


THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION


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

MEMORANDUM

DATE: October 12, 2005

TO: Dan Janousek, Development Review Division

VIA: Mary Dolan, Countywide Planning Division, Environmental 

FROM: Marion Clark, Countywide Planning Division, Environmental 

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

Recommendation: Approval

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

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

Forest Conservation

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

Environmental Guidelines

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

Stormwater Management

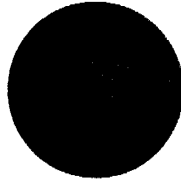
Department of Permitting Services requirements for stormwater quality and quantity control must be fulfilled prior to issuance of sediment and erosion control permits.

Noise

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

Dust

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



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

October 6, 2005

MEMORANDUM

TO: Dan Janousek, Coordinator
Development Review

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

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

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

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

RECOMMENDATION

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

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

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

DISCUSSION

Site Location and Access

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

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

Vehicular Access, Circulation, and Parking

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

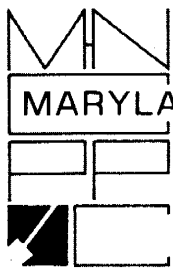
Master Plan Roadways and Bikeways

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

Local Area Transportation Review

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

SJ:gw



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

(301) 495-4605

MEMORANDUM

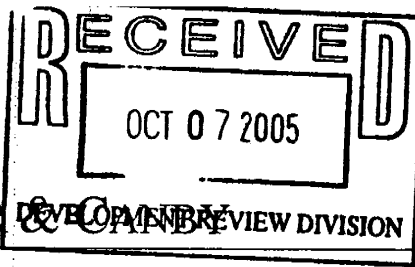
Date: October 7, 2005

To: Daniel Janousek
Community Based Planning Division

From: Taslima Alam *TBA*

Subject: Board of Appeals Petition No. S-2651

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



LAW OFFICES

MILLER, MILLER & CAMPBELL DEVELOPMENT REVIEW DIVISION

CHARTERED

200-B MONROE STREET
ROCKVILLE, MARYLAND 20850

(301) 762-5212
FAX (301) 762-6044

JSKLINE@MMCANBY.COM

PATRICK C. MCKEEVER
JAMES L. THOMPSON
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER
MAURY S. EPNER
JOSEPH P. SUNTUM
SUSAN W. CARTER
ROBERT E. GOUGH
GLENN M. ANDERSON
DONNA E. McBRIDE
MICHAEL G. CAMPBELL
SOO LEE-CHO

October 3, 2005

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

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

Dear Ms. Carrier:

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

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

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

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

Thank you for your attention to this request.

Sincerely yours,

MILLER, MILLER & CANBY

JODY KLINE

Jody S. Kline

JSK/dlt

Enclosures

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

**BEFORE THE BOARD OF APPEALS
FOR MONTGOMERY COUNTY, MARYLAND**

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

SECOND AMENDED PETITIONERS' STATEMENT OF OPERATIONS

Summary of Petition:

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

Petitioners' Background:

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

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

Legislative Background:

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

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

Historic Designation:

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

Property Characteristics:

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

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

Improvements and Landscaping:

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

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

normal residential appearance. These peculiarities are character-defining and, along with the historic "Sycamore Store" sign, greatly contribute to the historic nature of the property.

The Petitioner will not expand the size of the existing structure nor in any way increase the usable area of the primary structure, beyond the enclosure of the existing screened porch and erection of an exterior stair from the existing rear balcony. The Petitioner will restore and maintain the structure in accordance with applicable Historic Preservation Ordinances.

The Petitioner will demolish an existing accessory structure (detached garage) and will not erect any new accessory structure for parking or garaging of vehicles on the premises or for any other purpose. A small retaining wall, incorporated into the garage to be demolished, will be re-established in stone, similar to the main wall, and will be relocated along the property line, per the site development plan. The main retaining wall in the rear and side yards of the property will be maintained and/or replaced in the current location and will not be relocated.

The MacArthur Boulevard right-of-way (currently owned by the Army Corps of Engineers) between the property line and the paved street, is landscaped in a residential manner, providing the appearance of a residential front yard for the property. The Petitioner will continue routine landscape maintenance of the yard and will not enter into a lease or other agreement for any use of this area, including the parking of vehicles. Landscape improvements are proposed in accordance with the attached Landscaping Plan.

Signage:

The Petitioner will preserve the historic "Sycamore Store" sign in its present location. If the internal lighting of the sign is restored, such lighting will not operate between the hours of 9:00pm and 7:00am, daily. The Petitioner will erect no more than one additional Occupant Sign,

in accordance with all applicable laws and such sign will have no internal lighting. External lighting of the Occupant sign will not operate between the hours of 9:00pm and 7:00am daily.

Proposed Staffing, Primary Services, and Hours of Operation:

This office will primarily provide architectural services to local homeowners. Primary office hours will be 7:00am - 5:30pm, Monday – Friday. Extended public hours will not exceed 2 evenings per week, until 7:00pm. A maximum of 4 staff members will be present at any time outside of primary office hours.

Brenneman & Pagenstecher is a business in which customer service is critical and fluctuations in workload are common. It is, therefore, reasonable to expect as with any other demanding business enterprise, that there will be occasions when an individual employee will work late at night, or arrive earlier than 7:00 a.m. to complete a “rush” project. However, these incidents of expanded work hours are more the exception than the rule and the primary office hours described above represent the overwhelming number of man hours realized during any extended time period.

Staff employed at this location will include one principal architect, two project architects, one architectural drafter, two administrative staff and one business partner in charge of construction and execution of the firm’s designs. The Petitioner operates on a flex-schedule, staggering the comings and goings of staff, whose typical schedules are as follows:

<u>Position</u>	<u>Avg. workday...</u>		<u>Avg.hrs/day in office *</u>
	<u>Begin</u>	<u>End</u>	
Principal Architect **	8:30am	6:30pm	5
Project Architect 1**	6:00am	4:30pm	5
Project Architect 2**	8:00am	5:00pm	7
Architectural Drafter**	9:30am	6:30pm	8
Office Manager	9:00am	5:30pm	8.5

Bookkeeper/Admin. Asst.	8:30am	5:00pm	8.5
Partner – Production**	6:00am	4:00pm	4

* Professional staff work more than 8 hrs per day Monday-Thursday, but have every-other Friday off, or work a ½ day every Friday, at their discretion.

** Avg. workday begin and end times do not match avg. hrs/day in office because staff spends the balance of time in the field. Actual office arrival and departure times vary significantly from day-to-day.

Other Facilities:

The Petitioner maintains a separate contracting office @ 11145 Liberty Mills Road, Orange, Virginia, 22960, accommodating the estimating, purchasing, and contracting staff associated with the construction of the firm’s work. Receipt and storage of building materials occurs primarily at client’s job-sites, but the Petitioner also maintains a storage facility @ 3700 Plyers Mill Road, Kensington, MD, 20895.

The Petitioner also leases space in a storage lot in Kensington, MD for overnight parking of one large construction vehicle. No trucks and vans utilized by field-personnel, nor any vehicles displaying business signage, will be parked overnight on the subject property.

Parking capacity and setbacks:

The structure contains approximately 2,500 square feet of habitable area. Section 59-E-3.7 of the Ordinance requires 2.5 parking spaces per 1,000 Square Feet, or 6.25 parking spaces total. The petitioner proposes a parking area for seven (7) vehicles, to be located on the north side of the building, roughly in the location of the current gravel parking area and garage. However, Section 59-E-2.83(b) of the Ordinance requires that each parking and loading facility, including each entrance and exit driveway, must be set back a distance not less than the

applicable building front and rear yard and twice the building sideyard required in the zone. In the R-90 zone for lots platted before 1928 (See Section 59-B-5.3(a) of the Zoning Ordinance), the rear yard setback is 20 feet, so the requirement for a parking facility rear yard setback would be 20 feet. (For the subject property, Mac Arthur Boulevard has been identified as the front yard so the common property line with adjacent Lot 32 is deemed to be the "rear yard".) Further, the front yard setback requirement would be 25 feet. In this case, the driveway and parking spaces as proposed do not meet the setback requirement of Section 59-E-2.83(b) for the front and rear yards. The layout of the lot is such, however, that it is not possible to move the parking area in order to comply with the setback requirement while still preserving the historic structure.

In order to place the parking area at this location, therefore, Petitioner requests that the Board grant a waiver of the normal parking standards, pursuant to Section 59-E-4.5 of the Montgomery County Zoning Ordinance. 59-E-4.5 provides as follows:

"The Director, Planning Board, or Board of Appeals may waive any requirement in this Article not necessary to accomplish the objectives in Section 59-E-4.2, and in conjunction with reductions may adopt reasonable requirements above the minimum standards. Any request for a waiver under this Section must be referred to all adjoining property owners and affected citizen associations for comment before a decision on the requested waiver."

The objectives set out in Section 59-E-4.2 include the protection of the health, safety and welfare of those who use the adjoining land (including control of noise, glare, reflection, lights, fumes, etc.) by the use of landscaping, walls, fences, etc; safety of pedestrians and motorists; safe circulation; and appropriate lighting. In this case, there would be no adverse impact on private residences, as the adjoining residential property is a steeply sloped lot with a house situated over

30' above the grade of the parking area. This severe change in grade as well as a fence at the top of the hill, a stone retaining wall, and vegetation on the slope itself provides adequate separation between Petitioner's property and the adjacent residence on Lot 32. Petitioner therefore believes that it is reasonable for the Board grant a waiver of the provision of 59-E-4.2 for the following reasons:

1. The setback requirement of 59-E-2.83 (b) is intended to ensure compatibility when allowing a non-residential use in an established residential zone. The non-residential use of this property was established long before the development of adjacent residences and the adoption of current zoning codes. Nonetheless, the proposed change to a lower intensity professional office use is inherently more compatible with a residential zone than was the previous commercial use. In addition, the preservation of the residential character of the property is ensured via historic designation and review.
2. Effective screening, in the form a steep slope capped with a board-on-board fence and existing plantings, already accomplishes the objectives of 59-E-4.2, including the reduction of glare, screening, etc. A new stone retaining wall along the adjoining property line will further reduce impact.
3. The adjacent residence utilizes two parking spaces, informally paved in the public right-of-way, immediately adjacent to the lot line. This has maintained and reinforced the traditional pattern of parking along Walhonding road in this area; so no compatibility issues arise.
4. The layout does meet the requirements for setback for a main building in the R-90 zone and the setback requirements that would otherwise apply to a parking facility within or adjoining a residential zone that is not subject to a special exception (59-E-2.81).

Routine Visitor Traffic and Parking:

Routine visitor traffic to the Petitioner's office is expected to be light. In a typical week, one or two clients will visit the office for an architectural meeting. Most client meetings are held at clients' homes. In addition, the Petitioner averages one miscellaneous meeting a week with a business associate (attorney/accountant/vendor/field employee, etc.); these meetings typically last between one and two hours. Lastly, there are the normal assortment of incidental pick-ups and deliveries (US Mail, UPS, FedEx and a company driver). These visits average 2-3 per day and last less than 15 minutes.

Visits to the office by field personnel average about twice a month. Professional staff communicates with field personnel via email, telephone, fax, and frequent jobsite visits. Field personnel (both Petitioner's staff and subcontractors) will not report to the Petitioner's offices for daily instructions, as they are expected to report directly to jobsites.

Since Petitioner's professional staff operates on a flex-schedule, spend a substantial amount of time on jobsites, and routinely telecommute via the Internet, they are typically not all in the office at the same time. Accordingly, routine visitor parking will generally be accommodated on-site. While the Petitioner cannot forbid parking in the public parking lot across MacArthur Boulevard, it will actively discourage the use of this lot by staff and visitors.

Occasional Peak Visitor Parking:

The Petitioner typically holds a lunch meeting with all office staff and 2-3 field staff every other Wednesday, from 12:00 – 1:30pm. The Petitioner also typically holds a full-company meeting on the alternate Wednesdays from 3:30 – 5:30pm. On these occasions, as well as any others that generate unusual parking requirements, the Petitioner will organize ridesharing, off-site shuttles, or alternative means to prevent parking congestion.

Neighborhood Compatibility:

The Petitioner has conducted an extensive process of community consultation including: community information meetings, informational mailings, public hearings, and an informational Internet website: www.sycamorestore.com. Many of the representations made herein were developed in the course of these exchanges and made in deference to the residential character of the surrounding communities.

Residents of the surrounding neighborhoods of Glen Echo Heights, Mohican Hills, and the Glen Echo area at-large have expressed overwhelming support for the Petitioner's proposed preservation, restoration and adaptive re-use of the Sycamore Store. In addition, all homeowners in the immediate proximity of the subject property support this Special Exception. One local resident testified in opposition of a non-residential use of the Sycamore Store property. That person is not a directly effected neighbor and did not represent the majority view. The Planning Board and the County Council, in deliberating Zoning Text Amendment 05-01, considered the testimony of this person and unanimously approved the Amendment.

Conclusion:

The Petitioner proposes a low-impact non-residential use for this unique property, ensuring financial viability for the restoration and upkeep of this historic landmark. Great care has been taken, via historic designation as well as the conditions included in this application, to ensure neighborhood compatibility for both the immediate future and the long-term. The Petitioner has sought and received significant support for this use from the community as an alternative to the mounting trend of teardowns and redevelopment of older properties. The petitioner welcomes the opportunity to reinvigorate this local landmark for generations to come.