

APPENDIX C: RESOLUTION OF APPROVAL,
COUNTY COUNCIL, MONTGOMERY
COUNTY, MARYLAND, AUGUST 11,
1982

Resolution No. 9-1963
Introduced: August 11, 1982
Adopted: August 11, 1982

COUNTY COUNCIL FOR MONTGOMERY COUNTY,
MARYLAND, SITTING AS A DISTRICT COUNCIL
FOR THAT PORTION OF THE MARYLAND-
WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND

By: District Council

SUBJECT: Approval of the Final Draft Westbard Sector
Plan

*W*HEREAS, on March 11, 1982, the Montgomery County Planning Board approved the Final Draft Westbard Sector Plan, on March 29, 1982, duly transmitted said Final Draft Sector Plan to the Montgomery County Council; and

WHEREAS, on May 20 and May 24, 1982, the Montgomery County Council held a public hearing wherein oral and written testimony was received concerning the Final Draft Westbard Sector Plan; and

WHEREAS, on June 2, 16, and 30, 1982, the Montgomery County Council held worksessions on the Final Draft Westbard Sector Plan at which time detailed consideration was given to the evidence of record developed at the public hearings and to the comments and concerns of interested parties attending the worksession discussions.

NOW, THEREFORE, BE IT RESOLVED by the County Council sitting as the District Council for that portion of the Maryland-Washington Regional District within Montgomery County that said Final Draft Sector Plan for the Westbard area is hereby approved with such revisions, modifications, and amendments as hereinafter set forth.

Council changes to the Final Draft Plan for the Westbard Planning Area, dated March, 1982, are identified below by chapter, section, and page number. Deletions to the text of the plan are indicated by dashed lines, and additions by underscoring.

PLAN HIGHLIGHTS

LAND USE PROPOSALS, Page 7

- Recommended land uses that are more compatible with one another.
- Recommend planned development zoning for new multi-family, mid-rise residential buildings on the former Marriott property. Allow for modest amounts of general office, research or medical office use on the south part of the tract.
- Apply the new C-4 Zone ~~new under consideration by the County Council~~ in order to provide for limited commercial uses along River Road. ~~Alternatively, amend the C-2 (General Commercial Zone) to limit the allowable intensity.~~
- Retain some of the clustering of heavy Re-affirm existing light industrial uses straddling

the railroad right-of-way south of River Road with access through ~~over~~ a new roadway.

- Convert the east side of Butler Road to low density office use, over time.
- Retain Westwood Towers as a mixed office and residential use, but prevent further conversion to office use.
- Reaffirm the residential character of the neighborhoods surrounding Westbard.
- Reaffirm most of the existing light industry uses in the southwest quadrant of the Sector Plan area.
- Reaffirm the park use on the eastern border of the Sector Plan area and the various institutional, garden apartments, townhouses and other peripheral and transitional uses.
- Eliminate all I-2 zoning within Sector Plan Area.
- Limit development in C-O and I-1 Zoned areas to three stories in height.

General Concerns and Issues, Page 23

This is the area composed of contractors' yards, auto body repair and salvage businesses. Many of the buildings are substandard, lots are too small, parking is insufficient, access is difficult, and the entire area is untidy and unsightly. ~~One of the properties is under consideration by the owner for the relocation of a concrete batching establishment.~~

COMPREHENSIVE PLANNING APPROACH

GOALS AND GUIDELINES, Page 28, Last Paragraph

~~Heavy industrial uses should be confined to interior sites which are reasonably well separated from the closest residential areas by reason of distance, topography or intervening transitional use.~~ Much of the present heavy industrially zoned area should be reclassified to the light industrial category (I-1). However, because the Westbard area is not suitable for large employment centers, the redevelopment of I-1 both I-1 and C-O zoned properties should be limited to the standard method of development which allows buildings of three stories or less.

Substandard Industrial Area, Page 33 and 34

If this area were exposed to public view, it would be a matter of grave concern calling, perhaps, for public redevelopment action. However, it is shielded from the sight of all but the occupants of the several high-rise buildings. The advantage is that the low cost of these properties might help to keep down the prices charged to customers of the auto body and repair shops. These industrial uses are unique to the down-county area and are useful from an energy and planning perspective. Therefore, the only suggested public involvement would be to extend an improved roadway as mentioned under "Substandard Streets" above. ~~The existing I-2 Zone is consistent with the present uses and should be retained.~~ The Light Industrial Zone is consistent with the present uses and is also appropriate for future development in this area.

~~One possible change that bears examination is the possibility that the present Maloney Concrete Company batching plant on Arlington Road in Bethesda would be phased out and relocated into a modern automated facility~~

~~behind and to the east of the Westwood Building. Because it would be buffered by other uses and located at a lower elevation, it could probably be installed without adverse effect to the area at large. Raw materials (sand, gravel, and bulk cement) would be delivered by relatively few trailer trucks whose access, along with the more numerous mixing trucks, should be limited by way of the railroad roadway to River Road.~~

~~This is a useful service which should remain available in the down-County area if at all possible. However, questions have been raised about the compatibility of the use and how it would actually operate. The proposal is regarded to be in accord with the Sector Plan but the matter of compatibility should be assured. It is recommended, therefore, that landscaping and screening be provided where necessary to lessen any visual impact.~~

SPECIFIC LAND USE PROPOSALS

Amend Land Use Plan Map on Page 43 as follows:

- Change designation for "Heavy Industrial" areas to "Light Industrial"
- Indicate Analysis Area C west of the railroad as suitable for townhouses if redeveloped.

Fourth Item, Page 45

- Areas devoted to zoned for heavy industrial purposes should be stabilized or decreased eliminated.

Analysis Area B, Page 50

Recommendation -- This site should be developed with a mixture of office and multi-family residential uses which could also have small, internally oriented retail commercial uses. The residential structures should range from four to eight stories and be located toward the middle of the area. A PD-28 Zone would allow for that type of mixed use. The zone requires a development plan prior to rezoning and a site plan must be approved prior to the issuance of a building permit. Development on the site should be limited to 353 DU's (44 units or 12.5 percent of the total should be moderately-priced dwelling units), 180,000 square feet of office space and possibly including up to 10,000 square feet of retail space for the convenience of workers and residents of the site. The office component should be positioned so as to block off or deflect noise from existing industrial uses along Dorsey and Clipper Lanes. The number of dwelling units that can be approved in this development will be determined by environmental and compatibility considerations during site plan review by the Planning Board. Furthermore, approval of redevelopment under PD-28 Zone will be contingent upon meeting the Adequate Public Facilities (APF) test.

PD's of lesser intensity call for a minimum percentage of townhouses with the result that some of the remaining units can be accommodated only in high-rise buildings. Although the PD-28 is at the upper end of the PD development intensity range, it is compensated for by the fact that the building heights can be kept to eight stories and lower.

The PD-28 Zone is a floating zone which cannot be applied by County action but must be applied for by the owner who must submit a development plan for approval. However, it is too risky to leave the present I-2 Zone in place; a suitable base zone should be applied by Sectional Map Amendment which would allow some economic use to the property, be compatible with surrounding uses and yet make it attractive for the owner to apply for the PD-28 Zone. Therefore, the Plan recommends applying the Commercial Office (C-O) Zone within a line to include the present office buildings (about 4.1 acres). However, the Plan recommends against approving development of C-O portion under the optional method because it would generate more vehicular trips than are acceptable. The remaining areas to the north and southwest should be zoned R-30, pending the filing of the PD Zone for the entire property. The Plan also recommends against approval of a special exception for structured parking, in the R-30 Zone, to support any development on the C-O zoned area.

Analysis Area E, Page 53, First Paragraph

The entire area of 7.16 acres is generally level, with the exception of the small open channel carrying Willett Branch through the tract fronting on Ridgefield Road and the two landlocked parcels to the south. The natural vegetative cover on the stream banks has recently been disturbed by adjoining construction of a commercial building plus a new replacement sewer in the stream bed. There is a retaining wall at the rear of the Roy Rogers site. The adjoining Jack's Roofing and American Plan Food parcels have covered over the culvert enclosing the Willett Branch stream, extending their lot

depths almost to Westbard Avenue. The open spaces on these parcels do retain some storm runoff in the soil. The culvert apparently is adequate to handle the 100-year storm flow. The open drainage channel also appears to be adequate to contain the 100-year floodplain level. The Kenwood Professional Building is a high-rise office building on a level site fronting on River Road.

Analysis Area E, Page 54, Third Paragraph

From observation, it is clear that several of the establishments on the southwest side of River Road have insufficient parking for their patrons. This is especially true of Talbert's Beverage Store and frequently results in the blocking of a lane of traffic on River Road by cars waiting to enter and park. According to the staff calculation, existing parking fails to meet zoning code requirements by about 150 spaces. The new retail/office building under construction on Ridgefield Road now occupies parking spaces previously available to occupants of the Kenwood Professional Building. Redevelopment of any of the River Road properties should be carefully reviewed with respect to parking needs and requirements.

Analysis Area F, Page 56 and 57

~~The site of the Westwood Building parking lot has been subject to much speculation as to the possible re-use of the land. It is one of the few large and vacant I-2 parcels in the down-County area. It has a considerable amount of frontage on the railroad right-of-way and is wedged between high density office building and light industrial uses. The portion~~

~~of the parking lot within Analysis Area F is the subject of a preliminary plan for resubdivision in order to relocate the Maloney Concrete batching plant which is a use permitted in the I-2 Zone. Because of the terrain and adjoining buffers, it is conceivable that such use may be compatible. However, if the use were to be made subject to a special exception permit, requiring a detailed consideration of environmental and traffic uses, then compatibility could be assured.~~

~~By an option dated February 23, 1981, the Planning Board approved a preliminary subdivision plan which would allow the concrete plant to develop. The plan was approved, subject to several conditions designed to minimize any adverse impacts. An appeal from the Planning Board's decision has been decided by the Circuit Court. The court order, dated February 17, 1982, remands the case to the Planning Board solely in order to take additional evidence of the issue of adequate access.~~

~~Recommendation -- Retain the I-2 Zone and uses to the south part of the area, farthest from River Road. The Light Industrial (I-1) Zone is recommended for this entire analysis area. The I-1 Zone will encourage development which will be compatible with the present use and also utilize the potential of vacant land for light industrial or office development. Any new industrial use should be carefully screened and landscaped to minimize any possible adverse impact from the I-2 I-1 uses. the Light Industrial (I-1) Zone is recommended to be applied on the C&P and WDCA sites which are near River Road, this would reflect the nature of the present uses and safeguard against any possible adverse heavy~~

~~industry uses.~~

Analysis Area H, Page 60

Recommendation -- In order to forestall conversion to any of the less desirable uses possible under the I-2 Zone, staff the plan recommends application of the C-O Zone for the Westbard Building and adjoining parking. However, the plan recommends against approving development of the C-O portion under the optional method. Parcels that are presently used for parking should be continued in that use. The triangular R-60 parcel on the east side of Westbard Avenue at Crown Street should retain its present zoning and status as parking by special exception for the Westwood Building. If the parking requirement of the Westwood Building is provided elsewhere, then this R-60 parcel would be suitable for townhouses. The off-street parking section of the Zoning Ordinance should be modified so as to provide remedies or sanctions whenever required parking is withdrawn from use, e.g., when a lease for required parking is not renewed. Such a zoning change will be considered during the parking policy study now underway by the Planning Board.

Analysis Area J, Paragraphs 2 and 5, Page 62

In order to retain the continuity of uses along River Road, ~~Parcels~~ Parcel MK-1 and N should be designated for limited commercial uses. In the short term, light industrial uses for the remainder of the Butler Road frontage were considered to be compatible with existing conditions on the west side of Butler Road. Automobile repair and related facilities would be suitable short-term uses allowable under the I-1 Zone until such time as land assembly occurs and the area is redeveloped in a comprehensive

manner to some higher use. Second, in the long-term, the area would be most suitable for redevelopment to low intensity office use as a transition between the park and neighboring industry.

Recommendation -- It is recommended that the zoning be changed to the I-1, Light Industrial Zone with the exception of Parcel MK-1 ~~and N~~ which ~~are~~ is designated for the C-4 Limited-Commercial Zone so as not to generate high levels of traffic in this small area between two intersections. Other acceptable zones for redevelopment would be the C-T, Commercial Transition, or O-M Office Building Moderate-Intensity Zone if applied for by the owners. Where property assembly occurs, elongated buildings parallel to Little Falls Parkway and extending between site lot lines, should be encouraged so as to block the noise from trucks on Butler Road. If redeveloped to office uses, new buildings should be constructed to an office-townhouse configuration.

Analysis Area V, Page 68

This site contains five recently completed townhouses, built under the ~~RT-10 (ten units per acre)~~ RT-12.5 (12.5 units per acre) Zone. This is another logical transition use adjoining the Springfield neighborhood.

Amend the Zoning Plan Map on Page 71, as follows:

- Change designation for Analysis Area V, from RT-10 to RT-12.5
- Change designation for Analysis Area T, from RT-8 to R-30

- Change designation for Rollow Property on Butler Road from C-4 to I-1
- Change designation for Maloney, Jewel, Norris, and Schnable Properties from I-2 to I-1
- Add asterisks to Abramson property in Analysis Area C and to Analysis Area K to indicate suitability for townhouse development.

SPECIFIC TRANSPORTATION PROPOSALS

Amend the Proposed Roadway Improvements Map on Page 91 as follows:

- Delete proposed roadway shown within right-of-way of the B&O Railroad both north and south of River Road
- Add proposed access road south of River Road, along west side of B&O Railroad right-of-way, with a paving width of 36 feet

~~Preferred Solution~~, Discussion of Alternatives, Page 96

In considering each of the schemes, it is recognized that the greatest relief to traffic congestion will result from improvement to the intersections. Free movement of traffic through the intersections will also result in improvement to the air quality. Some additional capacity would result from the creation of six moving lanes in Alternate 3A, but the benefits would be somewhat offset by the frequent occurrence of mid-block left-turn maneuvers. ~~On balance, The~~ benefits of Alternative 4 to the local business establishments tends to outweigh must be weighed against any additional convenience to commuter traffic. ~~Therefore, Alternative 4 is recommended.~~ The

State Highway Administration, which is the agency responsible for constructing improvements on River Road, may implement any of the above alternatives or other modifications based upon available and relevant data.

B & O Railroad Roadways, Last Paragraph, Page 96

Even though the rail line will continue in service, generally no more than one train a day can be expected in each direction. Therefore, an opportunity exists for the re-use of this right-of-way as a minor industrial roadway to provide enhanced access to the land-locked properties. It is proposed that such a roadway be developed if an agreement can be made with the railroad. Failing an agreement for an adequate right-of-way from the railroad, it may be possible to obtain sufficient rights-of-way from adjoining private properties. The roadway should be limited to serving only the industrially developed properties and not interconnect with existing streets to the north or south. ~~A recently approved preliminary subdivision plan to consolidate the Maloney parcels (Analysis Area F and H) requires that access be limited to the railroad and requires that a long-term agreement be signed by the B & O Railroad. The Planning Board's approval was contested before the Circuit Court. By order dated February 17, 1982, the Circuit Court remanded the case to the Planning Board solely in order to take evidence on the issue of adequate access.~~

Amend the Proposed Street and Highway Plan on Page 102 as follows:

Delete the proposed 70 foot right-of-way from the railroad right-of-way south of River Road; show a proposed 50 foot right-of-way to the west of the railroad.

GENERAL

All figures, tables, and maps are to be revised where appropriate to reflect County Council changes to the Final Draft Sector Plan for the Westbard area and to reflect the FY 82-87 Capital Improvement Programs. The text is to be edited as necessary to achieve clarity and consistency, to update factual information, and to convey the actions of the County Council. All identifying references pertain to the Final Draft of the Westbard Sector Plan dated March, 1982.

EXPLANATIONS: Underlining indicates text to be added.
Dashes indicate text to be deleted.

A True Copy:
ATTEST:

Kathleen A. Freedman, Deputy Secretary
of the County Council for
Montgomery County, Maryland