



May 15, 2011

[via email to mcp-chair@mncppc-mc.org](mailto:mcp-chair@mncppc-mc.org)

Planning Board Chair Francoise Carrier  
and Montgomery County Planning Board members  
8787 Georgia Avenue  
Silver Spring, MD 20910

Montgomery County Civic Federation  
c/o Jim Humphrey  
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Dear Chair Carrier,

RE: Chelsea School rezoning LMA G-892 - Item #4 on 5/19/11 Board agenda

I am writing on behalf of the Montgomery County Civic Federation to register our position opposing the application for rezoning of the Chelsea School site, located at 630 Ellsworth Drive in Silver Spring, from the R-60 to RT-15 zone. This position was approved by unanimous vote of the members of the MCCF Executive Committee at their April 20, 2011 meeting, and is in agreement with a Federation position of record in support of adherence to county master plans.

When a Special Exception use on a property is no longer desired and is vacated, as is the case with the Chelsea School, then the development standards for the property revert to those allowed by the zone in place--the R-60 Zone, in this instance.

In order to approve a Limited Map Amendment under the optional method of application and apply the RT-15 Zone to this property, as requested by the Applicant, the District Council must find that the application is "in accordance with the requirements of the purpose clause and all other requirements applicable to the requested zone." (County Code, Sec.59-H-2.51) We strongly disagree with the assertion of Planning staff that the Applicant's proposed project satisfies the purpose of the RT-15 zone.

As stated in the Zoning Ordinance [County Code Sec.59-C-1.721],  
"The purpose of the R-T Zone is to provide suitable sites for townhouses:

- (a) In sections of the County that are designated or appropriate for residential development at densities allowed in the R-T Zones; or
- (b) In locations in the County where there is a need for buffer or transitional uses between commercial, industrial, or high-density apartment uses and low-density one-family uses."

- Subject site is not "designated" for RT zoning in master plan

This fact is indisputable. The 2000 North and West Silver Spring Master Plan "reconfirms the existing R-60 Zone for virtually all of North Silver Spring with a few exceptions..." Those exceptions include recommendations for:

- townhouse zoning along Georgia Avenue outside of the Silver Spring Sector Plan Area,
- the Special Exception commercial use in the R-60 zoned single-family home structures on Cedar Street from Ellsworth Drive to Pershing Drive,
- and R-60 cluster zoning on the 3 acre Watts property.

The Chelsea School site was not one of those exceptions, and is therefore clearly recommended in Plan language to retain its R-60 zoning.

- Subject site not "appropriate for densities allowed in the RT Zones"

We disagree with Planning staff definition of the "surrounding area" as being bordered by Dale Drive to the north, Wayne Avenue to the east, Georgia Avenue to the south, and Colesville Road to the west. [pg. 4, Staff packet] To extend the southern border of the "community" to Georgia Avenue on the south results in the inclusion of a significant portion of land that is not even in the same North Silver Spring planning area as the subject site, but instead is in the Silver Spring CBD Sector Plan.

We believe, instead, that the correct geographical definition of this residential neighborhood should extend only to Cedar Street on the south, not Georgia Avenue. If the Cedar Lane boundary is used, then the "surrounding area" contains primarily R-60 single-family detached homes, with the notable exception of the multi-family residential high-rise building on the east side of Colesville Road at Cedar Street. We assert that the Chelsea School site is not appropriate for the density of nearly 15 dwelling units per acre requested by the Applicant. The vast majority of the surrounding area has a density of 6 dwelling units per acre allowed in the R-60 Zone--less than one-half of the density level requested by the Applicant.

- Subject site is not one of the "locations in the county where there is a need for buffer or transitional uses between commercial, industrial, or high-density apartment uses and low-density one-family uses"

As Planning staff notes, "a row of one-family detached houses, all with a Master Plan recommendation for special exception office uses, is located directly south of the subject property along Cedar Street." [pg. 3, Staff packet] The 2000 Master Plan strongly recommends that "the existing residential structures be retained" as well as their R-60 zoning. These Cedar Street structures serve as a very effective buffer between the Silver Spring CBD and the Evanswood residential neighborhood. Rezoning the subject site, a site further into the neighborhood, to greater density than exists along Cedar Street would be a transition in the wrong direction.

We opine that the rezoning requested by the Applicant in Limited Map Amendment No. G-892 is not legally justified. The RT-15 Zone is not recommended for the subject site in the applicable master plan, is not an appropriate density for the site, and is not needed as a buffer or transitional use, but would in fact constitute a buffer in the "wrong direction" allowing greater density further into the neighborhood than the existing buffer currently in place.

The only other legal justifications for District Council approval of such a rezoning request might be provided by the Maryland State "change and mistake" law. But there has been no change in the neighborhood surrounding the subject site that was unforeseen in the applicable master plan, which would justify application of a new zone. And no party has asserted a mistake in the original site zoning as a rationale for the requested rezoning to the RT townhouse zone.

The Civic Federation, therefore, respectfully urges the Planning Board to recommend the District Council disapprove this rezoning request, for all of the reasons stated above.

Sincerely,

/s/

Jim Humphrey

Chair, MCCF Planning and Land Use Committee