

TOWN OF GLEN ECHO
Town Council Meeting
December 11, 2006

PRESENT: Debbie Beers, Mayor
Nancy Long, Councilmember
Eve Arber, Councilmember
Dan Macy, Councilmember
Steve Matney, Councilmember
Cathie Polak, Clerk

ATTENDANCE: Kathleen Kotcher, Echo Reporter
Ivan Kotcher, Resident
Richard Leggin, 6110 Oberlin Avenue
JoAnne Murray, Resident
Mike Brintnall, Resident
Phyllis Fordham, Resident
Raya Bodnarchuk, Resident

Mayor Beers called the meeting to order at 8:05

Motion 2006-29 to approve as amended the minutes of the November 13, 2006, Town Council Meeting:

On page 2, paragraph 6, line 5: NPS is receiving complaints because people believe the ~~past~~ path is its responsibility.

The motion passed as unanimously.

Councilmember Long asked that the record show that a new copier has been purchased and installed in the Council Chamber.

Verizon Resolution

Mayor Beers explained that the purpose of the proposed Verizon resolution is to have competitive cable television (CATV); an agreement has been negotiated between Montgomery County and Verizon for all its municipalities. Town residents will have the option to choose; there is no individual requirement to use Verizon for cable TV. Mayor Beers read the attached resolution into the minutes and noted that this resolution must be passed in December. Mayor Beers then called for a motion to adopt the resolution.

Councilmember Matney asked about wiring for Town Hall and inquired about the period of the franchise, which is not stated. Mayor Beers replied that the resolution, which has been reviewed by the Town's attorney, Norman Knopf, can not be changed. Mayor Beers suggested questions be sent to attorney David Podolsky, who negotiated the contract with Verizon on behalf of Montgomery County municipalities.

Resolution 2006-04 to adopt the Verizon Cable Communication Franchise Resolution. The resolution was unanimously adopted.

ZONING/6110 OBERLIN AVENUE

Richard Leggin was invited to address Council on his application to the Montgomery County Office of Zoning and Administrative Hearing for reclassification of 6110 Oberlin Avenue from the R-60 Zone to the C-T (commercial-transitional) Zone. Mr. Leggin stated that he is here to ask for support for this project which he feels will improve the Town; he has support from the adjoining neighbors and expects to have the support of the Glen Echo Partnership, relative to parking considerations. March 16, 2007, is the tentative date for the hearing.

Mr. Leggin noted that in the most recent Bethesda-Chevy Chase (BCC) Master Plan owners of buildings on Oberlin and Tulane Avenues could apply for C-T status for their R-60 properties, where renovations must maintain the building's residential feel but may be used for commercial operations. Three owners chose to rezone to C-T; Mr. Leggin reminded Council that he notified them last February that he planned to apply for C-T zoning. The final renovated building will be a mirror image of the Sallie Law property, which Mr. Leggin renovated several years ago. When Councilmember Matney asked what the current square footage of the house is, Mr. Leggin said he plans to increase the building by 300 square feet, from 1,152 to 1,453.

Councilmember Long inquired why Mr. Leggin applied for C-T zoning instead of a special exception, which could allow commercial use without changing the R-60 residential zone designations. Mr. Leggin responded that it did not occur to him to apply for a special exception because the BCC Master Plan recommends C-T for the area and this is the last property to be rezoned. Councilmember Arber is concerned that an office building could replace the house in the future. Mr. Leggin stated that "could absolutely not happen;" the building can be sold but can only be used as zoned. The BCC Master Plan states that these three buildings, on Tulane and Oberlin Avenues are suitable for residential, office or multi-use. He said there is no possible way someone could raze the building and replace it with a commercial building. Councilmember Long is concerned that the use of the structure could change without changing the building since the Montgomery County Zoning Codes state that the building could be used for a number of other commercial activities. Resident Phyllis Fordham expressed concern about the transition zoning; it can change the character of a neighborhood. Ms. Fordham asked if land parcels in the C-T zone could be connected. Mr. Leggin noted the uses and zoning recommendations from the B-CC Master Plan, where he interprets the Master Plan as prohibiting change of use, or merging of lots to form a large parcel. Council explained that their concern is the change in zoning, not with architectural plans for the building. Councilmember Long noted that her experience has been that Park & Planning and the Board of Appeals do not visit a site before deciding on a case. She cited an application a number of years ago for commercial use in a building on Oxford Road—it was denied through a court case; the initial decision was made without a visit to the property. Mr. Leggin said his experience has been that Park & Planning does come to inspect each phase of a project.

Councilmember Macy asked if Mr. Leggin would consider applying for a special exception. Mr. Leggin stated that a change at this stage of the application process would be financially prohibitive and require him to sell the property. Mr. Leggin said he was advised by Park & Planning to bring the property in line with the B-CC Master Plan. Mr. Leggin stated that in his presentation last February there were no objections to his rezoning application from Council. Mayor Beers then read from the minutes of February 13, 2006, where Mr. Leggin stated rezoning was his plan.

“Mayor Beers said the Town would not write a letter objecting but has never written a letter in favor of development. She asked for a motion to write a letter in favor of the project from Council.

There was further discussion about the interpretation of CT height and other building details Mr. Leggin had not finalized. Councilmember Long complimented Mr. Leggin on his rendering of the proposed remodeling, but expressed strong objection to zoning changes from residential to commercial, and said she would therefore not vote to support this zoning change.

Mayor Beers asked Council what they would like to do; Council consensus appeared to be objection to writing a letter in support of any commercial expansion in Glen Echo.”

Resident Ivan Kotcher noted that he was at the February meeting; the presentation was the same as today.

Councilmember Long asked about resubdivision and if Mr. Leggin will be applying to change the lot lines. Both applications (resubdivision and zoning change) will be done at the same time, said Mr. Leggin, who stated that moving the lot lines will be a minor resubdivision. Councilmember Arber asked if he is applying for rezoning for two lots; resident JoAnne Murray noted that it is a moot point. Mayor Beers stated that she is opposed to commercial use in the larger part of Glen Echo but supports commercial use in that area. Mayor Beers said she supports Mr. Leggin’s attractive design; the building needs improvement, the project appears to be a perfectly reasonable use for the building. Mayor Beers noted that the B-CC Master Plan makes a distinction between one side of town and the other. Mayor Beers recommends Council takes no position if they choose not write a letter in support of the rezoning.

Mayor Beers did note that Norman Knopf is concerned that an approved proposal may not be binding and asked Mr. Leggin if he is bound by his presentation. He explained that he must show landscaping plans, exterior lighting, erosion, floor plans, elevations—every aspect is closely monitored by Park & Planning. Councilmember Long asked about off-street parking: Mr. Leggin is applying for six parking places instead of the required seven. He hopes for a waiver for a seventh car to park on the street during the day.

Ivan Kotcher mentioned that Council should consider what could happen should Mr. Leggin’s project not be approved and he was forced to sell the property; the result will be unknown.

JoAnne Murray questioned if limiting a resale was a factor for not applying for a special exception. Mr. Leggin repeated that he chose to handle the application this way because the same was done with the other properties on the adjoining lots. Councilmember Long complimented Mr. Leggin's work, reiterating that rezoning is the issue not his ability as an architect. Mayor Beers restated that this is an appropriate use of the area and asked for a motion, for or against the application, or if the Town should take any position. Norman Knopf recommends that the Town request detailed bond requirements if a letter for approval is submitted. There was no response from Council.

Further discussion was held about the Town's conflict with the Master Plan and potential future Master Plans. Further comments were:

- Mike Brintnall speculated if the Town had historic designation would it apply to buildings in a C-T zone.
- Councilmember Matney noted that a letter of approval for this project would not control what happens in the future.
- JoAnne Murray noted that the development in the area is protected by the boundaries.
- Councilmember Long mentioned that the Town property in the area was acquired to stop additional acquisition of land by the amusement park.
- Mr. Leggin again stated that, in his opinion, R-60 has fewer building restrictions than CT.

Mayor Beers again called for a motion, with no response. Council does not want to go on record in favor of the zoning change.

GLEN ECHO PARK REPORT

Kym Elder was unable to attend the Council meeting. Mayor Beers asked Councilmember Long if she had anything to report on Glen Echo Park. Ms. Long noted that the Park is quiet during the winter. There is a holiday show in the Popcorn Gallery. The GEPPAC annual report, included in these minutes, shows the partnership in good financial shape.

HVAC REPORT

Mayor Beers reported that civil engineers are available for HVAC consulting but not mechanical engineers. JoAnne Murray, who has been advising the Mayor and Council in this project, has a list of engineers. She said further investigation clarified that it may be very difficult to find engineers willing to consult because of the buildings age and code concerns. Ms. Murray is now recommending going forward and replacing the HVAC without consulting with an engineer. Mayor Beers summarized that we are no longer going to use an engineer for the HVAC and does not recommend starting over again. Mayor Beers would like Council to make a decision. Councilmember Macy said he will try to get more bids. A final decision must be made next month. Since Mayor Beers will be out of town for the January 8 Council Meeting, a special meeting will be held on Friday, January 5, 2007, at 8 p.m. to make a final decision on the new HVAC, with a vote to be taken on January 8.

STREET REPAIR PROJECT

Councilmember Matney reported that he spoke with A. Morton Thomas but has not been able to make an appointment. Another engineering group he contacted does not do road repairs.

STORM WATER MANAGEMENT

Mayor Beers will contact Montgomery County Councilmember Berliner to set up a meeting to discuss the storm water problems in Town.

TOWN HALL USE

Councilmember Long reported that Phyllis Daen has postponed the concert scheduled for January 21 as part of the Chautauqua Series; a new date has not been set. The annual Town holiday party was well attended. Tim Maloy delivered remaining food to Martha's Table.

The feature film for December 30 will be "An Inconvenient Truth."

A resident has asked to borrow the new projector.

MML REPORT

Councilmember Arber reported that the December meeting was the annual Legislative Dinner held at the Golden Bull Restaurant. The Mayor and Council attended, as did the newly elected Montgomery County Executive, Ike Leggett.

OTHER BUSINESS

1. Traffic/Pedestrian Concerns: Councilmember Long learned at the MML dinner that Garrett Park is initiating an effort with the County to address concerns about pedestrians, after a fatal accident in Garrett Park where a young boy was killed. She suggested Glen Echo work with Garrett Park on traffic and pedestrian problems. Mayor Beers agreed that it was a great idea and recommended Bannockburn be included in meetings. Mayor Beers directed Councilmember Long to contact Garrett Park.

2. Communication: Resident Phyllis Fordham noted the improved communication between residents and the town office. She thanked Council for its efforts.

The meeting was adjourned at 9:45 p.m.