



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

MCPB
Item # 5
06/17/04

MEMORANDUM

DATE: June 17, 2004
TO: Montgomery County Planning Board
VIA: Carlton Gilbert, Zoning Supervisor *CG*
Glenn Kreger, Team Leader, Silver Spring / Takoma Park Team *GK*
FROM: Joel A. Gallihue, AICP, Community-Based Planning *JAG*
REVIEW TYPE: Local Map Amendment
APPLYING FOR: Change in zoning from R-60 to RT-12.5
APPLICANT: Noyes Lane, LLC
CASE NUMBER: G-817
ZONE: R-60
LOCATION: 9012, 9008, 9006 Georgia Ave. & 1403 Noyes Drive
MASTER PLAN: North and West Silver Spring Policy Area
FILING DATE: November 12, 2003
PUBLIC HEARING: June 28, 2004

STAFF RECOMMENDATION: Approval

of the RT-12.5 zone with written binding elements including proffers and the approval of the Schematic Development Plan for the following reasons:

1. The application will be consistent with the recommendations of the North and West Silver Spring Master Plan, Adopted August 2000.
2. The Schematic Development Plan with the written binding elements and proffers will comply with the RT-12.5 development standards, and will be compatible with the surrounding development.
3. Public facilities are sufficient to serve the proposed development.

PROPOSAL DESCRIPTION

The subject property is approximately 2.7 acres in area and located on the west side of Georgia Avenue, north and south of Noyes Drive, on the eastern edge of the Woodside neighborhood. The petitioner requests rezoning from R-60 to RT-12.5 to accomplish a development that includes twenty-three new townhomes and preserves three of the existing single family detached homes. A stated design objective of the proposal is to provide a transition between the Woodside neighborhood and Georgia Avenue by locating single-family detached dwellings on Noyes Drive, interior to the neighborhood and employing townhomes in varied groupings on other parts of the site. The request is made under the Optional Method of Development (Section 59-H-2.5), which permits binding limitations with respect to land use, density and development standards or staging.

Located approximately three quarters of a mile south of the Capital Beltway (I-495) and a half-mile north of the Silver Spring Central Business District, the site is situated on a major transportation route. Georgia Avenue conveys major commuter traffic volumes past the site and separates the residential neighborhoods of Woodside and Woodside Park, which are both stable and mature inner-ring neighborhoods. Woodside is identified on the Locational Atlas of Historic Sites, however it is not presently a historic district. North of the site are townhomes on Ottawa Place which are visible from Georgia Avenue. Across Georgia Avenue and east of the site are single-family detached dwellings in Woodside Park and the Woodside Synagogue. South of the site is the Woodside Methodist Church. West of the site are single-family detached dwellings in the Woodside neighborhood.

The property is more particularly described as Parts of Lots 1 – 4, Block 4 of the Woodside Subdivision (located north of Noyes Drive) as well as Parts of Lots 7-11, Block 3 of the same. (Located south of Noyes Drive)

The current use of the properties are five single-family homes. The two northernmost homes (bungalows) will be demolished as proposed. Of the three remaining homes, the southernmost home will be relocated from Georgia Avenue to Noyes Drive. Construction improvements will be made to these three remaining homes in accordance with a Historic Area Work Permit to be approved by the Historic Preservation Commission.

Surrounding Area –

Definition: The surrounding area must be identified in a floating zone case so that compatibility can be evaluated properly. The “surrounding area” is defined less rigidly in connection with a floating zone application than in evaluating a Euclidean zone application. In general, the definition of the surrounding area takes into account those areas that would be most directly affected by the

proposed development. The North and West Silver Spring Master Plan provides a definition for all neighborhoods addressed by the plan.

This site is located in the Woodside neighborhood, which is bounded by Georgia Avenue to the east, Spring Street and the CSX Railroad tracks to the south and 16th Street to the west. The site is located on the eastern edge of Woodside along Noyes Drive, a street that also continues across Georgia Avenue through Woodside Park. The site fronts on Georgia Avenue, which presents a clear division. A car or pedestrian can traverse Georgia Avenue at Noyes to get to Woodside Park, but this intersection is not signalized. Consequently, Woodside Park must be considered at the edge of the surrounding area for this proposal.

The central location of Noyes Drive in Woodside and access to Georgia Avenue makes this site prominent to the Woodside neighborhood, particularly lots that are located south of Highland Street, east of Second Avenue and north of Ballard Drive. The Woodside neighborhood is closely knit and has a strong identity reinforced by an active civic association. For these reasons, staff finds the master plan delineation of the Woodside neighborhood serves the purposes of defining the surrounding area for this application with the addition of the lots in Woodside Park that directly face the site.

Uses: The surrounding land uses are a mixture of residential and institutional. In the immediate vicinity of the site, a church (Woodside United Methodist) is located to the south of the property; townhomes exist to the north, and single-family detached dwellings exist to the west. Across Georgia Avenue to the east a temple (Woodside Synagogue Ahavas Torah) and two residences face the property. There is one other church in Woodside (First Church of Christ, Scientist) and a Satellite Office for Montgomery County Department of Social Services. The surrounding area is mostly comprised of existing homes with little vacant land. Approximately 74% of the surrounding area consists of single-family detached dwellings and the remaining 26% are townhomes.

Other Potential Development in the Area

Little developable land exists in the surrounding area. The approved and adopted master plan does anticipate RT local map amendment proposals along Georgia Avenue when assemblage occurs; however, few other options appear to exist in the surrounding area for this proposal.

ANALYSIS

Intended Use and Approval Procedures

The applicant requests the RT-12.5 zone to allow the redevelopment of the site, which will consist of twenty-three townhouse units and three (existing) single

family detached units, as shown on the latest schematic development plan dated June 10, 2004.

The schematic development plan indicates that development will occur on both the north and south sides of Noyes Drive. The section to the north of Noyes Drive is 1.5 acres in area and comprised of four lots as previously identified. Three homes currently exist in this section. The two bungalows that front on Georgia Avenue will be demolished. The other home, which fronts on Noyes Drive, will be retained. Fifteen townhomes will be constructed in this section. All units in this section will access Noyes Drive via an interior private drive. The drive extends approximately 250 feet north of Noyes Drive into the section and forms a "T" serving all units and internally. This design is intended to pull driveways and off street parking away from adjacent lots and coordinate access on a secondary street. All existing access points on Georgia Avenue will be removed. All of the new town home units will have two-car garages. The existing unit will have a new one-car detached garage. Five additional off-street parking spaces will be provided in this section for a total of thirty-six off-street parking spaces on this side of the development. A sidewalk is provided on street frontage and a path is provided to connect make a loop around the development and provide pedestrian access to the front doors of the interior units.

The new units are arranged across the northern section in groups of six, three and two. Groups of two, or duplex, are employed specifically to imitate the massing of single family dwellings. One stick of six townhomes faces existing townhomes to the north. One stick of three townhomes or triplex is located on Georgia Avenue with all three units facing Georgia Avenue. One duplex is located on Georgia Avenue with both units facing Georgia Avenue. Two duplexes are oriented in a court on the west side of the section, north of the existing home that fronts on Noyes Drive. The units in this section meet the twenty-five foot street setback, ten-foot side yard setback and thirty-foot setback from one-family detached dwellings.

The section to the south of Noyes Drive is slightly larger than an acre in area and comprised of two lots as previously identified. Two homes currently exist in this section. The one that fronts on Georgia Avenue will be relocated to Noyes Drive. The other home, which fronts on Noyes Drive, will be retained. Eight townhomes will be constructed in this section. All units in this section will access Noyes Drive via an interior private drive. The drive extends approximately 120 feet south from Noyes Drive into the section and forms a "T" serving all units internally, as with the north section. Existing access points on Georgia Avenue will also be removed. These new town homes will also have two-car garages. The existing units will have new two-car detached garages. Five additional off street parking spaces will be provided in this section for a total of twenty-five off-street parking spaces on the south side of the development.

The units are arranged across the southern section with two units fronting on Georgia Avenue. Four units front the Woodside United Methodist Church parking lot. One unit is adjacent to property owned by the church. One new unit and the existing units will front on Noyes Drive¹. Setbacks are met, as with the northern section.

Zoning History –

Comprehensive:

SMA G787 (North and West Silver Spring Master Plan)

SMA G-134

1954 Regional District Zoning: R-60 enacted and mapped.

Local Map Amendment:

N/A

Public Facilities

Service Categories:

The property is Water Category W-1 and Sewer Category S-1 (Source: *Montgomery County Department of Environmental Protection*).

Water and Sewer Service:

Water and sewer lines abut the property. Local service is deemed adequate and the impact from rezoning is considered negligible (Source: *WSSC Development Services Group*).

Roadways:

Georgia Avenue (MD 97): A regional seven lane major highway with a minimum right-of-way of 120 feet. Twenty feet of dedication is required to accomplish the 120-foot right-of-way called for in the master plan. This road is a major commuter route, which has several bus lines. The posted speed limit is thirty miles per hour. The proposed schematic development plan will have two access points to Noyes Drive and none on Georgia Avenue.

Noyes Drive: A local street (secondary residential) with a minimum right-of-way of 60 feet. The posted speed limit is. The

The North and West Silver Spring Master Plan doesn't recommend a bikeway on Georgia Avenue but parallel bike routes are proposed along Second Avenue and Woodland Drive.

¹ Staff notes that in the latest schematic development plan the front door and steps of the eastern unit in this duplex were inadvertently removed and should be corrected.

Schools:

The subject property is located within the Woodlin Elementary and the Sligo Middle School, and Albert Einstein High School service areas. Based upon average yield factors for comparable housing units, the impact of this project is estimated to be approximately 8 elementary, 4 middle, and 5 high school students. Woodlin Elementary School and Sligo Middle are projected to be operating within capacity for the six year forecast period. Albert Einstein High School is operating over capacity, and expected to continue operating over capacity within the forecast period although choice patterns within the Down County High Schools Consortium may affect enrolment patterns at Einstein. The Annual Growth Policy (AGP) is the vehicle that regulates subdivision development approval with regard to facility adequacy. The current AGP indicates that capacity is adequate in the Einstein cluster².

Requirements of the RT-Zone

The intent and purpose of the RT-Zone is found in section 59-C.1.721 of the Zoning Ordinance, which states that the purpose of the RT-zone is to provide suitable sites for townhouses in areas that are, "Designated or appropriate for residential development at densities allowed in the RT Zones." The North and West Silver spring Master Plan identifies sites along Georgia Avenue, as potential locations for RT zoning provided plan objectives are met as discussed below. Therefore the purpose clause is met by this application.

The RT Zone has special row design requirements for townhomes. The maximum number of units in a group is eight. This proposal is comprised of a mixture of groups of two, three and six units. The groups of six are only located adjacent to other existing townhomes or institutional. The Woodside Civic Association has requested that the groups of six be reduced to five units. Staff finds that the locations selected for the six unit groups is acceptable considering adjacent uses. The requirement to vary building line is met by the configuration shown on the schematic development plan. No one-family attached units (piggy-back units) are proposed.

The maximum density for the submitted development is 12.5 dwelling units per acres, and is compatible with the surrounding mix of one family detached and attached dwellings. As proposed, the mixed residential development would serve as a transition from one family detached dwellings to Georgia Avenue. The effective density accomplished is less than ten units to the acre. This reflects design discussions with staff and citizens, the applicant's responsiveness to environmental, historic preservation and efforts to accomplish the most harmonious design. The applicant met with the Woodside Civic Association and reduced the initial proposal of 30 units to 26 units, partially in response to their

² Staff also noted that the new AGP test that takes effect in July 2004 would also be met.

concerns regarding density and proximity. This flexibility is desirable for an infill development, such as the subject proposal. The proposal does not include moderately priced dwelling units (MPDUs) nor are any such bonuses proposed.

Development standards for the rezoning petition are consistent with the proposed zone. The following chart shows the development standards for the rezoning application:

Development Standards for RT-12.5 Zone		
Standard	Permitted/Required	Proposed
Minimum tract area	20,000 sq. ft. (0.46 ac.)	116,899 ft ² (2.68 ac.)
Maximum density	12.5 units/ acre (33 max)	9.7 units/ acre (26 total)
Building setback requirements		
- Public street	25 feet	25 feet
- From adjoining lots	10 feet	10 feet
- Rear	20 feet	20 feet
- From adjacent single family detached	30 feet	30 feet
Maximum Building Height	35 feet	35 feet
Minimum Green Area	50 percent	61 percent
Maximum Building Coverage	35 %	24%
Minimum Parking	2 spaces/ unit (52)	61

Master Plan Recommendation –

The subject property is covered by the North and West Silver Spring Master Plan, Approved and Adopted August 2000. The plan supports townhouses on selected sites in Silver Spring. The master plan recognizes such development is permitted by the Zoning Ordinance and seeks to preserve residential character with specific guidelines:

- Limit the development of townhomes to the blocks along Georgia Avenue and do not encroach on interior blocks.
- Buildings should front on Georgia Avenue, where possible, in order to maintain an attractive residential appearance and enhance the urban boulevard character.
- Along Georgia Avenue, ends of a townhouse row should be designed to appear as fronts, rather than blank facades on Georgia Avenue.
- A minimum front yard setback of 25 feet should be provided on Georgia Avenue.
- Vehicular access points should be minimized along Georgia Avenue to reduce pedestrian/auto conflicts.
- Attractive landscaped open spaces and streetscaping should be provided, including a sidewalk separated from the curb with a tree panel.

- Parking and/or garage access should be oriented to the rear of the buildings and sufficiently screened from adjoining properties.

The current schematic development plan is consistent with all of these master plan objectives.

Schematic Development Plan-

Section 59-H-2.53 of the Zoning Ordinance requires that a schematic development plan be submitted for a local map amendment. A schematic development plan illustrates how and to what extent the applicant will utilize the property including points of access and location of buildings.

The schematic development is illustrative but includes binding elements and proffers to guide interpretation of the schematic development plan in subsequent development approvals:

Binding Elements

Pursuant to Section 59-H-2.53 of the Zoning Ordinance:

1. Twenty-six (26) residential units maximum: 23 townhouses and 3 single family homes.
2. Maximum lot coverage of twenty-five percent (25%) of tract area (prior to dedication).
3. Minimum green area of sixty percent (60%) of tract area (prior to dedication).
4. Preservation of existing home at 1403 Noyes Drive;
5. Preservation of existing home at 8918 Georgia Avenue.
6. Relocation of existing house at 8922 Georgia Avenue to newly created lot on Noyes Drive.
7. Owner and guest parking will be provided entirely on site, and not accessed from Georgia Avenue.

Proffers

1. Owner and guest parking will be provided entirely on site with no direct access from Georgia Avenue;
2. The existing tulip poplar tree on Georgia Avenue and the horse chestnut tree on the southwest corner of Georgia Avenue and Noyes Drive will be preserved through application of all commercially reasonable tree protection measures;
3. Unless a better configuration of the twenty-three (23) townhomes and three (3) single family dwelling units is agreed upon by the Applicant, M-

NCPPC Staff, and adjacent property owners, the Applicant's site plan will reflect the following:

- (a) On the portion of the property to the south side of Noyes Drive, in addition to the preserved and relocated homes (see Binding Elements), the project will have a row of six (6) townhomes on the southern most portion of the property and a duplex on the east side adjacent to Georgia Avenue;
 - (b) On the portion of the property to the north side of Noyes Drive, in addition to the preserved existing home (see Binding Elements), the project will have a row of six (6) townhomes on the northern most portion of the property, two (2) duplexes on the west side of the property, and a triplex and a duplex on the east side of the property adjacent to Georgia Avenue;
4. The Applicant will provide landscape and screening improvements to provide an appropriate buffer between the project and the adjacent single-family residential neighbors. The Applicant will coordinate with the adjacent neighbors and community before and during the site plan process to review the project and to collaborate regarding the planting and fence materials and similar screening treatments;
 5. The Applicant will pursue with the Montgomery County Department of Public Works and Transportation ("DPWT") the installation of a public sidewalk along Noyes Drive adjacent to the subject property and extending to 1st Avenue and further extending along 1st Avenue from Noyes Drive to Highland Drive. The Applicant will provide for the cost of the sidewalk and make all commercially reasonable efforts with DPWT to provide for the installation of such sidewalks to the extent possible given any right-of-way, street improvement and/or storm drainage issues.

Preliminary and Site Plan Issues

Subdivision and site plan review are required. The schematic development plan is currently in conformance Master plan objectives for RT development. This must be reconfirmed during the site plan review for this project. Environmental staff has provided guidance for issues to be addressed in these reviews in their attached memorandum. Several requests of the Woodside Civic Association (also attached) pertain to site design and should be addressed within these reviews. There will be an opportunity to coordinate with DPW&T on matters relating to sidewalks and improvements to Noyes Drive.

Environmental

In the attached memorandum staff recommends approval for the application and provides guidance for subsequent development approvals. The environmental review of the zoning request resulted in the current design which is intended to provide protection for specimen trees in good condition. The applicant has agreed to save a 43" Tulip Poplar and a 33" Horse

Chestnut and relocated a 15" American Holly. Staff noted that the site is not subject to special regulations applicable in other areas of the county and does not have environmental features that trigger other regulations. The site is in the Sligo Creek watershed.

Historic

The entire site is located within the Woodside neighborhood. Woodside is listed on the Locational Atlas of Historic sites. When designation of historic resources³ was considered in the preparation of the North and West Silver Spring Master Plan (Approved and Adopted August 2000), the recommendation was to defer designation of Woodside. Woodside may be designated as a historic district in the future. In the interim the Locational Atlas designation of Woodside requires that the HPC review each alteration or demolition request as they occur. Since zoning approval must precede the request for alteration or demolition, technical staff advised the applicant to engage the HPC in a preliminary consultation to discuss their scheme. On March 10, 2004 and April 14, 2004 the applicant had preliminary consultations with the HPC. The HPC advised that the applicant provide open space in front of the existing home on the north side of Noyes and confirmed the scheme, including the proposed demolition and relocation. The revised schematic development plan is responsive to the input of the HPC. The binding elements reference preservation of 1403 Noyes Drive and 8918 Georgia Avenue and relocation of 8922 Georgia Avenue. Should G-817 be approved by the County Council, and should the subsequent subdivision and site plan approvals be completed, the applicant must return to the HPC for alteration or demolition requests for each of the existing homes, prior to building permit approval.

Transportation

In the attached memorandum staff indicates support for the current proposal given the number of units, right-of-way dedication and access.

Community Concerns –

Woodside Civic Association (WCA) has reviewed the application and provided significant input to the applicant and has approved a resolution that expresses conditional support for the application. The current schematic development plan does not reflect all of the conditions desired by the WCA because the applicant has not agreed to all the requests. Consequently, WCA agrees with some aspects of the plan, disagrees with others and has made requests for binding

³ Potential historic resources listed on the Locational Atlas of Historic Sites may be designated by the HPC and included in the Master Plan for Historic Preservation under Chapter 24A of the County Code.

elements to address improvements on and off site. The resolution of WCA is attached to this staff report and summarized below.

WCA supports:

1. The preservation of three single family homes in the project plan with one house being relocated from Georgia Avenue to Noyes Drive.

WCA opposes:

1. The current design that proposes twenty-three townhomes because it calls for sticks of six townhomes on the north and south sides of the site. A reduction of two units is sought to break up these masses into duplexes and triplexes.
2. Incorporation of the replatted lots occupied by three single-family houses into the RT zoning.

WCA requests:

1. On and off-site sidewalk improvements continuing new sidewalks on both sides of Noyes Drive from the property boundary to the corner of Noyes Drive and First Avenue with full curb and gutter improvements. Extending the proposed sidewalk on the north side of Noyes Drive between First and Second Avenues to connect to the existing sidewalk network in the neighborhood is also requested. A sidewalk on the east side of First Avenue between Noyes and Highland Drives is also requested. Tree replacement is anticipated with these improvements.

Should adjacent property owners oppose these improvements, WCA requests that an, equivalent dollar amount be invested in the park at the corner of Georgia Avenue and Spring Street.

2. The site plan for this project should finalize a landscaping plan for open space that encourages use.

Proffer 4 addresses landscaping and buffering but does not specifically address the open space elements.

3. Reduce the elevation of homes near existing houses on First Avenue as much as possible so that new homes do not tower over existing residences.

The section provided by the developer indicates how the new homes will appear in proximity to these existing homes.

4. Develop a storm-water management plan that prevents runoff from impacting adjacent existing homes that are downhill from the project area and make this project a showcase for Low Impact Development stormwater management methods.

Stormwater management is provided according to County standards. No low impact methods are specified at this time.

5. M-NCPPC should coordinate for DPW&T approval (and the developer pay for) a four way stop at the Noyes and First Avenue intersection and a speed hump, mid block on Noyes Drive between Georgia and First Avenues.

DPW&T was notified of these requests at the Development Review Committee and the request will be carried forward in subsequent development approvals for this site. The developer has not yet agreed to pay for the improvements.

6. Prohibition of non-resident professional office special exemptions in development.

The only non-resident professional office permissible in the zone by special exception is for medical practitioners. The master plan gives specific guidance where non-resident professional offices would be appropriate. This site is not listed as appropriate.

7. WCA have input into the development into the Homeowner Association covenants, bylaws and restrictions, with the end goal of integrating the new development into the Woodside neighborhood.

The developer has indicated they share this objective. Draft covenants have been submitted, as required with this application and would be finalized at site plan review where WCA would have an opportunity to comment.

Woodside Synagogue Ahavas Torah (WSAT) has taken a position on the application relevant to construction. Many congregants at this institution live in the Woodside neighborhood and walk past the site to attend religious services or other events at their temple. WSAT has raised general concerns about pedestrian safety at the intersection of Noyes Drive and Georgia Avenue, which staff has and will continue to convey to the State Highway Administration. WSAT supports pedestrian improvements associated with the proposed development and requests planning construction around the times of religious services. This matter may be addressed in a proffer or later at during site plan review.

Other letters regarding this application are also attached.

CONCLUSION

With respect to the subject zoning application, staff finds that the intent of purpose clause of the RT zone has been met in conformance with the master plan and the specific requirements for the RT zone are also met. Staff has evaluated the design presented on the schematic development plan with its internal driveways, open space and varied groupings of units and determined that the resulting development will be compatible with surrounding land uses.

Attachments:

1. Vicinity Maps
2. Schematic Development Plan
3. Section Through Site
4. Transportation Referral
5. Environmental Referral
6. Community Letters