



Nova-Habitat, Inc., Local Map Amendment H-101

Carlton W. Gilbert, Planner Coordinator, Area 2 Division, Carlton.Gilbert@montgomeryplanning.org, 301-495-4576

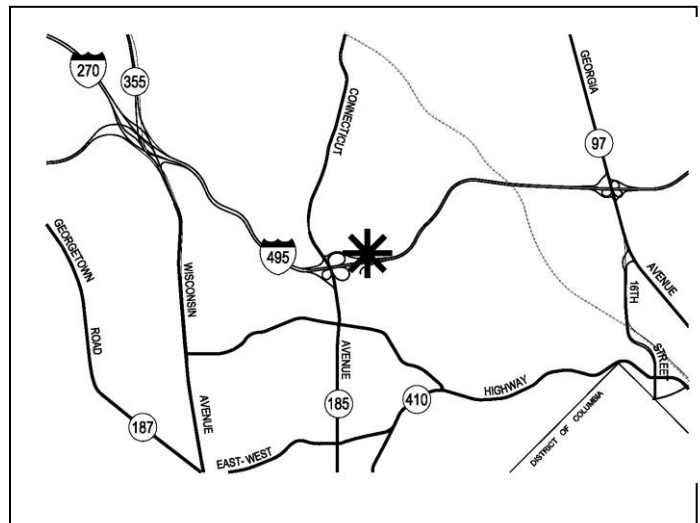
Khalid Afzal, Supervisor, Area 2 Division, Khalid.Afzal@montgomeryplanning.org, 301-495-4650

Glenn Kreger, Chief, Area 2 Division, Glenn.Kreger@montgomeryplanning.org, 301-495-4653

Completed: 03/13/15

Description

- Request to rezone the 1.41-acre property from the R-90 Zone to the TF-12 Zone to construct up to 16 townhomes;
- Location: 9213 Kensington Parkway and 3619-3623 Glenmoor Drive, Chevy Chase;
- *Master Plan for the Communities of Kensington-Wheaton*;
- Applicant: Nova-Habitat, Inc.
- Filing Date: December 16, 2014
- Hearing Examiner Public Hearing Date: April 13, 2015.



STAFF RECOMMENDATION

Approval of Local Map Amendment (LMA) H-101 and the associated Floating Zone Plan.

SUMMARY

The Applicant, Nova-Habitat, Inc., is requesting a rezoning of 1.41 acres (approximately 61,349 square feet) of land from the R-90 Zone to the Townhouse Floating (TF) Zone at a density of up to 12 dwelling units per acre (TF-12) to allow the development of up to 16 new townhomes to be known as Creekside. The Property is currently zoned R-90 and is improved with four single-family detached homes. The Applicant proposes to redevelop the entire site under the new (TF-12) zoning category, in order to allow flexibility in residential development, including site layout, lot size, and placement and to provide residential development that is compatible with the surrounding neighborhood. Their stated goal is to develop a project that will balance the natural settings and recreational amenities of adjacent Rock Creek Park with the site’s close proximity to employment centers and transit infrastructure.

In general, the proposed development meets all applicable standards of the TF-12 Zone and complies with the purpose clause of the Residential Floating Zone; furthers the goals of the 1989 Kensington-Wheaton Master Plan; and satisfies the prerequisites, intent statement, and necessary findings for a rezoning to the TF-12 Zone.

This LMA application was filed under the current Zoning Ordinance requirements of Section 5 (Floating Zone Requirements) adopted by the County Council on March 5, 2014 and became effective October 30, 2014. The proposed development requires District Council approval of a Local Map Amendment and Floating Zone Plan. If LMA H-101 is approved by the District Council, the proposed development will be subject to preliminary plan and site plan review by the Planning Board.

PROPERTY DESCRIPTION

The 1.41-acre property comprises four existing lots 1, 2, 3, and 4 of the Rolling Hills Subdivision. The property is located at the northeast quadrant of the intersection of Kensington Parkway and Glenmoor Drive. In addition to the request for rezoning, the Applicant simultaneously submitted a petition for abandonment of the entire width (13,789 square feet) of Glenmoor Drive in order to allow the development of the proposed project. (See Attachment 1)

The Rolling Hills Subdivision was originally platted in 1951. At the time of platting, Glenmoor Drive contained approximately 36 single-family homes that comprised the Rolling Hills neighborhood. However, the property was removed from the Rolling Hills community when the Capital Beltway (I-495) was subsequently constructed in the 1960s. The four single-family detached homes that comprise the subject property are aging and are isolated from the Rolling Hills neighborhood as shown below.



Aerial photo

The property is currently improved with four single-family detached homes that were developed under R-90 zoning standards. Today, the tract is predominantly cleared with no forested areas. There are a few specimen trees on the property that are within 100 feet of the site boundaries as identified on the attached existing conditions plan. A 100-year floodplain is located on a small portion of the subject property's northeast boundary shared with adjacent Rock Creek Park. All proposed improvements to the site are located outside the floodplain area. The property is not located within a Special Protection Area. The Maryland Department of Natural Resources determined there are no state or federal records for rare, threatened or endangered species within the boundaries of the proposed project (see Attachment 2).

Zoning History

At the time of the 1954 comprehensive rezoning of the County, the subject property was zoned in the R-90 zoning classification. In 1958, when the Regional District was expanded to include Upper Montgomery County, the associated comprehensive map amendment confirmed the R-90 zoning classification. The property has remained in the R-90 Zone ever since.

Surrounding Area

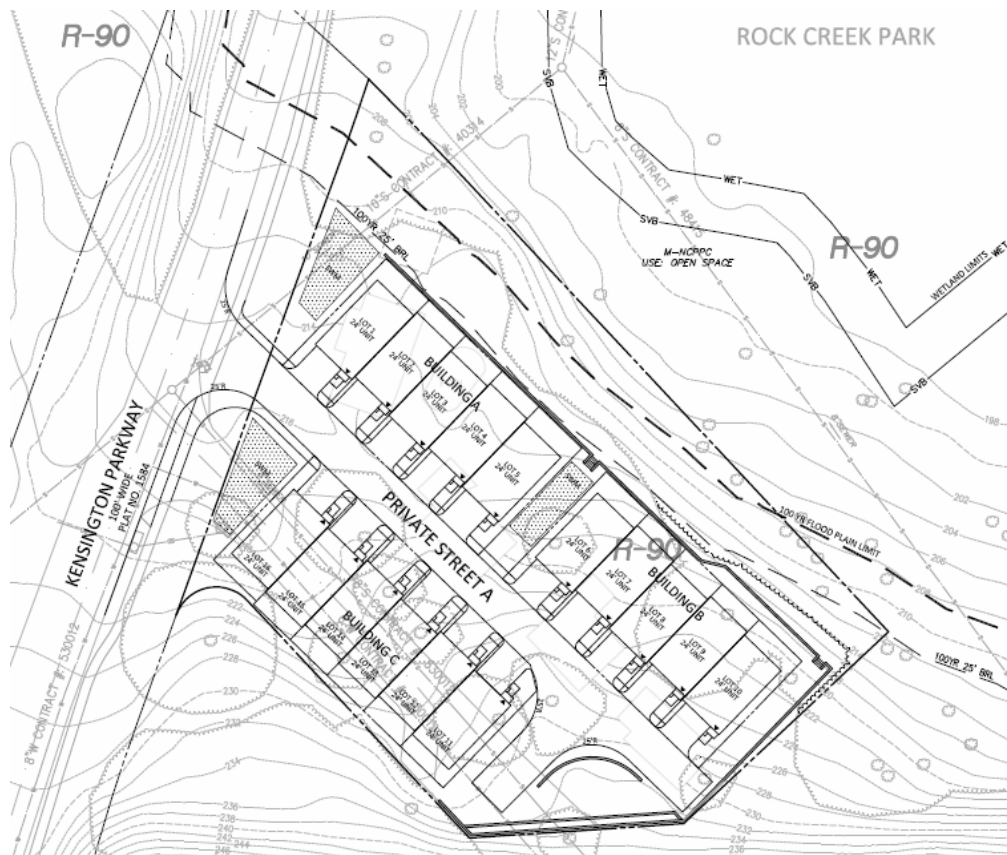
The surrounding area is bound by Beach Drive to the north, Rock Creek Park to the east, Interstate 495 and an associated off-ramp to the south, and Kensington Parkway to the west and the WSSC's Water Tunnel Shaft project on the west side of Kensington Parkway. The Applicant has defined its surrounding area to include only the land area that would be directly impacted by the proposed development. The proposed surrounding area has clearly defined boundaries provided by nearby transportation infrastructure and natural resources. This defined surrounding area will be the most affected by any visual impact from the proposed townhomes and the increased pedestrian activity associated with a small community in this location.

Additionally, the proposal will have impacts on a slightly expanded surrounding area, including the future use by residents of the nearby retail and services located around the Chevy Chase Lake shopping center and Kensington Town Center, the use of the Medical Center Red Line Transit Station, the future Connecticut Avenue Purple Line Station, and the Kensington MARC Station, and the major employment centers of NIH and Walter Reed located just a mile west of the property.



Proposal

The Applicant is proposing to develop the subject property with up to 16 townhomes to be known as Creekside. The proposed floating zone plan reflects a traditional site design and layout where all townhomes will front a private street that bisects the property. With the proposed abandonment of Glenmoor Drive and if this LMA application is approved, the private streets associated with this proposed development will serve as a means of ingress and egress for future residents and visitors of the proposed community. The proposed project will be designed to increase interaction among neighbors through residents congregating in the community's open spaces or through the use of outdoor living features. Pedestrian connections along Kensington Parkway to Rock Creek Park will connect future residents to this natural amenity and increase the functionality and use of the existing parkland infrastructure that includes bike trails, walking trails, exercise equipment, picnic areas, and nature watching.



Floating Zone Plan

The rears of the homes on the north side will back to the natural settings of the park, while those on the south side will face a wooded setback between the townhouses and the Beltway.

The units backing to Rock Creek Park (on the north side of the site) are anticipated to be three stories and will front the private streets and public realm of the site. These units will also feature a walk-out basement facing Rock Creek Park. The top floor in these units will be stepped back to enable a roof top terrace. However, when viewed from street level, a pedestrian will only notice three stories because of the top-level step back. The six (6) units to the south are anticipated to be four stories high with a step back on the front facade to accommodate a roof top terrace facing Rock Creek Park. These units will also appear as three stories high when viewed at street level. The three-story facades are anticipated to be approximately 35 feet in height.

Additionally, the proposed townhomes will be strategically located to act as a sound barrier to mitigate any noise impacts stemming from the site's proximity to the I-495 off-ramp. A preliminary noise analysis shows that existing at-grade noise levels are approximately 66-67 dBA on the southern portion of the site nearest the off-ramp. The Applicant is committed to ensuring that internal noise levels will be limited to 45 dBA and that exterior rear yards will be at 65 dBA or better through the use of site grading and other noise mitigation measures. A further noise analysis will occur at the time of preliminary plan review.

Parks

Parks Staff reviewed the development proposal and have the following preliminary comments:

- Maximize the distance from the homes to the forested edge in the parkland. At least 100 feet is ideal. Damage to homes from trees falling from parkland can be a problem for Parks.
- Work with Parks staff at subdivision and site plan review to determine the best connection to Rock Creek hiker/biker trail. Staff will review the site in the field before reaching final conclusions regarding distance needed between homes and forest edge within the parkland.
- DOT maintains Kensington Parkway and should be involved with a connector trail alignment along the Parkway.
- There are some sensitive natural resources in this area that should be avoided if possible. A field review will reveal where these are located.

The Applicant and Staff will continue to work together to establish an appropriate distance from the proposed townhomes to the existing parkland tree canopy.

Final design of the development will be reviewed by the Montgomery County Planning Board at the time of subdivision and site plan review.



Site Plan Illustrative

ANALYSIS

Public Facilities

The subject application will be adequately served by public facilities:

Water and Sewer

Public water and sewer are available at the subject property. Currently, the site is served by a 10" sewer line and an 8" water line, both running along the adjacent Kensington Parkway right-of-way. The proposed townhouse units will not require an upgrade to this service line, nor will the installation of a pump station be required.

Schools

The Property is located in the Bethesda-Chevy Chase Cluster with Rosemary Hills Elementary School for pre-K through second grade, North Chevy Chase Elementary School for grades 3-6, Westland Middle School for grades 7 and 8, and Bethesda-Chevy Chase for high school students. The student generation estimated from the proposed 16-unit townhouse development will be approximately 3 elementary school students, 1 middle school student, and 2 high school students.

Rosemary Hills Elementary School has an addition scheduled for completion in August 2015. Westland Middle School is projected to be over capacity in the six-year CIP. Therefore, a new middle school is needed to accommodate the reassignment of grade 6 students from Chevy Chase and North Chevy Chase elementary schools to the middle school level. The scheduled completion date for the new middle school is August 2017. An addition to Bethesda-Chevy Chase High School is needed to address over-utilization. The Board of Education recommended completion date for the high school addition is August 2017.

The FY 2015 Subdivision Staging Policy School Test finds that school enrollment in the Bethesda-Chevy Chase cluster does not exceed 105 percent utilization at any level. Therefore, no schools facility payment is required.

Other Public Facilities

Public Safety services are provided by fire and rescue stations within two miles. They include the Chevy Chase Fire Department at 8001 Connecticut Avenue, Chevy Chase, MD, 1.1 miles from the site; the Kensington Volunteer Fire Department, at 10620 Connecticut Avenue, Kensington, MD, 1.6 miles away; and the Silver Spring Volunteer Fire Department at 1945 Seminary Road Silver Spring, MD, 1.7 miles from the Property. There are two police stations within two miles of the site: the Montgomery County Police Station at 3710 Mitchell Street Kensington, MD, 1.3 miles away; and the Montgomery County Police Station at 7359 Wisconsin Ave, Bethesda MD, 1.9 miles from the site.

Required Findings

Section 5.1.2. Intent Statement

A. Implement comprehensive planning objectives by:

- 1. Furthering the goals of the general plan, applicable master plan, and functional master plan;*
- 2. Ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master plan, functional master plan staging, and applicable public facilities requirements; and*
- 3. Allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property*

The Property falls under the land use guidance of the 1989 *Master Plan for the Communities of Kensington-Wheaton* (Kensington-Wheaton Plan). The Kensington-Wheaton Plan gives no specific recommendations for the subject property. On page 64, the Master Plan's land use map provides no recommendation for the subject property. Despite the Master Plan's absence of land use guidance for the site, staff finds that the property is an appropriate location for townhouse development given its locational characteristics.

The project will provide 16 townhomes in a location that is close to some of the County's major employment centers and entertainment districts, such as downtown Bethesda and White Flint. The site's location is within close proximity to multiple transit stations and bus stops. The Property is directly on Ride On Route 33 that provides a direct connection from the site to the Medical Center Red Line Metro Station and Glenmont Red Line Metro Station. The site provides convenient biking access to many nearby employment centers: it is 1.8 miles from NIH and Walter Reed, 1.5 miles from the Kensington MARC Station, and 1.6 miles from Kensington Town Center. The property is currently served by public water and sewer and fire and rescue facilities. The Bethesda-Chevy Chase School Cluster is not in a moratorium.

B. Encourage the appropriate use of land by:

- 1. Providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;*
- 2. Allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and*
- 3. Ensuring that development satisfies basic sustainability requirements including:*
 - a. locational criteria,*
 - b. connections to circulation networks,*
 - c. density and use limitations,*
 - d. open space standards, and*
 - e. environmental protection and mitigation*

The proposed project encourages the appropriate use of land by creating a sense of place that can significantly improve upon the poorly planned urban conditions that severed the outlying homes of the subject property from their original neighborhood. The proposal will have no negative impact upon any nearby residential neighborhood or commercial activity, as the subject property is encircled by natural or parkland settings and the Capital Beltway. The project is adequately set back from Rock Creek Park's walking and biking trails and picnic areas so that the creation of a neighborhood community in this location will not adversely affect the current use of the park.

The project will also provide numerous other benefits, such as providing much-needed housing choice near major downcounty employment centers and commercial settings (NIH, Walter Reed, Bethesda CBD, White Flint, Chevy Chase Lake Shopping District, and Kensington Town Center), increasing density near existing and planned transit infrastructure (Medical Center Metro Station, Connecticut Avenue Purple Line Station, Kensington MARC Station, Ride On Route 33 between Medical Center and Glenmont Metro stations, and easy access to the Capital Beltway).

This application is an example of using a flexible floating zone to respond to changing economic and demographic trends between sectional map amendments. The Kensington-Wheaton Master Plan has not been updated since 1989, over 25 years ago. Since the 1980s, substantial change has occurred in this area of the County, including tremendous population, employment, and retail growth in the nearby downcounty areas. Further, thousands of new jobs were brought to the area with the relocation of Walter Reed Medical Center. Housing preferences have shifted to smaller, more urban dwellings, such as townhomes.

Staff believes that the proposed project provides the appropriate use of land by responding to changing demographic trends to serve a diverse and evolving County population.

C. *Ensure protection of established neighborhoods by:*

1. *Establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;*
2. *Providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and*
3. *Allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use*

The proposed project is compatible with the surrounding area. The project has been specifically designed to blend well with its natural and parkland setting, with connections from the development to adjacent sidewalks and trails. There are no immediately adjacent homes or commercial uses near the subject property. The proposed townhouse community is buffered by wooded setbacks or transit infrastructure on all sides, so there will be no adverse impact from the proposal on any established neighborhood. The project's scale has been established at a height and massing that allows the surrounding tree cover to buffer and screen the townhomes from any nearby users of Rock Creek Park. Further, the final design of the townhomes, including the proposed construction materials, will be selected to allow the homes to be compatible with the site's natural woodland setting.

Section 5.1.3. Applicability

- A. A Floating zone must not be approved for property that is in an Agriculture or Rural Residential zone.

Not Applicable.

- B. If a Floating zone is recommended in a master plan, there are no prerequisites for an application.

This application is not recommended in the Kensington-Wheaton Plan.

- C. If a Floating zone is not recommended in a master plan, the following apply:

- 1. The maximum allowed density is based on the base zone and on the size of the tract as stated in Division 5.2. Any density bonus requested under Chapter 25A may be added to the density allowed under Division 5.2 through Division 5.5 and included in the units per acre or FAR of the zone requested.

The Kensington-Wheaton Plan does not recommend a floating zone for this site; therefore, this application must meet the required density for the TF Zone Category. At 12 units per acre (1.41-acres), this application with a proposed maximum of 16 units conforms to the density requirement of the TF Zone. There is no density bonus required or requested in this application.

- 2. Residential Base Zone

- a. When requesting a Residential Detached Floating (RDF) zone for a property with a Residential base zone:

Not Applicable.

- b. When requesting a Townhouse Floating (TF) zone for a property with a Residential base zone:

- i. The property must front on a nonresidential street or must confront or abut a property that is in a Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, or Industrial Zone; and
- ii. The application must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.3.D.

The proposed development will front on Kensington Parkway which is classified as a nonresidential street per the Kensington-Wheaton Master Plan. Secondly, the application does satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.3.D as explained below.

D. Prerequisites

Category	Prerequisite Choices	Met
Transit & Infrastructure	At least 75% of the site is within ¼ mile of a Level 3, ½ mile of a Level 2, or ¾ mile of a Level 1 transit station/stop.	
	The site has frontage on and vehicular, bicycle, and pedestrian access to at least 2 roads, at least one of which is nonresidential.	
	The site is served by existing water and sewer infrastructure that will not require either an upgrade to the service line or installation of a pump station due to the proposed development.	√
	All signalized intersections within ¼ mile of the site boundary are operating below the applicable congestion standard.	√
	The project is age-restricted or senior housing, or if proposing development that may generate students, the site must not be in an area that is under moratorium due to school capacity or result in a school utilization rate greater than 120% because of the proposed development. For any site within 2 school clusters, only the portions of the site that satisfy this requirement can proceed.	√
Vicinity & Facilities	The site is in a transitional location between property in an existing Residential Multi-Unit, Residential Townhouse, or non-Residential zone and property in a Residential Multi-Unit, Residential Townhouse, or Residential Detached zone.	
	The site is adjacent to a bicyclist route that provides access to commercial services within 3 miles.	√
	The site is adjacent to a route that provides access to an existing or master-planned school within ½ mile.	
	The site is adjacent to a pedestrian route that provides access to existing public park and recreation facilities that satisfy a minimum of existing public park and recreation facilities that satisfy a minimum of 30% of the recreation demand under the Planning Board’s Recreation Guidelines, as amended, within ¾ mile.	√
	The site is adjacent to a pedestrian route that provides access to an existing grocery store or County-permitted farmer’s market within ¼ mile.	
Environment & Resources	The limits of disturbance for the development will not overlap any stream, floodplain, wetland, or environmental buffer or any slopes greater than 25% or slopes greater than 15% where erodible soils are present.	√
	The site does not contain any forest or, if forest is present, the limits of disturbance for the development will not reduce the forest cover to less than an area of 10,000 square feet and width of 35 feet at any point.	
	The site does not contain any rare, threatened, or endangered species or critical habitats listed by the Maryland Department of Natural Resources.	√
	The site is on land containing contaminated soils and is developed in conjunction with an environmental Voluntary Cleanup Program under the Maryland Department of Environmental Protection.	
	The site is currently developed with more than 75% impermeable surfaces, including paving and roofed-structures, and does not currently provide stormwater management meeting the standards applicable on the date of filing.	

As shown in the table above, the application satisfies a minimum of 2 prerequisites under each of the 3 categories under Section 5.1.3.D. as follows:

Transit & Infrastructure: the site is served by a 10" sewer line and an 8" water line, both running along the adjacent Kensington Parkway right-of-way. The proposed townhouse units will not require an upgrade to this service line, nor will the installation of a pump station be required. There are no signalized intersections within ¼ mile, so no signalized intersections within ¼ mile of the proposed development exceed the applicable congestion standard. Finally, the site is within the Bethesda-Chevy Chase Cluster, which is not in moratorium; the proposed development will not result in a utilization rate greater than 120 percent.

Vicinity & Facilities: the site is adjacent to a bicyclist route with 18 miles of trails and additional routes to commercial services in both Kensington and Chevy Chase both within 3 miles. The site is also adjacent to a pedestrian route that provides access to existing public parks within ¼ of a mile – Rock Creek Park and North Chevy Chase Local Park – with facilities that exceed 30 percent of the Planning Board's Recreation Guidelines requirements, including trails, natural areas, picnic and seating areas, playgrounds, and athletic facilities. (See Transportation Memo Attachment 3)

Environment & Resources: At this time, the proposed development meets the following two environmental prerequisites:

1. Prerequisite: The limits of disturbance for the development will not overlap any stream, floodplain, wetland or environmental buffer or any slopes greater than 25% or slopes greater than 15% where erodible soils are present.

The concept plan shows a floodplain boundary based on FEMA mapping extending onto the northeastern edge of the property. The plan respects the floodplain as mapped, including a 25-foot building restriction line. The floodplain represents the outermost boundary of the environmental buffer for Rock Creek adjacent to the property. This buffer incorporates the stream buffer, wetlands and wetland buffers, floodplain and steep slopes.

2. Prerequisite: The site does not contain rare, threatened, or endangered (RT&E) species or critical habitats listed by the Maryland Department of Natural Resources.

The Maryland Department of Natural Resources (DNR) issued a letter on May 2, 2014 indicating that DNR has no record of rare, threatened, or endangered species (RT&E) or critical habitats listed by the Maryland Department of Natural Resources on this site.

If the zoning application is approved, the next step in the development process will be for the Applicant to seek Preliminary Plan approval. This part of the process will involve submission of a formal Natural Resources Inventory/Forest Stand Delineation (NRI/FSD). Based on the results of the NRI/FSD, the environmental buffer on the site may be refined, or RT&E species discovered. Additionally, the Applicant will be required to submit a Stormwater Management Concept Plan for review and approval by the Department of Permitting Services (DPS). In either event, the floating zone plan may have to be

modified in order to respect the new information analyzed and reviewed by applicable agencies. (See Environmental Memo Attachment 4)

Section 5.2.5. Development Standards

The proposed floating zone plan conforms to the TF-12 Zone development standards, as outlined below:

DEVELOPMENT STANDARD	REQUIRED	PROVIDED
A.1. Residential Density	12 DUs/acre	12 DUs/acre
B. Setback and Height	Established by the floating zone plan	Maximum height: 40-50 feet Setbacks: 10 feet from any public right-of-way 2 feet from Adjoining Lot (Side-End Unit) 4 feet from Adjoining Lot (Rear)
C. Lot Size (Townhomes)	Established by the floating zone plan	N/A
D. Lot Coverage	10% Minimum Open Space	20% Open Space
E. General Requirements 1. Minimum Parking (per Article 59-6) 2. The floating zone plan may provide for additional parking, open space, recreation facilities, screening, or landscaping or further restrict lighting to allow the District Council to make the necessary findings of approval under Section 7.2.1	2 Spaces per Dwelling	2 Spaces per Townhouse (32 Spaces Total)

Section 7.2.1.E. Necessary Findings

1. A Floating zone application that satisfies Article 59-5 may not be sufficient to require approval of the application.

The Application satisfies the requirements of Article 59-5 and is sufficient to recommend approval of the requested zone change from R-90 to TF-12.

2. For a Floating zone application the District Council must find that the floating zone plan will:
- a. substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans.

As previously explained, the proposal conforms to the general intent and objectives of the 1989 Kensington-Wheaton Master Plan.

- b. further the public interest.

The project furthers the public interest in many regards. The redevelopment of the site will replace four aging single-family houses with up to 16 townhouses that fit within the character of the surrounding area. Connections to the nearby Rock Creek Park will provide opportunities for the new residents to enjoy the existing parkland. Environmental improvements to the site will be provided in the form of updated and environmentally sensitive stormwater management facilities. Additional housing at this location will provide support for the many nearby employment centers and commercial businesses near the site. The site is already served by nearby transit infrastructure, such as the Medical Center Metro, Ride On Bus Route 33, the Kensington MARC Station, and the Capital Beltway. The site is also near the future Connecticut Avenue Purple Line station. The improvements proposed are for an infill location that has existing public water and sewer capacity and school system capacity. All of the above reasons justify a sufficient relationship to the public interest to warrant the proposed project.

- c. satisfy the intent, purposes, and standards of the proposed zone and requirements of Chapter 59.

The proposed project satisfies the intent, purposes and standards of the TF-12 zone, as stated under previous sections of this report.

- d. be compatible with existing and approved adjacent development.

The proposed project is compatible with its surrounding conditions. There are no immediately adjacent homes near the subject property, so there will be no adverse impact from the proposal to any nearby resident. The townhomes will be designed with a height, massing, and building materials that will ensure the project's compatibility with its natural parkland surroundings.

e. generate traffic that does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board’s LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts.

The proposed development will generate only 8 a.m. peak hour trips and 13 p.m. peak trips, a de minimus impact on surrounding roadways; a traffic study is not required to satisfy the LATR test because the proposed use generates fewer than 30 total peak hour-hour trips. If approved and a future preliminary plan review, the TPAR must be satisfied under the approved LATR and TPAR Guidelines. (See Attached Transportation Memo)

f. when applying a nonresidential floating zone to a property previously under a residential detached zone, not adversely affect the character of the surrounding neighborhood.

Not Applicable.

COMMUNITY OUTREACH

This Application was submitted and noticed in accordance with all required procedures. The Application met posting requirements with two signs. To date, staff has not received any comments from the community.

CONCLUSION

The proposed rezoning proposal is in harmony with the general intent and objectives of the Kensington-Wheaton Master Plan, meets all applicable standards of the TF-12 zone and complies with the purpose clause of the Residential Floating Zone; and satisfies the prerequisites, intent statement, and necessary findings for a rezoning to the TF-12 zone. The proposed density of up to 16 units is consistent with the land use requirements of the TF floating zone category as specified in the Zoning Ordinance Section 5.2.3.A.

ATTACHMENTS

ATTACHMENT 1 – Petition for Street Abandonment

ATTACHMENT 2 – Letter from Maryland Department of Natural Resources

ATTACHMENT 3 – Transportation Planning Memo

ATTACHMENT 4 – Environmental Planning Memo

Law Offices Of
MILLER, MILLER & CANBY
MM&C
 CLIENT FOCUSED. RESULTS DRIVEN.

200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.424.9673 WWW.MILLERMILLERCANBY.COM

All attorneys admitted in Maryland and where indicated.

PATRICK C. MCKEEVER (DC)
 JAMES L. THOMPSON (DC)
 LEWIS R. SCHUMANN
 JODY S. KLINE
 ELLEN S. WALKER
 JOSEPH P. SUNTUM

EDWARD S. WEST (DC, PA)
 SUSAN W. CARTER
 ROBERT E. GOUGH
 DONNA E. MCBRIDE (DC)
 GLENN M. ANDERSON (FL)

HELEN M. WHELAN (DC, WV)
 MICHAEL G. CAMPBELL (DC, VA)
 SOO LEE-CHO (CA)
 BOBBY BAGHERI (DC)
 DAMON B. OROBONA (DC)
 DIANE E. FEUERHERD

DAMON@MMCANBY.COM

December 12, 2014

The Honorable Isiah Leggett
 Office of the County Executive
 Executive Office Building
 101 Monroe Street
 Rockville, Maryland 20850

RE: Petition for Street Abandonment,
 Glenmoor Drive at Intersection with Kensington Parkway

Dear Mr. Leggett:

On behalf of Nova Habitat, Inc., we hereby request the abandonment of the entire width of Glenmoor Drive running along the southeastern portion of Lots 1, 2, 3, and 4 of Block A of the Rolling Hills Subdivision in accordance with the provisions of Sections 49-62 et seq. of the Montgomery County Code.

Glenmoor Drive was originally platted in 1951. At the time of platting, Glenmoor Drive stretched much further south and confronted approximately 36 single-family homes that comprised the Rolling Hills Subdivision. However, the small area of Glenmoor Drive that is now being petitioned for abandonment was excised from the greater Rolling Hills community when the Capital Beltway was constructed in the 1960s as part of a federal transportation initiative. Now, approximately 50 years later, this small segment of Glenmoor Drive is significantly aging and is being maintained by the County to solely serve just four single-family homes that are far removed, both literally and figuratively, from the Rolling Hills community and any other nearby community.

This petition for abandonment is being simultaneously submitted with a request for a local map amendment (rezoning) to the County Council in order to allow the creation of Creekside, which will be a new community comprised of 16 well-designed townhomes that will balance the serene natural settings and recreational amenities of Rock Creek Park with the site's close proximity to major downcounty employment centers and transit infrastructure. The proposed community of Creekside will create a sense of place that will be a significant

improvement from the vestigial remnant of the Rolling Hills Subdivision. The owners of Lots 1 through 4, Rolling Hills Subdivision, that presently front on that part of improved Glenmoor Drive that is sought to be abandoned, have banded together and have agreed to sell their properties to the applicant and consent to the granting of this abandonment petition.

The abandonment of Glenmoor Drive at its intersection with Kensington Parkway and running along the southeastern portions of Lots 1, 2, 3, and 4 meets the requirements for abandonment as provided in Montgomery County Code Section 49-63(c):

Section 49-63(c) *A right-of-way may be abandoned or closed if the Council by resolution finds that:*

- (1) The right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or*
- (2) The abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed. In assessing health, safety, and welfare issues, the Council may consider:*
 - (A) Any adopted land use plan applicable to the neighborhood;*
 - (B) Safe and efficient pedestrian and vehicular traffic patterns and flows, together with alternatives, in the immediate neighborhood, for local and through traffic; and*
 - (C) Changes in fact and circumstances since the original dedication of the right-of-way.*

The abandonment is necessary to create a new townhouse community on the site, which will substantially improve upon current urban conditions in this area and will increase the use and vitality of Rock Creek Park. The portion of Glenmoor Drive to be abandoned will not be necessary for present or anticipated public use if the local map amendment application is approved because the private streets associated with Creekside will serve as a means of ingress and egress for future residents and guests of the proposed community. The private streets of Creekside will provide a safe and efficient traffic pattern, which will work together with the proposed pedestrian and bike network of the area to provide pedestrians safe and efficient access to Rock Creek Park and Kensington Parkway.

The construction of the Capital Beltway, which severed this small area of Glenmoor Drive from the greater Rolling Hills neighborhood, is a change in circumstance that has frustrated the initial planning of Glenmoor Drive in this location. The 1989 Kensington-Wheaton Master Plan provides no land use or transportation recommendations for the subject property.

A Special Purpose Plat showing the area of Glenmoor Drive to be abandoned is enclosed, as well as a Floating Zone Plan for the proposed Creekside community. If you have any questions or require any additional information regarding this application, please do not hesitate to contact me.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in blue ink that reads "Damon Orobona". The signature is stylized, with a large initial "D" and a circular flourish around the "O".

Damon B. Orobona

Enclosures

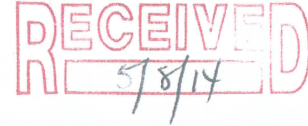
cc: Mike Cassedy, MCDOT (with filing fee enclosed)
Jody Kline, Esquire



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
Joseph P. Gill, Secretary
Frank W. Dawson III, Deputy Secretary

May 2, 2014

James Buchheister
VIKA, inc.
20251 Century Blvd., Suite 400
Germantown, MD 20874



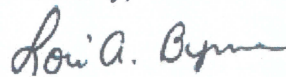
RE: Environmental Review for Rolling Hills Subdivision, Block A, lots 1-4 and pt. 5, for Nova-Habitat, Inc., on Glenmoor Dr., Montgomery County, MD.

Dear Mr. Buchheister:

The Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. As a result, we have no specific comments or requirements pertaining to protection measures at this time. This statement should not be interpreted however as meaning that rare, threatened or endangered species are not in fact present. If appropriate habitat is available, certain species could be present without documentation because adequate surveys have not been conducted.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,



Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER# 2014.0585.mo



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

March 4, 2015

MEMORANDUM

TO: Carlton Gilbert, Planner Coordinator
Area 2 Planning Division

VIA: Khalid Afzal, Supervisor
Area 2 Planning Division

FROM: Ed Axler, Transportation Planner Coordinator
Area 2 Planning Division

SUBJECT: Creekside
Local Map Amendment No. H-101
Kensington/Wheaton Policy Area

This memorandum is Area 2 transportation planning staff's review of the subject Local Map Amendment to replace the existing four single-family housing units with 16 townhouse units.

RECOMMENDATIONS

Area 2 transportation planning staff recommends the following conditions related to the APF test of the transportation requirements for the subject Local Map Amendment:

1. The Applicant must be limited to 16 single-family attached units as specified Statement of Justification.
2. The Applicant must work with M-CPPC's Parks Department regarding the relocated curb cut for the proposed private driveway.
3. The Applicant must work with the Montgomery County Department of Transportation's (MCDOT) and the Montgomery County Planning Department's bicycle and transit coordinators regarding the proposed combined bus stop and bicycle parking shelter along the site frontage of Kensington Parkway.
4. The Abandonment Case AB 743 for Glenmoor Drive's public right-of-way must include public utilities easements if they remain within the Glenmoor Drive's right-of-way to be abandoned.
5. If the Local Map Amendment is granted and at the Site Plan review, the Applicant must satisfy the APF - Transportation Policy Area Review (TPAR) test by paying 25% of the transportation/development impact tax to the Montgomery County Department of Permitting Services (DPS) at the time of building permit.

DISCUSSION

Site Location and Vehicular Site Access Points

The site is located on the east side of Kensington Parkway between the Capital Beltway (I-495) and Beach Drive. The site access point from Kensington Parkway is proposed to a private driveway, north from the existing Glenmoor Drive.

Sector-Planned Roadways and Bikeway

In accordance with the 1989 *Master Plan for the Communities of Kensington-Wheaton* and the 2005 *Countywide Bikeways Functional Master Plan*, the designated roadways and bikeway are as follows:

1. Kensington Parkway is recommended as following in the 1989 *Master Plan for the Communities of Kensington–Wheaton*:
 - a. Between Beach Drive and the Capital Beltway, the segment of Kensington Parkway fronting the subject site is recommended as a “park” road. The “revised Street Dedication Plat” No. 1584 was approved in 1944 to realign and dedicate 100 feet of right-of-way for the site’s Kensington Parkway frontage. The (Part of Block A & D) Rolling Hills was created in 1951 with Subdivision Record Plat No. 3013. The 2007 *Agreement to Transfer Ownership and Share Maintenance of Certain M-NCPPC Roads and Bridges between MCDOT and M-CPPC* includes that MCDOT assumed the maintenance of Kensington Parkway. The Applicant must still work with M-CPPC’s Parks Department regarding the relocated curb cut for the proposed private driveway.
 - b. North of Beach Drive, the segment of Kensington Parkway is recommended as a Primary Residential Street, P-4, with a 60-foot-wide right-of-way.

The Countywide Bikeways Functional Master Plan recommends a Signed Shared Roadway, SR-29, along Kensington Parkway between Howard Avenue in the Town of Kensington and Jones Bridge Road in Chevy Chase.

2. Beach Drive is designated as a “park” road in the 1989 *Master Plan for the Communities of Kensington–Wheaton*.
3. The Capital Beltway, I-495, is designated as an 8-lane divided Freeway, F-8.

Glenmoor Drive is not listed in the *Master Plan* but is a secondary residential street with a 60-foot-wide right-of-way. As a separate process from the subject Local Map Amendment (LMA), the Applicant is working with MCDOT for County Council action regarding an Abandonment Case No. AB 743. The Maryland State Highway Administration (SHA) owns the property on the south side of Glenmoor Drive. The State Highway Administration (SHA) has indicated in an email dated September 15, 2014, that they do not oppose the abandonment of the public right-of-way and “would have no interest in [their right to] 50% of the roadbed”. The Applicant is proposing to incorporate 100% of the abandoned right-of-way of 13,789 square feet into the proposed plans for redeveloping the adjoining lots as the concurrent subject LMA.

The 2013 *Countywide Transit Corridors Functional Master Plan* does not include a recommended Bus Rapid Transit (BRT) Transit corridor along nearby Connecticut Avenue (MD 185).

Public Transit Service

Ride-On route 33 operates along Kensington Parkway. Metrobus route L8 operates along nearby Connecticut Avenue to the west of the site.

Pedestrian and Bicycle Facilities

The Applicant’s plans include the following:

1. Upgraded the existing sidewalk along Kensington Parkway frontage that now connects to the communities to the south.
2. Lead-in sidewalks from Kensington Parkway
3. ADA-compliant crossing of the proposed private driveway from Kensington Parkway.
4. A combined bus stop and bicycle parking shelter proposed along the site frontage of Kensington Parkway.

Local Area Transportation Review (LATR)

The proposed residential land use would generate the following number peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

Land Use	No. of Units	Weekday Peak-Hour	
		Morning	Evening
Existing Land Uses			
Single-Family Detached Units	4	4	4
Proposed Land Uses			
Single-Family Attached Units	16	8	13
Net Increase from Existing	+12	+4	+9

The Applicant is not required to submit a traffic study to satisfy the LATR test because the proposed land use generates fewer than 30 total peak-hour trips within the weekday morning and evening peak periods.

Transportation Policy Area Review (TPAR)

The Applicant must satisfy the TPAR test by paying 25% of DPS’s transportation/development impact tax located in the Kensington/Wheaton Policy Area. With credit for the existing four single-family detached units, the estimated impact tax would be as follows:

Non-Residential Use	Current* Rate per Sq. Ft.	No. of Units	Development Impact Tax
Proposed Single-Family Attached Units	\$11,050	16	\$176,800
Existing Single-Family Detached Units	\$13,506	4	-\$54,024
Estimated TPAR Mitigation Payment of 25%			\$122,776

*Development Impact tax for Transportation Improvements rates valid through June 30, 2015.

This payment is paid to DPS at the time of building permit. As indicated with the asterisk, the estimated TPAR mitigation payment is based on the current rates and is subject to change for building permits released after June 30, 2015.

EA

mmo to Gilbert re H-101 Creekside.doc

Gilbert, Carlton

From: Findley, Steve
Sent: Friday, February 13, 2015 4:14 PM
To: Gilbert, Carlton
Subject: Zoning Application No. H-101 Creekside at Rock Creek

Carlton,

I have reviewed Zoning Application No. H-101 for Creekside at Rock Creek and offer the following analysis of the environmental components of the application:

Satisfying Section 5.1.3.D of the Zoning Ordinance requires a finding that the application meets at least two of the requirements in the Environment and Resources prerequisite table. The applicant has submitted that their project meets the following two environmental prerequisites:

1. Prerequisite: The limits of disturbance for the development will not overlap any stream, floodplain, wetland or environmental buffer or any slopes greater than 25% or slopes greater than 15% where erodible soils are present.
Analysis: The concept plan shows a floodplain boundary based on FEMA mapping extending onto the northeastern edge of the property. The plan respects the floodplain as mapped, including 25-foot building restriction line. The floodplain represents the outermost boundary of the environmental buffer for Rock Creek adjacent to the property. This buffer incorporates the stream buffer, wetlands and wetland buffers, floodplain and steep slopes.
2. Prerequisite: The site does not contain rare, threatened, or endangered (RT&E) species or critical habitats listed by the Maryland Department of Natural Resources.
Analysis: In response to a query from the applicant, the Maryland Department of Natural Resources (DNR) issued a letter on May 2, 2014 indicating that DNR has no record of rare, threatened, or endangered species or critical habitats for the property.

Based on the above analysis, I can recommend approval of the zoning application. Please note that, if the zoning application is approved, the next step in the development process will be for the applicant to seek Preliminary Plan approval. This part of the process will involve submission of a formal Natural Resources Inventory/Forest Stand Delineation (NRI/FSD). Based on the results of the NRI/FSD, the environmental buffer on the site may be refined, or RT&E species discovered. In either event, the plan may have to be modified in order to respect the new information.

Please let me know if you have any questions or concerns. Thank you very much.

Steve

Steve Findley
Planner Coordinator, Area 2 Planning Division
M-NCPPC, Montgomery County Planning Department
301-495-4727