



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**10/17/02**  
**Item #11 and 12**

**MEMORANDUM**

**DATE:** October 11, 2002  
**TO:** Montgomery County Planning Board  
**VIA:** John Carter, Chief, Community – Based Planning Division *JAC*  
**FROM:** Bill Landfair, AICP, for the Department of Park and Planning  
Sue Edwards, Team Leader, I-270 Team *Sue* *WRL*

**REVIEW TYPE:** Development Plan Amendment  
**REVIEW BASIS:** Chapter 59, Zoning Ordinance  
**APPLICANT:** Gables Residential, Inc.  
**CASE NUMBER:** DPA 02-2

**ZONE:** Town Sector  
**MASTER PLAN:** Gaithersburg Vicinity Master Plan  
**LOCATION:** Rothbury Drive, Montgomery Village

**FILING DATE:** April 22, 2002  
**PLANNING BOARD:** October 17, 2002  
**PUBLIC HEARING:** November 4, 5 and 6, 2002 (if necessary)

---

**STAFF RECOMMENDATION**

DENIAL of Development Plan Amendment No. DPA 02-2 and the accompanying Supplementary Plan.

The staff notes that there is opposition to the Development Plan Amendment and recommends that a public hearing be held by the Hearing Examiner prior to consideration of the amendment by the District Council.

## **SUMMARY**

The applicant, Gables Residential, Inc., seeks to amend approved Development Plan No. 01-4 (approved January 29, 2002) under the Town Sector Zone for a 11.76 acre parcel of ground located southeast of the intersection of Snouffers School Road and Goshen Road, on Rothbury Drive. The property is located in the North Village Section of the Montgomery Village Town Sector (Part of Area III-F). The property is designated on the approved Development Plan for a public elementary school facility. Montgomery County Schools has determined that the property will not be needed for public school purposes. The proposed DPA seeks to change the Development Plan to reflect the utilization of the property for multi-family residential purposes.

As reflected in the Supplementary Plan, the project would consist of 230 rental apartments. Of this total, 46 units (20%) would be rent restricted units reserved for families at or below 50% of the median area income in conformance with the special ceiling allocation for affordable housing provisions of the County's Annual Growth Policy. A total of 403 parking spaces would be provided for the units. On-site amenities would include a swimming pool, multi-purpose athletic court, picnic area, tot-lot, and clubhouse.

The staff recommends denial of the DPA and accompanying supplementary plan. Staff supports housing at this particular site but finds that the DPA has not met the intent of the Master Plan guidance by providing a sufficient amount of open space for field sport recreation. In addition, staff finds the proposed development incompatible with the surrounding area in terms of its overall density as well as the size, height, and bulk of proposed buildings.

The DPA has received a great deal of citizen interest. Staff has received letters expressing a number of community concerns. These include: increased traffic impacting roads; inadequate on-site parking; affect on overcrowded schools; character of development; and environmental impact.

## **BACKGROUND**

**Subject Property** – The subject property is an 11.76-acre undeveloped parcel located on Rothbury Drive, southeast of the intersection of Snouffers School Road and Goshen Road. The irregularly shaped parcel has approximately 760 feet of frontage with Rothbury Drive. The site is dominated by tall grass with approximately 1.77 acres of forest contained within one contiguous tree stand. There are no specimen trees. Approximately 140 feet of an unnamed tributary to Great Seneca Creek runs through the northern half of the site. There are no wetlands on site. Any steep slopes are relegated along the stream valley buffer that has been established along the tributary.

**Surrounding Area** –The surrounding neighborhood is zoned Town Sector and contains a mixture of residential and commercial land uses. Land uses surrounding the subject property include townhouses to the west, a stream valley buffer to the north (with townhouses north of the buffer), a retail development to the east (Goshen Crossing Shopping Center), and a townhouse development and retail use (Goshen Plaza Shopping Center) on the south side of Rothbury Drive.

**Proposed Development** – The applicant is proposing a multi-family rental community to consist of five residential buildings containing 230 units. The applicant intends to allocate 46 (20%) of the units for families at or below 50% of the area median income. This is in conformance with the special ceiling allocation for affordable housing provisions of the County's Annual Growth Policy. As part of this process, Housing Opportunities Commission (HOC) certification of the project would be required prior to final approval of a preliminary plan of subdivision. These units would also satisfy Montgomery County MPDU requirements. Integral parking garages would be provided in buildings in addition to surface parking. Parking would be provided in parking garages integral to the buildings and on surface lots at a ratio of 1.75 spaces per unit for a total of 403 parking spaces. Access would be provided via a single monumental entrance from Rothbury Drive. Amenities would include a swimming pool, multi-purpose athletic court, picnic area, tot-lot, and clubhouse.

During the course of the review process, the applicant revised the Supplementary Plan to provide additional buffer between the development and the townhouse community to the west with a berm, tree plantings and two acres of open space. The revisions required the relocation of buildings from what was originally proposed, including a consolidation of smaller individual apartment buildings on the western half of the property into a central, U-shaped building. This also resulted in a reduction of density from 240 to 230 units. In addition, building setbacks from Rothbury Drive were increased. The plan also provides for the preservation of the stream valley buffer and a trail system along the northern portion of the subject property.

As part of its community outreach effort, the applicant has worked with representatives of the Montgomery Village Foundation to develop "binding elements" for the project in the event the DPA is approved. As described by the applicant, these binding elements address a number of issues of concern to the Foundation including the provision and use of open space, the provision of additional parking, the review of screening plans, and architectural review. The binding elements are attached as an exhibit to this report.

## **ANALYSIS**

### **Master Plan**

#### **Master Plan Guidance and Consistency**

The 1985 *Gaithersburg Vicinity Master Plan* focused on three study areas: Shady Grove West, the Airpark, and Smokey Glen. For most of the land outside these study areas, the 1985 Master Plan reconfirmed the recommendations of the 1971 Gaithersburg Master Plan. Montgomery Village, a planned community developed in Gaithersburg in the mid-1960s, was not included in one of the three study areas, therefore, the 1985 Master Plan did not provide detailed land use recommendations for the Village. The Town Sector Zone for Montgomery Village was reconfirmed as part of the 1986 Sectional Map Amendment for the *Gaithersburg Vicinity Master Plan*.

The 1985 Master Plan did provide general guidance on schools, parks, and recreation facilities in the Community Facilities chapter, with a specific section relating to Montgomery Village. The Plan stated that the Gaithersburg area had a need for ballfield recreation areas. The Plan also recognized that the number of future school sites shown on the 1971 Master Plan should be reduced due to demographic projections from the Board of Education that showed a decline in the school-age population in the County during the 1980s. On page 90, the Plan stated: "Since schools provide important community recreation facilities, when a school site is declared surplus its suitability for a local-use park should be given serious consideration. Additionally, as fewer schools are being constructed, there is a greater demand for parks to provide public active recreation facilities."

At the time of the 1985 Master Plan update, four former school sites in Gaithersburg Vicinity had been declared surplus by Montgomery County Public Schools (MCPS) and the Plan provided land use recommendations for these sites. Two of the four sites were recommended for parks and these recommendations have been implemented as follows:

- 1) A 10-acre former elementary school site (Charlene Elementary) east of Goshen Road was recommended to be added to the adjacent Cabin Branch Stream Valley Park and this recommendation has been implemented.
- 2) A 20-acre former junior high school site (Stewartown Junior) on Centerway Road adjacent to Montgomery Village was recommended for active field sport recreation for residents of the communities in and adjacent to Montgomery Village. This recommendation was implemented and the park is known as the Centerway Community Park.

## Master Plan Guidance on Montgomery Village

Since Montgomery Village is served by the Montgomery County Public School system, the developer was required to identify school sites on the approved Development Plan and dedicate them to the County as needed. The 1985 Master Plan land use map shows five proposed school sites in Montgomery Village. (Note: This does not include the four surplus schools sites discussed above.) On page 95, the Plan contained language that specifically addressed school and park facilities in Montgomery Village under the heading “Future Park Needs” in the Community Facilities chapter:

### *Montgomery Village Recreation and Open Space Facilities (1980)*

*Substantial recreation and park facilities are available to residents of Montgomery Village by virtue of automatic membership in the Montgomery Village Foundation. With the exception of school site facilities, all were built by the developer and are maintained, at no cost to the County, by the Montgomery Village Foundation. **It is important that at least a portion of each undeveloped school site in the Village be transferred to the Montgomery Village Association for field sport recreation, if the site is not needed for school construction.** (Emphasis added) For example, the ballfield site on Apple Ridge Road should be retained by the Association even if a portion of the site is ultimately used for non-school purposes.*

Only one of the five proposed school sites in Montgomery Village was needed by MCPS; Watkins Mill High School opened in 1989 on Apple Ridge Road. In 1996, MCPS relinquished its future claim on the last two school sites in Montgomery Village which had never transferred to MCPS ownership. Due to projected school enrollments and the near build-out of the Village, MCPS determined that new elementary schools would not be needed on either the Rothbury Drive site or a site located in East Montgomery Village on Lewisberry Drive. Following is a review of what has happened with the Montgomery Village school sites that have been declared surplus:

- 1) East Village Avenue (near Doubleland Road) was a former park/elementary school site that developed residentially in the late 1980s with single-family homes (approximately 4 houses per acre) and nearly 6 acres of open space.
- 2) Apple Ridge Drive (at the corner of Montgomery Village Avenue) was originally designated as a junior high site. It was the subject of several proposed developments that attempted to balance the appropriate amount of private/public space. The DPA that was approved in 1990 stipulated that the building envelope not exceed 35% of the site and the remaining 65% be used for perimeter buffer

open space and an active recreational area. Per the Master Plan language (cited in the paragraph referenced above), the ballfield that occupied a portion of the proposed school site was retained. The site was developed with single-family homes (at a density of eight houses per acre) and nearly 14 acres of recreational/open space.

- 3) Lewisberry Drive (at East Village Avenue) was a former elementary school site. The County Council approved a DPA in 2002, removing the school designation and allowing development of administrative offices for a private, non-profit institutional use. A portion of this site (four acres) has been reserved for recreation/open space, consistent with the Master Plan recommendation.
- 4) Rothbury Drive (just west of Goshen Drive) was a proposed elementary school site and is the subject of the extant Development Plan Amendment.

The most recent surplus school site that has been through the development process is the Lewisberry Drive parcel, for which the County Council approved a DPA in January 2002 for administrative offices for an institutional use. In October 2001, the Planning Board reviewed the DPA (No. 01-4) in which the applicant, Community Services for Autistic Adults and Children (CSAAC, Inc.), sought to amend the Development Plan to remove the designation of the 10.76-acre site for an elementary school and allow for the development of its administrative headquarters.

The CSAAC case provides recent precedent and is relevant to the extant case because of the similar circumstances. Both the CSAAC site and the Rothbury Drive site were previously designated elementary school sites of approximately the same acreage and guided by the same Master Plan language. The Planning Board and technical staff recommended approval of the DPA for CSAAC. Staff found that the proposed use would be compatible with the community because the scale and density of the proposed facility would be similar to that of an elementary school, which had been the use designated in the Master Plan and the Development Plan. In accordance with the recommendations of the Master Plan (see the bold language in the Master Plan text cited on page 5 above), the applicant was asked to dedicate approximately four acres of land to the Montgomery Village Foundation and/or East Village Homes Corporation for open space or recreational use. The applicant agreed, provided it could obtain a waiver to reduce the parking requirements in order to provide more open space.

In reviewing the Master Plan guidance for the Rothbury Drive site, staff considered the issue of the appropriate size of the open space. The Plan recommendation for "field sport recreation" can be equated to the numerical size

of a typical field for organized sports such as baseball, soccer, or football. A baseball field requires 4 acres, a soccer field requires 3½ acres, and a football field requires 3 acres. The Montgomery Village Foundation has expressed a desire that, if the project is approved, the open space not be programmed in any formal way. Their preference would be for an informal, undeveloped play area rather than a formally designed field that is programmed for regular, specific recreational use.

#### Compatibility of Proposed Use with Surrounding Community

Staff finds that this site is completely appropriate for residential development. Staff supports amendment of the Development Plan to remove the school designation and allow a residential development at this site. Staff also finds that rental apartments are an appropriate housing type for this site that would provide a compatible transition between the townhouses to the west and the retail use to the east. Staff also recognizes that the provision of affordable housing units as part of this project helps achieve an important countywide goal to address housing needs.

While staff supports housing at this site, there are a number of concerns with the specifics of the residential development as proposed by the applicant that lead staff to a conclusion that the project should be denied. The applicant has provided approximately two acres of open space to be located between the existing townhouses to the west and a proposed parking lot for the apartments. In order to achieve consistency with the Master Plan recommendation that a portion of surplus school sites be made available for "field sport recreation," and based on the precedent established in the CSAAC case (as well as the other two former school sites mentioned above), approximately four acres of the Rothbury Drive site should be provided for open space/recreational use (not including two acres of buffer/setback required along the north of the property to protect the adjacent stream).

Staff analysis of the Supplementary Plan concludes that the proposed density is not in character with the surrounding community. The applicant proposes 230 units on the site. The total site is nearly 12 acres, but the area proposed for development is approximately 9 acres, which results in a density yield of 25 units per acre. If the applicant provided the entire four acres that staff recommends for Master Plan consistency, the developable area would decrease to 6 acres (12 acres less 2 acres for stream buffer, less 4 acres for open space, yields 6 acres). If the applicant intended to provide the same number of units within the reduced acreage, the density would increase to 38 units per acre. In negotiations with the applicant, staff raised concerns about the amount of density at the site; the applicant responded that any reduction in density would render the project infeasible.

Surrounding residential developments include mostly townhouses with densities ranging from 9 units per acre (immediately adjacent site to the west), 14 units per acre (site to the south across Rothbury Drive) and 15 units per acre (site to the north of the stream valley buffer). In addition to the density being significantly greater than surrounding residential developments, the height and massing of the proposed apartment buildings would be out of character compared with existing residences. The proposed development includes a total of five buildings of four stories each. Three 4-story buildings, each 150 feet long, are proposed along Rothbury Drive. While buildings of this size and bulk are not incompatible with the two adjacent retail shopping centers, they are a significantly larger building type compared to the 2-story townhouses that surround the site to the west and south. An appropriate density for the Rothbury Drive site, based on surrounding development densities, would be 15 units per acre of the total site.

Staff has some concern that a project with this much density would be more appropriately located in an urban location rather than an area that is very auto-dependent. The community has raised a concern that the project will not have enough parking spaces for residents and their guests and this will result in overflow parking on Rothbury Drive and adjacent streets where parking is very limited. Indicative of their concerns regarding insufficient parking, residents have suggested that the amount of open space be decreased in favor of providing additional parking spaces. The amount of parking provided by the applicant is 403 total spaces (or 1.75 spaces per unit). Since residents of this project would have to rely on the automobile for their transportation, adequate on-site parking is a legitimate concern at this location. In keeping with the State of Maryland's Smart Growth initiative, higher density housing should be located in areas with infrastructure and services that allow residents to decrease their dependence on the automobile.

Staff note that purchasers of homes adjacent to the Rothbury Drive site had a right to assume that this property would either be developed as an elementary school or, if not, that it would contain the same amount of recreational area that would have been provided at an elementary school. Staff support of the CSAAC site was based both on the provision of open space and the fact that the proposed use was similar in scale, density, and building footprint of an elementary school, with substantial setbacks and green area.

### Conclusion

Staff recommends denial of the proposed DPA to allow 230 residential units on the 11.76-acre Rothbury Drive site. Staff supports housing at this particular site, but based on detailed review and analysis of the proposed project, staff concludes that denial of this project is appropriate. As outlined above, staff finds that the applicant has not met the intent of the Master Plan guidance by providing a sufficient amount of open space. Staff finds that the proposed project is incompatible and out of character with the surrounding, existing residential



developments in terms of overall density as well as the size, height, and bulk of the buildings. While staff finds that housing is an appropriate use at this site, the intensity of the proposed development is a departure from the intent of the Master Plan and the legitimate expectations of adjacent residential property owners.

**Town Sector Review Process** - The Town Sector Zone is a performance-based planned development zone that permits considerable flexibility for the developer because many of the specific restrictions that regulate, in other zoning categories, the height, bulk and arrangement of buildings and the location of various land uses have been either relaxed or eliminated.

The Town Sector Zone is the most flexible of all the planned development zones and the degree of specificity normally required of the Development Plan does not apply. Instead, a more generalized land use plan governs the general shape and character of development. The land use plan does not require the same information about staging or development programs as the development plan requires for other planned development zones.

To ensure a compatible arrangement of land uses, density and buildings the review process for the Town Sector Zone includes a Supplementary Plan showing the general locations of access points, various types of land uses, stormwater management facilities, and phasing of development. The Supplementary Plan may be changed in the course of subdivision review or site plan review but the revisions must be consistent with the Development Plan and purposes of the zone.

Following zoning, the review process includes review and approval of a site plan and preliminary plan of subdivision by the Planning Board.

**Required Findings for Approval** – The five specific findings related to approval of the DPA are found in Section 59-D-1.61 of the Zoning Ordinance. These findings relate to consistency with the Master Plan and the requirements of the zone, compatibility with surrounding development, circulation and access, preservation of natural features, and perpetual maintenance of common areas. The required findings are set forth below:

- (a) *That the zone applied for is in substantial compliance with the use and density indicated by the master plan or sector plan, and that it does not conflict with the general plan, the county capital improvements program or other applicable county plans and policies.*

As noted above, the DPA would not be consistent with the Master Plan with respect to providing a sufficient amount of open space for field sport recreation.

- (b) *That the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.*

The purpose clause for the Town Sector Zone is found in Section 59-C-7.21 of the Zoning Ordinance and states:

*It is the purpose of this zone to provide a classification, which will permit development of, or additions to planned new towns or additions to existing urban developments. Such towns shall contain, insofar as possible, all of the residential, commercial, community and industrial facilities needed to make possible a town that is reasonably self-sufficient for all purposes, except major employment and central business district shopping. Adequate provision shall be made for the maintenance of open space and the location of streets and highways to assure orderly traffic circulation. Provision shall be made for the inclusion of housing for families of low and moderate incomes. Physical planning within the town shall be such as to assure that these uses, including a wide variety of types of housing accommodations, shall be placed in efficient and orderly relationship.*

*\* \* \**

*A new town...[should contain] as nearly as possible all of the commercial, employment, cultural and recreational facilities desirable and necessary for the satisfaction of the needs of the residents...contain a wide variety of residential facilities, so as to offer a wide range of structural types, site planning layouts and arrangements, and rental and purchase prices...[have a density that facilitates] travel between residential, commercial, employment and other types of areas and to make the most efficient use of public utilities...[have] transportation facilities adequate to serve the anticipated total population...[and] public sewer and water shall be available at the site or planned for construction.*

*\* \* \**

*In order to encourage and facilitate desirable development of this kind, it is further the purpose to eliminate, in the town sector zone, some of the specific restrictions which regulate, in other zoning categories, the height, bulk and arrangement of buildings and the location of the various land uses; to provide for more flexibility in development; and to require that all development be in accordance with a plan meeting the requirements of this section...*

*\* \* \**

*In addition, it is the purpose of this zone to preserve and take the greatest possible aesthetic advantage of trees; and in order to do so, minimize the amount of grading necessary for construction of a development.*

The DPA would provide a multi-family residential project that contributes to the self-sufficiency of Montgomery Village. The development would provide additional market and affordable housing units. This additional housing furthers the mix of types and pricing of housing desired for the Town Sector Zone. The proposed development would be located in an area surrounded by medium density housing and commercial uses. It provides sufficient recreational amenities while preserving areas of open space for public use. The proposed units are within walking distance to nearby employment and commercial centers. The development would be served by adequate transportation facilities. Rothbury Drive provides access to Goshen Road and to Snouffer School Road, which in turn provide access to the rest of Montgomery Village and the County. Additionally, the area is served by mass transit with an existing bus stop located directly adjacent to the site. Public utilities, including water and sewer, are available to the site.

Sections 59-C-7.23 through 59-C-7.27 of the Zoning Ordinance set the parameters for the Town Sector Zone including land use, open space, density of population, building height, and utilities. The DPA conforms with each of these parameters as outlined below:

*59-C-7.23 Land uses. Uses described on the approved development plan, as provided in division 59-D-1, shall be permitted by right in this zone. All uses authorized in any zone, by right or as special exceptions, may be similarly authorized in the town sector zone, subject to...restrictions.*

The DPA would provide a residential use consisting of 230 multi-family housing units and related amenities.

*59-C-7.244. Open space. Not less than 10 percent of the total area of the town sector zone shall be devoted to open space. This may include publicly owned, community-wide or common open space and facilities but may not include streets and parking areas.*

The DPA would contribute 6.9 acres (58.7% of the subject property) to open space. This open space is comprised of the stream valley buffer, the two acre buffer along the western property line, and green area surrounding the buildings and parking. The Montgomery Village Foundation would own approximately 2.4 acres while the applicant would own the remainder.

*59-C-7.25. Density of population. The population of the town sector zone must be planned so as not to exceed 15 persons per acre based upon the total area within the town sector zone; except, that such planned population may be*

*increased by an amount equal to the population to be housed in moderately priced dwelling units included in the development plan in accordance with chapter 25A of this Code, as amended, provided that the total increase in population does not exceed 22 percent of the population that would otherwise be permitted.*

The DPA would result in a total population of 35,098 for Montgomery Village with an average density of 14.41 people per acre (35,098 people divided by 2,434.8 acres). The numerical total population and the density per acre are within the limits established for the Town Sector Zone. For additional discussion regarding population density see attached staff memorandum.

*59-C-7.26. Height. The heights of all buildings in the town sector zone shall be consistent with the limitations set in other zoning classifications for areas of similar density or similar use.*

The proposed density is approximately 20 units per acre (24.7 units per acre if net area is used). This is similar to the allowed density for the R-20 Multiple-family Zone. That zone limits buildings to 30 feet in height for lots less than five acres in size and 80 feet for lots greater than five acres. The proposed buildings would be four stories in height.

*59-C-7.27. Utilities. All utility lines in the town sector zone shall be placed underground. No use-and-occupancy permit shall be issued for any building which is not served by an approved sewer and water supply.*

Water, sewer, and other utilities would be provided at the subject property. The site is designated Category 1 for both water and sewer service. Telephone, electric, and gas lines exist adjacent to the site.

The staff concludes that the proposed DPA would comply with all of the purposes, standards, and regulations of the Town Sector Zone. With respect to compatibility, staff finds that the proposed project is incompatible and out of character with the surrounding, existing residential developments in terms of overall density as well as the size, height, and bulk of the buildings. While staff finds that housing is an appropriate use at this site, the intensity of the proposed development is a departure from the intent of the Master Plan and the legitimate expectations of adjacent residential property owners.

(c) *That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.*

The proposed vehicular and pedestrian access to the site would be safe, adequate and efficient. If the DPA were approved, this would be reviewed further at site plan.

- (d) *That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3.*

The proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. The development would be located outside of a stream valley buffer in an area that requires little grading. The plan also provides for 58.7% of the site to be preserved as open space.

- (e) *That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient.*

The applicant would own and maintain all property with the exception of the stream valley buffer that would be dedicated to the Montgomery Village Foundation. As per the proffered binding elements, the standards for maintenance shall be equivalent to or more stringent than the adopted maintenance guidelines of the Foundation.

**Transportation** – The Transportation Planning staff has conducted an Adequate Public Facilities (APF) review of the DPA under the Special Ceiling Allocation for Affordable Housing Facilities since the subject property is located in a policy area that has a moratorium for residential development. If the DPA were approved, staff would recommend the following conditions as part of the APF test at preliminary plan review:

1. At preliminary plan review, satisfy the APF test that includes:
  - a. Policy Area Review: In the staging ceiling for residential development in the Montgomery Village/Airpark Policy Area, the remaining capacity is negative 5,337 housing units as of September 30, 2002. Since the Montgomery Village/Airpark Policy Area is in a moratorium, the applicant is satisfying Policy Area Review under the “Special Ceiling Allocation for Affordable Housing Facilities” under Section TP3 of the *FY 02 Annual Growth Policy (AGP)*. (Refer to the attached appropriate pages from the AGP.)
  - b. Local Area Transportation Review: A traffic study (to analyze the traffic impact at nearby intersections) is required because the proposed land use generates 50 or more peak-hour trips during the

weekday morning peak period (6:30 a.m. to 9:30 a.m.) and the evening peak period (4:00 p.m. to 7:00 p.m.). A residential development of 230 garden apartments generates 95 peak-hour trips during the weekday morning peak period and 109 peak-hour trips during the weekday evening peak period.

A traffic study was submitted as part of the DPA application. Based on the results of the study, off-site intersection improvements would not be required because the calculated critical lane volumes (CLV) at the nearby intersections are within the congestion standard for the Montgomery Village/Airpark Policy Area.

2. Limit the DPA to 230 garden apartments. A percentage of the occupied apartments must have households below a certain percentage of the area median income. The percentages are specified in Section TP3, "Special Ceiling Allocation for Affordable Housing Facilities" of the *FY 02 AGP* and must be certified by the Housing Opportunities Commission.
3. At preliminary plan review:
  - a. Dedicate two feet of right-of-way for 35 feet from the centerline of Rothbury Drive as a primary residential street, P-20.
  - b. Provide a pedestrian connection to an extension along the north property line of Montgomery Village Foundation's pathway within the stream valley.
4. Coordinate with the Montgomery County Department of Public Works and Transportation (DPWT) for adequate site access with one monumental access point or two separate access points. The second access point could be limited to right-turn-in-only and right-turn-out-only and would reduce the available number of on-street parking spaces.

#### Policy Area Review/Staging Ceiling Condition

Based on the *FY 02 AGP* staging ceiling capacity, there is no capacity available for additional housing units (negative 5,337 as of September 30, 2002) in the Montgomery Village/Airpark Policy Area. The 230 housing units created can satisfy Policy Area Review at preliminary plan review under the Special Ceiling Allocation for Affordable Housing Facilities.

#### Congestion Levels at Nearby Intersections

Based on the results of the submitted traffic study, the calculated CLVs at nearby intersections are as shown below:

Intersection	Peak Hour	Traffic Condition		
		Existing	Background	Total
Goshen Road and East Village Avenue	Morning	909	956	957
	Evening	827	883	884
Goshen Road and Snouffer School Road/Wightman Road	Morning	1,015	1,084	1,086
	Evening	1,133	1,344	1,346
Goshen Road and Rothbury Drive/Green Run Way	Morning	680	706	721
	Evening	837	878	904
Rothbury Drive and Arrowhead Road	Morning	398	403	460
	Evening	545	549	614
Arrowhead Road/Shadow Oak Drive and Montgomery Village Avenue	Morning	829	865	906
	Evening	871	927	973
Montgomery Village Avenue/Pleasant Ridge Drive and Wightman Road	Morning	867	951	953
	Evening	914	1,040	1,041

All calculated CLV values are less than the congestion standard of 1,500 CLV for the Montgomery Village/Airpark Policy Area.

### Master Plan Roadways

In accordance with the approved and adopted *Gaithersburg Vicinity Master Plan*, the master plan designations are as follows:

1. Rothbury Drive is designated as a primary residential road, P-20, with a 70-foot right-of-way with an existing sidewalk.
2. Arrowhead Road is designated as a primary road, P-19, with a 70-foot right-of-way.
3. Goshen Road is designated as major highway, M-25, with a 120-foot right-of-way.

### Future Transportation Project

A nearby future transportation project is the Department of Public Works and Transportation's facility planning project, Goshen Road South, to widen Goshen Road from Odenhal Avenue to Warfield Road. The project is projected to be completed at the beginning of 2004. If the recommendation from the facility-planning project is to widen Goshen Road, the County Council then must fund its design and construction.

**Environment** – The Environmental Planning staff recommends the following conditions of approval if the DPA is approved:

1. Construction in the stream buffer will be restricted to a natural surface pedestrian path with minimal grading.
2. Any construction in the stream buffer shall be mitigated by removal of invasive species throughout the stream buffer on the property.
3. Limits of grading for other structures and facilities including stormwater management facilities (aside from unavoidable outfalls) must be outside the stream buffer.
4. Conservation easements must be placed on the entire stream buffer.

### Natural Resources

The subject property is an old farm field with limited vegetation in the stream buffer. Non-native invasive species have over grown the small amount of forest and trees in the stream buffer on the property.

### Forest Conservation

The DPA is exempt from forest conservation because the development plan was approved before January 1, 1992 and the planned development was 75% or more complete by that date. The proposed development will not result in the cutting of more than 5,000 additional square feet of forest.

### Stormwater Management

The *Countywide Stream Protection Strategy* (CSPS) assesses the Cabin Branch as having fair stream and habitat conditions. These conditions reflect the density of development in the stream, especially older development that was built with no stormwater management controls. The applicant needs to provide stormwater management facilities to ensure that runoff is sent to a control structure. The Maryland Stormwater Management Design Manual requires "that annual



recharge from post-development mimics the annual recharge from pre-development conditions.” The applicant has submitted a stormwater management concept plan to the Department of Permitting Services (DPS).

**Community Concerns** – The staff has received letters from State Delegate Joan Stern, the Montgomery Village Foundation Board of Directors, Patton Ridge Homes Corporation, and numerous residents in Montgomery Village. Community concerns regarding the DPA include the following: increased traffic from the development would overburden existing roads; inadequate on-site parking would lead to overflow parking in the surrounding community where parking is already very limited; an increase in population would overcrowd schools; the size, height, and style of the development is out of character with the other structures in the community; and proximity to the existing stream would create environmental hazards.

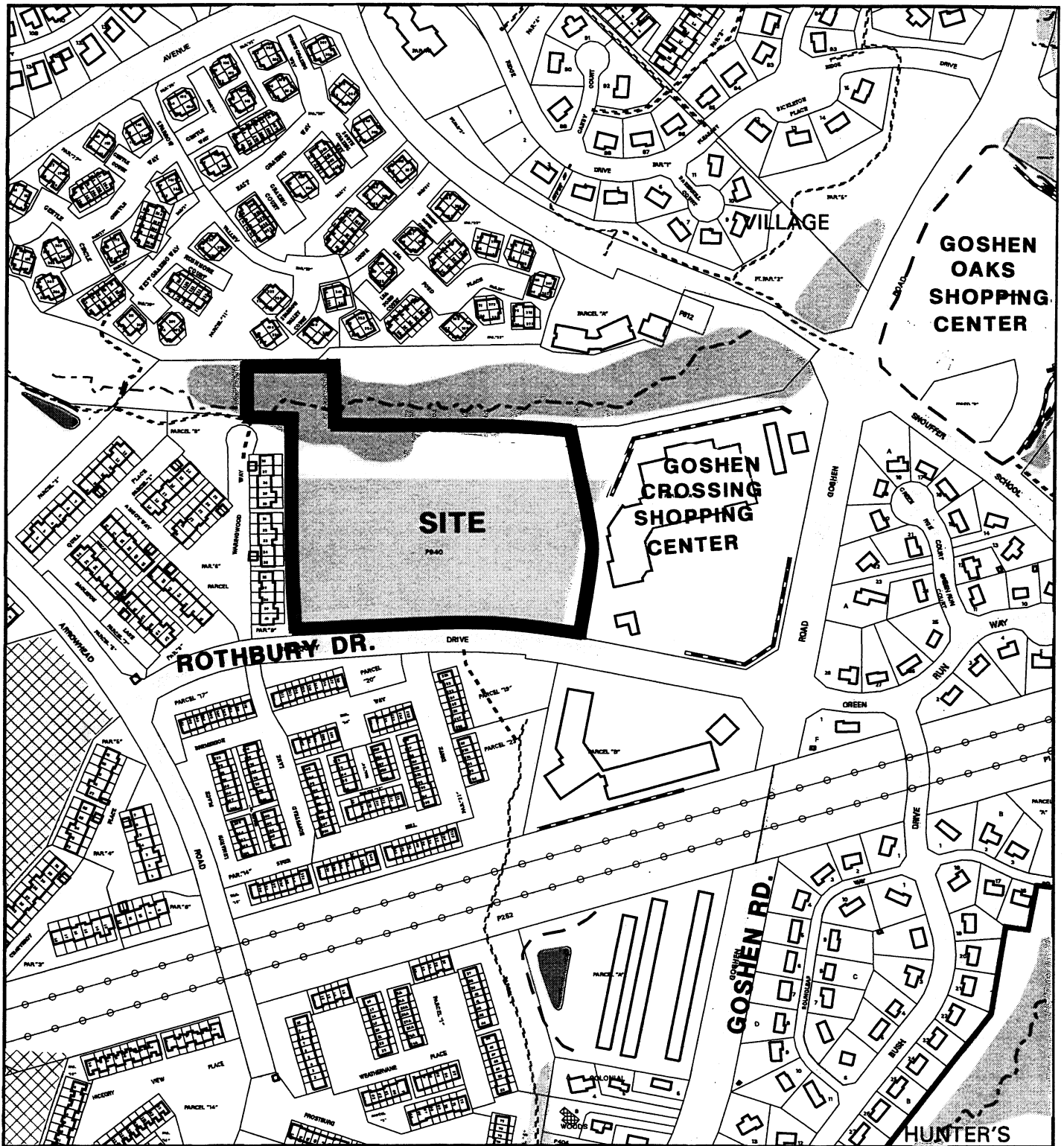
The Montgomery Village Foundation and Patton Ridge Homes Corporation also expressed concerns regarding an independent verification of the remaining population credits in Montgomery Village. The staff completed this tabulation.

**Conclusion** – Upon review of the Development Plan Amendment the staff finds that the DPA is in compliance with all of the purposes, standards, and regulations of the Town Sector Zone. However, staff cannot find that the DPA has met the intent of the Master Plan guidance by providing a sufficient amount of open space for field sport recreation. In addition, staff finds the proposed development incompatible with the surrounding area in terms of its overall density as well as the size, height, and bulk of proposed buildings. Therefore, staff must recommend denial of the DPA and accompanying Supplementary Plan.

## **Attachments**

Vicinity Map  
Supplementary Plan  
Supplementary Plan General Notes  
Concept Illustrative Plan  
Building Elevation  
Proposed Binding Elements  
Current Development Plan  
Development Plan Amendment  
Density Report – Community Based Planning  
Tabulation of Population Credits  
School Impact - Montgomery County Public Schools

VICINITY MAP FOR  
**DPA-02-2**



Map compiled on October 11, 2002 at 12:27 PM | Site located on base sheet no - 227NW09

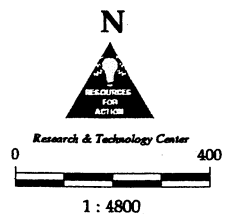
**NOTICE**

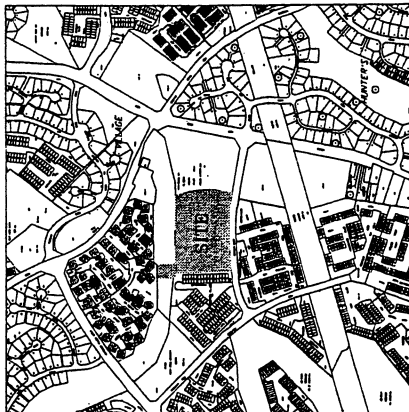
The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

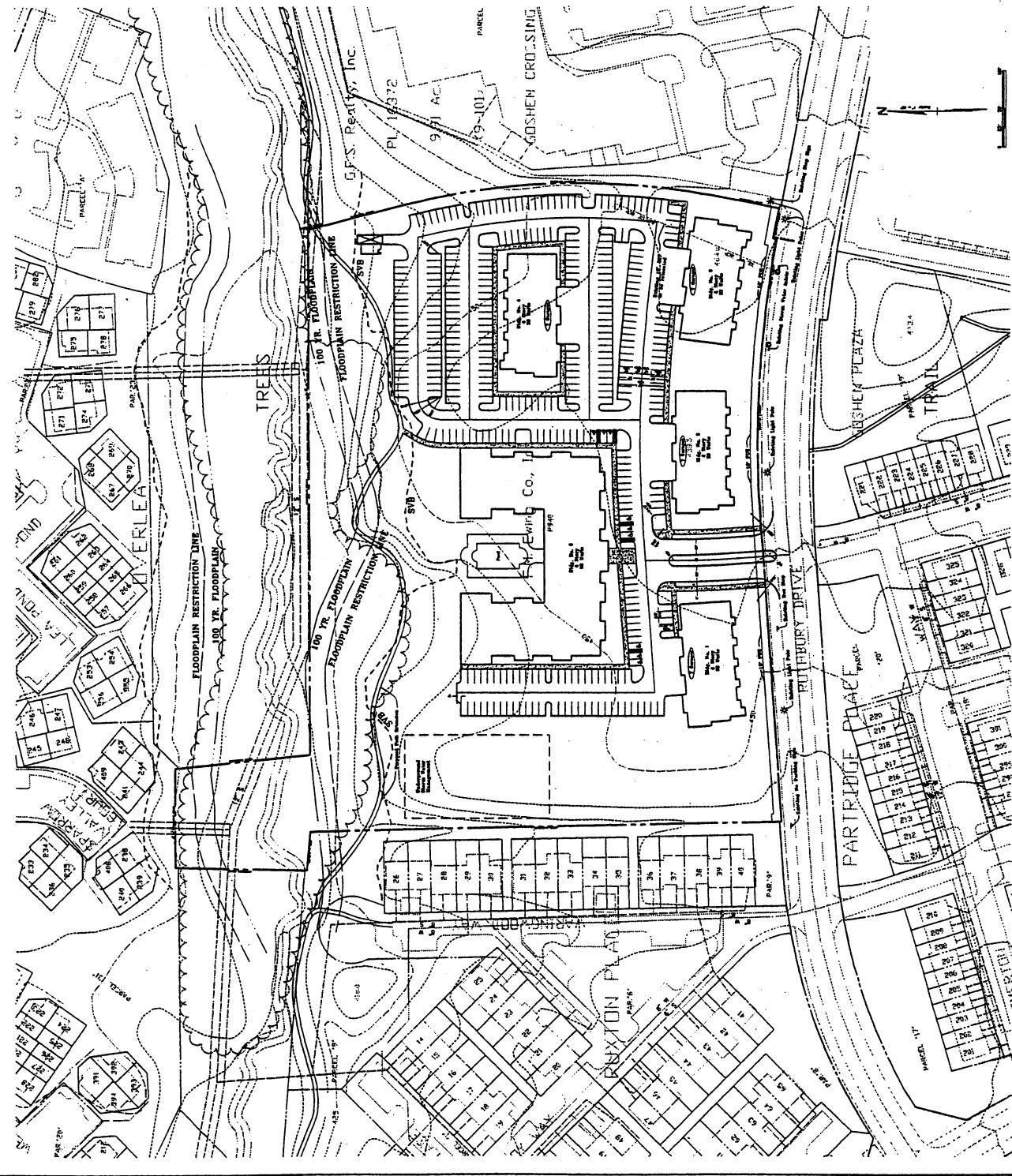
Key Map





VICINITY MAP SCALE: 1" = 500'

- GENERAL NOTES:**
1. Boundaries for the property were obtained from M-NCPPC on 12-21-01.
  2. Topography was obtained from M-NCPPC on 12-21-01.
  3. Existing contour interval = 5'.
  4. Property owned by Town Sector.
  5. Proposed Development.
  6. 230 Units (Includes 48 MPDU's, 20%)
  7. Parking Requirements  
 Require 1.5 Spaces/Unit  
 Units w/ 1 Separate Bedrooms - 1.25 x 70 = 86 Spaces  
 Units w/ 2 Separate Bedrooms - 1.5 x 180 = 270 Spaces  
 Units w/ 3 More Separate Bedrooms - 2 x 30 = 60 Spaces  
 Total Spaces Required - 343 Spaces (1.6 Spaces/Unit)
  8. Proposed Parking Spaces  
 Surface - 28 Spaces  
 Tandem - 28 Spaces  
 Handicap - 9 Spaces  
 Total - 403 Spaces (1.78 Spaces/Unit)
  9. Proposed Open Space - 10% of total area  
 Required Open Space - 6.9 AC ± (66.7%)
  10. Recreation Provided  
 Clubhouse Pool  
 Multi-Purpose Half Court  
 Basketball  
 Volleyball
  11. Grade shall be such a manner as to provide positive drainage so there is no accumulation of surface water.
  12. Natural Resource Inventory conducted by Rodgers Consulting, Inc. North Village, Part of III-F Montgomery Village.
  13. Water and Sewer is available adjacent to site.
  14. Stormwater management facilities are provided on site.



<p><b>CONTRACT PURCHASER:</b>  <b>GABLES ROTHBURY SQUARE SUPPLEMENTARY</b>        3400 Wilshire Drive        Fairfax, VA 22031        Ph: (703) 641-1300        Fax: (703) 641-1300</p>		<p><b>CONTRACTOR:</b>  <b>RODGERS CONSULTING</b>        2000 North Point Blvd        Suite 200        Gaithersburg, MD 20878        Ph: (301) 251-1000        Fax: (301) 251-1000        www.rodgers.com</p>		<p><b>DATE:</b> 03/28/02  <b>SCALE:</b> 1" = 500'  <b>PROJECT NO.:</b> 02-001  <b>DATE:</b> 03/28/02  <b>PROJECT NO.:</b> 02-001</p>	
<p><b>CONTRACT PURCHASER:</b>  <b>GABLES ROTHBURY SQUARE SUPPLEMENTARY</b>        3400 Wilshire Drive        Fairfax, VA 22031        Ph: (703) 641-1300        Fax: (703) 641-1300</p>		<p><b>CONTRACTOR:</b>  <b>RODGERS CONSULTING</b>        2000 North Point Blvd        Suite 200        Gaithersburg, MD 20878        Ph: (301) 251-1000        Fax: (301) 251-1000        www.rodgers.com</p>		<p><b>DATE:</b> 03/28/02  <b>SCALE:</b> 1" = 500'  <b>PROJECT NO.:</b> 02-001  <b>DATE:</b> 03/28/02  <b>PROJECT NO.:</b> 02-001</p>	
<p><b>CONTRACT PURCHASER:</b>  <b>GABLES ROTHBURY SQUARE SUPPLEMENTARY</b>        3400 Wilshire Drive        Fairfax, VA 22031        Ph: (703) 641-1300        Fax: (703) 641-1300</p>		<p><b>CONTRACTOR:</b>  <b>RODGERS CONSULTING</b>        2000 North Point Blvd        Suite 200        Gaithersburg, MD 20878        Ph: (301) 251-1000        Fax: (301) 251-1000        www.rodgers.com</p>		<p><b>DATE:</b> 03/28/02  <b>SCALE:</b> 1" = 500'  <b>PROJECT NO.:</b> 02-001  <b>DATE:</b> 03/28/02  <b>PROJECT NO.:</b> 02-001</p>	

**GABLES ROTHBURY SQUARE SUPPLEMENTARY PLAN**

MONTGOMERY VILLAGE NORTH VILLAGE PART OF III-F  
 MONTGOMERY COUNTY, MARYLAND  
 03/28/02 10:26:59 AM EST

## Supplementary Plan General Notes

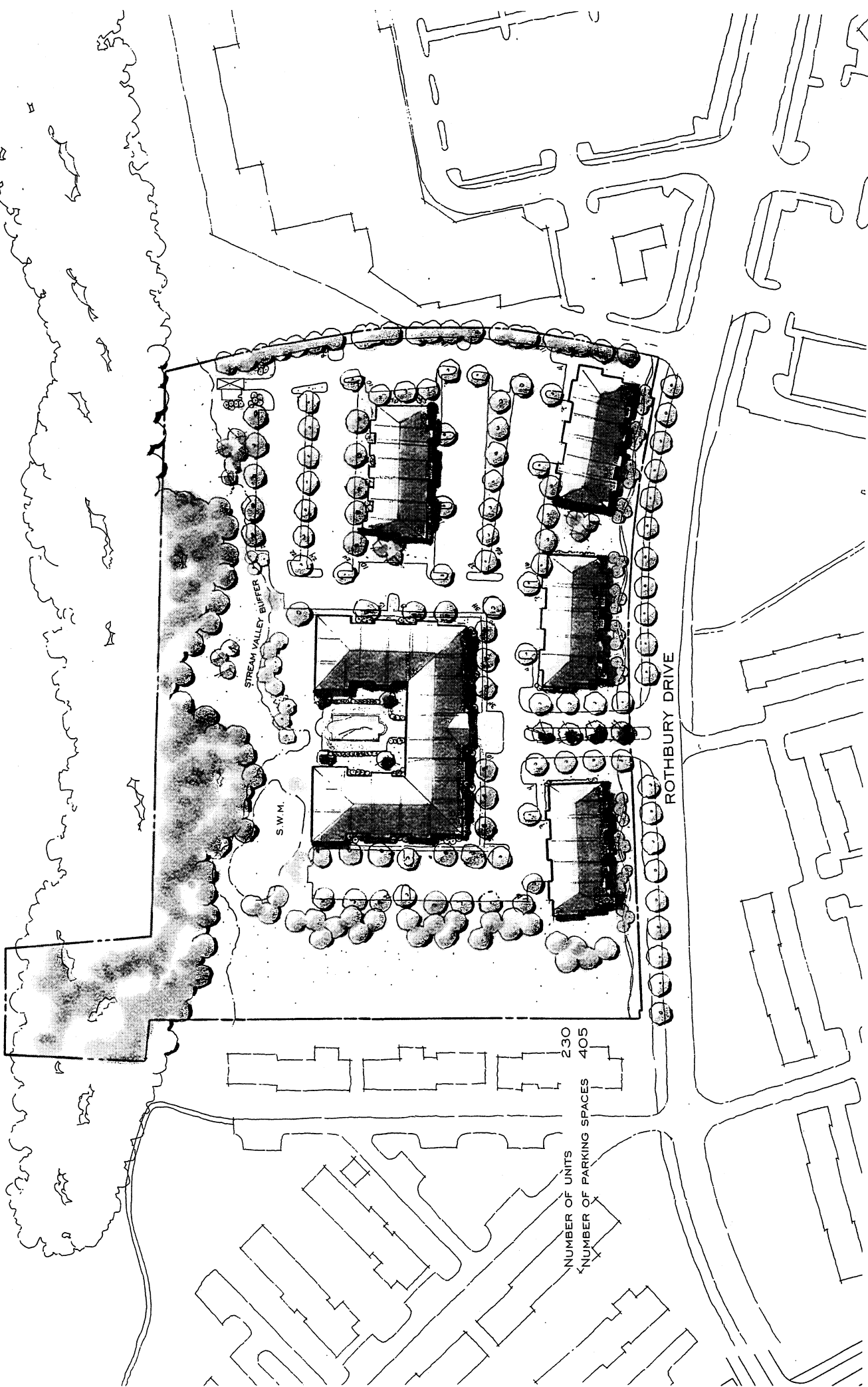
VICINITY MAP

SCALE: 1" = 500'

Copyright 2002 Rodgers Consulting  
Property information is owned and copyrighted by the Maryland Department of Planning and the State Department of Assessment and Taxation.  
Photography is owned and copyrighted by the Maryland Department of Natural Resources.

### GENERAL NOTES:

1. Boundary Survey for the property was obtained from M-NCPPC on 12-21-01.
2. Topography was obtained from M-NCPPC on 12-21-01.
3. Existing contour interval = 5'.
4. Property zoned Town Sector.
5. Site = 11.76 Ac ±
6. Proposed Development
  - 230 Units (Includes 46 MPDU's, 20%)
  - 5 (four story) buildings
7. Parking Requirements
  - Required Parking
    - Units w/ 1 Separate Bedroom - 1.25 x 70 =  
88 Spaces
    - Units w/ 2 Separate Bedrooms - 1.5 x 130 =  
195 Spaces
    - Units w/ 3 or More Separate Bedrooms - 2 x 30 =  
60 Spaces
    - Total Spaces Required - 343 Spaces (1.5 Spaces/Unit)
  - Proposed Parking
    - Surface - 338 Spaces
    - Garage - 28 Spaces
    - Tandem - 28 Spaces
    - Handicap - 9 Spaces
    - Total - 403 Spaces (1.75 Spaces/Unit)
8. Open Space Requirements
  - Required Open Space - 10% of total area
  - Proposed Open Space - 6.9 AC ± (58.7%)
9. Recreation Provided
  - Clubhouse
  - Swimming Pool
  - Multi-Purpose Half Court
  - Basketball
  - Volleyball
10. Grade all areas in such a manner as to provide positive drainage so there is no accumulation of surface water.
11. Natural Resource Inventory conducted by Rodgers Consulting, Inc.
12. Site is located in North Village, Part of III-F Montgomery Village.
13. Water and Sewer is available adjacent to site.
14. Stormwater management facilities are provided on site.



NUMBER OF UNITS 230  
NUMBER OF PARKING SPACES 405

Concept Illustrative Plan



**GABLES ROTHBURY SQUARE**

ROTHBURY DRIVE MONTGOMERY COUNTY, MARYLAND  
 08L009A.00 OCTOBER 8, 2002

**GABLES RESIDENTIAL**

**FEASIBILITY STUDY**

**SIDE ELEVATION**

THE LESSARD ARCHITECTURAL GROUP INC.  
 8603 Burnside Court Drive, Suite 405, Vienna, VA 22188 7037699344 Fax 7037699328



© 2002 The Lessard Architectural Group, Inc. All rights reserved. This drawing is the property of The Lessard Architectural Group, Inc. and is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of The Lessard Architectural Group, Inc. The information contained herein is for informational purposes only and does not constitute an offer of any financial product or service. The information contained herein is not intended to be used as a substitute for professional advice. The information contained herein is not intended to be used as a substitute for professional advice. The information contained herein is not intended to be used as a substitute for professional advice.

**DPA 02-02; ROTHBURY SQUARE**  
**(GABLES RESIDENTIAL – THE “APPLICANT”) -**  
**PROPOSED BINDING ELEMENTS**

1. The project shall be limited to 230 multi-family dwelling units, with building height not to exceed 4 stories plus loft spaces and with a minimum of 405 parking spaces (the “Project”).
2. The Applicant shall deed to Montgomery Village Foundation (the “Foundation”) the 2± acres of stream valley on the north side of the proposed project (as shown on the supplemental plan). Prior to deeding of the land, the developer will install within the property limits a path along the stream valley connecting to the existing path to the west, which pathway shall be designed and constructed in accordance with the Foundation specifications for this pathway<sup>1</sup>.
3. At the time of recordation of a subdivision plat, the Applicant shall record a restrictive covenant over the 2± acres of land on the western side of the subject property, between Patton Ridge Townhomes and the parking facility serving the Project, which land shall be maintained by the Applicant as open space and which shall be landscaped pursuant to a landscape plan to be mutually agreed upon by Foundation, the Applicant and the Technical Staff of M-NCPPC (the “Technical Staff”) prior to site plan approval<sup>1</sup>. Upon full occupancy of the Project, the operations of the on-site parking facility serving the Project shall be evaluated by the Applicant, the Foundation and the Technical Staff and a determination shall be mutually reached as to whether the parking facility adequately accommodates the actual demand for parking generated by the Project. In the event that the parking supply is deemed to be insufficient to accommodate the actual parking demand generated by the Project, the Applicant (with input from the Foundation and the Technical Staff) shall submit a site plan amendment to add additional parking, with appropriate screening, berming and buffering, along the eastern portion of the deed-restricted land between Patton Ridge Townhomes and the Project (the remainder of which shall be retained and maintained as open space per the above). In the event that the Applicant, the Foundation and the Technical Staff cannot agree on whether or not the additional parking is needed, the Planning Board shall be the ultimate decision maker.

Alternatively, the Applicant and the Foundation may determine to seek initial site plan approval of the Project utilizing up to 1± acre of the 2 acre proposed open space to

---

<sup>1</sup> The Applicant reserves the right to design, construct, install and perpetually maintain a stormwater management facility within this area in accordance with the requirements and approvals of Montgomery County.

expand the parking facility, with appropriate screening, berming and buffering, in which case the restrictive covenant referenced above will apply to the remaining open space.

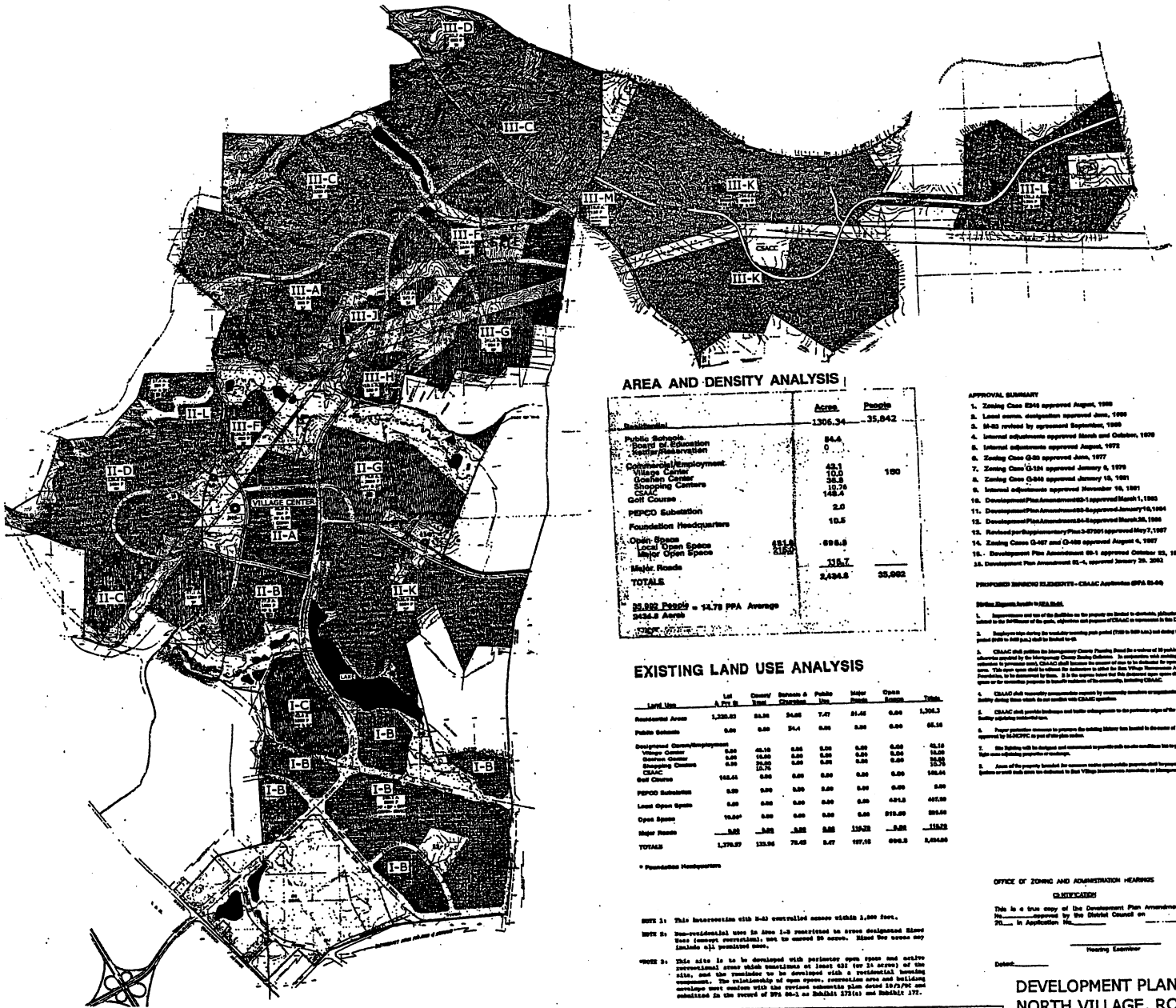
4. The Applicant shall provide landscape and buffering to the perimeter edges of all parking facilities serving the Project, with particular attention to the provision of adequate plantings, berms, buffering and other screening techniques to screen the parking facilities on the southern and western boundaries of the property. Foundation input shall be provided in the development of the screening plans at the time of site plan approval.
5. Subject to Montgomery County approval, egress/ingress to the Project shall be either pursuant to a single divided monumental entrance (while trying to maintain street parking on Rothbury Drive) or by two entrances (in which case street parking is unlikely), either of which shall be designed to accommodate free flow of traffic onto the site without impeding through traffic on Rothbury Drive and to permit adequate stacking and safe egress for vehicles departing the site.
6. The Applicant shall join and be a participating member of the Foundation.
7. The Project will be subject to the commercial architectural review process of the Foundation in accordance with the adopted guidelines of the Commercial Architectural Committee.
8. Maintenance standards for maintenance of the Project shall be equivalent to or more stringent than the adopted maintenance guidelines of the Foundation.
9. The Applicant, prior to subdivision approval for the Project, shall conduct a traffic signal warrant analysis for the intersection of Rothbury Drive and Goshen Road pursuant to Montgomery County's standards for traffic signal warrant analyses. If a signal is warranted pursuant to County standards, the Applicant shall design, permit and construct said traffic signal, including appropriate pedestrian controls. In the event that a traffic signal is not warranted under County standards, the Applicant will pay to the Foundation or Patton Ridge Homes Corporation (to be determined by those entities) the sum of Seventy-Five Thousand Dollars (\$75,000.00) to be applied toward the evaluation and improvement of on-site parking conditions for the existing residential uses comprising the Patton Ridge Homes Corporation properties.

These proposed Binding Elements are contingent upon the Applicant receiving all final approvals for the Project including 20% of the dwelling units being approved and reserved for affordable housing.





# Proposed Dev. Plan Amendment



## AREA AND DENSITY ANALYSIS

	Acres	People
<b>Subtotal</b>	<b>1,306.34</b>	<b>35,842</b>
Public Schools	84.6	0
Board of Education	0	100
Police/Police Station	0	0
Commercial/Employment:		
Village Center	43.1	
Coffee Center	10.0	
Shopping Centers	10.74	
Golf Course	143.8	
CIAC	0.0	
PEPCO Substation	0.0	
Foundation Headquarters	10.5	
Open Space:		
Local Open Space	811.4	898.6
Rural Open Space	117.0	0
Major Roads	11.7	
<b>TOTALS</b>	<b>2,494.8</b>	<b>35,982</b>

55,882 People = 22.78 PPA Average  
2,494.8 Acres

## APPROVAL SUMMARY

1. Zoning Ord. 2046 approved August, 1988
2. Land use plan, development approved June, 1988
3. M-83 revised by agreement September, 1988
4. Internal adjustments approved March and October, 1979
5. Internal adjustments approved August, 1978
6. Zoning Ord. 2046 approved June, 1977
7. Zoning Ord. 2046 approved January 6, 1975
8. Zoning Ord. 2046 approved January 10, 1971
9. Internal adjustments approved November 16, 1971
10. Development Plan Amendment 20-1 approved March 1, 1969
11. Development Plan Amendment 20-2 approved January 16, 1964
12. Development Plan Amendment 20-3 approved March 25, 1960
13. Referred per Montgomery Plan 2-27291 approved May 7, 1957
14. Zoning Ord. 2047 and 2048 approved August 4, 1957
15. Development Plan Amendment 20-1 approved October 23, 1956
16. Development Plan Amendment 20-1, approved January 26, 1952

PROPOSED ZONING ELEMENTS - CIAC Application 2046 10-40

Notes: 2046, 2047, 2048

1. Reference to all of the details on the property on which development is proposed shall be to the Ordinance of the City of Montgomery, Maryland, as amended to date.
2. Reference to all of the details on the property on which development is proposed shall be to the Ordinance of the City of Montgomery, Maryland, as amended to date.
3. Reference to all of the details on the property on which development is proposed shall be to the Ordinance of the City of Montgomery, Maryland, as amended to date.
4. CIAC will submit to the Montgomery County Planning Board for its review of all zoning applications for development on the property on which development is proposed. CIAC will submit to the Montgomery County Planning Board for its review of all zoning applications for development on the property on which development is proposed.
5. CIAC will submit to the Montgomery County Planning Board for its review of all zoning applications for development on the property on which development is proposed.
6. CIAC will submit to the Montgomery County Planning Board for its review of all zoning applications for development on the property on which development is proposed.
7. The City of Montgomery will be notified of all zoning applications for development on the property on which development is proposed.
8. The City of Montgomery will be notified of all zoning applications for development on the property on which development is proposed.
9. The City of Montgomery will be notified of all zoning applications for development on the property on which development is proposed.

## EXISTING LAND USE ANALYSIS

Land Use	Lot Area	County	Residential	Public	Other	Open Space	Total
Residential Area	1,238.83	24.84	24.84	7.47	21.46	0.00	1,306.34
Public Schools	0.00	0.00	84.6	0.00	0.00	0.00	84.60
Commercial/Employment:							
Village Center	0.00	43.10	0.00	0.00	0.00	0.00	43.10
Coffee Center	0.00	10.00	0.00	0.00	0.00	0.00	10.00
Shopping Centers	0.00	10.74	0.00	0.00	0.00	0.00	10.74
CIAC	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Golf Course	143.81	0.00	0.00	0.00	0.00	0.00	143.81
PEPCO Substation	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Local Open Space	811.40	0.00	0.00	0.00	0.00	811.40	811.40
Open Space	117.00	0.00	0.00	0.00	0.00	117.00	117.00
Major Roads	11.70	0.00	0.00	0.00	0.00	0.00	11.70
<b>TOTALS</b>	<b>1,778.27</b>	<b>123.84</b>	<b>78.48</b>	<b>7.47</b>	<b>107.46</b>	<b>811.40</b>	<b>2,494.80</b>

\* Foundation Headquarters

- NOTE 1: This intersection with R-40 controlled access within 1,000 feet.
- NOTE 2: Non-residential use in Area I-B restricted to areas designated R-40. All other uses are prohibited. All other uses are prohibited. All other uses are prohibited.
- NOTE 3: This site is to be developed with perimeter open space and active recreational areas which total at least 25% of the site. All other uses are prohibited. All other uses are prohibited. All other uses are prohibited.

OFFICE OF ZONING AND ADMINISTRATION - MONTGOMERY

This is a true copy of the Development Plan Amendment (Exhibit 20) as approved by the Council on \_\_\_\_\_

DEVELOPMENT PLAN AME  
NORTH VILLAGE, ROTHBLUM  
PART OF AREA III-F  
MONTGOMERY VILLAGE  
MONTGOMERY COUNTY, MARYLAND

<p><b>TOWN SECTOR PLAN</b> LAND USE AND CIRCULATION</p> <p>REV. 06-77 REV. 06-78 REV. 06-79</p>	<p><b>MONTGOMERY VILLAGE</b></p> <p>REV. 06-77 REV. 06-78 REV. 06-79</p>	<p><b>RODGERS CONSULTING</b></p> <p>REV. 06-77 REV. 06-78 REV. 06-79</p>	<p>REV. 06-77 REV. 06-78 REV. 06-79</p>

APPLICATION NO. 20



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

October 10, 2002

TO: Bill Landfair, Zoning Analyst  
Community-Based Planning Division

FROM: Sue Edwards, I-270 Corridor Team Leader *SUE*  
Community-Based Planning Division

SUBJECT: Montgomery Village Development Plan Amendment No. DPA-02-2,  
Gables Rothbury Square on Rothbury Drive

---

Staff responded to a request by the Montgomery Village Foundation to verify current development information relating to Montgomery Village (see attached Table 1). The Town Sector zone is unique in that the density approvals are based on a population yield figure rather than dwelling units. This information was compiled by Park and Planning in October 1988, and used to later amend the Montgomery Village Development Plan in December 1989 and October 1990. Development of Montgomery Village predates the Moderately Priced Dwelling Unit legislation (Montgomery County Code section 59-A) such that earlier settlements of the Village were not subject to affordable housing requirements or density bonus for providing moderately priced dwellings.

## METHODOLOGY

This information used uses an Excel spreadsheet to tabulate the density of subdivisions and homes corporations in Montgomery Village. Each subdivision was listed by name with Montgomery Village Foundation verifying the name of the subdivision or village, number of units and the unit type. The occupancy rate for each unit type is taken from the Montgomery County Zoning Ordinance section 59-C-7.25:

The population of the town sector zone must be planned so as not to exceed 15 persons per acre based upon the total area within the town sector zone; except, that such planned population **may be increased by an amount equal to the population to be housed in moderately priced dwelling units included in the development plan** in accordance with chapter 25A of this Code, as amended, provided that the total increase in

population does not exceed 22 percent of the population that would otherwise be permitted.

In calculating the density, the following standards shall apply:

- (a) One-family detached dwellings shall be assumed to have an average occupancy of 3.7 persons.
- (b) Townhouses shall be assumed to have an average occupancy of 3 persons.
- (c) Multiple-family dwellings less than 5 stories in height shall be assumed to have an average occupancy of 3 persons per dwelling unit.
- (d) Multiple-family dwellings 5 stories in height or higher shall be assumed to have an average occupancy of 2 persons per dwelling unit.

The applicant and the Montgomery Village Foundation identified subdivisions containing MPDU units and verified the number of MPDU units. Population generated by the 745 MPDU units approved for the Village was calculated to be 2,235 people. Similarly, market rate units (11,066 units) and population (34,576 people) were calculated to determine the total population. The current Development Plan population maximum is 35,992.

The proposed multi-family housing development consists of 230 dwelling units with 46 price-controlled units and 184 market rate units. This project would result in an additional population of 138 people in affordable housing units (46 units x 3 persons per garden apartment) and 552 people in market rate rental units (184 units x 3 people per garden apartment). The total population would then be 35,098 which is less than the 35,922 population shown on the approved Development Plan.

## **SOURCES**

Background material used for this analysis include:

- Memo from the M-NCPPC Development Review Staff to the Montgomery County Planning Board, "Tabulation of Development Approvals for Montgomery Village" (October 14, 1988).
- "Revisions to Agreement to Build Moderately Priced Dwelling Units for a Permit of 50 or More Dwellings" (January 3, 1991), Amendment to Development Plan.
- "Density of Subdivision and Homes Corporations in Montgomery Village, By Area" as modified and verified by Rodgers Consulting, Inc. (October 9, 2002)
- "Surplus Population Breakdown" by Rodgers Consulting, Inc. (October 9, 2002).
- Map of Montgomery Village, Montgomery Village Foundation

- "Rental Units in Montgomery Village, 1998" by Montgomery Village Foundation

## **FINDINGS**

The original approval of Montgomery Village in the Town Sector zone set the maximum population was based on 15 units per acre. Over time, the overall acreage of Montgomery Village in the Town Sector has increased to 2,434.8 acres, the maximum allowable population was 36,522.

The application states that "it is important to note that this overall population was never adjusted to reflect the MPDU net acreage permitted under the zone, and thus the density bonus intended under the County's MPDU program was never added to the approved population for the overall Town Sector" (Development Plan application, page 19).

The proposed development would bring the total population to 35,098 at an average density of 14.41 people/acre (35,098 people divided by 2,434.8 acres). The numerical total population and the density per acre are within the limits set by the Town Sector zone for Montgomery Village.

G:/Edwards/DPA02-2popcredit.staff.doc

# TABULATION OF POPULATION CREDITS, MONTGOMERY VILLAGE

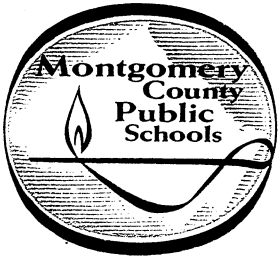
Area	Subdivision	Type	Units	Occ. Rate	Population	MPDUs	MPDU Pop	Mkt Units	Mkt Pop
III-C	Apple Ridge	s-f	60	3.7	222			60	222
III-F	Arrowhead	t-h	96	3	288			96	288
III-K	Ashford	s-f	184	3.7	681			184	681
I-B	BAYBERRY	m-f	235	3	705			235	705
III-K	Candle Ridge	s-f	99	3.7	366			99	366
II-B	Center Court Condo	m-f	132	3	396			132	396
II-B	Centerstage	t-h	63	3	189			63	189
III-L	Charlesgate/Mayne Prop	t-h	128	3	384	88	264	40	120
I-B	Christopher Court Condo	m-f	266	3	798			266	798
I-B	Cider Mill Apartments/Hamlet	m-f	864	3	2,592			864	2,592
II-F	Club Hill	t-h	141	3	423			141	423
II-A	Clubside	t-h	288	3	864			288	864
II-K	Courts of Whetstone	s-f	105	3.7	389			105	389
I-B	Dockside	t-h	160	3	480			160	480
III-C	Dorsey's Regard	t-h	168	3	504			168	504
III-C	Essex Place	t-h	165	3	495			165	495
III-K	Essex Place II East	t-h	165	3	495			165	495
III-A	Fairidge	s-f	217	3.7	803			217	803
III-J	Fairway Islands	t-h	124	3	372			124	372
III-H	Fairway Islands/Greentree	t-h	65	3	195			65	195
II-L	Forest Brooke/Cahn Frizzell	t-h	134	3	402			134	402
II-L	Forest Brooke MPDU	t-h	36	3	108	36	108	0	0
II-L	Forest Brooke South	t-h	32	3	96			32	96
II-D	Frenchton Place	t-h	155	3	465			155	465
III-K	Gablefield	s-f	35	3.7	130			35	130
III-K	Gablefield	s-f	80	3.7	296			80	296
III-K	Glenbrooke/Roger's Forge	t-h	176	3	528			176	528
II-K	Goshenside	s-f	164	3.7	607			164	607
III-K	Goshen Center/Fulks Prop	none			150				150
III-F	Greentee I	t-h	41	3	123			41	123
III-F	Greentee II	t-h	65	3	195			65	195
I-B	Grover's Forge	t-h	180	3	666			180	540
I-B	Hamptons/Goshen Road/Odend'hal	t-h	158	3	474	35	105	123	369

Area	Subdivision	Type	Units	Occ. Rate	Population	MPDUs	MPDU Pop	Mkt Units	Mkt Pop
II-B	Heron's Cove condo/Mills Choice	m-f	406	3	1,218			406	1,218
III-L	Hickory Grove/Mayne Prop	s-f	63	3.7	233			63	233
III-G	Highfield	t-h	133	3	399			133	399
III-C	Highland Hall	t-h	94	3	282			19	56
III-K	Holly Pointe	t-h	117	3	351			117	351
I-B	Horizon Run	m-f	154	3	462			154	462
III-L	Kings Point/Mayne Prop	s-f	54	3.7	200			54	200
II-K	Lakeside	s-f	138	3.7	511			138	511
II-G	Maryland Place	t-h	276	3	828			276	828
III-C	McCrory	t-h	162	3	486	162	486	0	0
III-C	McKendree	t-h	212	3	636	212	636	0	0
III-K	Meadowgate	s-f	94	3.7	348			94	348
I-B	Millrace	t-h	168	3	504			168	504
I-B	Nathan's Hill	t-h	200	3	600	40	120	160	480
I-C	Normandie-on-the Lake I/Walkers Ch	m-f	162	3	486			162	486
I-C	Normandie-on-the Lake II/Walkers Ch	m-f	288	3	864			288	864
III-F	Overlea	t-h	254	3	762	42	126	212	636
I-B	Park Place Condo/Christoph Ave	m-f	42	3	126			42	126
I-B	Park Place I/ Christopher Ave-Library	m-f	40	3	120			40	120
III-F/III-G	Partridge Place	t-h	331	3	993			331	993
III-C	Perry Place	t-h	74	3	222			74	222
III-K	Picton	t-h	84	3	252			84	252
III-K	Picton MPDU	t-h	130	3	390	130	390	0	0
III-C	III-C Pleasant Ridge East	s-f	97	3.7	359			97	359
I-B	Poplar Spring/Sharon Woods	s-f	18	3.7	67			18	67
III-L	Ridgefield/Mayne Prop	t-h	85	3	255			85	255
III-D	Salem's Grant	s-f	82	3.7	303			82	303
III-C	Shadow Oak	t-h	256	3	768			256	768
II-C	II-D Stedwick Clusters	t-h	548	3	1,644			548	1,644
II-D	Stedwick Ridges	s-f	69	3.7	255			69	255
II-G	Sunrise at Mont. Ville/Village House	m-f	149	2	298			149	298
III-K	The Downs	s-f	85	3.7	315			85	315
III-K	The Downs II	s-f	56	3.7	207			56	207
II-D	The Heights	s-f	147	3.7	544			147	544
III-L	The Meadows/Mayne Prop	s-f	27	3.7	100			27	100

Area	Subdivision	Type	Units	Occ. Rate	Population	MPDUs	MPDU Pop	Mkt Units	Mkt Pop
III-L	The Mews/Mayne Prop	s-f	45	3.7	167			45	167
III-C	The Points	s-f	137	3.7	507			137	507
III-K	The Reach	t-h	210	3	630			210	630
I-B	The Verandahs	m-f	186	3	558				0
II-G	Thomas Choice Condo	m-f	103	3	309			103	309
II-G	Thomas Choice Gardens	m-f	300	3	900			300	900
II-G	Thomas Choice West	t-h	240	3	720			240	720
I-B	Villas at Bayberry/Park Place II	m-f	68	3	204			68	204
I-C	Walker House	m-f	195	2	390			195	390
I-C	Walker's Choice	t-h	50	3	150			50	150
I-C	Walker's Choice	t-h	31	3	93			31	93
III-K	Wethersfield/Meadowgate 2	s-f	88	3.7	326			88	326
II-K	Whetstone Ridges	s-f	40	3.7	148			40	148
III-C	Williams Range	s-f	62	3.7	229			62	229
III-L	Wood Edge/Mayne Prop	t-h	41	3	123			41	123
			12195		37,720	745	2,235	11,066	34,576

G:/johnson/montvilhousing.xls 10.10.02





850 Hungerford Drive \* Rockville, Maryland \* 20850-1747  
Telephone (301)

279-3333

May 30, 2002

Mr. William Landfair  
Community Based Planning Division  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Dear Mr. Landfair:

This letter is sent in response to zoning application DPA-02-2, called "Gables Rothbury Square." This property is on the north side of Rothbury Drive, west of Goshen Road, in Gaithersburg, Maryland. The applicant's requested plan includes 240 apartment units in a mix of three and four story buildings. Based on average yield factors for comparable housing units, the impact of this project is estimated to be approximately 32 elementary, 14 middle, and 14 high school students.

This property is located within the Whetstone Elementary School, Montgomery Village Middle School, and Watkins Mill High School service areas. Whetstone Elementary School is currently operating within capacity and is projected to remain within capacity for the six year forecast period. Montgomery Village Middle School is currently being modernized. When completed in September 2003 the new facility is projected to operate within capacity for the forecast period. Watkins Mill High School is currently operating over capacity. Projected space deficits at this school will be addressed with the opening of Clarksburg High School in September 2006. Please see the enclosed information from the FY2003 - FY2008 Capital Improvements Program for the enrollment trends and facility use at these schools.

As we have indicated in previous rezoning and development plan amendment requests, the Annual Growth Policy (AGP) is the vehicle that regulates subdivision development approval with regard to facility adequacy. The current AGP indicates that adequate school capacity exists in the Watkins Mill Cluster.

Sincerely,

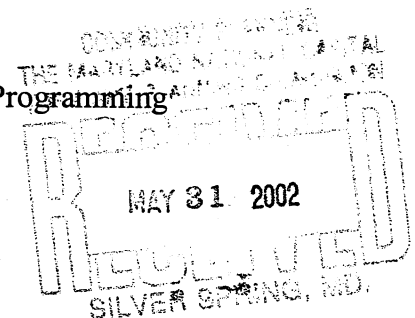
A handwritten signature in black ink, appearing to read "Lavorgna".

Joseph J. Lavorgna, Director  
Department of Planning and Capital Programming

JJL:bc

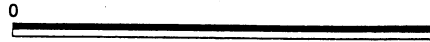
Enclosure

Copy to: Mr. Bowers, Mr. Crispell, Ms. Turpin



# Watkins Mill Cluster

Montgomery County Public Schools  
 850 Hungerford Drive  
 Rockville, MD 20850



Closed New Current

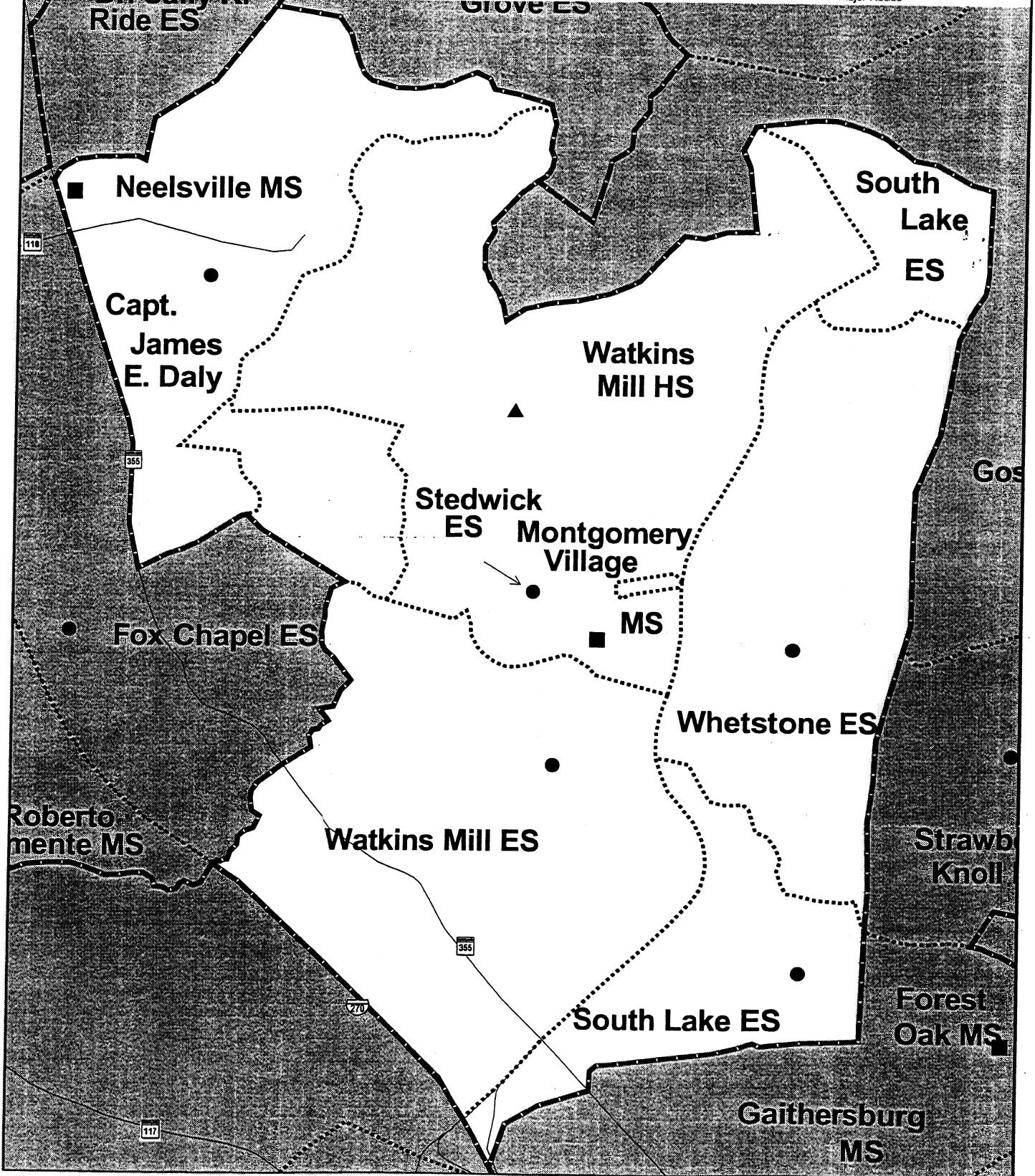
- Grades K-2
- Grades 3-6 or 3-5
- Grades K-5
- Middle Schools
- △ High Schools

Vicinity Map



Map Compiled by MCPS Department of Planning and Capital Programming September 27, 2001  
 Map base provided by Montgomery County DIST Geographic Information System Division

- Cluster Service Areas
- - - ES Service Areas
- Major Roads



## CLUSTER PLANNING ISSUES

- Planning Issue: A new program initiative to provide full-day kindergarten and reduced class-sizes in kindergarten and Grades 1 and 2 was introduced in the 2000-01 school year in schools with the highest educational load. In that year South Lake Elementary School received reduced class-sizes in Grades 1 and 2. In 2001-02 Captain James Daly, South Lake, Watkins Mill, and Whetstone elementary schools received full-day kindergarten. Also in 2001-02, Captain James Daly, Watkins Mill, and Whetstone elementary schools received reduced class-size in Grades 1 and 2. Where necessary relocatable classrooms will be used to accommodate these initiatives.

## SCHOOLS

### Watkins Mill High School

- Utilization: Enrollment at Watkins Mill High School currently exceeds capacity. Enrollment projections indicate that enrollment will exceed capacity throughout the six-year period. The proposed new Clarksburg Area High School will provide capacity relief for Watkins Mill High School when it opens. The proposed date for opening the new high school is September 2006. Relocatable classrooms will be used until the new high school opens.

### Clarksburg Area High School

- Capital Project: FY 2004 planning funds are recommended to begin architectural planning for the conversion of Rocky Hill Middle School into the new Clarksburg Area High School. Due to fiscal constraints in the county that are discussed in Chapter 1, the opening of this school is recommended for September 2006. The new completion date will allow all of the construction to be performed without students in the facility. In order for this school to be completed on schedule, two critical funding sources must be appropriated. First, the County Council must provide local funding at the levels requested in the FY 2003-2008 CIP, and second, the State of Maryland must provide state funding at the levels projected by the County Council for the FY 2003-2008 CIP.

### Montgomery Village Middle School

- Capital Project: Modernization is scheduled for completion in September 2003. FY 2003 construction funds are approved to complete construction of the modernization. In order for the modernization to be

completed on schedule, two critical funding sources must be appropriated. First, the County Council must provide local funding at the levels requested in the FY 2003-2008 CIP, and second, the State of Maryland must provide state funding at the levels projected by the County Council for the FY 2003-2008 CIP.

### South Lake Elementary School

- Utilization: Enrollment at South Lake Elementary School is projected to exceed capacity throughout the six-year planning period and beyond. A six-classroom addition is needed to accommodate the growing enrollment. Relocatable classrooms will be used until the addition opens in September 2005.
- Capital Project: FY 2004 planning funds are recommended to complete architectural planning for the six-room addition and a gymnasium. The proposed date for completion of the six-classroom addition is September 2005. Due to fiscal constraints in the county as discussed in Chapter 1, the completion of the gymnasium is delayed indefinitely. In order for the addition to be completed on schedule, two critical funding sources must be appropriated. First, the County Council must provide local funding at the levels requested in the FY 2003-2008 CIP, and second, the State of Maryland must provide state funding at the levels projected by the County Council for the FY 2003-2008 CIP.

### Watkins Mill Elementary School

- Utilization: Enrollment at Watkins Mill Elementary School is projected to exceed capacity throughout the six-year period. Continue to use relocatable classrooms until an addition is constructed.

