



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
02/27/03
Item #2

MEMORANDUM

DATE: February 21, 2003
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 *WRL*
Sue Edwards, Team Leader, I-270 Team *Sue*

REVIEW TYPE: REMAND – Development Plan Amendment No. DPA 02-2
APPLICANT: Gables Residential, Inc.
MASTER PLAN: Gaithersburg Vicinity Master Plan
LOCATION: Rothbury Drive, Montgomery Village
ZONE: Town Sector

STAFF RECOMMENDATION

The staff recommends that the Planning Board continue its support of the above-cited Development Plan Amendment (DPA) and approve the accompanying Supplementary Plan that was amended in response to an Order of Remand by the County Council.

The County Council remanded the DPA back to the Hearing Examiner to reopen the record and permit the applicant to amend its application to provide additional or revised evidence concerning compatibility, Master Plan compliance, adequacy of on-site parking, and a number of other issues. The remand also provides the Planning Board or its technical staff an opportunity for further comment and recommendation in light of any amendment to the application.

Pursuant to the remand, the applicant has submitted a number of documents including an amended Supplementary Plan and revised Binding Elements. These materials address compatibility concerns, incorporate specific recommendations made in the original staff report by the Environmental staff, and clarify the record regarding ownership and maintenance of a stream valley.

The staff finds that the amended Supplementary Plan retains those components that were key to the Planning Board's previous support of the DPA and Supplementary Plan, specifically: a density of 203 multi-family dwelling units, including 41 affordable units; approximately four acres of open space (including two acres of landscaped buffer adjacent to the Patton Ridge Community); and a minimum of one parking space per bedroom. The only significant change to the Supplementary Plan attempts to be responsive to the scale and massing of the largest of one of the proposed multi-family buildings. For these reasons, and because the revised Binding Elements and other supporting documents clarify the record, staff believes the Planning Board can continue its support of the DPA and approve the amended Supplementary Plan.

The staff's recommendation to the Planning Board notwithstanding, we continue to be opposed to the application because of concerns related to Master Plan compliance and compatibility with the surrounding area. The issues of concern are more fully explained in the original staff report. The documents submitted by the applicant as a result of the remand do not address these concerns.

BACKGROUND

The DPA seeks to amend the approved land use plan for Montgomery Village in the Town Sector Zone, to remove a school designation for an 11.76-acre parcel of undeveloped land and allow construction of a multi-family rental apartment complex on the site. The property is located on Rothbury Drive, southwest of the intersection of Snouffers School Road and Goshen Road in North Village, Area III-F of the Montgomery Village Town Sector Plan. The property was reserved as a potential school site when Montgomery Village was developed in the mid-1960s, and is designated on the Development Plan as a school site. Montgomery County Schools has now determined that it will not need the property for school purposes.

The technical staff reviewed the application and, in a report dated October 11, 2002, recommended denial of the DPA and Supplementary Plan. Four members of the Planning Board considered the case on October 17, 2002 and unanimously approved the Supplementary Plan and recommended approval of the DPA. Following a public hearing, the Hearing Examiner issued a report on January 3, 2003, concluding that while the DPA complied with the requirements for the Town Sector Zone, it did not satisfy all of the required findings and additional information should be provided. The Hearing Examiner recommended a remand of the DPA to allow the applicant to amend the application and provide additional evidence.

The County Council issued the Order of Remand on January 21, 2003, remanding the case back to the Hearing Examiner to reopen the record for the following purposes:

1. To permit the applicant to amend its application to provide additional or revised evidence concerning compatibility (particularly considering possible changes in overall density and the size and bulk of buildings), Master Plan compliance, recommendations made by M-NCPPC Environmental staff, the

adequacy of proposed on-site parking, and the documents intended to show the ownership and method of assuring perpetual maintenance of the stream valley buffer.

2. To provide the Planning Board or its technical staff an opportunity for further comment and recommendation on the application in light of any amendment to the application submitted following this remand.

Pursuant to the remand, the applicant submitted an amended Supplementary Plan, revised Binding Elements, a Parking Summary, and statements addressing Master Plan compliance. The applicant also indicated that, if necessary, it would further address issues related to compatibility, density, and parking when the Hearing Examiner reconvenes the public hearing on March 14.

ANALYSIS

Amended Supplementary Plan

The Supplementary Plan approved by the Planning Board proposed a multi-family rental apartment complex with five buildings containing a total of 203 units, each with one, two or three bedrooms. Twenty percent of the units would be allocated to families at or below 50 percent of the area median income. As shown on the Plan (attached as an exhibit), three three-story buildings would be located along Rothbury Drive, a four-story U-shaped building (surrounding a swimming pool on three sides) would be located in the middle of the property and centered on the vehicular entrance from Rothbury Drive, and a fifth four-story building would be located in the northeast corner of the property near an adjacent commercial center.

The amended Supplementary Plan (see attachment) attempts to address concerns raised regarding the scale and massing of the U-shaped building. The U-shaped building has been replaced with two smaller, four-story buildings, located immediately to the east and west of the swimming pool, a new, freestanding clubhouse located south of the swimming pool and a new three-story building located along the eastern half of the property near the commercial center. The three three-story buildings along Rothbury Drive and the four-story building located in the northeast corner of the property are retained. To accommodate the new three-story building, the four-story building in the northeast corner has been moved slightly further north. It will remain outside the stream valley buffer. The amended Supplementary Plan retains a density of 203 units, including 41 affordable units. The four acres of open space, including two acres of landscaped buffer, have been preserved.

Revised Binding Elements

Three of the previously proposed Binding Elements have been revised to correctly reflect the amended Supplementary Plan, specific recommendations made by the

Environmental staff related to the stream valley, and clarification of the ownership and maintenance of the stream valley (see exhibit).

The first binding element has been amended to reference the amended Supplementary Plan as well as the amount of parking that will be provided. The applicant has stated that one space will be provided per bedroom or the number of parking spaces required by the Zoning Ordinance, whichever amount is greater. Given the present mix of bedrooms shown on the Supplementary Plan, the applicant is proposing 389 parking spaces to serve 203 units. This exceeds the Zoning Ordinance requirement by 93 spaces. The applicant notes that the bedroom mix is subject to change and will be fixed during site plan review. Based on a Parking Summary submitted by the applicant, the number of parking spaces proposed per unit will exceed that of most other multi-family developments in Montgomery Village.

The second binding element has been amended to address the recommendations made by the Environmental Staff in the original staff report regarding the protection of the stream valley. Based on those recommendations, the applicant shall:

1. Mitigate its construction in the stream valley buffer by removing invasive species throughout the stream valley buffer on the property;
2. Limit grading for other structures and facilities, including stormwater management facilities (aside from unavoidable outfalls) to outside the stream valley buffer;
3. Grant a conservation easement, for the stream valley on the property, to the Maryland-National Capital Park and Planning Commission. The [Montgomery Village] Foundation shall assume maintenance responsibility for the stream valley (in accordance with the above) after it has been deeded to the Foundation.

The third binding element has been revised to identify the process and timing by which the applicant will subdivide and transfer the stream valley to the Montgomery Village Foundation and to clarify that the Foundation will assume responsibility for the stream valley after it has assumed title to this land.

CONCLUSION

The staff recommends that the Planning Board continue its support of the above-cited Development Plan Amendment (DPA) and approve the accompanying Supplementary Plan. The staff finds that the amended Supplementary Plan retains those components that were key to the Planning Board's previous support of the DPA and Supplementary Plan, specifically: a density of 203 multi-family dwelling units, including 41 affordable units; approximately four acres of open space; and a minimum of one parking space per bedroom. The only significant change to the Supplementary Plan attempts to be responsive to the scale and massing of the largest of one of the proposed multi-family

buildings. For these reasons, and because the revised Binding Elements and other supporting documents clarify the record, staff believes the Planning Board can continue its support of the DPA and approve the amended Supplementary Plan.

Attachments

Vicinity Map
Approved Supplementary Plan
Amended Supplementary Plan
Proposed Binding Elements
Parking Summary
Order of Remand