C	Conditional Use	Not Allowed
Pipeline (Below Ground)	3.6.7.D	Permitted Use	Permitted Use
Public Utility Structure	3.6.7.E	Limited Use	Conditional Use
<b>Warehouse</b>	3.6.8		
Self-Storage	3.6.8.D	Conditional Use	Not Allowed
Storage Facility	3.6.8.E	Limited Use	Not Allowed
<b>Miscellaneous</b>			
Solar Collection System	3.7.2	Limited Use	Limited Use
<b>Accessory Miscellaneous Use</b>	3.7.4		
Accessory Structures	3.7.4.A	Permitted Use	Permitted Use
Accessory Use	3.7.4.B	Permitted Use	Permitted Use



- GR/NR FEATURES**  
(conflicts with requirements in red)
- Proposed Pedestrian Greenway Connection
  - Signage/ plaza and activated corner
  - Accepted building floorplate
  - Opportunity for Public Open Space (no 'Build To Area' requirement) SWM/ESD (±50,000 sq ft open space)
  - Building may be flexibly sited as necessary along Connecticut Avenue to accommodate site grading and other constraints (no Zoning BTA)
  - Open Space: §4.5.3.C.1 Site 10% Open Space (10.3=1 =1.03\*43560=44,867 sq ft required, ±60,000 prov.)(§6.3.7 Amenity Open Space)
  - Streetscape improvements
  - Steep topographic grade differential (±14' Vertical)
  - Per §6.2.9.C.2 at least 25% of parking lot will be shaded at 20 yr growth
  - Topographical low point of site needed for SWM/ESD

GR or NR Concept



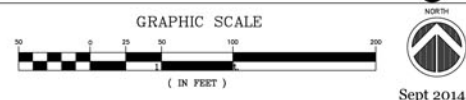
- CRT REQUIREMENTS**  
(conflicts with requirements in red)
- Pedestrian Connection
  - Signage/Plaza
  - Entrances located every 100' max. facing Open Space or Street (§4.5.3.C.5 Form)
  - ±294' of additional irregular building floorplate (±18,500 sf, 16%) is required to achieve BTA (70% of 470' per §4.5.3.C.3 Placement)
  - Building cannot be flexibly sited as necessary along Connecticut Avenue to accommodate site grading and other constraints
  - 40% Transparency (glass etc.) required (§4.5.3.C.5 Form)
  - ±329' of BTA (70% of 470' per §4.5.3.C.3 Placement)
  - Streetscape improvements
  - Build-To-Area(20' from front lot line)
  - 20' Front Principal Building Setback Max.
  - 35' Blank Wall Max. (§4.5.3.C.5 Form)
  - 25% Transparency (glass etc.) required (§4.5.3.C.5 Form)
  - Open Space: §4.5.3.C.1 Site 10% Open Space (10.3=1 = 1.03\* 43560= 44,867 sq ft required, ±40,000 provided) (§6.3.7 Public Open Space-must abut row, conflict w/ collocation with BTA)
  - Per §6.2.9.C.2 at least 25% of parking lot will be shaded at 20 yr growth

CRT Concept

Department Store/Combination Retail Zoning Comparisons and Challenges

**BAE PROPERTY**

**Exhibit 1**



This plan is for conceptual demonstrative purposes only, is not a proposal or final layout and is subject to change.

Sept 2014



- GR/NR FEATURES**  
(conflicts with requirements in red)
- Contiguous Buildings/Sidewalk creates Pedestrian-Oriented Shopping Experience
  - Signage
  - Building may be flexibly sited as necessary along Connecticut Avenue to accommodate site grading and other constraints (no Zoning BTA)
  - Steep topographic grade differential (±14' Vertical)
  - Topographical low point of site needed for SWM/ESD

GR/NR Concept



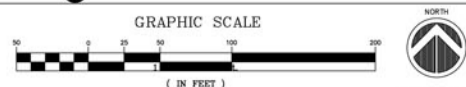
- CRT FEATURES**  
(conflicts with requirements in red)
- 25% Transparency required (§4.5.3.C.5 Form)
  - Signage
  - 20' Front Principal Building Setback Max.
  - Entrances located every 100' max. facing Open Space or Street (§4.5.3.C.5 Form)
  - 40% Transparency required (§4.5.3.C.5 Form)
  - ±300' Standard Floorplate does not meet 70% of 470' BTA (per §4.5.3.C.3 Placement)
  - Req. Build-To-Area (20' max. front setback) ±329' of BTA (70% of 470' per §4.5.3.C.3 Placement)
  - 25% Transparency required at Rear/Side (§4.5.3.C.5 Form)
  - Building CANNOT be flexibly sited as necessary along Connecticut Avenue to accommodate site grading and other constraints
  - Steep topographic grade differential (±14' Vertical)
  - Contiguous, pedestrian-oriented retail not in Req. Build-To Area
  - Req. Build-To Area (20' max. side setback) ±74' of BTA (35% of 210' per §4.5.3.C.3 Placement)
  - Topographical low point of site needed for Grading Tie-outs/SWM/ESD

CRT Concept

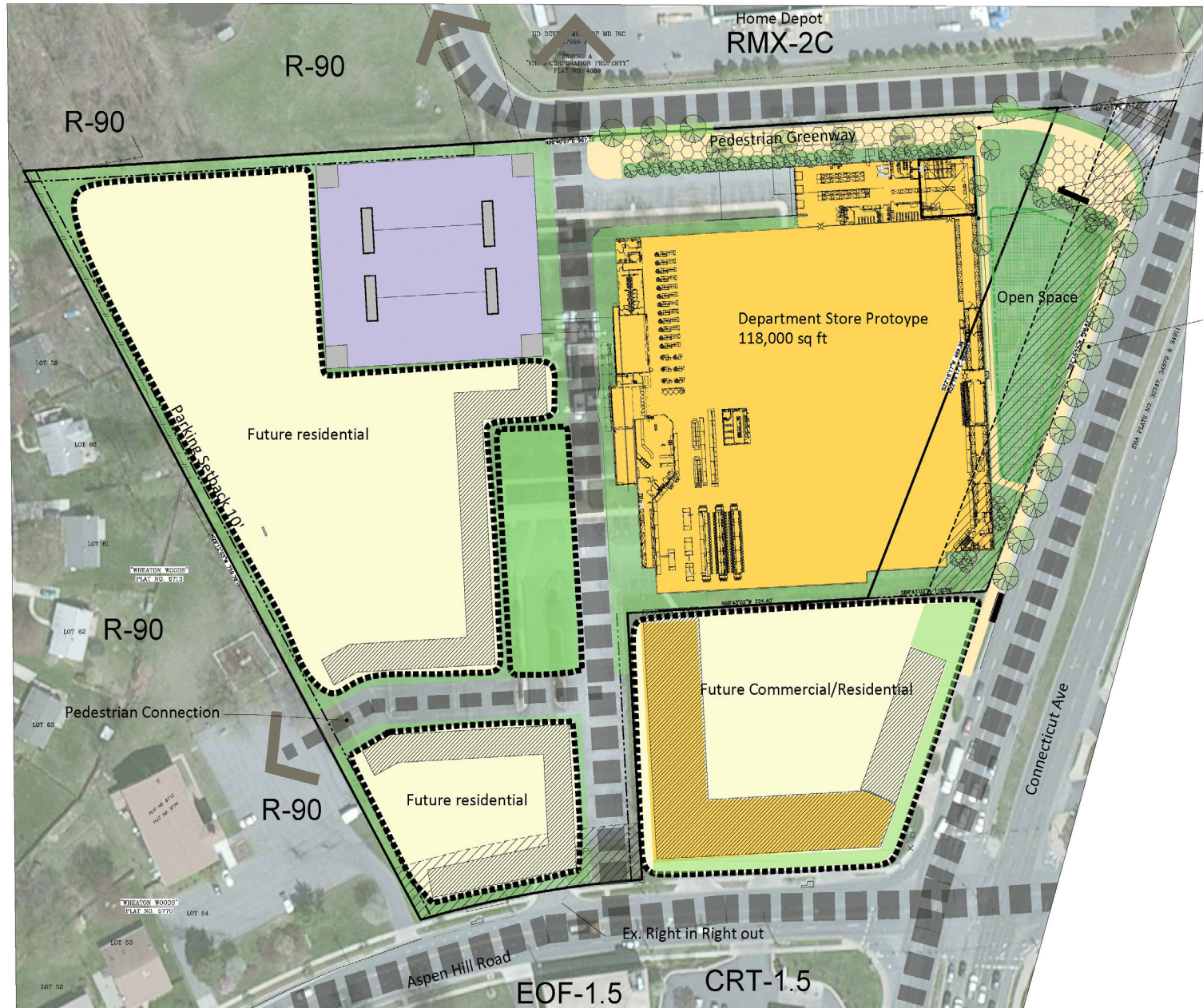
Grocery Store/Retail Zoning Comparisons and Challenges

Exhibit 2

**BAE PROPERTY**



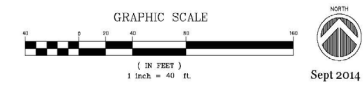
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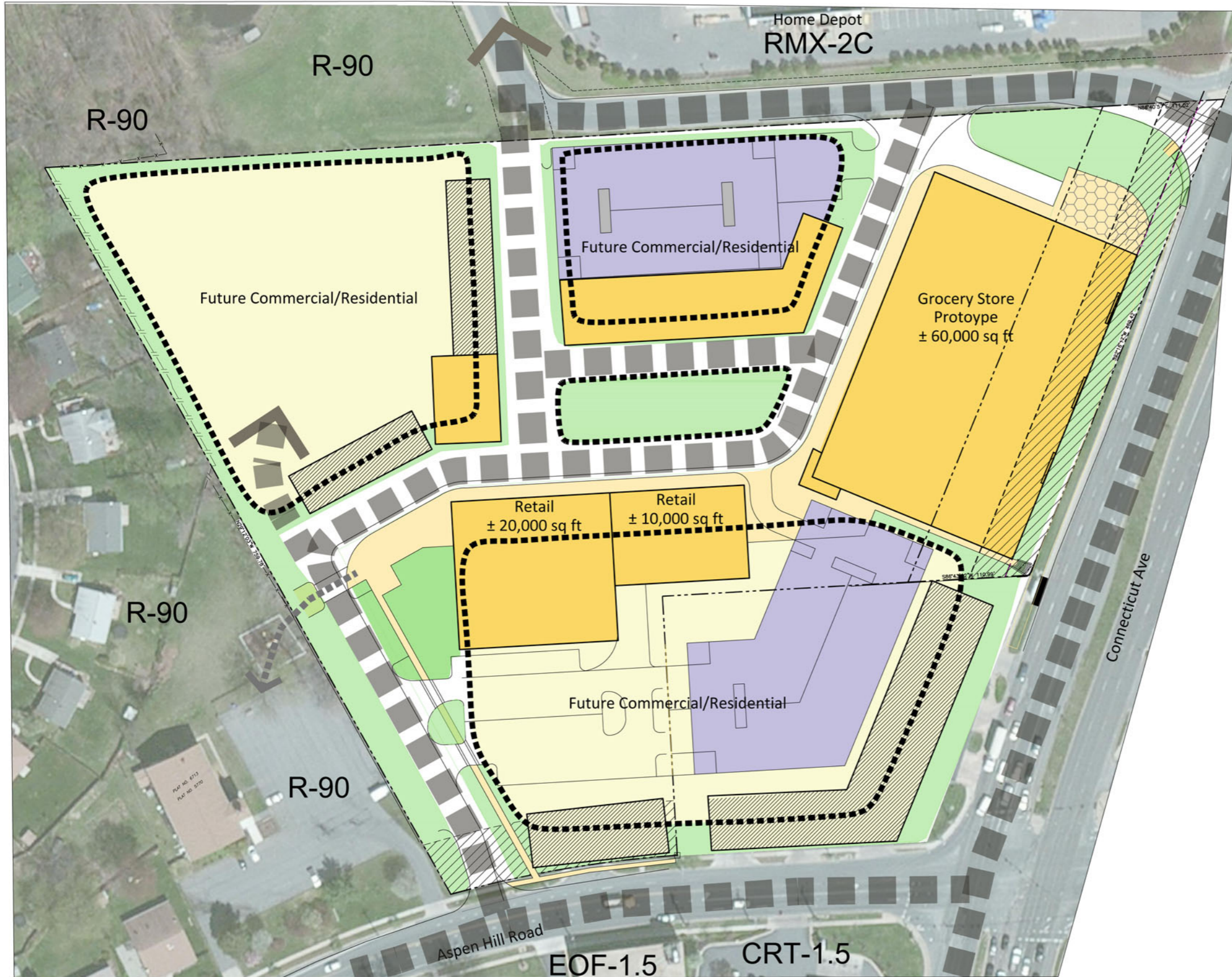
- Proposed Pedestrian Greenway Connection with Parallel Parking, Plaza, Amenities
- Signage/ plaza and activated corner
- Accepted building floorplate
- Streetscape improvements

Exhibit 3

# BAE PROPERTY Long Term Redevelopment Concept

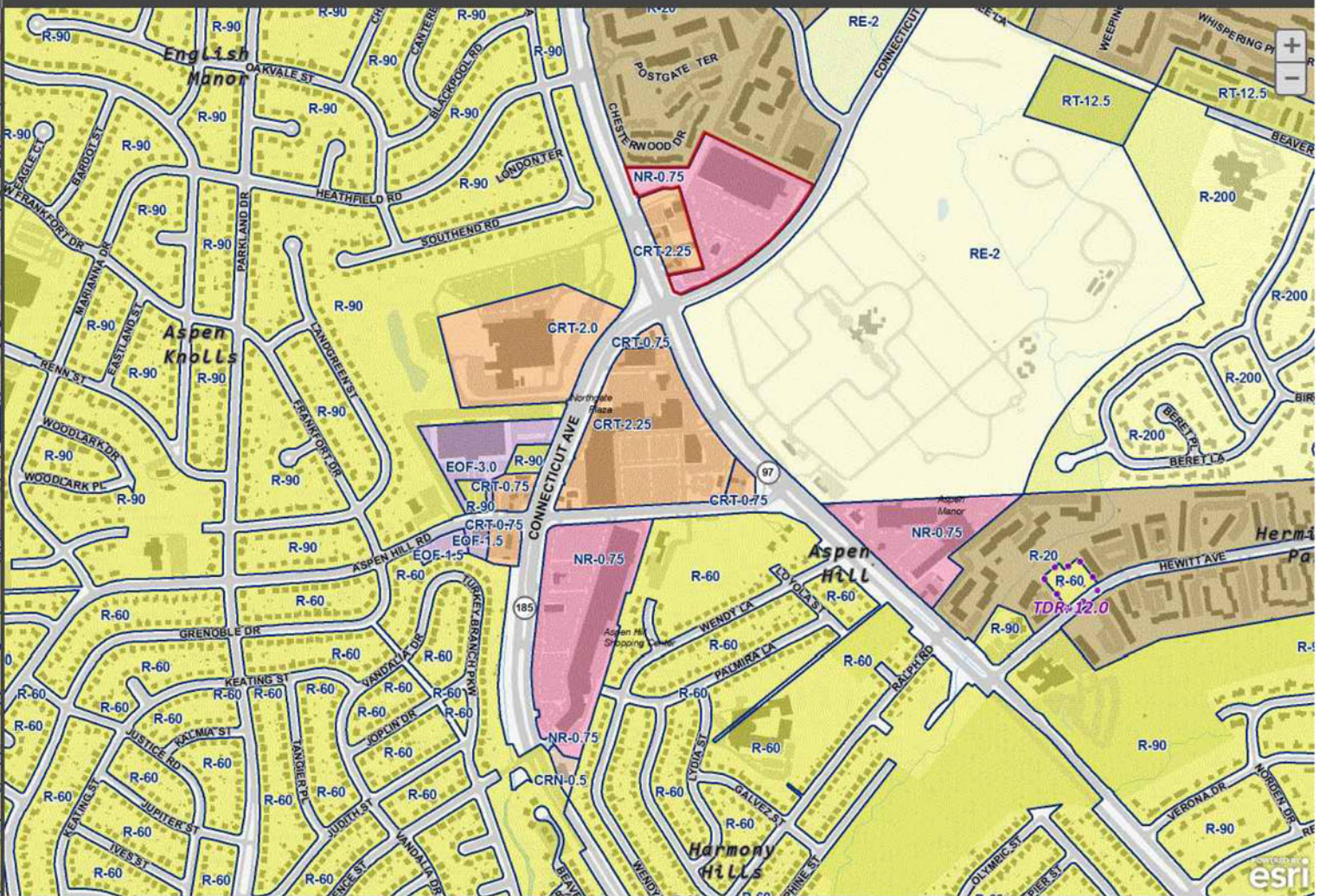
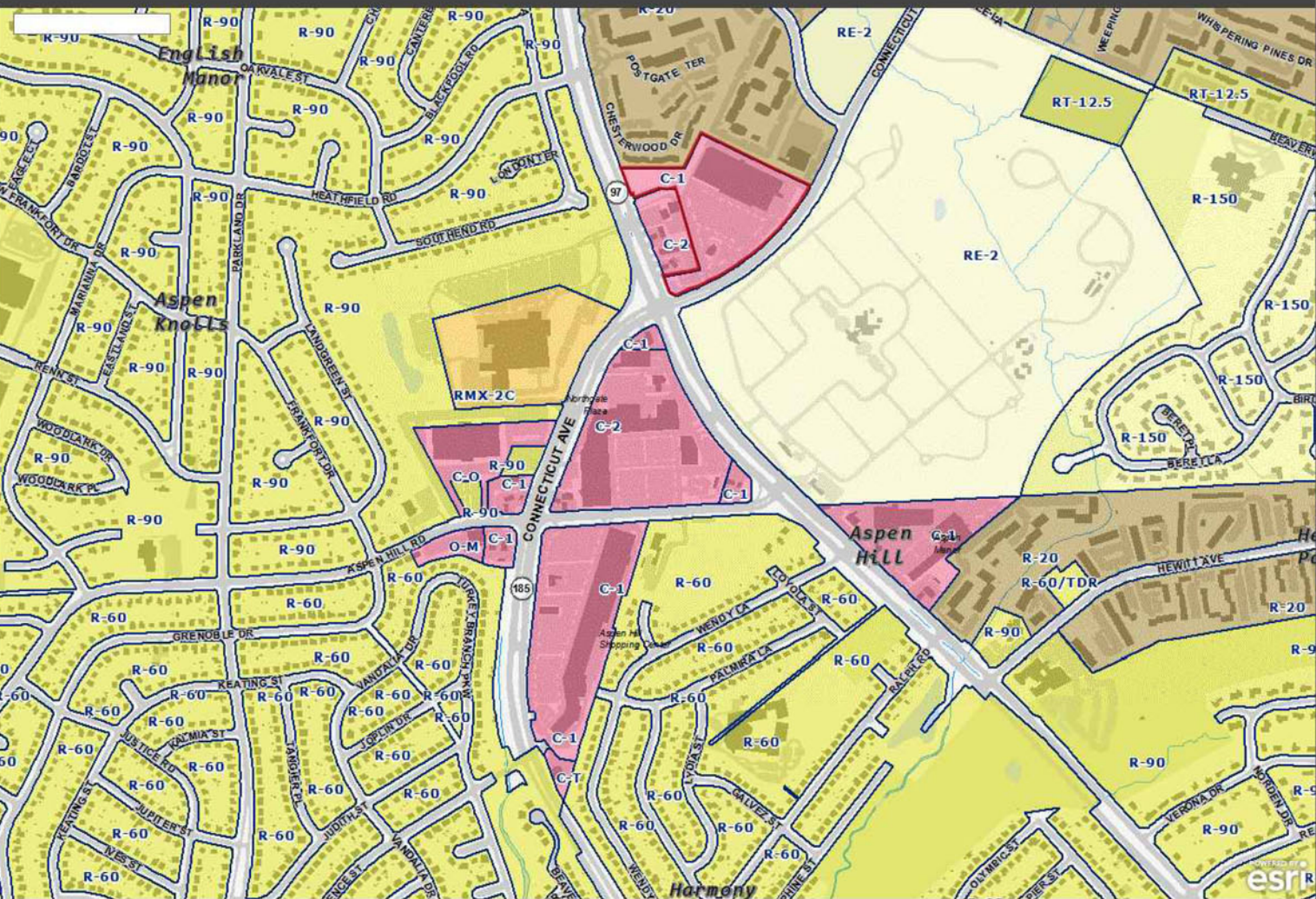


This plan is for conceptual demonstrative purposes only, is not a proposal or final layout and is subject to change.



Grocery Anchor Concept

Exhibit 4



**C-1 (Existing Zone)**  
Convenience Commercial

Standard Method of Development	
C-1 (Existing)	
<b>A. Area</b>	Area Max site 15 acres
<b>B. Height</b>	Height 35' - 45' <sup>1</sup>
<b>C. Placement</b>	<b>Setbacks</b>
	From Street: 10' <sup>2</sup> From Other Lot Line: Same as requirement for structures in an adjoining residential zone or none
<b>Coverage</b>	
Green Area (min): 10%	

<sup>1</sup>For more information on height, see the current zoning ordinance [Sec 59-C-4.342](#).  
<sup>2</sup>In certain cases no street setback is required.

For more complete information please refer to the current zoning ordinance.

**NR-0.75 H-45**  
Neighborhood Retail

Density in the NR zones is calculated as an allowed floor area ratio (FAR). FAR is the ratio of the total floor area of buildings on a property to the size of that property. Each NR zone has a unique sequence of maximum total FAR and maximum height (H) subject to the limits specified in the table to the left. In most cases, developers must mix residential and non-residential uses to achieve the maximum allowed density.

NR (Proposed)	
<b>A. Density<sup>1</sup></b>	<b>Density</b>
	Total FAR (max): as indicated on the map
<b>B. Height<sup>1</sup></b>	<b>Building (max)</b>
	Building height: as indicated on the map
<b>C. Coverage</b>	<b>Lot Coverage</b>
	Lot (max % of lot area): 90% (for select building types)
	Open Space (min): Varies by building type and lot size, 0% to 20%
	Household Living Uses (max. % of allowed FAR): 30%

<sup>1</sup>NOTE: The NR zone has a range of allowable densities and heights. For each application of the zone, the specific maximum allowed density and height is shown on the map.

For additional information please refer to the following [NR Factsheet](#).