



Randolph Farms, Preliminary Plan No. 120160320

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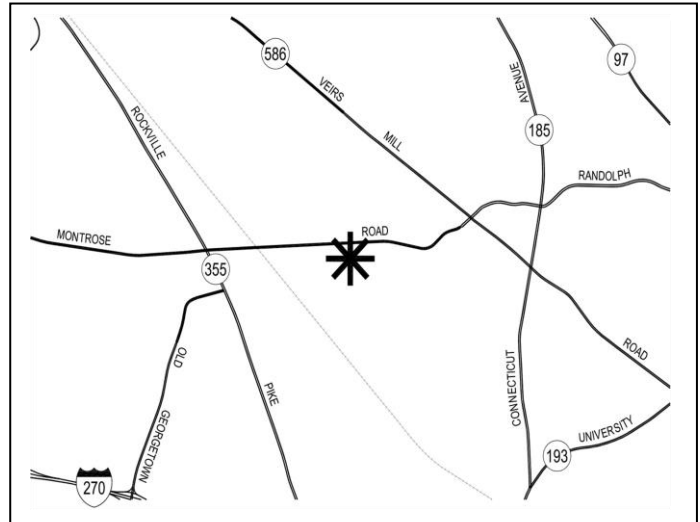
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Staff Report Date: 3/6/17

Description

- Request to subdivide the property and replace the existing Montrose Baptist Church with 106 townhouse lots including 12.5% MPDUs, and various private roads and HOA parcels;
- Located at the southeast quadrant of the intersection of Randolph Road and Putnam Road, within the *North Bethesda/Garrett Park Master Plan* area;
- Approximately 8.44 acres in the RT-15 Zone;
- Applicant: RRC/S Montrose LLC;
- Application acceptance date: June 15, 2016.



Summary

- Staff recommends Approval of the Preliminary Plan with Conditions.
- The Preliminary Plan approval includes approval of the Preliminary Forest Conservation Plan and associated variance.
- This project is being reviewed under the Zoning Ordinance in effect on October 29, 2014 and the Subdivision Regulations in effect February 12, 2017.
- The Randolph Civic Association opposes Staff’s recommendation to connect Putnam Road and Macon Road.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan 120160320, subject to the following conditions:

1. The Applicant must comply with the conditions of County Council Resolution No. 18-392 approving Local Map Amendment Application No. G-964.
2. This Preliminary Plan is limited to 106 townhouse lots, with a minimum of 12.5% MPDUs, and the associated private roads, private alleys, and HOA parcel(s). Final number of MPDUs will be determined at site plan.
3. The Applicant must provide an access easement for the adjoining Lot 13.
4. The Applicant must dedicate and show on the record plat(s) the following dedications:
 - a. Fifty feet from centerline along the Subject Property frontage for Randolph Road.
 - b. Sixty feet from the opposite right-of-way line along the Subject Property frontage for Putnam Road.
5. The Applicant must construct all road, sidewalk, and bike lane improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or the design standards imposed by all applicable road codes, subject to the following conditions:
 - a. Reestablish the connection of Putnam Road and Macon Road;
 - b. Private Road A (46-foot wide right-of-way) must be designed and constructed according to the Montgomery County Road Code Standard MC-2001.02 per the modified typical section specified by the subsequent Site Plan;
 - c. Private Road B (41-foot right-of-way) must be designed and constructed according to the Montgomery County Road Code Standard MC-2001.01 per the modified typical section specified by the subsequent Site Plan;
 - d. All Private Alleys must be designed and constructed according to the Montgomery County Road Code Standard MC-200.01 per the modified typical section specified by the subsequent Site Plan;
 - e. Construct the 8-foot wide separated bike lane with green buffers and a 6-foot wide sidewalk along the frontage of Randolph Road, and transition to a shared-use-path east of the Property frontage to Hunters Lane along Randolph Road;
 - f. The final location and width of the extension of the shared-use-path from the eastern property boundary to the intersection of Hunters Lane will be determined at site plan; and
 - g. Upgrade the substandard sidewalks to be 5 feet wide along the two adjacent roadways of Putnam Road and Macon Road.
6. The Applicant must provide Private Roads A and B, and Private Alleys C, D, E, and F, including any sidewalks, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:

- a. The record plat must show all Private Roads and Private Alleys in separate parcels.
- b. The record plat must reflect a restrictive Covenant covering the Private Roads and Private Alleys. The Covenant must be in a form approved by the M-NCPPC Office of General Counsel and must be recorded in the Montgomery County Land Records with the Liber and Folio referenced on the record plat. At a minimum, the Covenant must include the following provisions:
 - i. The Applicant is fully responsible for the design, construction, operation maintenance and repair of all Private Roads and Private Alleys, including other necessary improvements as shown within the delineated area of the Private Roads and Private Alleys in accordance with the criteria set forth in the Preliminary Plan and any subsequent Site Plan;
 - ii. Utilities located within any Private Road area must be in a utility easement approved by the applicable utility provider, or be provided as private connections;
 - iii. The Applicant is responsible for the design, construction, operation, maintenance and repair of any private fire hydrants and the water system that supplies any private fire hydrants serving the development subject to this Preliminary Plan (Private Hydrant System). The Applicant must cause the Private Hydrant System to be maintained in good operating condition at all times and must have the Private Hydrant System inspected and tested as required by the Montgomery County Fire Marshal, overseen by a professional engineer, who must provide certified reports evidencing that the water and private hydrant system is properly designed and constructed and in good operating condition. These certified reports must be provided annually to Montgomery County Department of Permitting Services (MCDPS). A description of repairs or maintenance that were performed to keep the Private Hydrant System in good operating condition must be noted on the certified report.
 - iv. The Private Roads must remain open for pedestrians and both motorized and non-motorized vehicles at all times as part of the project common area, except for temporary closures as permitted by MCDPS; and
 - v. The Applicant must properly maintain all of the improvements within the Private Roads areas in good condition and repair in accordance with applicable laws and regulations at all times. At a minimum, the Applicant must remove snow and ice, and provide routine and extraordinary repairs, maintenance and replacement to keep the Private Roads open and in good repair for safe use.
- c. Prior to recordation of the plat, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Roads have been designed

- in accordance with sound engineering principles for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access, and parking (“Certified Design”).
- d. All Private Roads must meet all necessary requirements for emergency access, egress, and apparatus as determined by the Montgomery County Fire Marshal.
7. The Applicant must comply with the requirements of the Preliminary Forest Conservation Plan, except as modified by the approval of a subsequent Final Forest Conservation Plan, subject to the following conditions:
 - a. The Applicant must obtain approval of a Final Forest Conservation Plan (FFCP) from the Planning Department prior to issuance of a Sediment Control Permit and any demolition.
 - b. The Final Forest Conservation Plan (FFCP) must include an amended Variance request for any new impacts to specimen trees that result from extending a shared use path east along Randolph Road to Hunters Lane.
 - c. Prior to any demolition, clearing, or grading on the Property, the Applicant must record in the Land Records of Montgomery County a Certificate of Compliance Agreement approved by the M-NCPPC Office of General Counsel for use of a forest mitigation bank to satisfy the applicable forest conservation planting requirement.
 - d. The Sediment and Erosion Control Plan and Storm Water Management Plan must be consistent with the limits of disturbance and the associated tree/forest preservation measures of the FFCP.
 - e. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Additional tree save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.
 8. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letters dated November 29, 2016 and January 10, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
 9. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
 10. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section – in its stormwater management concept letter October 18, 2016, and hereby incorporates them as conditions of this Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MCDPS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

11. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Fire Code Enforcement Section in its letter dated November 7, 2016 and March 1, 2017 Amendment Approval, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
 12. The record plat must reflect all areas under Homeowners Association ownership.
 13. The record plat must reflect a common use and access easement over all trails, sidewalks and paths not included in a public right-of-way or private street parcel.
 14. No clearing, grading, or demolition of existing structures on the site, or recording of plats, is permitted prior to Certified Site Plan approval.
 15. Final approval of the number and location of buildings, dwellings units, on-site parking, site circulation, and sidewalks will be determined by the Site Plan approval.
 16. The Certified Preliminary Plan must contain the following note:
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of Site Plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for the lots. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
 17. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
 18. All necessary easements must be shown on the record plat.
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SECTION 1: SITE DESCRIPTION AND BACKGROUND

Site Description

The Property (outlined in red in Figure 2 below: Site Map) is approximately 8.44 acres and is located at 5020, 5010 and 5100 Randolph Road just east of White Flint. It comprises Lots 4, 5 and 32 in Block 2 of the Randolph Farms Subdivision. The Property is bordered by Randolph Road to the north, Putnam Road to the west, Macon Road to the south and detached single family houses border the Property to the south and east.

To the north, east and south of the Property, lie single family communities (zoned R-60 and R-90). To the south and west lies a multi-family area (zoned R-20 and R-30). To the west lies the CR 1.5 zoned Loehmann's Plaza commercial shopping center (Figure 1. Vicinity Map).

The White Flint Metro Station is approximately 1.1 miles to the west of the Property, while the Twinbrook Metro Station is approximately 1.6 miles to the northwest of the Property. The Property is served by bus along Randolph Road and Parklawn Drive to both Metro stations.



Figure 1: Vicinity Map

The Property currently contains a number of buildings totaling 88,940 square feet and a large parking lot with approximately 160 parking spaces, which are used by the Montrose Baptist Church, the Montrose Christian School and the Montrose Christian Child Development Center. The school and the childcare center have been operating for over fifty years, with current student enrollment averaging 250, but at one time served over 500 pupils.

There are no streams, wetlands, floodplains, or environmental buffers on the Property. However, there is a stream valley buffer near the terminus of Macon Road and Putnam Road, which is associated with an offsite stream. The Property gently slopes down toward the southwestern corner of the Property, from a high point of 350 feet in elevation to approximately 316 feet. The Property is served by public water and sewer.



Figure 2: Site Map

History/Previous Approvals

On February 16, 2016, the Montgomery County Council approved the rezoning of the Property from the R-60/R-90 Zones to the RT-15 Zone by Local Map Amendment G-964, per Resolution 18-392 (Attachment 1). During the Local Map Amendment for the Property, after negotiations with the Randolph Civic Association (RCA), the Applicant voluntarily limited development to 109 townhouse units by private covenant, filed in the County land records. This covenant limits development on the Property in perpetuity to a maximum of 109 townhouse lots.

SECTION 2: PROPOSAL

The Applicant proposes to subdivide the property into 106 townhouse lots and various private road and HOA parcels, in order to build a residential townhouse community of up to 106 townhouses including 12.5% MPDUs (see Figure 3 below and Attachment 2 Preliminary Plan). In addition to the residential units, the proposed development will include:

- Community recreation/open space area, comprising over 0.66 acres;
- Vehicular and pedestrian reconnection of Putnam Road with Macon Road;

- Private Roads A and B, that will provide direct access from Randolph Road and Putnam Road, respectively, to the centrally located recreation area and the internal alleys;
- A reduction of the existing vehicular access points along Randolph Road from two to one;
- New pedestrian sidewalks within the Property and along Randolph Road, Putnam Road and Macon Road street frontages;
- Several small landscaped/open space areas throughout the Property;
- A total of 246 parking spaces (includes garage spaces for both one- and two-car garage units, visitor parking on some of the driveways);
- Two bike rack spaces within the recreation area; and
- Vehicular access to an adjacent property owner (Lot 13).

All townhomes will be rear-loaded (vehicular access from alleys) with pedestrian access and building fronts facing public roads, private roads that have attained the status of public roads, or open space/green areas. An approximately 0.66-acre, centrally located, recreation/green area will anchor the site. This recreation area is bound to the north by a row of townhomes which face onto the open space, and to the south by townhomes and a private alley. The proposed recreation/green area will provide a central gathering space for the residents of the community. The Zoning Ordinance requires a minimum of 212 parking spaces, and the proposed development will provide 246 spaces on the site.

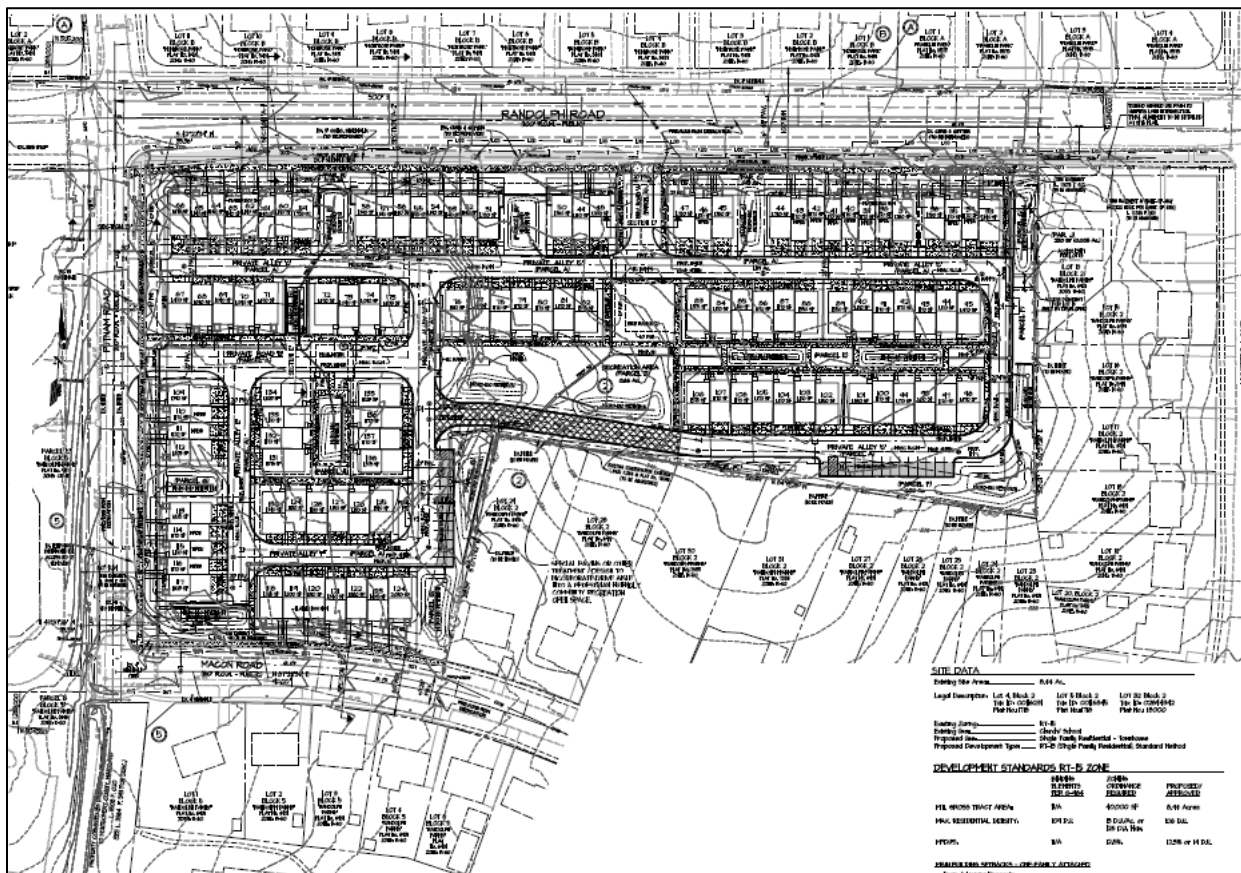


Figure 3: Proposed Preliminary Plan

SECTION 3: ANALYSIS AND FINDINGS

Community Outreach

The Applicant has complied with all submittal and noticing requirements. The Applicant held several public meetings with the local community in connection with the rezoning of the site from R-60/R-90 zones to the RT-15 zone. The Applicant sent individual notice letters to 108 neighboring residents, and on May 19, 2016, held the required pre-submission meeting at the Veirs Mill Local Park activity building.

Issues

At the time of preparation of this Staff Report, Staff has met with and received an objection from the Randolph Civic Association regarding the proposed vehicular connection between Putnam Road with Macon Road. The residents are concerned that the connection will result in an increase in traffic on Macon Road. The community has requested that a full traffic study be completed to understand the impact of traffic on Macon Road.

Background Special Exception – Loehmann’s Plaza – Abandonment, Portion of Putnam Road

A special exception for off-street parking for the R-T zoned Loehmann’s Plaza was granted by the Montgomery County Board of Appeals (BOA) Case No. 2519 on February 4, 1969, and modified by Case No. 2803 on April 7, 1970. Case No. S-190 was denied on March 20, 1973, which proposed a slight reconfiguration of parking and an exit from the parking lot onto Putnam Road. The BOA cited the potential danger of commercial traffic being funneled through the residential community via Putnam and Macon Roads as their basis for denial.

Subsequently, a petition for abandonment was filed for a portion of Putnam Road to prohibit vehicle access to Macon Road from Putnam Road (AB-377). On October 13, 1976, the Assistant Chief Administration Officer of Montgomery County, recommended conditional approval of the abandonment to the Montgomery County Council. Case No. S-532 (Attachment 3) was approved on March 3, 1977, which allowed alterations to the parking lot to permit an additional point of ingress and egress from Loehmann’s Plaza parking lot, subject to approval of AB-377 by the County Council.

On June 21, 1977, the County Council conditionally approved AB-377 by Resolution No. 8-1414 (Attachment 4), subject to three conditions:

- 2.(a) “Provision be made to grant or retain necessary easements and rights-of-way affecting Potomac Electric Power Company’s utility plant, Washington Suburban Sanitary Commission’s water main, fire hydrant and sanitary sewer line facilities, and the County’s storm drainage system.
- 2.(b) Construction of suitable turn-around at the westerly terminus of Macon Road in compliance with Department of Transportation requirements, at no cost to the County.
- 2.(c) Preparation of a further Plat to assemble land accruing from the abandonment with the abutting properties, at no cost to the County.”

To date, the Planning Department and the MCDOT staff are unable to locate a record plat which satisfies 2.(c) and assembles the affected right-of-way to either Loehmann's Plaza or the Property. Therefore, since the subsequent platting of the Putnam right-of-way never occurred, the area subject to AB-377 is still public right-of-way. Furthermore, in 1989, the Montrose Baptist Church submitted a preliminary plan (No. 1-89212, Randolph Farms) to assemble the Property into its current configuration, and expand the uses onsite. The record plat (No. 18000) was recorded in 1990, and shows dedication of an additional 5 feet of right-of-way along the Property frontage of Putnam Road from Randolph Road to Macon Road, including truncation, and neither incorporates, nor reflects the abandonment of Putnam Road.

In 1992, the *North Bethesda/Garrett Park Master Plan* recommended the C-4 Zone for the Loehmann's Plaza property, obviating the need for the approved Special Exception since the C-4 Zone did not require Special Exception approval for parking for a commercial use. Subsequently, in October 2014, the Countywide zoning rewrite and the associated District Map Amendment remapped Loehmann's Plaza property from C-4 to CR-1.5, C-1.0, R1.0, H-75.

The zoning and planning framework of this Property and the adjoining Loehmann's Plaza property have significantly changed since the conditional use approval and the related abandonment request. The Property has been rezoned to allow townhouses (hence this Preliminary Plan application) and a mixed-use development is likely to occur on the Loehmann's Plaza site in the future. The Putnam Road and Macon Road vehicular connection was abandoned in the AB-377 case because of the perceived potential danger of mixing commercial and residential uses. Higher degree of street connectivity is considered more desirable as it increases the usability of the street network by providing more choices, and the additional street connection would disperse the numbers of cars using the existing Hunters Lane and Galena Road intersection to access the residences south of Randolph Road or the Rocking Horse Road Center. With a potential mixed use redevelopment of the Loehmann's Plaza redevelopment at some point in the future, the required connection of Macon Road and Putnam Road would also provide a convenient connection to the residents south of Randolph Road to access the retail and services at the redeveloped shopping center without having to get onto Randolph Road to access the shopping center. Staff finds that the abandonment of a portion of the right-of-way for Putnam Road is no longer necessary or applicable to the uses proposed on the Property and the potential redevelopment of Loehmann's Plaza in the future.

Staff disagrees with the assertion that reconnecting Putnam Road and Macon Road will result in significantly increased/unsafe traffic within the neighborhood. When looking at the larger transportation network, the connection will provide more efficient vehicular and pedestrian circulation for the residents of both the proposed townhouses and the adjacent residential community. This connection would not create significant additional traffic through the neighborhood that doesn't already exist. There are three additional connections into the community from Randolph Road within 1,600 feet east of Putnam Road. Hunters Lane is within approximately 175 feet, Galena Road is within approximately 1,175 feet, and Rocking Horse Road is within approximately 1,600 feet. Any vehicles leaving Loehmann's Plaza can exit onto Randolph Road heading east, turn right onto Hunters Lane, Galena Road, or Rocking Horse Road, and make their way through the neighborhood to either Beach Drive or Parklawn Drive.

The Rocking Horse Road Center is located just southeast of the Property at the intersection of Hunters Lane and Macon Road and can already be accessed from Hunters Lane, Macon Road, Galena Road, and Rocking Horse Road. Lastly, the reconnection of Putnam Road and Macon Road provides a more direct connection to and from Loehmann's Plaza for the adjacent residential community.

Therefore, based on the analysis above, Planning Department and MCDOT staff recommend the reestablishment of vehicular connection between Putnam Road and Macon Road.

Master Plan Recommendations and Conformance

The Subject Property is located within the 1992 *North Bethesda/Garrett Park Master Plan* area. One of the goals of the Master Plan is to '*Preserve and increase the variety of housing stock, including affordable housing*' (p 33).

The project will provide a mix of dwelling types to create variety of housing in the community, of which 12.5% of the units will be provided as MPDUs.

The Master Plan also seeks to '*Direct future development to land nearest to Metro stops and new transit stations, and to areas best served by transportation infrastructure*' (p 33).

The Property is approximately one mile from the White Flint Metro Station, and 1.5 miles from the Twinbrook Metro Station. Bus service along Randolph Road and Parklawn Drive provides transit connections to both Metro stations.

The Preliminary Plan is therefore in substantial conformance with the applicable recommendations of the Master Plan.

Adequate Public Facilities

Vehicular Site Access Points

The existing vehicular access to the Property includes two curb cuts from Randolph Road and one from Putnam Road. The proposed development will replace the two existing curb cuts on Randolph Road with one curb cut, and replace the existing curb cut on Putnam Road with a new private street connection into the proposed development. As described above, the proposed plan includes a connection between Putnam Road and Macon Road.

Master-Planned Roadways, Bikeway, and Transitway

In accordance with the 1992 *North Bethesda/Garrett Park Master Plan* (Master Plan), 2005 *Countywide Bikeways Functional Master Plan*, and 2013 *Countywide Transit Corridors Functional Master Plan*, the current master-planned roadway, bikeway, and transitway designations in the vicinity of the Property are listed below:

Randolph Road is designated as a four-lane arterial, A-69 with a recommended 100-foot right-of-way and a Class II bikeway. The *Countywide Bikeways Functional Master Plan* recommends bike lanes, BL-15. The *Countywide Transit Corridors Functional Master Plan* recommends Bus Rapid Transit (BRT) on the Corridor 7, "Randolph Road" with BRT vehicles operating along Randolph Road within its Master-Planned 100-foot wide right-of-way. The nearest BRT station is proposed at the intersection of Parklawn Drive and Randolph Road. The existing right-of-way ranges from 90 to 100 feet wide, and the Applicant will be required to make the required dedication along the property frontages.

Putnam Road and Macon Road are both dead-end streets that are local secondary residential streets not listed in the Master Plan. Macon Road has an existing 60-foot wide right-of-way that serves as vehicular access for 23 single-family detached homes. Putnam Road has an existing 52- to-71-foot wide right-of-way that serves as vehicular access to the Property and the adjacent shopping center.

Available Transit Service

Transit service is available along Randolph Road via the following bus routes:

1. Ride On route 10 operates with 30-minute headways between the Hillandale (at New Hampshire Avenue and Powder Mill Drive) and the Twinbrook Metrorail Station on weekdays and weekends.
2. Metrobus route C4 operates with 15-minute headways between the Twinbrook Metrorail Station and the Greenbelt Metrorail Station on weekdays and weekends.
3. Metrobus route C8 operates with 30-minute headways between the College Park-University of Maryland Metro Station and the White Flint Metrorail Station on weekdays and Saturdays.

The nearest bus stops are located along Randolph Road west of the intersection with Putnam Road: the eastbound stop on the south side of the road is approximately 70 feet to the west, and the westbound stop on the north side of the road is approximately 225 feet to the west.

Metrobus route J5 operates along nearby Parklawn Drive approximately 1,015 feet to the west of the Subject Property. The White Flint Metro Station is located approximately 1.1 miles southwest of the Subject Property.

Pedestrian and Bicycle Facilities

Randolph Road has an existing 4-foot wide sidewalk with a 12-foot wide green panel along the Property frontage. Putnam Road has an existing 4-foot wide sidewalk on the east side only with an 11-foot wide green panel, and parking on the east side. Macon Road has existing 4-foot wide sidewalks, 10- to 12-foot wide green panels, and parking on both sides. The existing 4-foot wide sidewalks along the three adjacent roadways are considered substandard in the new Road Code and must be reconstructed.

The three adjacent intersections with Randolph Road at Putnam Road, Loehmann's Plaza driveway, and Macon Road, are not signalized. There are no pedestrian crosswalks, but there

are handicap ramps at the intersections of Randolph Road and Macon Road. The missing pedestrian crosswalks and handicap ramps must be provided as conditioned.

The Applicant will be required to provide separated bike lanes along Randolph Road in coordination with the Planning Department and MCDOT staff. In addition, two inverted-U (or alternatives as approved by the Planning Department staff) bike rack spaces are required at the community recreation area.

Transportation Adequate Public Facilities Test

For transportation tests, this Preliminary Plan was reviewed under the 2012-2016 Subdivision Staging Policy because it was filed before January 1, 2017.

For Local Area Transportation Review (LATR), the table below shows the number of peak-hour vehicular trips projected to be generated by the proposed change in land uses 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 Uses		Number	Weekday Peak-Hour Trips	
			Morning	Evening
Existing	Private School	250 students	198	145
Existing	Child Day care	100 children	80	81
Existing	Subtotal		278	226
Proposed	Townhouses	106 units	51	86
Net Reduction in Peak-Hour Trips			-227	-140

Typically, a traffic study is required if the development generates 30 or more new peak-hour trips. The project will generate fewer trips than the trips generated by existing uses on the Subject Property. Therefore, a traffic study is not required, and the LATR test is satisfied.

For the Transportation Policy Area Review (TPAR) test, a TPAR payment of 25% of the Department of Permitting Service’s (DPS) development impact tax will not be required to satisfy the Policy Area Review test, because the project will generate less than three new peak-hour trips.

Schools

Since this Preliminary Plan was submitted prior to January 1, 2017, the 2012-2016 Subdivision Staging Policy and FY2017 Annual School Test apply. The Subject Property is located in the Wheaton High School Cluster, which would have required a school facility payment at the middle school level for all residential units. However, in accordance with Bill 38-16, the County

will not be collecting any required school facility payments for building permit applications filed after March 1, 2017, but will instead collect an updated School Impact Tax on all applicable residential units.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the Application. The Application meets the Montgomery County Fire and Rescue Service requirements for fire and rescue vehicular access. Public facilities and services, such as police stations, firehouses, and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. Electrical and telecommunications services are also available to serve the Subject Property.

Environment

Environmental Guidelines

Staff approved a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) (No. 420160570) for the Subject Property on October 20, 2015. The Subject Property contains no streams or their buffers, wetlands or their buffers, steep slopes, 100-year floodplains, or known habitats of rare, threatened, and endangered species. There is a stream buffer adjacent to the southwest corner of the Property that overlaps the intersection of Macon and Putnam Roads. A barricade and some trees (less than specimen size) currently separate these two roads where they meet. The Applicant is being required to complete this connection, and the disturbance required for reconnecting the intersection is minimal. On a case-by-case basis, the *Environmental Guidelines* permit construction of infrastructure such as roadways, when deemed necessary. Staff supports this connection, and finds this plan to be in conformance with the *Environmental Guidelines*.

Preliminary Forest Conservation Plan

The Application is subject to the Montgomery County Forest Conservation Law, and the Applicant has submitted a Final Forest Conservation Plan in conjunction with the Preliminary Plan. There is no forest on the Property. The land use, zoning and net tract area result in an afforestation requirement of 1.29 acres of forest planting. The Preliminary Forest Conservation Plan includes the removal of an existing on-site Forest Conservation Easement of 0.078 acres. This existing easement area does not meet the criteria in the Forest Conservation Law to qualify as forest, and presents a problem for enforcement due to its fragmentary and isolated location. Because the Applicant is fulfilling their forest conservation mitigation requirements off-site, the easement area must be replaced at a ratio of 2:1; therefore, the Applicant will purchase additional forest banking credits equal to planting 0.156 acres of forest. The total forest conservation mitigation requirement is for 1.446 acres of forest planted (1.29 acres of forest planting plus 0.156 acres for replacement of the forest conservation easement), or double that amount of forest preserved, in an approved off-site forest bank.

Forest Conservation Variance

Section 22A-12(b) (3) of County code identifies certain individual trees as high priority for retention and protection ("Protected Tree"). Any impact to these Protected Trees, including

removal or disturbance within a Protected Tree’s critical root zone (“CRZ”) requires a variance under Section 22A-12 (b) (3) (“Variance”). An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County code. The code requires no impact to trees that: measure 30 inches or greater, dbh; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request

The Applicant submitted a variance request on December 2, 2016, because the plan would create an impact to 20 trees that are considered high priority for retention under Section 22A-12(b) of the County code. Thirteen of these trees will be removed; the other seven will be saved. A copy of the variance request letter, specifying the amount of critical root zone disturbance for the trees to be saved, is appended to this letter (Attachment 5).

The applicant has offered the following justification of the variance request:

The RT-15 zoned property is redeveloping from a church and school site to a densely developed townhouse community. While there is no forest on the site, its previous institutional use has allowed numerous individual trees to grow to specimen size. The grading required to create building pads for the townhouses, along with required stormwater management facilities, roads and driveways, pedestrian facilities including paths and sidewalks, and necessary utility connections combine to create soil disturbance over most of the site. The individual trees are distributed throughout the developable portion of the Subject Property. Denying the variance would preclude construction of a townhouse community as anticipated and desired based on the zoning. Staff believes that this would constitute a hardship to the Applicant. This finding must be met when determining whether or not to consider a variance for the project. Based on this finding, Staff finds that a variance can be considered.

Section 22A-21 of the County code sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations, as the Director’s designee, that granting the requested variance:

1. *Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.*

Staff has worked with the Applicant in an effort to minimize loss of specimen trees. Impacts to specimen trees occur throughout the developable portion of the Subject Property. Staff has determined that the impacts to the trees subject to the variance requirement cannot be avoided because of the size and configuration of the Subject Property and the layout of the project. Therefore, Staff finds that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *The need for the variance is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the applicant, but on environmental, engineering and site constraints.

3. *The need for a variance is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is not a result of land or building use on a neighboring property.

4. *Granting the variance will not violate State water quality standards or cause measurable degradation in water quality.*

Seven of the trees are being saved and will continue to provide water quality functions as before. The trees being removed will be mitigated by the planting 112.5 caliper-inches of replacement trees. This is equivalent to 38 replacement trees of at least 3" caliper each. These trees will, in time, replace the lost water quality functions of the trees being removed. Therefore, the project will not violate State water quality standards or cause a measurable degradation in water quality. The replacement trees must be shown on the Final Forest Conservation Plan.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department referred a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. On December 15, 2016, the County Arborist issued her recommendations on the variance request and recommended the variance be approved with mitigation (Attachment 6).

The Preliminary Plan condition of approval requiring extension of a shared use path east along Randolph Road to Hunters Lane will likely impact a specimen tree not covered by the current variance approval. The shared use path extension will be reviewed at Site Plan. This will determine the limits of disturbance and amount of additional Critical Root Zone impact to specimen trees.

Stormwater Management

The Applicant received approval of a stormwater management concept from the Montgomery County Department of Permitting Services (MCDPS) on October 24, 2016 (Attachment 7). The stormwater management concept proposes to meet required stormwater management goals via the use of micro-bioretenion facilities, micro-bioretenion planter boxes, permeable pavement, and drywells.

Recommendation

Staff finds that this plan is in conformance with the *Environmental* Guidelines and in compliance with Chapter 22A, Forest Conservation. Staff recommends the approval of the Preliminary Forest Conservation Plan and associated variance.

Compliance with the Subdivision Regulations and Zoning Ordinance

The Preliminary Plan has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The lots' size, width, shape and orientation are appropriate for the location of the subdivision considering the objectives and recommendations in the Master Plan and for the type of development and use contemplated. As conditioned, the lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Master Plan. As stated above, the project will provide housing with a mix of housing types in the neighborhood. 12.5% of the units will be provided as MPDUs. The Subject Property has excellent bus connections along Randolph Road and Parklawn Drive to both White Flint and Twinbrook Metro stations. There will be adequate public facilities to serve the proposed lots, and the Application has been reviewed by other applicable County agencies, all of whom have recommended approval of the Preliminary Plan (Attachment 8).

Therefore, the approved lots are appropriate to the location of the subdivision, taking into account the recommendations set out in the *North Bethesda/Garrett Park Master Plan*, and the proposed use for the Subject Property.

The Development Table below illustrates how the proposed development meets the requirements of the RT-15 development standards under Section 59-8.2.4.B.

Table 3: RT-15 Development Standards

Development Standards	Required	Provided
Tract area (sft)	40,000	8.44 acres
Green Area (% of tract)	30%	33.5% (2.83 Acres)
Density (max)	15 D.U./Ac.	106 D.U.
Minimum building setback from any dwelling unit in a detached house or land classified in a Residential Detached zone.	30	30
Minimum building setback from any public street	20	20
Minimum building setback from an abutting lot: Side (end unit)	8	8
Minimum building setback from an abutting lot: Rear	20	20
Maximum Building Height from Principal Building	35	35
Maximum Building Height from Accessory Building	25	25
Moderately Priced Dwelling Units (MPUD)	Min. 12.5% of the total units	12.5% or 14 <u>D.U</u>
Off- street parking	Minimum of 212 or 2 sp./ D.U.	246 (2.32 sp./D.U.)

Lot Frontage on a Private Street

Section 50-29(a)(2) of the Subdivision Regulations requires “...that individually recorded lots shall abut on a street or road which has been dedicated to public use or which has acquired the status of a public road.” As reflected in other similar cases approved by the Planning Board, this finding must be based upon the proposed road being fully accessible to the public; accessible to fire and rescue vehicles, as needed; and designed to the minimum public road standards, except for right-of-way and pavement widths.

All townhomes have been arranged so that their lots front on Private Road A, Private Road B, or a green area/open space. Private Roads A and B will meet the corresponding Montgomery County Rode Code Standards MC-2001.02 and MC-2001.01 as modified, respectively. All townhouse lots that front on a green area/open space will be served by private alleys that will be constructed to the corresponding Montgomery County Road Code Standard for Residential

Alleys MC-200.01 as modified. All proposed private roads and alleys will be fully accessible to the public, provide the minimum pavement width and turning radii for emergency vehicle access, and will meet the minimum corresponding public road code standards.

Therefore, Staff finds that the proposed internal private road network has attained the status of public roads.

A 50-38 Waiver of Intersection Spacing

The Subject Property is located along Randolph Road, an arterial street, which requires a minimum spacing of 600 feet between intersections per Section 50-26(c)(2). The Applicant has requested a waiver of this minimum intersection spacing requirement. The Planning Board has the authority to grant such a waiver pursuant to Section 50-38(a)(1) of the Subdivision Regulations, provided that certain findings can be made. The section states:

“The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.”

The Property is located on the south side of Randolph Road, in the southeast quadrant of the intersection of Randolph Road and Putnam Road, and the distance to the nearest intersection to the east of the Property (Randolph Road and Hunters Lane) is approximately 1,000 feet. To provide adequate vehicular and pedestrian circulation access to the Property, a right-in/right-out only access to/from Randolph Road is needed, and provided. A practical difficulty exists in that the Applicant cannot provide the minimum required spacing of 600 feet between new and existing curb cuts on Randolph Road, since the existing intersections of Putnam Road and Hunters Lane along the Property’s Randolph Road frontage are only 1,000 feet apart.

Therefore, MCDOT and Staff finds that granting a waiver of the requirements of Section 50-26(c)(2) is the minimum waiver necessary to provide relief from the intersection spacing requirements of Chapter 50. The waiver is not inconsistent with the purposes and objectives of the General Plan, and is not adverse to the public interest because the waiver is needed in order to develop the Property in accordance with a Local Map Amendment G-964 to change the zone of the Property from R-60/R-90 to RT-15. The County Council found this Local Map Amendment to be consistent with the purposes and objectives of the General Plan and to be in the public interest.

Conclusion

Based on the review by Staff, other relevant agencies, and the analysis contained in this report, Staff finds that the proposed Preliminary Plan 120160320 meets all the required findings and are consistent with the applicable Subdivision Code and Zoning Ordinance standards. Staff recommends approval subject to the conditions stated at the beginning of this report.

Attachments:

Attachment 1: Local Plan Amendment Approval No. G-964

Attachment 2: Preliminary Plan

Attachment 3: County Board of Appeals Special Exception Case No. S-532, March 3, 1977

Attachment 4: County Council Resolution No. 8-1414, June 21, 1977

Attachment 5: Variance Request letter, December 2, 2016

Attachment 6: County Arborist Approval letter, December 15, 2016

Attachment 7: Stormwater Management Concept Approval letter, October 18, 2016

Attachment 8: Agency Correspondence:

- Department of Transportation letter, November 29, 2016;
- Department of Transportation letter, January 10, 2017;
- MCDPS Fire Code Enforcement Section letter, November 7, 2016 and March 1, 2017 Amendment Approval; and
- Department of Housing and Community Affairs letter, December 8, 2016.

ATTACHMENT 1

Resolution No.: 18-392
Introduced: February 2, 2016
Adopted: February 2, 2016

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

By: District Council

SUBJECT: APPLICATION NO. G-964 FOR AMENDMENT TO THE ZONING ORDINANCE MAP, Robert R. Harris, Esquire and Cynthia Bar, Esquire, Attorneys for Applicant, Montrose Baptist Church, OPINION AND RESOLUTION ON APPLICATION Tax Account Nos. 04-00116231, 04-00116845 and 04-02894342.

OPINION

Local Map Amendment (LMA) G-964, filed on April 29, 2014 by Applicant Montrose Baptist Church requests reclassification from the existing R-60 and R-90 Residential Zones to the RT-15 Zone of 8.7617 acres, identified as Lots 4, 5 and 32 in Block 2 of the Randolph Farms Subdivision, located at 5020, 5010 and 5100 Randolph Road in Rockville. The subject site is in the 4th Election District and bears the Tax Account Numbers 00116231, 00116845 and 02894342. It is owned by the Applicant, Montrose Baptist Church, and it will be developed by the Optionee, RRC/S Montrose, LLC (Exhibits 41(a), 42(a) and 43(a)). The site is subject to the 1992 North Bethesda/Garrett Park Master Plan. Currently located on the property are the Montrose Baptist Church, the Montrose Christian School and the Montrose Christian Child Development Center. The proposed development would contain 109 townhouses.

Because this application was filed on April 29, 2014, it is governed by the Zoning Ordinance in effect on October 29, 2014, pursuant to the "grandfathering" provision, §59-7.7.1.B. of the new Zoning Ordinance. It is worthy of note that this case is the last of the rezoning applications filed prior to the effective date of the new Zoning Ordinance.

The application was filed under the standard method, which permits the Applicant for the RT-15 Zone to seek rezoning without submission of either a Development Plan or a Schematic Development Plan. Instead, the Applicant must submit a Site Plan to the Planning Board for its review at a later date. Environmental controls for forest conservation and stormwater management will also be evaluated in connection with subdivision and site plan review.

The case was originally scheduled for a hearing before the Office of Zoning and Administrative Hearings (OZAH) on September 22, 2014. At the request of the Applicant, it was continued a number of times (Exhibits 19 through 30), finally settling on December 11, 2015. Notice of a hearing on that date was duly issued (Exhibit 30) and was also published in two newspapers, as required under the old Zoning Ordinance (Exhibits 31 and 32).

The zoning application was reviewed by the Technical Staff of the Maryland-National Capital Park and Planning Commission (M-NCPPC) who, in a report dated November 9, 2015, recommended approval of the rezoning request (Exhibit 33). The Planning Board considered the application on November 19, 2015 and unanimously recommended approval (Exhibit 39) based on the reasons set forth in the Technical Staff Report and its conclusion that:

The proposed development will be adequately served by public facilities and transportation infrastructure. It complies with the purpose clause of the RT Zone, and furthers the land use goals of the *1992 North Bethesda/Garrett Park Master Plan*. The Board finds that the proposed development is compatible with existing and proposed uses in the surrounding area, and the site functions as a transition between single-family homes and more intense uses.

The OZAH hearing proceeded as scheduled on December 11, 2015. The Applicant called four witnesses and introduced a private "Declaration of Covenant" limiting the development to 109 townhomes if the rezoning to the RT-15 Zone is approved. Exhibit 46. In addition, one witness, Brian Hooker, President of the Randolph Civic Association (RCA), testified in support of the application. There were no opposition witnesses, and the record closed on December 22, 2015, following the receipt of the transcript and Applicant's proof of recording the above-referenced private covenant in the County's land records (Exhibits 55 and 56).

The Hearing Examiner's Report and Recommendation was filed on January 15, 2016, and it is incorporated herein by reference. The Hearing Examiner recommended approval on grounds that Applicant's proposal would satisfy the requirements of the RT-15 Zone and its purpose clause; that the planned development will be compatible with the surrounding area; and that rezoning will be in the public interest.

After a careful review of the entire record, the District Council finds that the application does meet the standards required for approval of the requested rezoning for the reasons set forth by the Hearing Examiner.

The Property, Surrounding Area and Zoning History

The subject property consists of 8.7617 acres, identified as Lots 4, 5 and 32 in Block 2 of the Randolph Farms Subdivision, located at 5020, 5010 and 5100 Randolph Road in Rockville, approximately 0.7 miles east of Rockville Pike. According to Technical Staff (Exhibit 33, p. 2), 2.07 acres of the 8.76 acres consists of previously dedicated right-of way, leaving a net area for development of 6.69 acres. "Lots 4 and 5 are zoned R-90. Lot 32 is split-zoned; the northern portion is zoned R-90, and the southern portion is zoned R-60. In sum, approximately 5.14 acres of the Site are zoned R-90, and 1.55 acres are zoned R-60." The site is bordered by Randolph

Road to the north, Putnam Road to the west, and Macon Road to the south. Detached houses border the site to the south and east.

Technical Staff also describes the topography and existing uses on the site (Exhibit 33, p. 2):

The topography generally slopes down towards the southwestern corner of the Site, with a few areas of steep slopes (> 25%). The Site is currently improved with three buildings, totalling approximately 88,940 square feet, that house the Montrose Baptist Church, the Montrose Christian School, and the Montrose Child Development Center. The Site also contains approximately 160 surface parking spaces and several outdoor recreation areas.

These features are identified on the Natural Resources Inventory/Forest Stand Delineation or NRI/FSD (Exhibit 48), approved by the Technical Staff on October 20, 2015. Additional details about the site, its current use and nearby development are described in Applicant's Land Use and Zoning Report (Exhibit 34(a), pp. 3-4):

The Property is located between a commercial shopping center (zoned CR 1.5) and multi-family to the west (zoned R-20 and R-30), and single family communities to the north and east (zoned R-60 and 90). It is only approximately 1,275 feet from the White Flint/Pike District a new emerging urban district and approximately 3,300 feet from the White Flint Metro. It has convenient access to shopping, restaurants and major community-serving retail via Randolph Road.

... The schools and child care center have operated on the Property for over fifty years and at one time served over 500 children. The Church and school are comprised of several buildings totaling about 88,940 square feet and large asphalt parking lots with approximately 160 parking spaces.

The Property gently slopes from a high point of 350 feet in elevation to a low point of 316 feet in elevation. A stream valley buffer, which is associated with an offsite stream, is located near the terminus of Macon Road and Putnam Road. There are no steep slopes, wetlands, or floodplains on the Property. The NRI/FSD submitted with the Application shows the existing site conditions.

The RT-15 Zone is a floating zone and evaluation of the zoning issues, especially compatibility, requires delineation of a surrounding area. In general, the defined surrounding area takes into account those areas which are most directly affected by the proposed development, and any special study areas, which may have been defined by a master plan.

In this case, the surrounding area was designated by Technical Staff as:

... generally bound[ed] by the Montrose Parkway right-of-way and Rock Creek Park to the north, Gaynor Road to the east, Rocking Horse Road and Boiling Brook Parkway to the south, and Parklawn Drive to the west ...

Staff noted that "The surrounding area was delineated based on natural boundaries and logical roadways that capture the diverse, transitional nature of the area." Exhibit 33, p. 2. Applicant's land use planner, Kevin Foster, testified at the hearing that Applicant agreed with Technical Staff's definition of the surrounding area. Tr. 39. The Hearing Examiner also accepted Staff's definition, as does the District Council.

Technical Staff described the surrounding area as follows (Exhibit 33, pp. 2-3):

The land use pattern in the surrounding area is predominately single-family residential, but it also includes multi-family residential, commercial, institutional, and industrial uses.

The location of the Site is a generally transitional area between single-family detached houses to the north and east and commercial, industrial, and multi-family uses to the west. Loehmann's Plaza, a shopping center anchored with a grocery store, is located directly across Putnam Road to the west. Detached single-family houses built in the 1960s are located across Randolph Road to the north, and also about the Site to the south and east. The area includes three multi-family complexes located to the northwest and southwest of the Site.

A Montgomery County Public Schools office facility (the Rocking Horse Road Center) and the Charles E. Smith Jewish Day School are located in the southern part of the defined surrounding area. The surrounding area also includes two office buildings, one of which is a medical office building that was approved by special exception in the R-60 Zone. A U-haul moving and storage facility occupies the northwest corner of the surrounding area.

The Applicant added the following detail in its description of the surrounding area in its Land Use Report (Exhibit 34(a), p. 5):

The entire area comprises about 150 acres and houses a variety of land uses including commercial offices, retail, multi-family residential (R-20 and R-30), single-family residential, community services, and institutional uses. . . .

To the direct north and east of the Property are communities consisting principally of 2-story single family residential homes. To the northwest and due west of the Property are more intense uses, including multi-family units (R-20) and a shopping center, known as Loehmann's Plaza, which houses various uses including neighborhood serving stores and restaurants. It is located adjacent to the Property across Putnam Road and is zoned CR 1.5 (C1.0, R1.0, H-75) which would allow redevelopment at much higher than the existing density. Other nearby land uses include the Rocking Horse Road Center, a former Montgomery County public school which is now used by the Department of Health and Human Services, multi-family housing to the southwest, a U-Haul moving and storage facility to the northwest and the Kensington Eye Care Center to the northeast. . . .

Technical Staff gave the following zoning history for the subject site (Exhibit 33, p. 2):

At the time of the 1954 comprehensive rezoning of the County, the Site was classified in the R-90 and R-60 Zones. In 1958, when the Regional District was expanded to include Upper Montgomery County, the associated comprehensive map amendment confirmed the R-90 and R-60 zoning for the Site. The zoning was confirmed again by District Map Amendment G-956 in 2014.

In sum, the subject property has remained in the R-60 and R-90 Zones since its initial classification in 1954.

Proposed Development

As mentioned in the first part of this Opinion, the development proposed by the Applicant would be limited to 109 townhouses. The application was filed under the standard method, which permits the Applicant for the RT-15 Zone to seek rezoning without submission of either a Development Plan or a Schematic Development Plan. Instead, Applicant must submit a Site Plan to the Planning Board for its review at a later date, if the rezoning is approved by the Council. *Zoning Ordinance §59-C-1.75*. Since there is no approved plan at this stage limiting the size of the development, it must be evaluated under the most intense development permitted in the RT-15 zone (i.e., 131 townhouse units on 8.76 acres), as Technical Staff and the Hearing Examiner have done.

Nevertheless, after negotiations with the Randolph Civic Association (RCA), the Applicant has voluntarily limited itself to 109 townhouse units by private covenant (Exhibit 46), filed in the County land records (Exhibits 55 and 56), and has submitted a concept plan showing the essence of its proposal at this stage (Exhibit 51). It shows 109 townhouse units, of which 14 (12.5%) are MPDUs; however, the concept plan is not binding on the zoning process and may be significantly varied at Site Plan and Subdivision review. Although private covenants are not ordinarily enforceable through the zoning process, parties can resort to the courts for relief. The case law holds that the zoning authority should not be deterred by the private covenants, but rather should act on the zoning issues based on the Zoning Ordinance. As stated by the Maryland Court of Appeals in *Perry v. Board of Appeals*, 211 Md. 294, 299-300, 127 A.2d 509 (1956),

The [zoning] ordinance does not override or defeat whatever private rights exist and are legally enforceable, but neither is it controlled in its workings or effects by such rights.

Applicant's proposal is further described in its Land Use Report (Exhibit 34(a), p. 4):

The proposal envisions a scale-appropriate urban residential community of single-family townhomes, and a minimum of 30% percent green area. A new private street system will be created to serve the townhomes. The new street pattern will link the development to the surrounding street network and provide access to the site improvements via Randolph Road and Putman Road. The redevelopment also

includes new streetscape and sidewalks on all public street frontages designed to encourage more walkability for the existing neighborhood.

Creative site planning, maintenance of open spaces, and distinctive architecture will ensure the project enhances the character of the community. The addition of single-family townhomes to this neighborhood will enhance the housing choices for area residents. The use of the Property for townhomes will provide an option of a new housing type for current residents.

At the hearing, Andrew Brown, the managing member of RRC/S Montrose LLC, which was formed specifically to redevelop this site, testified that "this is a perfect example of smart growth." Tr. 23. Mr. Brown further testified that the Applicant has a number of problems with its operations on the site – the church membership has been shrinking for a number of years; the church needs the funds from the sale of this property in order to fund the construction of a new facility in Clarksburg; the building in which the affiliated Montrose Christian School operates is outdated, very expensive to maintain and doesn't meet today's educational requirements; and the church had a financial setback due to the alleged embezzlement of one and a half million dollars of tuition payments, all of which has led to poor maintenance of the property in recent years. He feels that the proposed townhouse project will be a much better neighbor than the current institutional use. Tr. 20-21.

Mr. Brown asserted that there are many home buyers who are attracted to neighborhoods closer in, and this site is a perfect example of that. He believes that three specific demographic profiles will be attracted to this site – young couples, both with and without children; empty nesters; and singles in the early and mid-stages of their careers. They will be very attracted to this particular site because of its proximity to the job centers in Bethesda, Silver Spring, Rockville and even downtown Washington. There is walkable retail, with Loehmann's Plaza right next door to the property, and additional retail further west on Randolph Road and down Boiling Brook Parkway. There is frequent Ride-On and Metro Bus service passing directly by the site on Randolph Road and good access to both the Twinbrook and White Flint Metro Stations. All of these make this site very attractive for infill development. Tr. 21-23. Mr. Brown believes the proposed development is appropriate for the neighborhood and will have a more positive impact on the surrounding community than the existing institutional church, school and daycare use. Tr. 26.

Applicant's land planner, Kevin Foster, testified the project would include 12.5% MPDUs (Tr. 51) and approximately three parking spaces per unit, 62 of which will be on-street spaces. The rest will be in garages and driveways, since most of the units will have two-car garages and driveways. Tr. 48 and 64-65. The Applicant will also rebuild the pedestrian systems along Randolph Road, Putnam Road and Macon Road. All the sidewalks are going to have to be replaced and upgraded with handicap ramps. Bike racks will be provided, and a safe bicycle and pedestrian network system will be established. There will be facilities to meet recreational, social and human service needs of the community, for the elderly and handicapped and for tots, teens and adults. Tr. 53-54.

Mr. Foster further testified that there will be an environmental benefit to the project because a stormwater management system with environmental site design (ESD) will be provided, controlling all of the site run-off where no stormwater management exists today. Tr. 55.

Applicant's transportation planner, Michael Lenhart, testified that under the proposal, the existing entrance to the school, roughly in the center of the site, would be closed, and a future entrance to the site in the vicinity of the existing parking lot entrance toward the east end of the site, would be rebuilt in that area. There would also be a connection to Putnam Road, so the site would have two access points, one to Randolph Road and one to Putnam Road, thereby eliminating one access point on Randolph Road. In his opinion, those access points will be safe, adequate and efficient. Mr. Lenhart also opined that the internal roadways will be safe, efficient and adequate under the Concept Plan for vehicular, bike and pedestrian traffic. Tr. 90-92.

Adequacy of Public Facilities

Under the County's Adequate Public Facilities Ordinance ("APFO," Code §50-35(k)), the Planning Board has the responsibility, when it reviews a preliminary plan of subdivision, to assess whether the following public facilities will be adequate to support a proposed development: transportation, schools, water and sewage facilities, and police, fire and health services. The Planning Board's application of the APFO is limited by parameters that the County Council sets in its Subdivision Staging Policy.¹ While the ultimate test under the APFO is carried out at subdivision review, evidence concerning adequacy of public facilities is relevant to the District Council's determination in a rezoning case, as spelled out in Zoning Ordinance §59-H-2.4(f).

Section 59-H-2.4(f) requires Applicant to produce "[s]ufficient information to demonstrate a reasonable probability that available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application is submitted." In this case, the application was filed on April 29, 2014, so the 2012-2016 Subdivision Staging Policy, adopted November 13, 2012, in Resolution 17-601, applies to the rezoning determination.

The 2012-2016 Subdivision Staging Policy provides, at p. 21, "[t]he Planning Board and staff must consider the programmed services to be adequate for facilities such as police stations, firehouses, and health clinics unless there is evidence that a local area problem will be generated." There is no evidence of inadequacy in this case, so police stations, firehouses and health clinics will be considered sufficient. The remaining three public facilities – transportation, schools and water and sewer service – are addressed below.

Technical Staff provided an extensive description of existing and planned transportation facilities, finding that they will be adequate to handle the traffic that will be generated by the proposed use. Exhibit 33, pp. 4-6. In fact, the proposed development would generate fewer trips and therefore put less demand on transportation facilities than the present use. This finding is evidenced by the Local Area Transportation Review (LATR) analysis provided by Applicant's

¹ In 2010, the County Council changed the name of the Growth Policy to the Subdivision Staging Policy, but both Zoning Ordinance §59-H-2.4(f) and APFO Code §50-35(k) still refer to the Council's Growth Policy. The 2012-2016 Subdivision Staging Policy was adopted by the Council on November 13, 2012, in Resolution 17-601.

transportation planner, Michael Lenhart, and approved by Technical Staff. Exhibit 33, p. 6, and Exhibit 34(b).

Mr. Lenhart used figures from the Institute of Transportation Engineers (ITE) Trip Generation Manual (9th Edition) to calculate the trip generation for the existing private school and the existing child day care facility. The resulting trip generation rates for the existing school (based on an average of 250 students) and daycare (based on an average of 100 children) are 278 morning peak hour trips and 226 evening peak hour trips. Historical observations of the school show a much higher maximum attendance, and therefore an even higher trip generation on occasion. In his October 27, 2015 traffic statement, Mr. Lenhart contrasted this existing trip generation with the projected trip generation from 130 townhouses based on trip generation rates from the LATR Guidelines. He found that 130 townhouse units would generate 64 morning peak hour trips and 97 evening peak hour trips. This information was summarized in a table on page 6 of the Technical Staff report (Exhibit 33).

At the OZAH hearing (Tr. 83-89), Mr. Lenhart introduced an amended Traffic Statement (Exhibit 52), dated December 3, 2015, based on an assumption of 131 townhouses, instead of 130, because the maximum buildout at a possible density of 15 townhouses per acre is 131 units (15 X 8.7617 acres = 131.43). This change had a *de minimis* impact on the figures, adding only one evening trip to the projected total, thereby reducing the net reduction in evening trips to 128 fewer trips, instead of the 129 depicted in Technical Staff's table. The actual reduction in trips is likely to be even greater, since the Applicant has entered into a private covenant to limit the number of townhouse units to 109. However, even basing this LATR analysis on the assumption of a possible 131 townhouse units, the reduction in trips, and thus the burden on the transportation facilities, will be significant if this project goes forward. Whether or not the Applicant will be required to make a payment to the County to satisfy Transportation Policy Area Review (TPAR) will be decided at Preliminary Plan Review.

Technical Staff noted (Exhibit 33, p. 6) that "If the Local Map Amendment (LMA) is approved, the Applicant will have . . . [to agree to] the following at preliminary plan review:

1. Dedicate additional right-of-way along the Randolph Road frontage for a total right-of-way of 50 feet from its centerline.
2. Dedicate additional right-of-way along the Putnam Road frontage for a total right-of-way of 30 feet from its centerline.
3. Upgrade the substandard sidewalks to be five feet wide along the three adjacent roadways of Randolph Road, Putnam Road, and Macon Road.
4. Provide the missing pedestrian crossings and handicap ramps at the three adjacent intersections with Putnam Road.
5. Provide the required bike parking spaces on the Site.

At the OZAH hearing, in response to a question from the Hearing Examiner, Applicant's counsel indicated that Applicant would comply with these requirements, which are also listed in Attachment 4 to the Staff report (Exhibit 33). Tr. 7. The Hearing Examiner concluded that the Applicant has shown a reasonable probability that available transportation facilities and services will be adequate to serve the proposed development. The District Council so finds.

The next issue regarding public facilities concerns County schools. Attachment 3 to the Technical Staff report (Exhibit 33) is a memorandum from Bruce Crispell, the Director, Division of Long-range Planning, Montgomery County Public Schools. Mr. Crispell indicates that “[t]he 130 townhomes planned for the project would generate approximately 23 elementary school students, 8 middle school students and 13 high school students.” He notes that:

The project is within the service area of Viers Mill Elementary school, the Middle School Magnet Consortium (where there is choice to attend Argyle MS, Loiederman MS or Parkland MS) and the Downcounty Consortium (where there is a choice of attending Blair, Einstein, Kennedy, Northwood, or Wheaton high schools. And, the base area high school is Wheaton High School.)

Mr. Crispell concluded that “Under the current FY 2016 Subdivision Staging Policy School Test, there is a school facility payment required at the middle school and high school levels. Space is adequate at the elementary school level.”

There is no contrary evidence in this record, and the District Council therefore finds that the Applicant has shown a reasonable probability that available school facilities and services will be adequate to serve the proposed development.

Attachment 2 to the Technical Staff report (Exhibit 33) is a memorandum from the Washington Suburban Sanitary Commission (WSSC). WSSC reviewed the application and determined that there is adequate water and sewer service available to the site and that “[t]he impact from rezoning this property would be negligible.” Applicant’s civil engineer, Seth Churchill, added that telephone, electric, gas and cable TV are also available on the site. Tr. 81.

Based on the above discussion, the District Council finds that Applicant has demonstrated a reasonable probability that available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application was submitted.

Environmental Impacts

Although environmental controls for forest conservation and stormwater management will be fully evaluated in connection with subdivision and site plan review, they are briefly examined at the rezoning stage to ensure that the development will be in the public interest. The Applicant filed a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD No. 420160570) as Exhibit 48. It was approved by Technical Staff on October 20, 2015.

1. Forest Conservation:

As reported by Staff (Exhibit 33, pp. 6-7),

The site contains some areas of tree cover with significant and specimen trees, but no forest. No streams, floodplains, or wetlands are present. There is a small area of environmental buffer that extends onto the southwest corner of the

Site from an off-site stream. . . There is 0.08 acres of Conservation Easement along the south property line of Lot 3. This pre-Forest Conservation Law easement was implemented by Preliminary Plan #119892120 as a tree save area, but it currently includes a portion of a parking lot and approximately eight individual trees. The disposition of this easement will be reviewed as part of the Preliminary Forest Conservation Plan at Preliminary Plan review.

2. Stormwater Management:

Applicant's land planner, Kevin Foster, testified that there will be an environmental benefit to the project because a stormwater management system with environmental site design (ESD) will be provided controlling all of the site run-off where no storm water management exists today. Tr. 55. Applicant's civil engineer, Seth Churchill, testified that he has not seen any evidence of stormwater management on the site, although it is possible that there are very small quality control devices, which he did not detect. In his opinion, the Applicant will be able to develop a stormwater management system on the site that will fully comply with the state and county codes which call for environmental site design (ESD) to the maximum extent practicable (MEP). Tr. 79-80.

Technical Staff confirmed that the redevelopment will be subject to the Stormwater Management Act of 2007, and will be required to use Environmental Site Design (ESD) techniques to the maximum extent practicable. Exhibit 33, p. 7.

Based on this record, the District Council finds that the proposed development will not cause harm to the environment, and in fact will likely improve on-site stormwater management.

Standard for Review

A floating zone, such as the RT-15 Zone, is a flexible device. Individual property owners may seek to have property reclassified to a floating zone by demonstrating to the Council that the proposed development will be consistent with the purpose and regulations of the proposed zone and compatible with the surrounding development. The Council must also find that the rezoning will be in the public interest and part of the coordinated and systematic development of the regional district, as required by the Maryland Land Use Article, Code Ann. § 21-101(a)(4)(i) (2012).²

Montgomery County has many floating zones, including the R-T Zones. The RT-15 Zone contains development standards and a post-zoning review process that generally delegate to the Planning Board the details of site specific issues such as building location, stormwater control, vehicular and pedestrian routes, landscaping and screening. The Council has a broader and more discretionary role in determining whether to approve a rezoning. We turn now to the three areas of Council review discussed above – the purpose and requirements of the zone, compatibility with land uses in the surrounding area, and relationship to the public interest.

² Effective October 1, 2012, the Regional District Act, Article 28, Md. Code Ann., was re-codified, without a change in substance, into a new "Land Use Article." Section § 21-101(a)(4)(i) of the Land Use Article contains the rough equivalent of the previous language in Article 28, Md. Code Ann., § 7-110.

Purpose and Requirements of the Zone

Under the "purpose clause" set forth in Zoning Code §59-C-1.721, the R-T Zone may be applied if a proposal meets any one of three alternative criteria: (1) it is in an area designated for R-T Zone densities (implying a master plan designation); (2) it is in an area that is appropriate for residential development at densities that are allowed in the R-T Zones; or (3) it is in an area where there is a need for buffer or transitional uses between commercial, industrial, or high-density apartment uses and low-density one-family uses.

It is conceded in this case that the 1992 North Bethesda/Garrett Park Master Plan does not specifically designate the subject site for the RT-15 Zone; however, there are three alternative methods of satisfying the Purpose Clause, and an Applicant is required to satisfy only one of them. Accordingly, the Purpose Clause may also be satisfied by development in areas "appropriate for residential development at densities allowed in the R-T Zones" or in areas "where there is a need for buffer or transitional uses between commercial, industrial, or high-density apartment uses and low-density one-family uses."

The evidence in this case supports Applicant's contention that the subject site satisfies both the "appropriateness" and the "transitional" criteria. In this regard, Applicant's land use planner, Kevin Foster, testified that the development is appropriate at this location for a number of reasons. He observed that townhouses are an appropriate use for this site since they are an allowed use in the R-60 and R-90 Zones with MPDUs, and thus are presumptively compatible with existing single-family homes. Given that fact, he reasoned that the appropriate density is really the question. Tr. 45. Mr. Foster noted that the proposed density on the subject site of 15 dwelling units per acre would be clearly in the middle of the range of the densities in the surrounding area, and thus would be a very appropriate density and compatible with this area. Similarly, the proposed building heights would also be appropriate here. In the majority of the surrounding area, the building height is a maximum of 35 feet. To the west of the site, the CR Zone at Loehmann's Plaza has a maximum height of 75 feet, and in the R-20 Zone, a maximum of 80 feet; the R-30 maximum is 35 feet; and the employment-office area height is 75 feet. The Applicant is proposing a maximum height of 35 feet, and that is clearly compatible, and clearly appropriate for this site, being surrounded by R-60 and R-90 zoned development. Tr. 65-69.

Part (b) of the purpose clause seeks to provide suitable sites for townhouses in locations in the county where there is a need for a buffer or transitional uses between commercial, industrial, or high intensity apartment uses and low density one-family uses. In Mr. Foster's opinion, this site fits both of those requirements. Referring back to Exhibit 50, Mr. Foster noted that the proposed use, at a density of 15 units per acre and 35 feet in height, would be a perfect transition from the higher densities and heights to the west (*e.g.*, Loehmann's Plaza and the higher residential densities) and the lower densities and heights to the east (single-family homes in the R-60 and R-90 Zones). This site would also serve as a noise and visual buffer from Randolph Road for the existing neighborhood. Though its main function is transition, it fulfills both segments of Part (b) of the purpose clauses. Tr. 69-70.

The same conclusion was reached by the Planning Board (Exhibit 39) and by its Technical Staff (Exhibit 33, pp. 8-9):

. . . Although the Site is not designated for R-T zoning in a master plan, it is appropriate for townhouse densities because of its location along a major road, and because it will serve as a buffer between one-family residential and more intense uses.

The proposed RT-15 Zone is compatible with the density and height pattern of the zoning in surrounding area, where the scale of density and height generally increases from east to west (Figure 3). The R-60 and R-90 zoned single-family neighborhoods to the east of the Site allow maximum densities between 4.84 and 7.27 dwelling units per acre and a maximum height up to 35 feet. The R-30 Zone directly to the south of the Site allows a maximum density of 17.69 units per acre and a maximum height of 35 feet. The CR zoning on Loehmann's Plaza, located directly to the west of the Site, allows a density up to 1.5 FAR and a maximum height of 75 feet. The R-20 Zone to the southwest of the Site allows a maximum density of 26.47 units per acre and a maximum height of 80 feet.

A townhouse development at the proposed density would serve as an appropriate transition between Loehmann's Plaza shopping center and the multi-family complexes to the west of the Site, and the detached houses to the east. This type of step down in density has been used throughout the County and the region to transition between commercial sites and single-family homes.

The proposed development would also serve as a visual and auditory buffer between Randolph Road to the north, and the detached houses on Macon Road to the south. In addition, because of its flexibility in design and layout, an R-T Zone at this particular location, with its proximity to retail, parks, and transit, would allow a reasonable number of additional residents to take advantage of the nearby amenities.

There is no contrary evidence in the record, and the District Council agrees with the Hearing Examiner's finding that the proposed rezoning would satisfy the stated purpose of the RT-15 Zone by being appropriate for the area and by providing a transition between higher densities to the west and single-family homes to the east, as well as a buffer for the single-family neighborhoods from Randolph Road noises and views.

In addition, the proposed use would satisfy the stated intent of the RT-15 Zone by providing flexibility in the design of townhouses and their grouping and layout, and freedom in the types of home ownership available in the area, without having detrimental effects on the use or development of adjacent properties in the neighborhood.

The development standards for the RT-15 Zone are spelled out in Zoning Code Sections 59-C-1.722 through 59-C-1.75. The Applicant has requested reclassification from the R-60 and R-90 Zones to the RT-15 Zone to allow a development of 109 townhouses; however, the case was evaluated based on the most intense use possible in the RT-15 zone (131 townhouse units on 8.76 acres) since there is no binding Schematic Development Plan (SDP) under the standard method of rezoning.

Code Section 59-C-1.722, governing row design, will be applied at site plan review, because there is no binding SDP at the rezoning stage. Code Sections 59-C-1.723 and 1.724 are inapplicable to this case because the Applicant is not combining tracts and there are currently no dwellings on the site.

The development standards for the RT-15 Zone are set forth in Code Section 59-C-1.73, and Technical Staff discussed compliance with those standards in its report, noting that at present it can only determine that the proposal satisfies the minimum tract area requirement, which is 40,000 square feet. "[A]ll other development standards must be approved by the Planning Board at Preliminary and Site Plan review." Exhibit 33, pp. 10-11. As previously mentioned, the Applicant indicated that it would comply with all applicable development standards (Tr. 74-76); that it will provide more than the required parking spaces; and that, as required by law, it will provide MPDUs. Tr. 48 and 64-65.

The Hearing Examiner concluded, and the District Council agrees, that the Applicant has met the standards set forth in the Zoning Ordinance for the RT-15 Zone, to the extent they can be determined at this stage, under the standard method of application. Pursuant to Zoning Ordinance §59-C-1.75, the development cannot proceed on the site until Site Plan approval by the Planning Board has been achieved in accordance with Zoning Ordinance §59-D-3.

Compatibility

The next criterion for evaluating this rezoning application is whether the proposed development will be compatible with land uses in the surrounding area. Compatibility has generally been evaluated in terms of land use, density, height and bulk. Applicant states in its Land Use and Zoning Report (Exhibit 34(a), p. 5):

The proposed townhouse community will complement and be compatible with all of the existing uses in the community.

* * *

If one looks at the variety of land uses which surround the Property one is struck by the fact that townhouses are not included in the mix. The introduction of this type of residential unit at this location is an appropriate complement to the existing mix of uses and services. It is also an appropriate transition from the CR1.5 and R-20 zoned properties to the west and the R-60/90 zoned properties to the east and north.

Applicant's land planner, Kevin Foster, testified that in his opinion, this proposal would be very compatible with the neighborhood. Townhouses are presumed to be compatible to begin with in the R-60 and the R-90 Zone because they are allowed under MPDU development and cluster development in those zones. Moreover, the proposed height and density would be compatible with the existing neighborhood, as was discussed in connection with the Purpose Clause of the RT-15 Zone, above. Tr. 71-72.

Technical Staff also concluded that the proposed development would be compatible (Exhibit 33, p. 10):

The proposed townhouse community would be compatible with development in the surrounding area. A townhouse community will reinforce the residential character of the surrounding area by substituting a residential use for the existing institutional use. The proposed townhouse use is considered single-family residential and, if designed properly, will be compatible with the adjacent single-family detached houses to the east and south. The maximum height in the RT-15 Zone, 35 feet, is compatible with the maximum height of 35 feet in the R-60 and R-90 Zones. At Preliminary Plan and Site Plan review, special attention should be given to the scale, articulation, and placement of buildings in relation to the nearby residential uses to ensure that the proposed development is harmonious with the neighborhood.

The Planning Board agreed, stating that "the proposed development is compatible with existing and proposed uses in the surrounding area . . ." Exhibit 39. The Planning Board will also evaluate compatibility at the site plan stage, and this post-zoning review provides an additional safeguard against any incompatible development.

There is no contrary evidence, and the District Council therefore concludes, as did the Hearing Examiner, that the proposed use will be compatible with existing and planned development within the surrounding area.

Public Interest

Maryland law requires that the proposed rezoning be in the public interest. As stated in Maryland Land Use Article, Code Ann. § 21-101(a)(4)(i) (2012),

(i) planning, zoning, or subdivision control powers in the regional district [must be exercised to:]

(1) guide and accomplish a coordinated, comprehensive, adjusted, and systematic development of the regional district;

(2) coordinate and adjust the development of the regional district with public and private development of other parts of the State and of the District of Columbia; and

(3) protect and promote the public health, safety, and welfare.

Factors which may be considered in determining the public interest include consistency with the master plan; the recommendations of the Planning Board and its staff; possible adverse effects on the surrounding area, public facilities and the environment; and potential public benefits such as provision of affordable housing and increasing the housing stock, in general.

1. Master Plan Conformity:

Compliance with Master Plan recommendations is not mandatory in this case because the R-T Zones do not require it; rather, the courts have held that the Master Plan or Sector Plan should

be treated only as a guide in rezoning cases like this one. As stated in *Trail v. Terrapin Run*, 403 Md. 523, 527, 943 A.2d 1192, 1195 (2008),

We repeatedly have noted that [master] plans, which are the result of work done by planning commissions and adopted by ultimate zoning bodies, are advisory in nature and have no force of law absent statutes or local ordinances linking planning and zoning. Where the latter exist, however, they serve to elevate the status of comprehensive plans to the level of true regulatory device.³

Even though strict conformance to the Master Plan is not required, an evaluation to see whether the proposed development will forward goals of the applicable Master Plan plays a part in evaluating whether the development would be in the public interest.

The subject site is within the area covered by the 1992 *North Bethesda Garrett Park Master Plan*. According to Technical Staff (Exhibit 33, p. 7), it is also within the boundaries of the *White Flint 2 Sector Plan*, which is currently being prepared and is expected to be reviewed by the County Council in 2017. Since no draft land use recommendations for the *White Flint 2 Sector Plan* have been released, Staff indicated that it had reviewed this application only for consistency with *North Bethesda Garrett Park Master Plan*. The Applicant followed the same procedure. Tr. 58-62. The Hearing Examiner also agreed with this approach, as does the District Council. It certainly does not make sense to evaluate a proposed rezoning under a Master Plan that is merely being considered, and has neither been approved by the Council nor adopted by the Planning Board.

Technical Staff found that the proposed development is consistent with the goals of the Master Plan (Exhibit 33, pp. 7-8):

The *North Bethesda Garrett Park Master Plan* does not contain any specific recommendations for the Site, but it does include the following general land use objectives that relate to the application on page 35:⁴

- *Direct future development to land nearest to metro stops and new transit stations, and to areas best served by transportation infrastructure.*
- *Preserve and increase the variety of housing stock, including affordable housing.*
- *Encourage a land use pattern that provides opportunities for housing and employment.*
- *Encourage a mixture of land uses in redeveloping areas to promote variety and vitality.*

The application supports these Master Plan objectives. The Site is well served by existing and planned *transportation* infrastructure. Metrobus and Ride On stops are within walking distance of the Site, and buses provide relatively frequent

³ Because the proposed RT-15 Zone does not require conformance with the Master Plan, this case is not affected by legislation aimed at modifying *Terrapin Run's* interpretation of the words, "conformance" and "consistency." See Smart, Green, and Growing - Smart and Sustainable Growth Act of 2009, effective July 1, 2009.

⁴ As noted by the Hearing Examiner, the Master Plan's Land Use Objectives are actually listed on page 34 of the Plan.

service to the Twinbrook and White Flint Metro stations. The Site is also located close to the planned eastern extension of Montrose Parkway, which will provide convenient access to I-270 and I-495. Further, the County's *Transit Corridors Functional Master Plan* calls for BRT service along Randolph Road, with a planned BRT station a few blocks away.

If approved, the proposed townhouse development will enhance the housing choices for area residents. Single-family and multi-family homes are prevalent, but there are no townhouses within the defined surrounding area. The proposed development will also increase the stock of affordable housing because a minimum of 12.5% of the units will be Moderately Priced Dwelling Units (MPDUs).

Due to the abundance of commercial and industrial businesses in the vicinity of the Site, this application could offer increased opportunities for employees to live near their places of employment. A townhouse development at this density would also encourage a more active streetscape, especially in the evening, and it will enhance the pedestrian environment.

Applicant's land planner, Kevin Foster, also testified that the proposed use is supportive of the Master Plan's goals. The Master Plan recommends residential land use for the area in which the subject site is located. The Plan's objectives seek to protect and reinforce the integrity of the existing residential neighborhood, as well as other goals. In his opinion, replacing what is now becoming an aging institutional use with a newer residential use will create a new residential edge for a clearly residential neighborhood, and it will reinforce the residential identity of this neighborhood. It will create a more residential streetscape, with pedestrian connections, and it will create a buffer from Randolph Road for the residential community behind it. The site is greatly served by transit between the bus service lines that currently are on Randolph Road, the BRT Master Plan service along Randolph Road with the station at Parklawn and Randolph, the MARC station that is proposed at Parklawn and the existing metro stations. The proposal will preserve and increase the variety of housing stock, including affordable housing (MPDUs), and the proposal will introduce a housing type that is not currently there – townhouses. Tr. 48-51, 66.

Mr. Foster further testified that the project will encourage a mixture of land uses in redeveloping areas to promote variety and vitality. It will add vitality to the streetscape and more residents to the area that can serve the Loehmann's Plaza retail. It will provide housing and very close to employment and will reduce dependence on the automobile with walkability to retail right next door and direct access to the Metro sites. It also will act as a noise buffer to the community behind it. The Applicant will also rebuild the pedestrian systems along Randolph Road, Putnam and Macon. All the sidewalks will be replaced and upgraded with handicap ramps. Bike racks will be provided, and a safe bicycle and pedestrian network system will be established. There will be facilities to meet recreational, social and human service needs of the community, for the elderly and handicapped and for tots, teens and adults. Tr. 52-54.

In sum, the undisputed evidence supports the conclusion that the proposed development would be consistent with the goals of the *North Bethesda Garrett Park Master Plan*, and the District Council so finds.

2. Public Facilities and the Environment:

As discussed above, the Applicant has demonstrated a reasonable probability that available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application was submitted. In fact, the traffic burden on the County's road system will be reduced because the proposed townhouse development will produce fewer trips than the existing use. The District Council so finds.

Moreover, all the evidence indicates that the project will cause no harm to the environment. On the contrary, the evidence suggests that there will be an environmental benefit to the project because a stormwater management system with environmental site design (ESD) will be provided, and it will control all of the site run-off, where no stormwater management exists today. Tr. 55-56, 79-80. The District Council so finds.

3. Other Public Interest Considerations:

In addition to considerations of Master Plan conformity, adequacy of public facilities and impacts on the environment, the evidence in this case has shown that the proposal will provide a potential benefit to the public by increasing the availability and variety of housing in the County and by offering additional affordable housing close to public transportation and retail.

As stated by Technical Staff (Exhibit 33, p. 10):

The proposed development would promote the public interest by advancing several goals of the Master Plan and providing additional housing near existing public infrastructure.

*

*

*

In addition, . . . the proposed development will decrease the peak hour vehicle load on the road network in comparison to the existing use. Shops, transit, and employment opportunities are within walking distance of the Site, decreasing the need for future residents to depend on a car for every trip. The proposed development will enhance the pedestrian network with upgrades to nearby sidewalks and crosswalks. The proposed development will also generate tax revenue to support existing and proposed infrastructure, and it will enhance water quality by improving the Site's stormwater management capabilities.

The District Council thus concludes that the proposed use would aid in accomplishing a coordinated, comprehensive, adjusted, and systematic development of the regional district and would be in the public interest.

Conclusion

Based on the foregoing analysis and the Hearing Examiner's report, which is incorporated herein, and after a thorough review of the entire record, the District Council concludes that the application satisfies the requirements of the RT-15 Zone and its purpose clause; that the application proposes a form of development that would be compatible with land uses in the surrounding area;


and that the requested reclassification to the RT-15 Zone would be in the public interest. For these reasons and because approval of the instant zoning application will aid in the accomplishment of the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be approved in the manner set forth below.

Action

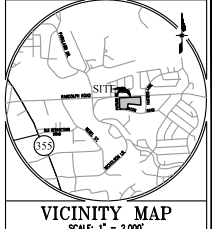
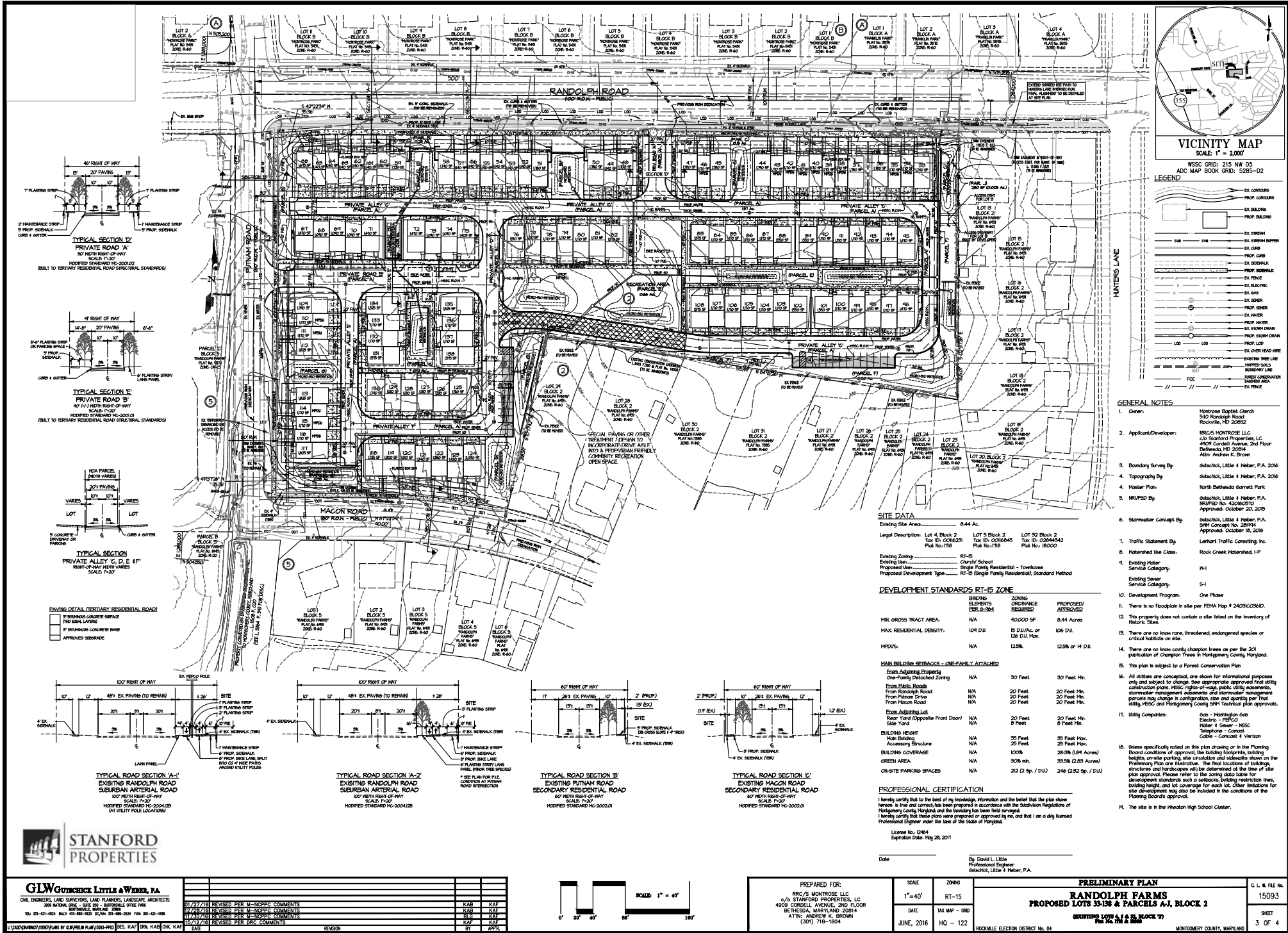
The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-964, for the reclassification from the R-60 and R-90 Zones to the RT-15 Zone, under the Standard Method of Application, of 8.7617 acres of private property, identified as Lots 4, 5 and 32 in Block 2 of the Randolph Farms Subdivision, located at 5020, 5010 and 5100 Randolph Road in Rockville, Maryland, is hereby **approved** in the amount requested.

This is a correct copy of Council action.


Linda M. Lauer
Linda M. Lauer, Clerk of the Council

ATTACHMENT 2



- ### LEGEND
- EX CONCRESS
 - EX ASPHALT
 - EX DRIVE
 - EX SIDEWALK
 - EX STORM DRAIN
 - EX UTILITY
 - EX FENCE
 - EX CURB
 - EX CONCRESS
 - EX ASPHALT
 - EX DRIVE
 - EX SIDEWALK
 - EX STORM DRAIN
 - EX UTILITY
 - EX FENCE
 - EX CURB
 - EX CONCRESS
 - EX ASPHALT
 - EX DRIVE
 - EX SIDEWALK
 - EX STORM DRAIN
 - EX UTILITY
 - EX FENCE
 - EX CURB

- ### GENERAL NOTES
- Owner: Montrose Baptist Church
3205 Randolph Road
Rockville, MD 20852
 - Applicant/Developer: RRC/S MONROSE LLC
c/o Stanford Properties, LLC
4909 CORDELL AVENUE, 2ND FLOOR
BETHESDA, MD 20814
Attn: Andrew K. Brown
 - Boundary Survey By: Gettschick, Little & Weber, P.A. 2016
 - Topography By: Gettschick, Little & Weber, P.A. 2016
 - Master Plan: North Bethesda Garrett Park
Gettschick, Little & Weber, P.A. 2016
NUPSD No. 42060292D
 - Stormwater Concept By: Gettschick, Little & Weber, P.A. 2016
SWSI Concept No. 2016014
Approved: October 15, 2016
 - Traffic Statement By: Lemont Traffic Consulting, Inc.
 - Intersected the Cross: Rock Creek Hatched, I-P
 - Existing Public Utility: H-I
 - Existing Sewer Service Category: S-1
 - Development Program: One Phase
 - No Floodplain in site per FEMA Map # 24060C02D.
 - Site is not in a floodplain or other special flood hazard area.
 - There are no known rare, threatened, endangered species or critical habitats on the site.
 - There are no known county champion trees as per the 2011 publication of Champion Trees in Montgomery County, Maryland.
 - This plan is subject to a Forest Conservation Plan.
 - All utilities are conceptual, one shown for informational purposes only and subject to change. See separate approved final utility construction plans. HESG rights-of-way, public utility easements, stormwater management easements and stormwater management parcels may change in configuration, size and quantity per final utility HESG and Montgomery County final technical plan approval.
 - Utility Companies:
 - Electric - Montgomery Gas
 - Water - MFCO
 - Gas - Gas Service
 - Telephone - Comcast
 - Cable - Comcast 4 Verizon
 - Unless specifically noted on the plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscapes will be determined at the time of site plan approval. Please refer to the zoning code table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other conditions for site development may also be included in the conditions of the Planning Board's approval.
 - The site is in the Wheaton High School Cluster.

SITE DATA

Existing Site Area: 8.44 Ac.
 Legal Description: Lot 4, Block 2, The D.C. CORDELL Plat No. 1778; Lot 5, Block 2, The D.C. CORDELL Plat No. 1778; Lot 20, Block 2, The D.C. CORDELL Plat No. 1778; Lot 21, Block 2, The D.C. CORDELL Plat No. 1778; Lot 22, Block 2, The D.C. CORDELL Plat No. 1778; Lot 23, Block 2, The D.C. CORDELL Plat No. 1778; Lot 24, Block 2, The D.C. CORDELL Plat No. 1778; Lot 25, Block 2, The D.C. CORDELL Plat No. 1778; Lot 26, Block 2, The D.C. CORDELL Plat No. 1778; Lot 27, Block 2, The D.C. CORDELL Plat No. 1778; Lot 28, Block 2, The D.C. CORDELL Plat No. 1778; Lot 29, Block 2, The D.C. CORDELL Plat No. 1778; Lot 30, Block 2, The D.C. CORDELL Plat No. 1778; Lot 31, Block 2, The D.C. CORDELL Plat No. 1778; Lot 32, Block 2, The D.C. CORDELL Plat No. 1778; Lot 33, Block 2, The D.C. CORDELL Plat No. 1778; Lot 34, Block 2, The D.C. CORDELL Plat No. 1778; Lot 35, Block 2, The D.C. CORDELL Plat No. 1778; Lot 36, Block 2, The D.C. CORDELL Plat No. 1778.

DEVELOPMENT STANDARDS RT-15 ZONE	BINDING ELEMENTS RES-2-24D	ZONING ORDINANCE 02-24D	PROPOSED/ APPROVED
MIN. GROSS TRACT AREA:	NA	4,000 SQ FT	8.44 Acres
MAX. RESIDENTIAL DENSITY:	104 DU	IS DU/AC. or 126 DU/AC.	104 DU
MFD%:	NA	12.5%	12.5% or H DU

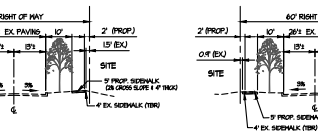
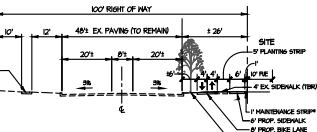
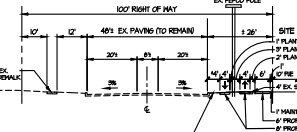
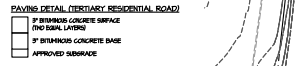
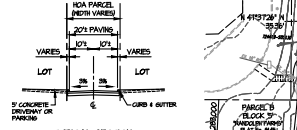
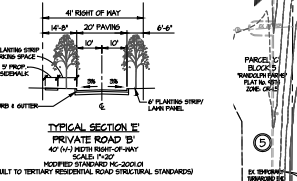
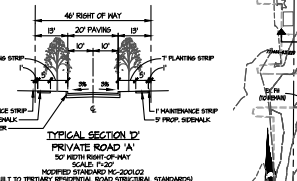
MAIN BUILDING SETBACKS - ONE-FAMILY ATTACHED

From Adjacent Property	From Existing Zoning	From Adjacent Property	From Existing Zoning
One-Family Detached Zoning	NA	30 Feet	30 Feet Min.
From Dbls. Blocks	NA	20 Feet	20 Feet Min.
From Randolph Road	NA	20 Feet	20 Feet Min.
From Mazon Drive	NA	20 Feet	20 Feet Min.
From Mazon Road	NA	20 Feet	20 Feet Min.
From Adjacent Lot	NA	20 Feet	20 Feet Min.
Rear Yard (Opposite Front Door)	NA	8 Feet	8 Feet Min.
Other	NA	20 Feet	20 Feet Min.
BUILDING HEIGHT	NA	35 Feet Max.	35 Feet Max.
Accessory Structure	NA	25 Feet	25 Feet Max.
BUILDING COVERAGE	NA	100%	33.3% (81 Acres)
GREEN AREA	NA	50% min.	33.5% (2.83 Acres)
ON-SITE PARKING SPACES	NA	21 (2.15) / DU	246 (2.92) sq. / DU

PROFESSIONAL CERTIFICATION

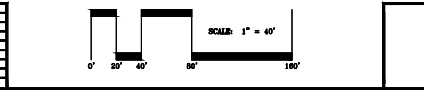
I hereby certify that to the best of my knowledge, information and the belief that the plan shown herein is true and correct. I have prepared this plan in accordance with the Subdivision Regulations of Montgomery County, Maryland and the boundary has been field surveyed. I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

License No. 12464
 Expiration Date: May 28, 2017
 Date: _____
 By: David L. Little
 Professional Engineer
 Gettschick, Little & Weber, P.A.



STANFORD PROPERTIES
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
 390 AVONDA DRIVE, SUITE 200, BETHESDA, MD 20814
 TEL: 301-421-6241 FAX: 301-421-6242
 WWW.STANFORDPROPERTIES.COM

NO.	DATE	REVISION	BY	APPV.
1	07/27/18	REVISED PER M-NORPC COMMENTS	KAB	KAF
2	07/27/18	REVISED PER M-NORPC COMMENTS	KAB	KAF
3	07/27/18	REVISED PER M-NORPC COMMENTS	KAB	KAF
4	07/27/18	REVISED PER M-NORPC COMMENTS	KAB	KAF
5	07/27/18	REVISED PER M-NORPC COMMENTS	KAB	KAF



PREPARED FOR:
 RRC/S MONROSE LLC
 c/o STANFORD PROPERTIES, LLC
 4909 CORDELL AVENUE, 2ND FLOOR
 BETHESDA, MARYLAND 20814
 ATTN: ANDREW K. BROWN
 (301) 718-1804

PRELIMINARY PLAN
RANDOLPH FARMS
PROPOSED LOTS 1-36 & PARCELS A, B, BLOCK 2
 PREPARED BY: Gettschick, Little & Weber, P.A.
 SCALE: 1" = 40'
 ZONING: RT-15
 DATE: JUN 6, 2018
 TAX MAP: HO - 122
 ROCKVILLE ELECTION DISTRICT No. 04
 MONTGOMERY COUNTY, MARYLAND

ATTACHMENT 3

PLAT #18000 ; 1817
189212 ; 9574
8145
6931

COUNTY BOARD OF APPEALS
For
MONTGOMERY COUNTY

Case No. S-532

PETITION OF SAMUEL J. ROSENFELD
(Hearing held March 3, 1977)

OPINION OF THE BOARD

This petition is filed for amendment of a special exception granted pursuant to Section 59-161 of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1972, as amended) to allow alterations to an existing parking lot to permit an additional point of ingress and egress from the Loehmann's Plaza shopping center parking lot, and to modify certain internal traffic patterns within the parking lot. The subject property contains 1.5350 acres, at Randolph Road and Putnam Road, Randolph Farms Subdivision, Rockville, Maryland, in an R-T Zone.

Decision of the Board: Special Exception granted, subject to conditions enumerated herein.

This special exception for off-street parking was originally granted in Case No. 2519 on February 4, 1969, and modified in Case No. 2803 on April 7, 1970.

The County Board of Appeals in Case No. S-190 (decided March 20, 1973) denied a similar request for modification of the subject parking lot. In the prior case, the Randolph Civic Association, Inc., objected to permitting an exit from the parking lot onto Putnam Road because of potential danger of traffic being funnelled through their residential community via Putnam and Macon Roads. In the proposal before the Board today, the southern portion of Putnam Road would be abandoned, thereby prohibiting vehicle access to Macon Road via Putnam Road.

On April 30, 1976, the Randolph Civic Association, the Montrose Baptist Church (which property lies directly east of the shopping center parking lot, on the east side of Putnam Road) and Samuel J. Rosenfeld, the owner of Loehmann's Plaza, entered into an agreement (Exhibit No. 12) which terms allow: (1) construction of Putnam Road from Randolph Road southward some 450 feet, ending in a cul-de-sac, with driveways (one each) serving Loehmann's Plaza and Montrose Baptist Church; (2) abandonment of the remaining section of Putnam Road southward to Macon Road; (3) closing an existing traffic opening in the east curb of Plaza Drive 50 feet south of Randolph Road; and (4) closing the existing driveway from Macon Road to the church property. (It should be noted that, in the event the Board grants this petition, it has authority only to enforce the terms and conditions of its own grant, and does not have the authority to enforce any terms of

this agreement which are not part of the special exception grant).

On October 13, 1976, a hearing was held before Robert A. Passmore, Assistant Chief Administrative Officer, Montgomery County, regarding a petition to abandon a portion of Putnam Road located between Macon Road and Randolph Road (Department of Transportation Docket No. AB-377), in accordance with the April 30, 1976 agreement cited above. The Hearing Officer's recommendations are as follows (Exhibit No. 14):

"From the evidence of public hearing and record, I find no compelling reason to retain subject right-of-way. Accordingly, I recommend abandoning a portion of Putnam Road, as petitioned, subject to the following conditions:

1. Provision be made to grant or retain necessary easements and rights-of-way affecting Potomac Electric Power Company's utility plant, Washington Suburban Sanitary Commission's water and sanitary sewer line facility and the County storm drainage system.
2. Construction of suitable turn-around at the westerly terminus of Macon Road in compliance with the Department of Transportation requirements, at no cost to the County."

At the public hearing before the Board of Appeals, all parties to the April 30, 1976 agreement testified in favor of the proposed amendment to the special exception. The proposed changes are illustrated in the site plan (Exhibit No. 13).

The petitioner presented a qualified traffic expert, H. A. Mike Flanakin, Civil Engineer, who testified that, in his opinion, the proposed changes would not adversely affect vehicle or pedestrian traffic or safety on Randolph or Putnam Roads. He stated that the changes would be beneficial to the Randolph Hills area residents, since vehicle access to the residential area via Putnam Road would be blocked. Mr. Flanakin further testified that, in his opinion, the new Putnam Road driveway would be used primarily as an exit rather than an entrance to Loehmann's Plaza, because it would be more convenient for drivers to enter the shopping center directly from Randolph Road.

Some Board members questioned the internal design of the parking lot, noting that the proposal as presented would require drivers wishing to exit the parking lot via Putnam Road to drive a circuitous route through the parking lot in order to reach that exit. They questioned whether it would be feasible to re-stripe and mark the parking lot so that drivers heading east from the area in front of the shops could drive directly to the easternmost lane of the parking lot, and then turn north to the exit.

The developer, Mr. Rosenfeld, stated that in the event the Board would grant the special exception as requested, he could eliminate certain marked parking spaces to create a clear and direct driveway to the Putnam Road exit.

The technical staff of the Maryland-National Capital Park and Planning Commission has reviewed the subject property and in its report dated February 14, 1977, stated as follows:

"Community Plans West Division

"The staff has reviewed the petition for an additional point of ingress and egress from Loehmann's Plaza.

"We find that this proposal would not adversely affect the North Bethesda-Garrett Park Master Plan but would improve the access pattern for the shopping center and alleviate internal vehicular conflicts within the site. We agree that a portion of Putnam Road should be abandoned in order to prohibit through traffic movements in the adjoining neighborhood. This closing should be completed prior to the final approval of the special exception in order to insure that no conflict between neighborhood and commercial traffic will arise."

"The Transportation Planning Division recommended that the subject petition be approved subject to the following conditions:

- "1. Abandonment of a portion of Putnam Road as shown in special exception exhibit thereby prohibiting access to Macon Road from Putnam Road;
- "2. Prohibition of left turns from westbound Randolph Road to Putnam Road Monday through Friday, 4 p.m. to 6 p.m.; and
- "3. The new entrance should be separated from Randolph Road by as much distance as possible subject to grade restrictions between the parking area and Putnam Road. Under no circumstances should the new entrance be any closer than as shown on the special exception exhibit."

Findings of the Board

The Board finds that the proposed amendment to the special exception, as conditioned herein, will improve traffic circulation in and around the Loehmann's Plaza shopping center lot, and at the same time will not adversely affect the surrounding neighborhood, because Putnam Road will be closed at its entrance to Macon Road. The Board further finds that the requested amendment (a) will not constitute a nuisance because of traffic, noise or physical activity; (b) will not adversely affect the

growth of the general plan or the physical development of the district; (c) will not adversely affect the health and safety of residents and workers in the area; (d) will not overburden the existing public services or facilities available to the site; (e) will not be detrimental to the use or development of adjacent properties or the general neighborhood.

The Board therefore grants the proposed amendment to the special exception, subject to the following conditions:

1. Putnam Road shall be abandoned as shown in Exhibit No. 13, thereby prohibiting vehicle access to Macon Road from Putnam Road. The final County approval of abandonment action shall be filed in the record of this case.
2. The exact location of the entrance from the parking lot onto Putnam Road shall be subject to approval by the Montgomery County Department of Transportation.
3. Easements and rights-of-ways required by Potomac Electric Power Company utilities, Washington Suburban Sanitary Commission water and sanitary sewer line facilities, and the County storm drainage system, shall be preserved.
4. The construction of a suitable turn-around at the westerly terminus of Macon Road shall be subject to the approval of the Montgomery County Department of Transportation, and shall be done at no cost to the County and at the special exception holder's expense.
5. The special exception holder shall prepare a modified site plan showing the parking lot re-designed so that the driveway directly in front of the shops shall be extended to permit vehicles to drive directly east to the easternmost lane on the parking lot, at which point they can turn left (north) to reach the new exit into Putnam Road. This driveway and exit pattern shall be clearly labeled. The traffic opening in the east curb of Plaza Drive (some 50 feet south of Randolph Road) shall be closed, as shown on Exhibit No. 13. The revised site plan shall be filed in the record of this case as Exhibit No. 16.
6. The special exception holder shall abide by the terms and conditions of the agreement entered into dated April 30, 1976.
7. A new traffic control signal shall be constructed at

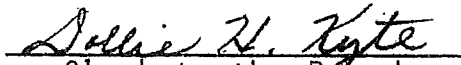
the intersection of Putnam Road and Randolph Road, subject to the approval of the Department of Transportation. Traffic westbound on Randolph Road shall not be permitted to turn left into Putnam Road Monday through Friday from 4 p.m. to 6 p.m.

The Board adopted the following Resolution:

"Be it Resolved by the County Board of Appeals for Montgomery County, Maryland, that the opinion stated above be adopted as the Resolution required by law as its decision on the above-entitled petition."

The foregoing Resolution was proposed by Mr. Sheldon P. Schuman and concurred in by Mrs. Marjorie H. Sonnenfeldt, Chairman, Mrs. Doris Lipschitz, Mrs. Shirley S. Lynne and Mr. Joseph E. O'Brien, Jr.

I do hereby certify that the foregoing Minutes were officially entered in the Minute Book of the County Board of Appeals this 31st day of March, 1977.


Clerk to the Board

NOTE: See Section 59-6.(c) of the Zoning Ordinance regarding the 12-months' period within which the right granted by the Board must be exercised.

Section 59-122.(c) of the Montgomery County Zoning Ordinance 1972, as revised, requires that "On or before March 15 of each year, each applicant who has been granted a special exception shall file with the Department of Environmental Protection a sworn certificate specifying current hours of operation, number of employees and occupants, equipment utilized, and stating that such operation is in all respects in full compliance with the terms and conditions imposed by the Board; provided, however, that the first such certificate shall not be filed unless and until at least twelve months have elapsed since the date of the grant of the special exception."

ATTACHMENT 4

Resolution No. 8-1414

Introduced June 21, 1977

Adopted June 21, 1977

COUNTY COUNCIL

FOR MONTGOMERY COUNTY, MARYLAND

By County Council

SUBJECT: Putnam Road DOT Docket No. AB-377

WHEREAS the County has been petitioned by Miller, Miller & Canby, on behalf of Montrose Baptist Church and Samuel J. Rosenfeld, to abandon a portion of Putnam Road right-of-way located between Macon Road and Randolph Road in "Randolph Farms"; and

WHEREAS a Public Hearing to consider the abandonment proposal was conducted on October 13, 1976 by Designee of the County Executive; and

WHEREAS the Randolph Civic Association expressed support for the abandonment and one property owner was opposed; and

WHEREAS the Washington Gas Light Company and the Chesapeake and Potomac Telephone Company indicated no objection; and

WHEREAS the Potomac Electric Power Company objected to the abandonment pending grant of easement for its utility facilities, and the Washington Suburban Sanitary Commission did not object subject to reservation of necessary easements for its water main, fire hydrant and sanitary sewer line facilities; and

WHEREAS the Montgomery County Planning Board consented to the abandonment; and

WHEREAS the Montgomery County Department of Transportation did not object to the abandonment, subject to retaining necessary utility and storm drainage easements, and the construction of a turn-around at the westerly terminus of Macon Road.

WHEREAS the Hearing Officer recommends approval of the abandonment, subject to granting or retaining necessary easements and rights-of-way affecting existing public utility facilities and storm drainage system, and construction of a turn-around at the west end of Macon Road; and

WHEREAS the County Executive concurs with recommendation of the Hearing Officer; now

BE IT RESOLVED by the County Council for Montgomery County, Maryland, that:


1. The County Council hereby finds that the portion of Putnam Road, as petitioned for abandonment, is no longer necessary for present or future public use.
2. Pursuant to Section 49-62 of the Montgomery County Code, as amended, the County Council hereby abandons a 27 foot length of Putnam Road right-of-way (located 64 feet north of the southeasterly corner of Parcel C, Block 5), which was dedicated to public use in Plat Book 27 at Plat No. 1718 entitled "Block 2, Randolph Farms" and in Plat Book 89 at Plat No. 9574 entitled "Parcel C, Block 5, Randolph Farms," subject to the following conditions:
 - (a) Provision be made to grant or retain necessary easements and rights-of-way affecting Potomac Electric Power Company's utility plant, Washington Suburban Sanitary Commission's water main, fire hydrant and sanitary sewer line facilities, and the County's storm drainage system.

Resolution No. 8-1414

- (b) Construction of suitable turn-around at the westerly terminus of Macon Road in compliance with Department of Transportation requirements, at no cost to the County.
 - (c) Preparation of a further Plat to assemble land accruing from the abandonment with the abutting properties, at no cost to the County.
3. The County Attorney shall cause authenticated copy of this Resolution to be filed in the County Land Records in conformity with the Montgomery County Code.

A True Copy

ATTEST:


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

ATTACHMENT 5



December 2, 2016

Forest Conservation Program Manager
Maryland National Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Randolph Farms - Variance Request

On behalf of our client, RRC/S Montrose LLC (c/o Stanford Properties), we are requesting a variance of Section 22A-12.(b)(3)(c) of the Montgomery County Code.

(3) The following trees, shrubs, plants, and specific areas are priority for retention and protection and must be left in an undisturbed condition unless the Planning Board or Planning Director, as appropriate, finds that the applicant qualifies for a variance under Section 22A-21:

- (C) Any tree with a diameter, measured at 4.5 feet above the ground, of:*
 - (i) 30 inches or more; or*
 - (ii) 75% or more of the diameter, measured at 4.5 feet above ground, of the current State champion tree of that species.*

Section 5-1611 of the Maryland State Code grants the authority to Montgomery County (local authority) for approval of the variances, and Section 22A-21 Variance, of the Montgomery County Code establishes the criteria to grant a variance.

The subject property, Randolph Farms, Lots 4, 5 & 32, Block '2', is an 8.44 Ac site located in the southeast quadrant of the intersection of Randolph Road and Putnam Road in Rockville, Maryland, a community in the south east portion of Montgomery County. The site currently houses the Montrose Baptist Church, Montrose Christina School, and the Montrose Christian Child Development Center, and is currently, not forested. Existing single family houses abut the property along the East, large single family lots abut the property to the south, and smaller single family homes as well to the north on the opposite side of Randolph Road. To the West of the property, across Putnam Road, is an existing shopping center.

The applicant is requesting a variance to affect the following trees that measures 30" or greater in diameter at breast height (dbh):

Request to remove the following trees:

- Tree #1 – 36" dbh Willow Oak – Good Condition
- Tree #2 – 31" dbh Willow Oak – Good Condition

Request to remove the following trees (continued):

Tree #3 – 30” dbh Willow Oak – Good Condition
Tree #4 – 30” dbh Willow Oak – Good Condition
Tree #5 – 31” dbh Willow Oak – Fair Condition
Tree #6 – 33” dbh Willow Oak – Fair Condition
Tree #9 – 31” dbh Willow Oak – Fair Condition
Tree #22 – 42” dbh Red Oak – Good Condition
Tree #30 – 50” dbh Tulip Poplar – Good/Fair Condition
Tree #38 – 32” dbh Red Oak – Good Condition
Tree #41 – 31” dbh Red Oak – Good Condition
Tree #43 – 36” dbh Red Oak – Good Condition
Tree #46 – 37” dbh Pin Oak – Good Condition

Request to impact the critical root zones of the following trees:

Tree #10 – 48” dbh Pin Oak – Good Condition
Tree #15 – 30” dbh Tulip Poplar – Good Condition
Tree #16 – 48” dbh Tulip Poplar – Good Condition
Tree #28 – 34” dbh Tulip Poplar – Good Condition
Tree #34 – 32” dbh Tulip Poplar – Good Condition
Tree #35 – 36” dbh Tulip Poplar – Good Condition
Tree #36 – 30” dbh Tulip Poplar – Good Condition

<u>TREE #</u>	<u>TREE TYPE</u>	<u>% DISTURBED</u>	<u>REASON</u>
10	Pin Oak	1.1%	Construction of storm water management facility.
15	Tulip Poplar	7.4%	Construction of storm water management facility.
16	Tulip Poplar	22.0%	Grading & construction of storm water management facility.
28	Tulip Poplar	10.7%	Grading & construction of storm water management facility.
34	Tulip Poplar	30.6%	Grading, construction of storm water management facility, & sidewalk construction.
35	Tulip Poplar	28.1%	Grading, construction of storm water management facility, & sidewalk construction.
36	Tulip Poplar	23.4%	Grading & construction of storm water management facility.

Section 22A-21 (b) lists the criteria for the granting of the variance requested herein. The following narrative explains how the requested variance is justified under the set of circumstances described above.

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship:

The site is currently covered mostly by buildings, parking and lawn area, and is not categorized as a forested area; however there are multiple specimen street trees located in the northwest quadrant of the site as well as multiple specimen trees scattered along the southeastern property line. Because of the building type change from large institutional buildings to smaller but high density single family

residential building types, and the introduction of storm water management to the site, significant site grading will be required. Because numerous large trees are located in the developable area of the site, the critical root zones will have a significant impact on the develop-ability of the site and implementation of the RT-15 zoning. The subject property is surrounded by single family detached homes that are zoned R-60 to the south and east. To the West is an existing shopping Center that is zoned CR-1.5. The only access to this site is located on Putnam Road and Randolph Road. The property is zoned RT-15 which allows single-family attached townhomes at a maximum density of 15 du/ac. The major impacts to specimen trees will be caused by construction of the residential townhomes, private roads, storm water management facilities and utility installation to serve the proposed townhomes. If the applicant were denied the variance to impact specimen trees and therefore denied the ability to develop this site, it would be an unwarranted hardship on the developer not to allow the site to transform from a school and church, into a development that will be implementing goals of the North Bethesda Garrett Park Master Plan by transitioning and buffering Randolph Road more successfully into the surrounding community, while increasing the diversity of housing types in the community.

Removal of Trees #1-6, 9, 22, 30, 38, 41, 43 & 46:

The removal of specimen street trees #1 through 6 could not be avoided because of the replacement of the existing sidewalk along Putnam Road, construction on existing utilities in Putnam Road, and grading changes caused by the removal of the existing Christian school building. The Montgomery County street design standards necessitate the removal to allow construction of street utilities, grading and required storm water management features. The removal of specimen tree 22, 30, 38, 41, 43 & 46 could not be avoided because they are located in the middle of a transition area that will require significant grading changes to allow for the construction of high density single family townhouses and storm water management facilities. The removal of specimen tree #9 could not be avoided because one side of the outer CRZ will be cleared and graded for the construction of a storm water management facility, sidewalks and the town home on Lot 33. In further effort to evaluate if offsite tree #9 could be saved, a site visit was conducted on November 22, 2016 by a certified arborist. A letter has been attached with this variance request from the certified arborist, detailing their observations and recommendations for tree #9.

Impacting Critical Root Zones (CRZ) of Tree #10, 15-16, 28 & 34 – 36:

Tree #10 will have minimal grading impacts to one side of the outer CRZ area to grade and construct the storm water management facility and to install storm drains. Tree #15, 16 & 28 will have minimal grading impacts to one side of the outer CRZ area to grade and construct the storm water management facility and to install storm drains. Tree #34, 35 & 36 will have minimal impacts to the outer CRZ area to grade and construct sidewalks, storm water management facilities and to install storm drains. Prior to construction, root pruning, temporary tree protection fencing and signage, and other protective measures deemed necessary by the arborist will be employed to minimize the effects of construction.

2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas:

Not granting the variance would cause undue hardship on the applicant because the buildable area on the property would be significantly reduced, and therefore will deny the applicant ability to full use the property. The applicant has followed the requirements of the zoning regulations. The proposed use is in conformance with the North Bethesda Garrett Park Master Plan and is compatible with the surrounding properties. The inability to impact or remove the subject trees would dramatically reduce the ability to develop the property, and is an unwarranted hardship to the applicant. By enforcement of this chapter, it will deprive the landowner the rights to build on the property. Granting of the variance will ultimately allow the property to be developed.

3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance:

The variance will not violate state water quality standards or cause measurable degradation in water quality. The existing site conditions provide very minimal storm water manage of existing site run-off. The proposed development will provide full Environmental Site Design (ESD) storm water management for the site. All proposed land development activities will require sediment control and or storm water management plan approvals by Montgomery County. The approval, of SWM Concept #281994, will confirm that the goals and objective of the current state and county water quality standards have been met for the proposed development, on site.

4. Provide any other information appropriate to support the request:

The variance request is not based on conditions or circumstances which result from the actions of the applicant. The applicant did not create or plant the existing street trees or other existing specimen trees. As mentioned above, granting of this variance will ultimately allow this property to be developed. The removal of the significant and specimen trees is practically unavoidable and will be remediated on site or in an offsite forest bank. Special attention will be given to any construction work that may impact the critical root zones of specimen trees that can be saved. In particular:

The Applicant believes that the information set forth above is adequate to justify the requested variance to impact the critical root zone of four specimen trees on the subject property. Furthermore, the Applicant's request for a variance complies with the "minimum criteria" of Section 22A-21 (d) for the following reasons:

1. This Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant.
2. The variance request is not based on conditions or circumstances which result from the actions of the applicant. The applicant did not create the existing site conditions, including the random location of the specimen trees.
3. The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property.
4. Loss of the requested trees will not violate State water quality standards or cause measurable degradation in water quality.

If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

Kevin Foster, ASLA, AICP

Enclosures

ATTACHMENT 6



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Lisa Feldt
Director

December 15, 2016

Casey Anderson, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Randolph Farms - Revised, ePlan 120160320, NRI/FSD application accepted on 9/25/2015

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

255 Rockville Pike, Suite 120 • Rockville, Maryland 20850 • 240-777-0311 • 240-777-7715 FAX
www.montgomerycountymd.gov/dep



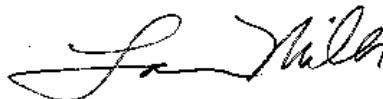
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon meeting 'conditions of approval' pertaining to variance trees recommended by Planning staff, as well as the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Steve Findley, Planner Coordinator

ATTACHMENT 7



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

October 18, 2016

RECEIVED

OCT 24 2016

Mr. David Cha, PE
Gutschick, Little & Weber, PA
3909 National Drive, Suite 250
Burtonsville, MD 20866

Gutschick, Little & Weber, P.A.

Re: Re: **STORMWATER MANAGEMENT CONCEPT** Request for
Randolph Farms
Preliminary Plan #: 1-02016032
SM File #: 281994
Tract Size/Zone: 6.71 ac./RT-15
Total Concept Area: 6.71 ac.
Lots/Block: Lots 32, 4 and 5 Block 2
To be Subdivided
Parcel(s): N/A
Watershed: Lower Rock Creek

Dear Mr. Cha:

Based on a review by the Department of Permitting Services Review Staff, the Stormwater Management Concept for the above mentioned site is **acceptable**. The Stormwater Management Concept proposes to meet required stormwater management goals via micro-bioretenion, micro-bioretenion planter boxes, permeable pavement, and drywells.

The following **items** will need to be addressed **during** the review of the **Site Development Stormwater Management Plan**:

1. Submission and approval of a **Site Development Stormwater Management Plan** is required prior to Site Plan approval. If the project will be submitted in phases, each phase must be clearly indicated in the submission by clearly showing the phasing limits on the plan and by giving each phase a unique name (i.e. Phase 1, Phase 2, etc.).
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.

This list may not be all-inclusive and may change based on available information at the time.

Mr. David Cha
October 18, 2016
Page 2 of 2

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mary Fertig at 240-777-6202 or mary.fertig@montgomerycountymd.gov.

Sincerely,



Mark C. Etheridge/Manager
Water Resources Section
Division of Land Development Services

MCE: mmf

cc: C. Conlon
SM File # 281994

ESD Acres:	6.71 ac.
STRUCTURAL Acres:	n/a
WAIVED Acres:	n/a

ATTACHMENT 8



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdiah
Director

November 29, 2016

Mr. Patrick Butler, Planner Coordinator
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan # 120160320
Randolph Farms

Patrick:
Dear Mr. Butler:

We have completed our review of the October 12, 2016 amended preliminary plan for this project. An earlier version of this plan was reviewed by the Development Review Committee at its July 25th, 2016 meeting. The following comments are tentatively set forth for the subsequent submission of the preliminary plan:

All Planning Board Opinions relating to this plan or any subsequent revision, preliminary or site plans should be submitted to the Montgomery County Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. We recommend that the eight (8)-ft. bikepath be built along the Randolph Road site frontage by the applicant. Please revise the label "8-ft Bike Lane to be Built by Others".

In order to make better use of available right-of-way, provide an acceptable separation between sidewalk and shared use path and minimize impacts on adjacent properties, we recommend that Randolph Road roadway cross section be modified to include improvements within the available property frontage right-of-way in the following manner:

- Existing pavement to remain.
- Existing curb and gutter to remain.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

- A four (4)-ft. lawn panel planted with minor species trees.
- A six (6)-ft. proposed sidewalk.
- A four (4)-ft. buffer between the sidewalk and bikepath, within which the existing utility poles are located.
- An eight (8)-ft. proposed bikepath.
- A four (4)-ft. maintenance strip behind the proposed bikepath.

The preliminary plan shall be revised to include the Randolph Road cross section as mentioned above.

2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. The sight distance studies have been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
4. We have accepted the consultant's storm drain capacity and impact analysis (dated October 5, 2016). We agree that no capacity improvements to the downstream county maintained storm drain system are necessary for this project.
5. The Planning Board needs to make a finding to confirm the intersection is less than the required minimum of six hundred (600) feet of space between intersections along the arterial (or major) classification roadway. We note that the plan indicates there exists less than twelve hundred (1200)-ft. (centerline to centerline) along Randolph Road between the intersections of Putnam Road and Hunters Lane, therefore, the applicant is unable to introduce a new intersection which achieves the six hundred (600)-ft. minimum spacing. The revised plan has been improved (over the original submission) to address the spacing criteria. We do not object to Planning Board approval of the new location for the Private Road "A" intersection on Randolph Road.
6. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
7. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, drainage characteristics and maintenance and liability of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
8. The site is located within the North Bethesda/Garrett Park Master plan area. This policy area is inadequate from the transit test and is adequate under the roadway test. Therefore; TPAR mitigation fees of 25% of the Transportation Impact Tax is required for this development

9. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant. In consideration of the existing utility pole setbacks along the Randolph Road site frontage (see typical section & Comment #2), we recommend allowing those poles to remaining at their current locations.
10. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
11. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following modifications:

NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.

- A. Randolph Road: Street grading, paving, curbs and gutters, bike lanes, sidewalks, and pedestrian ramps, storm drainage and appurtenances, and street trees along Randolph Road as discussed in Comment #2.
- B. Putnam Road: Extend Putnam Road to connect to Macon Road as shown in the plans. Street grading, paving, curbs and gutters, five (5) foot wide concrete sidewalk, and pedestrian ramps, and street trees along Putnam Road site frontage as shown in the plans.
- C. Macon Road: Construct five (5) foot wide concrete sidewalk, pedestrian ramps, and plant street trees along Macon Road site frontage as shown in the plans.
- D. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements. Improvements to the downstream public storm drain system may be required to resolve comments in this letter regarding the storm drain study.
- E. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- F. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- G. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Division of Traffic Engineering and Operations.

Mr. Patrick Butler
Preliminary Plan # 120160320
November 29, 2016
Page 4

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Engineer for this review, at deepak.somarajan@montgomerycountymd.gov or (240) 777-2194.

Sincerely,



Gregory M. Leck, Manager
Development Review
Office of Transportation Policy

M:\Subdivision\DewaniA\120160320 Randolph Farms\120160320 Randolph Farms DOT Letter.docx

Enclosures (2): Approved site distance evaluation forms

cc: Ken Fentress Montrose Baptist Church
Robert Harris Lerch Early & Brewer, Chtd.
Andrew Brown RRC/S Montrose LLC
Dave Little Gutschick, Little & Weber, PA
Kevin Foster Gutschick, Little & Weber, PA
David Cha Gutschick, Little & Weber, PA
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri; MCDPS RWPR
Sam Farhadi; MCDPS RWPR
Marie LaBaw MCDPS FRS
Stacy Coletta MCDOT DTS
Joana Conklin MCDOT OTP
Deepak Somarajan MCDOT OTP



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdiah
Director

January 10, 2017

Mr. Patrick Butler, Planner Coordinator
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan # 120160320
Randolph Farms
SECOND AMENDED Preliminary Plan Letter

Patrick
Dear Mr. Butler:

This letter replaces the letter dated January 9, 2017. This letter is to amend the comments contained in our November 29, 2016 preliminary plan review letter based on our review of the revised preliminary plan dated December 28, 2016. We recommend approval of the plan and the design exception package subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, preliminary or site plans should be submitted to the Montgomery County Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. All previous comments from previous Preliminary Plan letter dated November 29, 2016, is applicable unless modified below.
2. The following comments from the Preliminary Plan letter dated November 29, 2016 are amended:
 - a. **Comment # 1** top of page 2: *The recommended improvements (behind the existing curb and gutter-which will remain)* shall be **DELETED** and replaced with:

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www.montgomerycountymd.gov
Located one block west of the Rockville Metro Station

The typical roadway section as shown in **Section A-2** of the revised preliminary plan dated December 28, 2016 shall include the following except at the existing utility pole locations:

- A minimum six (6)-ft. lawn panel.
- An eight (8)-ft. proposed bikeway.
- A five (5)-foot lawn panel.
- ~~A four (4)-ft. proposed bikeway.~~
- A six (6)-ft. proposed sidewalk.
- A one (1)-ft. maintenance strip.

The bikeway would split into two-four (4)-ft. bikeway to location of the utility poles and then merge into one eight (8)-ft. bikeway before and after the utility poles as shown in Section A-1 of the revised preliminary plan dated December 28, 2016. We also recommend installing reflective bands and/or object markers on the existing utility poles to improve their visibility in low light conditions as a safety measure for the bicyclists.

These proposals conform with the emails wherein the Planning Department staff, applicant's engineer and MCDOT were in agreement with the above roadway cross-sections to avoid the relocation of the existing utility poles along Randolph Road frontage.

- b. Comment # 11(A)** *“Randolph Road: Street grading, paving, curbs and gutters, bike lanes, sidewalks, and pedestrian ramps, storm drainage and appurtenances, and street trees along Randolph Road as discussed in Comment #2.” shall be **DELETED**:*

Randolph Road: Bikepath, sidewalk, and pedestrian ramps, storm drainage and appurtenances, and street trees along Randolph Road as discussed above in Comment #2 (a) of this letter.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Engineer for this review, at deepak.somarajan@montgomerycountymd.gov or (240) 777-2194.

Sincerely,



Gregory M. Leck, Manager
Development Review
Office of Transportation Policy

Mr. Patrick Butler
Preliminary Plan # 120160320
January 10, 2017
Page 3

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cc: Ken Fentress Montrose Baptist Church
Robert Harris Lerch Early & Brewer, Chtd.
Andrew Brown RRC/S Montrose LLC
Dave Little Gutschick, Little & Weber, PA
Kevin Foster Gutschick, Little & Weber, PA
David Cha Gutschick, Little & Weber, PA
Ed Axler M-NCPPC Area 2
David Anspacher M-NCPPC FPPD
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Marie LaBaw MCDPS FRS
Mark Etheridge MCDPS WRM
Stacy Coletta MCDOT DTS
Patricia Shepherd MCDOT DTE
Matt Johnson MCDOT DTE
Kyle Liang MCDOT DTEO
Joana Conklin MCDOT OTP
Deepak Somarajan MCDOT OTP



**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 07-Nov-16
TO: Kevin Foster
Gutschick Little & Weber, PA
FROM: Marie LaBaw
RE: Randolph Farms - Stanford Properties
120160320

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **07-Nov-16**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** 3/1/2017 Amendment approval *****

GLWGUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

March 1, 2017

S Marie LaBaw PhD, PE
Fire Department Access and Water Supply
Department of Permitting Services
255 Rockville Pike, 2nd Floor
Rockville, MD 20850

Re: Randolph Farms Fire Access Plan Revision

FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SJC FM: 43 DATE: 3/2/17

The Randolph Farms Fire Access Plan has changed per M-NPPC Comments since the plan was previously approved on November 17, 2016. The following changes have been made.

1. The Private Roads have been renamed accordingly:
 - a. Private Road 'C' has been renamed to be Private Alley 'C'.
 - b. Private Road 'D' has been renamed to be Private Alley 'D'.
 - c. Private Road 'E' has been renamed to be Private Alley 'E'.
 - d. Private Road 'F' has been renamed to be Private Alley 'F'.
2. The four-way intersection where Private Road 'B' and Private Road 'D' previously crossed has been revised and separated into two different, three-way intersections. The proposed intersection is now located 25' to the South of Private Road 'B'. The alignment and new configuration has been determined by M-NCPPC to promote more useable open space for recreation as well as to maximize space available for storm water management.
3. Fire Access has been removed on Private Alley 'F', between Private Alley 'E' and Private Alley 'D'.
 - a. A Fire Hydrant is no longer shown on Private Alley 'D', East of Lot 125. It is now proposed on Private Alley 'E', West of Lot 130.
4. 15' has been provided between the following units for Fire Department Access:
 - a. Lots 88 and 89.
 - b. Lots 101 and 102.
 - c. Lot 138 and Lots 125-130.
 - d. Lot 131 and Lots 125-130.

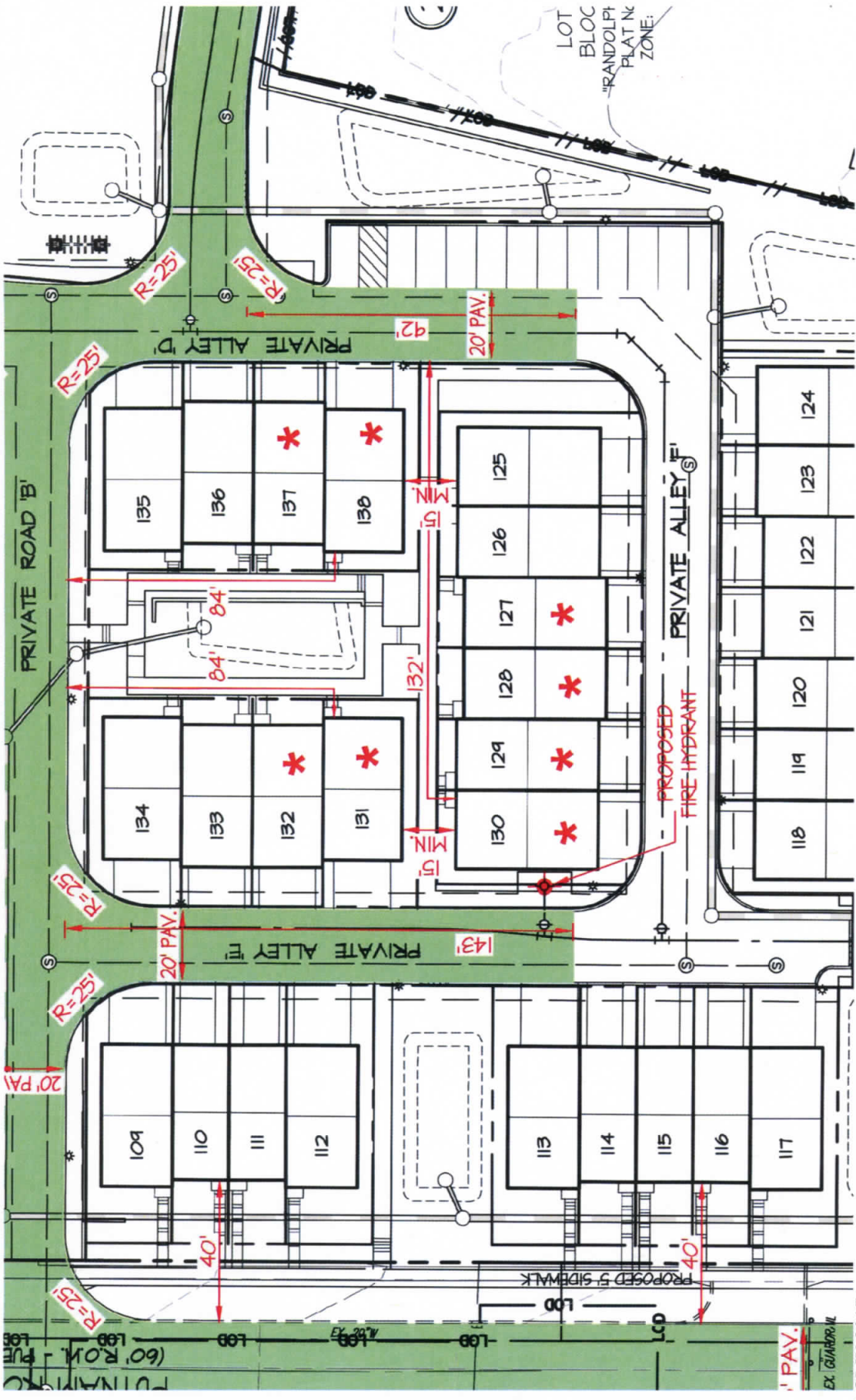
If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,



Kevin Foster, ASLA, AICP

Enclosures



G. L. W. No. 16038
 ZONING R-15
 TAX MAP/GRID HQ-122
 DATE FEB, 2017
 SCALE 1"=40'
 SHEET 1 of 3

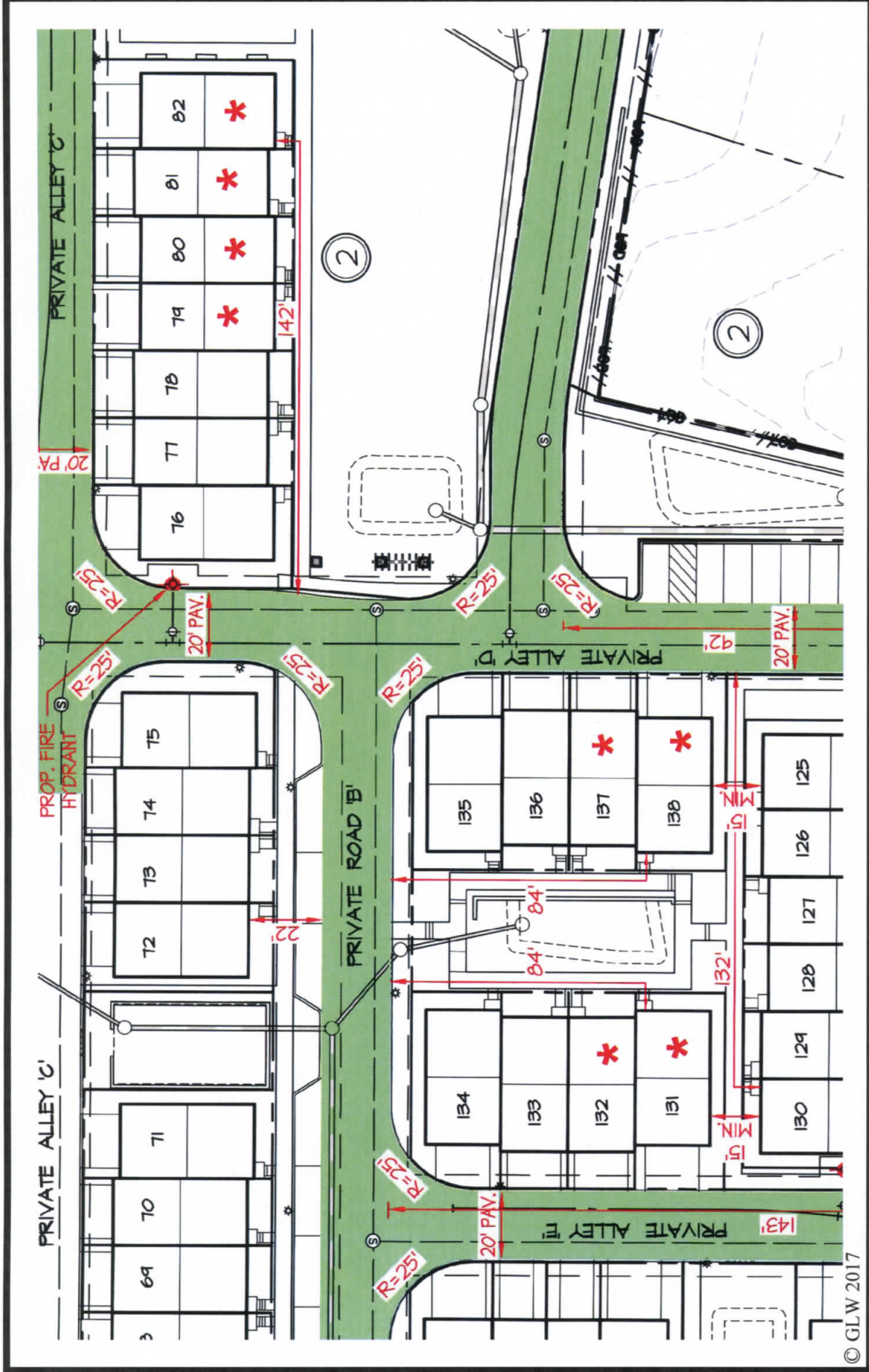
RANDOLPH FARMS

 PREPARED FOR:
 Winchester Homes
 6905 Rockledge Drive
 Suite 800
 Bethesda, MD 20817
 Attn: Michael Conley
 301-803-4711

FIRE ACCESS PLAN

 DES. DRN. KAB
 CHK. KAF

GLWGUTSCHICK LITTLE & WEBER, P.A.
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
 3908 NATIONAL DRIVE - SUITE 250 - BURTOWNSVILLE OFFICE PARK
 BURTOWNSVILLE, MARYLAND, 20866
 TEL: 301-421-4024 BAL: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186
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FIRE ACCESS PLAN

G. L. W. No.	16038
ZONING	R-15
TAX MAP/GRID	HQ-122
DATE	FEB, 2017
SCALE	1"=40'
SHEET	2 of 3

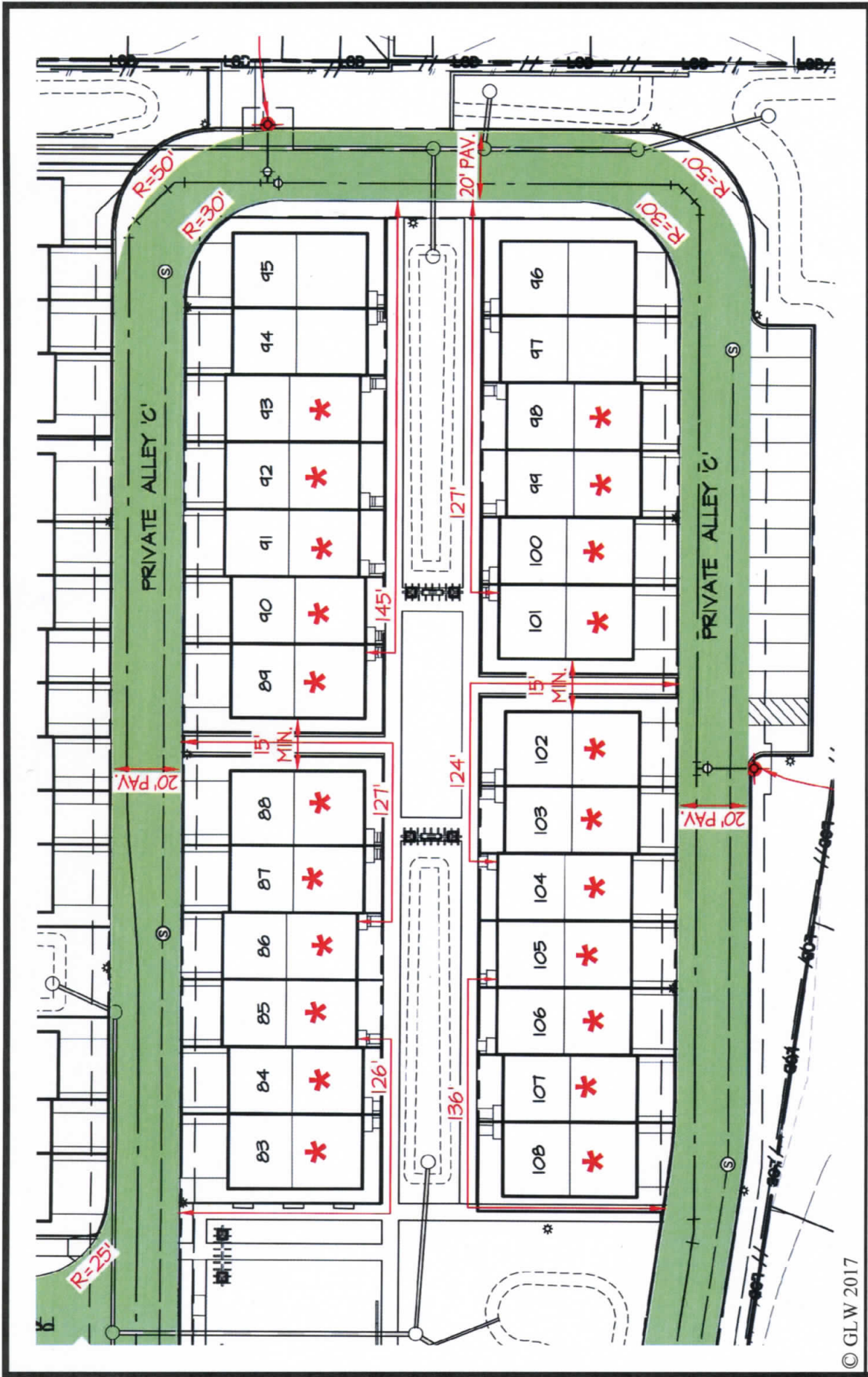
RANDOLPH FARMS

PREPARED FOR:
 Winchester Homes
 6905 Rockledge Drive
 Suite 800
 Bethesda, MD 20817
 Attn: Michael Conley
 301-803-4711

DES.	DRN. KAB
CHK.	KAF

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FIRE ACCESS PLAN

G. L. W. No.	16038
ZONING	R-15
TAX MAP/GRID	HQ-122
DATE	FEB, 2017
SCALE	1"=40'
SHEET	3 of 3

RANDOLPH FARMS

PREPARED FOR:
 Winchester Homes
 6905 Rockledge Drive
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 Bethesda, MD 20817
 Attn: Michael Conley
 301-803-4711

DES.

DRN. KAB

CHK. KAF

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TEL: 301-421-4024 BALT: 410-680-1620 DC/VA: 301-969-2524 FAX: 301-421-4186
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DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Clarence J. Snuggs
Director

December 8, 2016

Mr. Patrick Butler
Area 2 Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Randolph Farms
Preliminary Plan No. 120160320

Dear Mr. Butler:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plan and recommends Approval, with the following comments:

1. In the MPDU Agreement to Build for this development, DHCA may require that certificates of use and occupancy on some market units be held back until certificates of use and occupancy have been issued for all MPDUs, if necessary to ensure proper phasing of the MPDU and market rate units.
2. The MPDUs must have at least 3 bedrooms and 1.5 baths, and every bedroom must be no more than one level away from a full bath.

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: Kevin Foster, Gutschick, Little & Weber, P.A.

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Division of Housing

Affordable Housing Common Ownership Communities Landlord-Tenant Affairs Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • www.montgomerycountymd.gov/dhca