



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #7
2/24/05

DATE: February 18, 2005
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development Review *RK*
Carlton Gilbert, Zoning Supervisor *CG*
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To allow a nonresidential professional office by special exception in the R-90 zone under limited circumstances; and to make technical, stylistic, and conforming changes throughout the nonresidential office special exception section.

TEXT AMENDMENT: No. 05-01
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmember Denis
INTRODUCED DATE: January 18, 2005

PLANNING BOARD REVIEW: February 24, 2005
PUBLIC HEARING: March 8, 2005; 1:30 pm

STAFF RECOMMENDATION: APPROVAL

PURPOSE OF THE TEXT AMENDMENT

To allow a nonresidential professional office by special exception in the R-90 zone under limited circumstances; and to make technical, stylistic, and conforming changes throughout the nonresidential office special exception section.

BACKGROUND

- A nonresidential professional office may now be established by special exception only in the R-60 zone if it is considered suitable by the applicable master or sector plan. ZTA 05-01 would allow a nonresidential professional office in the R-90 zone if it is to be located in a structure designated as historic in the master plan for historic preservation

and located along a highway with an existing right-of-way width of at least 120 feet. In addition, the structure must have been formerly used for a nonresidential purpose.

- The proposed zoning text amendment was initiated by Councilmember Denis to provide an opportunity to preserve “the Sycamore Store” located at 7025 MacArthur Boulevard in Bethesda and any other historically designated property that fits the parameters as stated above. The Sycamore Store opened in 1919 and served West Bethesda in the day when this was a rural suburb of Washington and there were no Safeways or Giants. The Rogers family operated the store, as only its second owners, from 1953 until closing it for good in 1995. (See picture on Attachment 2)
- Dean Brenneman and Peter Pagenstecher, an Architect/Builder team, are currently in the process of nominating the property for historic designation – ensuring that the Sycamore Store and its sign will remain a local landmark. They plan to restore the exterior of the building and renovate the interior to house the offices of their architectural remodeling business.
- The “Master Plan for Historic Preservation” and the Historic Preservation Ordinance, Chapter 24A of the Montgomery County Code, are designed to protect and preserve Montgomery County’s historic and architectural heritage. When a historic resource is placed on the “Master Plan for Historic Preservation”, the adoption action officially designates the property as a historic site and subjects it to the further procedural requirements of the Historic Preservation Ordinance. Protection comes in the form of Historic Designation and inclusion in the “Locational Atlas and Index of Historic Sites in Montgomery County”.

ANALYSIS

Current and Proposed Regulations

As currently stated in Section 59-C-1.31 (the land use table), in footnote 44 and in Section 59-G-2.38, a nonresidential professional office may be established by special exception only in the R-60 zone if it is considered suitable by the applicable master or sector plan and located along a highway with an existing right-of-way width of at least 90 feet or along a portion of an arterial road designated as a boundary of a Central Business District. The proposed legislation would allow nonresidential professional offices by special exception only in the R-90 zone with a modification to footnote 44 of the land use table to read as follows:

⁴⁴ *If designated as being suitable for nonresidential professional offices [on] in an approved and adopted master or sector plan or classified in the R-90 zone and designated as historic in the Master Plan for Historic Preservation*

In addition, language is proposed in Section 59-G-2.38 to further limit the applicability of this use in the R-90 zone as follows:

- (c) located in the R-90 zone and:
- (1) designated as historic in the Master Plan for Historic Preservation;
 - (2) located along a highway with an existing right-of-way of at least 120 feet; and
 - (3) contain a structure formerly used for nonresidential purposes.

Staff believes that the proposed parameters for permitting the subject use in the R-90 zone provide protection from encroachment of nonresidential uses in established neighborhoods by requiring location along major thoroughfares (areas typically not planned for single-family residential development) while also locating them in structures that were formerly used as nonresidential. Further, the designation of the structure as historic establishes additional requirements that ensure the preservation of a historically significant building. It should be further noted that the general and specific provisions and conditions of the Zoning Ordinance as well as the public hearing process provide additional protections to neighborhoods when considering a special exception application.

Uses Allowed in the R-90 Zone

Section 59-C-1.31, Land uses, depicts a number of service and other uses that are permitted by special exception only in the R-90 zone including: charitable and philanthropic institutions; child day care centers; medical clinics for no more than 4 practitioners; private educational institutions; funeral parlors; hospice care facilities; hospitals; veterinary hospitals; medical practitioners offices for use by other than a resident of the dwelling; and private clubs and service organizations. In staff's opinion, the proposed nonresidential professional office text amendment, with the limited circumstances where it would be applicable, could be accommodated in the R-90 zone in certain locations. The special exception process would provide the necessary site-specific measures for deciding the appropriateness of the use at any given location.

Staff further believes that the proposed land use-type is consistent with existing special exception uses allowed in the R-90 zone.

Master Plan Guidance

The proposed text amendment would not have a negative impact on the Bethesda-Chevy Chase master plan, Bethesda Central Business District (CBD) or Friendship Heights CBD sector plan areas. It will instead help facilitate the reuse of existing structures, which predate the master plans, in a creative way. Of the R-90 sites located along wide roadways, many are no longer attractive for residential use because of roadway impacts.

Countywide Planning-- Historic Preservation Guidance

Historic preservation staff supports Zoning Text Amendment #05-01 and recommends that the Planning Board support this legislation as it is considered by the Montgomery County Council.

Although this amendment will potentially affect a very small number of properties in the County, it will allow for the adaptive reuse of one very important structure: the Sycamore Store on MacArthur Boulevard. The Sycamore Store has been nominated by the owner for historic designation on the *Master Plan for Historic Preservation* and has been recommended for designation by the Historic Preservation Commission (HPC) and the Planning Board.

This building, for most of its life, served as a commercial establishment that was a landmark in the surrounding community. However, it was never zoned commercially. It is always desirable for historic buildings to be put to a new use that as closely as possible approximates their original use. Thus, it is very appropriate for the Sycamore Store to be rehabilitated for a nonresidential use. Indeed, staff believes that it would be very difficult to preserve the Sycamore Store building strictly as a residence – it is small and the interior does not have a typical residential floor plan.

In this case, there is a private owner who wishes to preserve a historically commercial building for an appropriate new use and, through these actions, will maintain an important part of the county's history. Staff believes that there is a great public interest in assisting in the achievement of these goals and that the proposed text amendment is an appropriate mechanism for this effort.

RECOMMENDATION

The staff supports the proposed text amendment, to allow a nonresidential professional office by special exception in the R-90 zone under limited circumstances; and to make technical, stylistic, and conforming changes throughout the nonresidential office special exception section.

GR

Attachments

1. Proposed Text Amendment 05-01
2. Picture of Sycamore Store
3. Community-Based Planning Memorandum
4. Countywide Planning – Historic Preservation Memorandum