



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB  
10/23/03  
Item # 2

## MEMORANDUM – LOCAL MAP AMENDMENT

**DATE:** October 14, 2003  
**TO:** Montgomery County Planning Board  
**VIA:** John Carter, Chief, Community-Based Planning  
**FROM:** Sue Edwards, AICP, for the Department of Park and Planning

**SUBJECT:** **Local Map Amendment No. G-811:** Joav Steinbach, Applicant, – reclassification of 1.8424 acres of land from the R-200 Zone to the RT-6 Zone – east of Dawson Farm Road between MD 118 and Liberty Mill Road – Germantown Master Plan

**FILING DATE:** June 23, 2003  
**PUBLIC HEARING:** November 3, 2003

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## RECOMMENDATION

Staff recommends **APPROVAL** of Local Map Amendment No. G-811 and the accompanying Schematic Development Plan for the following reasons:

1. The reclassification to the RT-6 Zone is in conformance with the Germantown Master Plan
2. The reclassification to the RT-6 Zone satisfies the specific requirements of the zone.
3. The reclassification to the RT-6 Zone will be compatible with existing and planned land uses in the surrounding area.

## SUMMARY

The applicant, Joav Steinbach is seeking reclassification of 1.8424 acres of land located on Liberty Mill Road (Old MD 118) and bounded by MD 118, the Liberty Heights

development and the dental offices of Dr. Curtis L. and C.L Benesh. The applicant's intent is to develop the land with not more than 11 single-family attached dwellings using the optional method with binding elements noted on the Schematic Development Plan.

Staff finds the application in conformance with the land use and zoning recommendations of the 1989 Germantown Master Plan. It will implement many of the goals and objectives of the Master Plan, and it will be compatible with the existing and planned development in the surrounding area.

The Schematic Development Plan incorporates the following binding elements:

- 1) Land Use: Exclusively one-family attached dwelling units with internal garage
- 2) Density: not more than 11 one-family attached dwellings
- 3) Building Coverage: 12.6 percent or 10,164 square feet
- 4) Green Space: 82 percent or 66,100 square feet
- 5) Forest Conservation: 31.3 percent or 25,120 square feet

## **BACKGROUND**

### **A. Description of Property**

The subject property is located on Liberty Mill Road (Old MD 118) approximately 300 feet south of the CSX Rail line which also transports the MARC commuter rail line. Liberty Mill Road ends with a pedestrian-only bridge traversing the railroad tracks; and another segment of Old MD 118 named Walter Johnson Road begins north of tracks.

The subject property is six-sided, trapezoidal in shape, with a wide frontage on MD 118 and along the boundary line to the west with the Liberty Heights townhouse development in the RT-12.5 Zone. The northern boundary is shared with C-T zoned property currently used for landscape contracting and a dental office in the R-200 Zone. Frontage to the east along Liberty Mill Road is approximately 125 feet in length.

The site is wooded with an open grassed field lying just beyond the steep slopes (25 percent or greater slopes) of the northeastern boundary of the property adjoining MD 118. Three, candidate specimen trees were identified on the property.

### **B. Surrounding Area**

In a floating zone application, the evaluation of the zoning issues requires delineation of the surrounding area less rigidly than required with a Euclidean zone application. In general, the defined surrounding area takes into account the areas that are most directly affected by the proposed development. In the case of the subject application, staff defines the surrounding area within 1,000 feet of the subject property bounded by frontage on MD 118 to the north; the CSX rail line to the east; Parcels 167, 212, and

213 to the south; and Dawson Farm Road to the west. All parcels are in residential use except for P112 in the C-T Zone.

**C. Intended Use and Approval Procedures**

As shown on the Schematic Development Plan, the applicant intends to develop the subject property with not more than 11 single-family attached dwelling units with garages in the front. The units will be arranged in two clusters with six units and the other with five units. A driveway from Liberty Mill Road with evergreen screening will run adjoining the Liberty Heights development. Parking for 8 visitor parking places and 2 handicapped parking places is provided in the rear of the property.

The townhouses will each have a 2-car garage located at the rear of the units and integrated within the residences. Access to the garages will be from the entry drive. A sidewalk will be constructed along the driveway and connecting to the [future] sidewalk along Liberty Mill Road. Elevation drawings of the townhouse units are not available.

The Schematic Development Plan shows a stormwater pipe to intercept stormwater collected from the Liberty Heights stormwater facility that will be discharged to the existing storm drain within the subject property. An infiltration trench is proposed to collect stormwater from the subject townhouse development for discharge into the storm drain system.

The applicant will retain up to 0.52 acres (25,100 square feet) of forest and green area including forest on the site. A dedication of 15 feet across the property frontage on Liberty Mill Road will accommodate a future sidewalk and landscaping.

Development standards of the R-T 12.5 Zone and the proposed development is shown in the following table:

<b>Development Standard</b>	<b>Required/Allowed for R-T 6</b>	<b>Proposed</b>
Minimum tract area (sq. ft.)	20,000 (.5 acre)	1.84 acres
Maximum density of development (dwelling units)	6	5.97
Building setbacks, from any detached dwelling lot within one-family detached residential zone	30 feet	30 feet
Building setback from any public street	25 feet	25 feet
Building setback from side (end unit)	10 feet	20 feet
Building setback from rear	20 feet	20 feet
Maximum building height	35 feet	3 stories

Development Standard	Required/Allowed for R-T 6	Proposed
Maximum percentage of tract that may be covered by buildings	35	13
Minimum percentage of tract that must be devoted to green area	50	82
Parking	2 spaces per unit	32 spaces

In addition to the local map amendment, other development approval procedures include approval of a preliminary plan of subdivision and site plan by the Montgomery County Planning Board.

**Zoning History**

1. Comprehensive Zoning

1990 Germantown Sectional Map Amendment G-652: R-200 Zone confirmed.

1974 Germantown Sectional Map Amendment G-404: R-200 Zone confirmed.

G-227 Local Map Amendment requesting O-M or C-T withdrawn without prejudice on May 20, 1980.

**E. Master Plan Recommendation**

1. Land Use: One-family residential

Zoning: RT-6

**F. Public Facilities**

1. Water and Sewer Service

a. Service Categories: Water Category W-1 and Sewer Category S-1 (Source: M-NCPPC, Environmental Planning)

b. Water and Sewer Service: There is an existing 24-inch waterline abutting the subject property. The property is within the Seneca Creek service basin. An 8-inch sewer line abuts the property. Local

service is deemed adequate and the impact from rezoning is considered negligible (Source: WSSC Development Services Group)

## 2. Roadways

- a. MD 118: A six lane major arterial roadway providing access from I-270 west to MD 28/Darnestown Road. This [section of MD 118 was constructed in 1999 to provide additional travel lanes, a landscaped median, sidewalks and landscaping on both sides of the roadway.
- b. Liberty Mill Road: This roadway was formerly classified as MD 118 until the dedication of “new” MD 118. At that time, a pedestrian bridge replaced the bridge previously carrying vehicular traffic. Liberty Mill Road now provides one point of access and parking for MARC commuter rail patrons.
- c. Dawson Farm Road: A four lane divided arterial roadway between Great Seneca Highway and [old] MD 118 with sidewalks and landscaping on both sides of the roadway. North of [old] MD 118, the roadway transitions to two lanes with sidewalks and street trees to Father Hurley Boulevard.

## 3. Schools

The subject property is located within the Northwest high school cluster. Based on average yield factors for comparable housing units, the impact of eleven townhouses is estimated to be approximately 2 elementary, 2 middle, and 2 high school students. The current Annual Growth Policy indicates that adequate school capacity exists in the Northwest cluster (Source: MCPS Department of Planning and Capital Programming).

## **ANALYSIS**

### **A. Master Plan**

The rezoning is in conformance with the land use recommendations of the 1989 Germantown Master Plan. The Master Plan designates the area as Clopper Village analysis area (CL-1) suitable for residential uses with the exception of four properties. The subject property is one of those noted for higher intensity residential use as follows from page 59 of the Germantown Master Plan:

*The area between the above property [zoned for C-T] and the existing RT-6 Townhouse subdivision is suitable for the RT-6 (Residential Townhouse—six units per acre) Zone, but the following issues of compatibility need to be addressed:*

- *Provision of building and parking setback similar to existing residences.*
- *Provision of visual and acoustic buffer along relocated MD 118.*
- *Visual screening of parking areas.*
- *Retention of existing trees.*

*One way to address these compatibility issues would be through a rezoning application for the RT-6 Zone using the optional method of application and the use of a schematic development plan.*

The application is consistent with the Master Plan guidance that the application be submitted as an optional method of application with a schematic development plan. The Schematic Development Plan contains binding elements to achieve the visual and acoustical buffer and landscape screening proposed in the Master Plan. Staff finds that the rezoning is in keeping with the intent of the Master Plan.

#### **B. Intent and Purpose of the Zone**

The intent and purpose of the R-T Zone are found under Section 59-C-1.721 of the Zoning Ordinance and provides:

*The purpose of the R-T Zone is to provide suitable sites for townhouses:*

- In sections of the County that are designated or appropriate for residential development at densities allowed in the R-T Zones; or*
- In locations in the County 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 the intent of the R-T Zones to provide the maximum amount of freedom possible in the design of townhouses and their grouping and layout within the areas classified in that zone, to provide in such developments the amenities normally associated with less dense zoning categories, to permit the greatest possible amount of freedom in types of ownership of townhouses and townhouse developments, to prevent detrimental effects to the use or development of adjacent properties or the neighborhood and to promote the health, safety, morals and welfare of the present and future inhabitants of the district and the County as a Whole.*

The Germantown Master Plan designed the subject property as appropriate for residential development at densities allowed in the R-T Zones. The townhouse use, as proposed, would not create detrimental effects to the use or development of adjacent properties or the surrounding residential neighborhood.

Other relevant sections of the Zoning Ordinance include:

*59-C-1.722 Row Design*

- (a) *Eight townhouses is the maximum number permitted in any one attached row.*
- (b) *Three continuous attached townhouses is the maximum number permitted with the same front building line. The variations in building line must be at least 2 feet.*
- (c) *For one-family attached units, there can be no more than 12 units in one row.*

The Schematic Development Plan depicts the 11 townhouse units in two rows: one with 6 units and one with 5 units which conforms to the maximum number of townhouses in a row being eight. The two rows are shown with varying front building lines in accordance with the Zoning Ordinance requirements.

**C. Development Standards for the Zone**

As shown on the table appearing on page 3 of this staff report, the rezoning is entirely consistent with the applicable standards for the R-T 6.

**D. Transportation Issues**

The Transportation Planning staff will recommend the following conditions at the time of Adequate Public Facilities (APF) review for the preliminary plan:

1. Limit the development to eleven townhouses
2. Dedicate 15 feet to provide for right of way for Liberty Mill Road

Summary of Local Area and Policy Area Transportation Reviews

The proposed 11 townhouses under the requested RT-6 zone generate ten peak-hour trips during the weekday morning (6:30 a.m. to 9:30 a.m.) and evening (4:00 p.m. to 7:00 p.m.) peak periods. Thus, the proposed development would not require a traffic study to satisfy LATR.

For Policy Area Transportation Review, the subject site is located in the Germantown West Policy Area where there is sufficient housing staging ceiling capacity available (377 dwelling units as July 31, 2003) to accommodate the 11 dwelling units.

Access to the site is provided from existing Liberty Mill Road (Old MD 118). Liberty Mill Road is classified as a primary residential road with 60 feet of right-of-way. The site access and internal pedestrian and vehicular circulation shown on the schematic

development plan are safe and adequate. The right-of-way dedication for Liberty Mill Road shown on the schematic development plan is correct.

Staff concludes that the proposed residential development under the RT-6 zoning at the subject site will not have an adverse impact on the surrounding roadway network.

#### **D. Environmental Issues**

The Environmental Planning staff recommends the following conditions to be addressed at preliminary plan:

- Approval of a Preliminary Forest Conservation Plan
- Approval of a Stormwater Management Concept Plan by the Department of Permitting Services prior to preliminary plan approval.

##### Forest Conservation

The property is almost entirely forested. Since an optional method of application is proposed, the applicant must preserve a minimum of 0.37 acres of forest on site. The applicant proposes a binding element for retaining 0.52 acres of forest on site which satisfies forest conservation.

##### Stormwater Management

The applicant must submit a stormwater management concept plan to the Department of Permitting Services (DPS) prior to approval of the preliminary plan. Sufficient space is available to accommodate stormwater management.

#### **F. Community Concerns**

Staff did not receive any comments from community members of affected property owners.

#### **G. Conclusion**

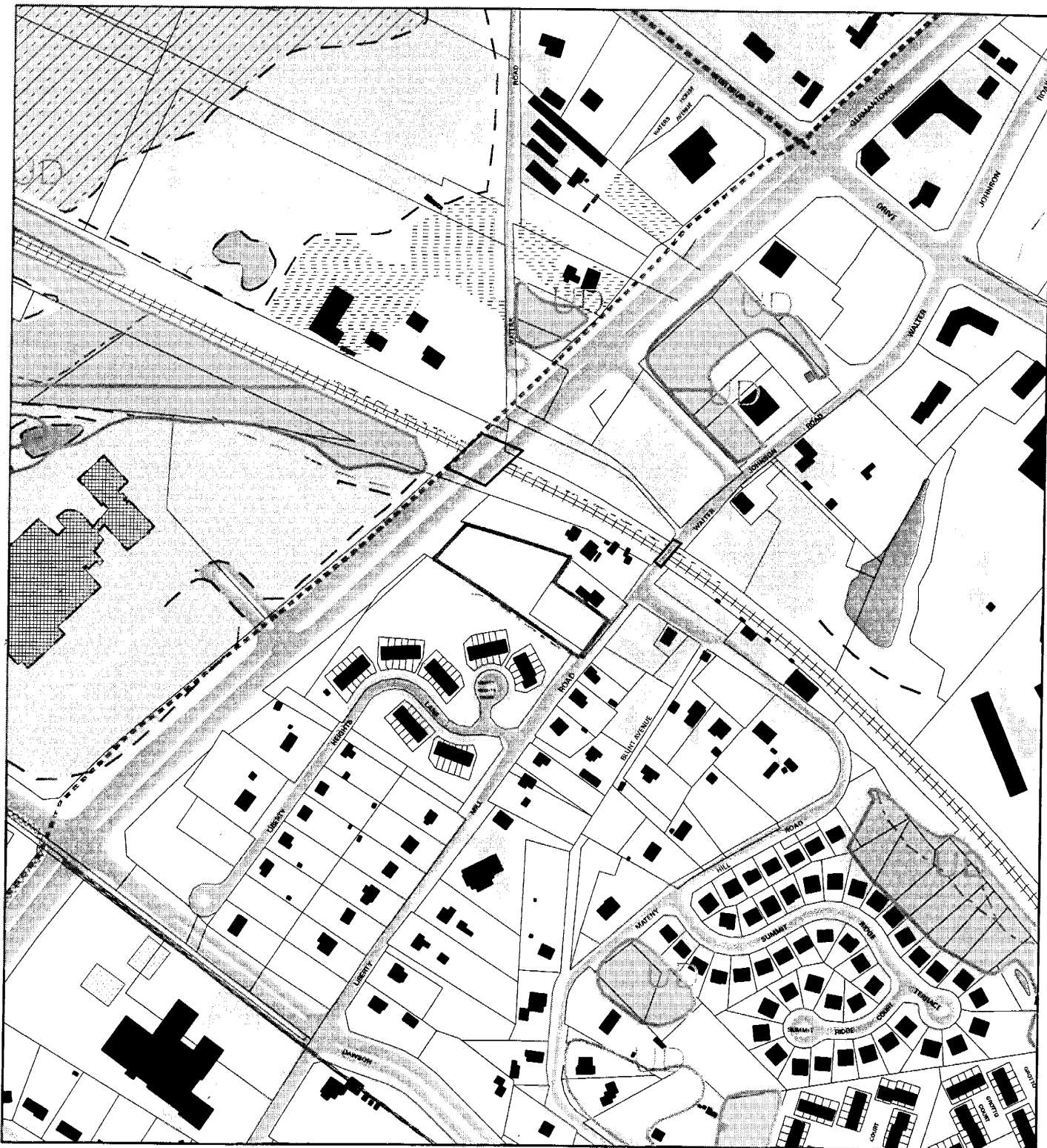
The staff finds that the proposed rezoning will be consistent with the purpose clause and all applicable standards for the R-T 6 Zone, and in conformance with the 1989 Germantown Master Plan.

#### Attachments

G:Edwards/G-811.libertymill.staff.doc  
N:Divcp/Edwards/G-811.libertymill.staff.doc



# LOCAL MAP AMENDMENT NO. G-811



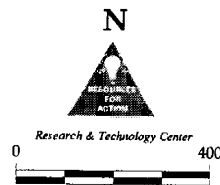
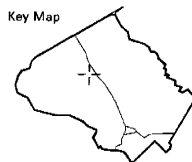
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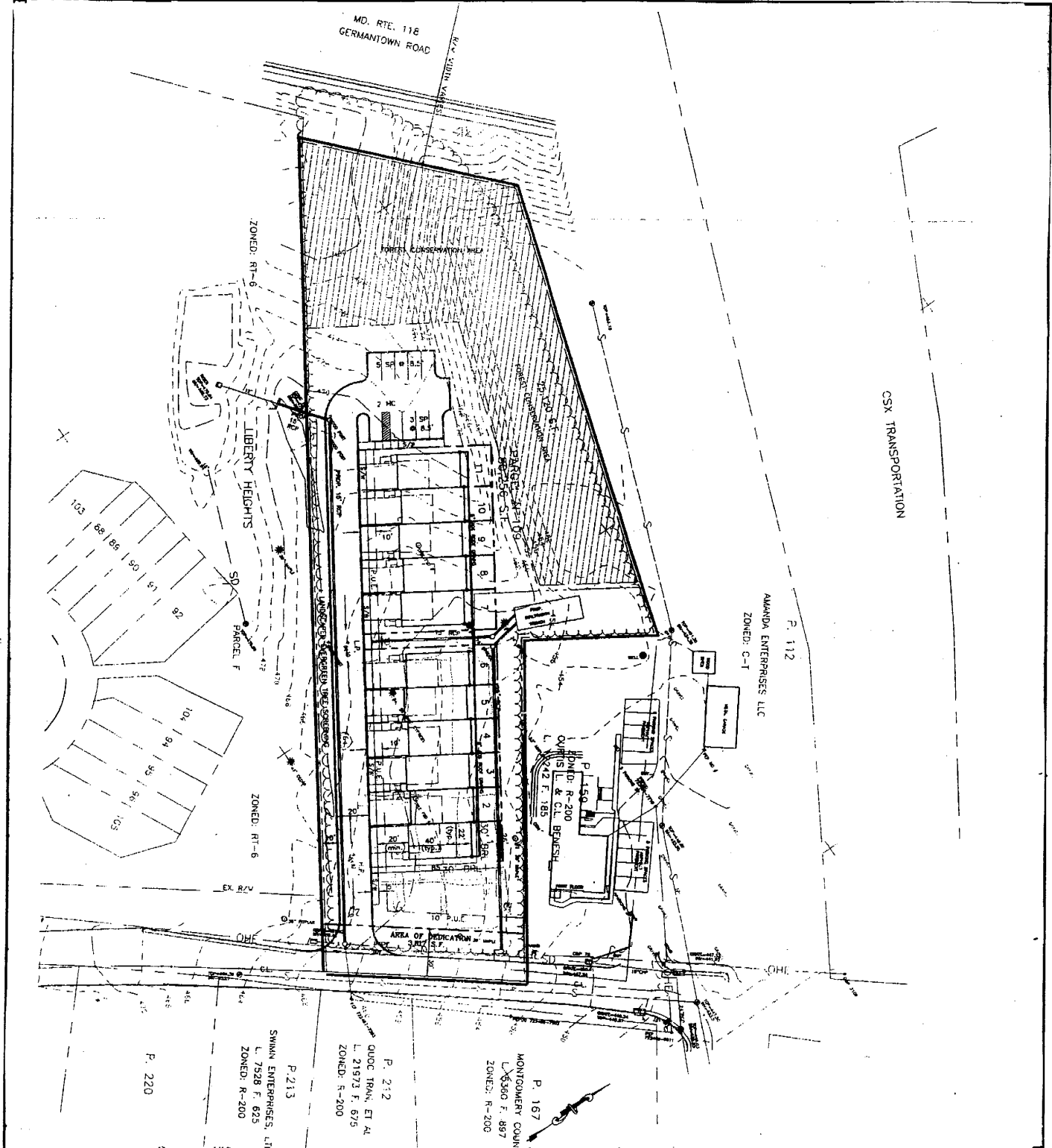
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 LOCAL MAP AMENDMENT G-  
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