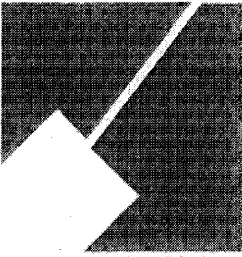


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MCPB
11/18/04
Item #1

MEMORANDUM – LOCAL MAP AMENDMENT

DATE: November 12, 2004
TO: Montgomery County Planning Board
VIA: Khalid Afzal, Community-Based Planning *KA*
Georgia Avenue Corridor, Team Leader
FROM: Kathleen A. Reilly, AICP, Community Based Planning *[Signature]*
SUBJECT: Local Map Amendment No. G-822
FILING DATE: March 30, 2004
PUBLIC HEARING: December 6, 2004

RECOMMENDATION: **DENIAL** of the RT-8 Zone and **DISAPPROVAL** of the submitted Schematic Development Plan dated October 13, 2004 for the following reasons:

1. The RT-8 zone request does not comply with the purpose clause of the Residential Townhouse Zone
2. The RT-8 zone request is not in conformance with recommendations of the 1994 Aspen Hill Master Plan.

SUMMARY

The applicant, Oxbridge Development at Rock Creek, LC is requesting reclassification from the Residential One-Family (R-90) and R-200 Zones to the Residential Townhouse (RT-8.0) Zone on 5.68 acres of land located on the west side of Baltimore Road approximately 1,850 feet south of its intersection with Parkvale Road, in Aspen Hill.

A. Description of Property

The subject site consists of two parcels: N895 and the western portion of parcel N 951. Parcel N895 consists of approximately 3.56 acres of R-90 and R-200 zoned land and Parcel N951 consists of approximately 2.12 acres of R-200 zoned land. The remaining portion of parcel N951 consists of 3.71 acres and is developed with an institutional use, a synagogue. The applicant intends to purchase the western half of parcel N951, and together with parcel N895 subdivide both parcels into one parcel consisting of 5.68 acres.

The proposed development site is located on the west side of Baltimore Road approximately 1,850 feet south of its intersection with Parkvale Road. It has approximately 465 feet of frontage on Baltimore Road and a maximum depth of approximately 400 feet.

A site visit revealed that the majority of Parcel N895 is forested, and contains many large mature trees, several specimen trees, outcroppings, and steep slopes along the site's frontage on Baltimore Road. The property slopes up from Baltimore Road at approximately a 25% slope then flattens out to a gentler slope along its northern and western property lines. Presently, Parcel N895 is developed with a single family detached dwelling unit. Access to this dwelling unit is from a gravel driveway that travels through the park property and connects to Baltimore Road.

The corporate limit for the City of Rockville borders the entire southern property line for Parcel N951. The rear of Parcel N951 is undeveloped and contains gentle slopes, trees and wildlife. The front portion of Parcel N951 is developed with the Tikvat Israel Synagogue and associated parking.

B. Surrounding Area

Definition: In a floating zone application, the surrounding area is less rigidly defined than in a Euclidean zone. In general, definition of the surrounding area takes into account areas most directly affected by the proposed development. In the subject application, staff defines the surrounding area to be: Norbeck Road (MD 28) to the north, Bauer Drive, Greenspan Lane, and line through Rock Creek Regional Park to Twinbrook Parkway on the east; Twinbrook Parkway, Shetland Street, Forbes Street and Broadwood Drive and the northern property line of Rockville Cemetery on the south; and a line from Rockville Cemetery to Avery Road and Norbeck Road intersection on the west.

Uses: The property north and east of the subject site is zoned R-90 and R-200 and is developed as the Rock Creek Regional Park. This park is owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC). Beyond the park and north along Baltimore Road, the properties are developed with the townhouses zoned RT-12.5, condominiums dwelling units zoned R-20 and R-30, the Rock Creek Village Shopping Center, zoned C-1 and single family detached dwelling units zoned R-90 located along Parkvale Road, Greenspan Lane, Amesfield Court, Manorfield Road and Park Manor Terrace.

To the south and abutting the subject site, the property is split zoned R-90 and R-200 and developed with the Tikvat Israel Synagogue. The southern property line for the synagogue delineates the corporate limits for the City of Rockville. South of the synagogue, along Baltimore Road and within the City limits, the properties

are developed with Rockville High, multi-family dwelling units, (apartments) and an institutional use, the Maus-Warfield Armory.

East of the subject site, and across the Baltimore Road, is the Rock Creek Regional Park. The City of Rockville corporate limits are directly south of the park and development along the east side of Baltimore Road includes: townhouses (Ashleigh Woods), and two institutional uses, Asbury Methodist Church and Twinbrook Baptist Church.

At the intersection of Twinbrook Parkway and Baltimore Road is the Mental health Association of Montgomery County, and city owned open space, Between and Twinbrook Parkway and Broadwood Drive the uses include Meadow Hall elementary school and single family detached dwelling units. Uses along the western border include parkland owned by M-NCPPC or land owned by the City of Rockville.

C. Intended Use and Approval Procedures

The RT-8.0 Zone request is accompanied by a Schematic Development Plan (SDP). The proposed SDP provides for a development consisting of 30 townhouse units all garage units and 12 surface (guest) parking spaces, one tot lot, one play area and a gazebo. Access to the site would be from Baltimore Road via a private roadway. The requirement for Moderately Priced Dwelling Units (MPDU's) is not applicable as the submitted application proposes 30 dwelling units. The requirement of MPDU's is applicable when 35 or more dwelling units are proposed. No phasing schedule for construction of these units is proposed. The submitted schematic development plan shows the following chart containing binding elements.

RT-8 Control	Permitted/Required	Proposed
Area to be Rezoned	NA	247,735 sq. ft (5.68 ac)
Proposed Use	As per Sect. 59-C-1.71	Residential Town Houses.
Density	9.76 DU/AC (55 du)	5.3 DU/AC (30 du)
Maximum Building Coverage	35% 1.99 ac. (86,707sq.ft.)	13% 0.75 ac (32,832 sq. ft.)
Minimum Green Area	50% or 123,888 sq. ft.	68% or 169,325 sq. ft.
Other Binding Elements	<ol style="list-style-type: none"> 1. Retain 1.53 ac (66,650 sq. ft.) of Forest Retention as shown 2. Install Landscape Screening as shown on Landscape Plan. 	

Additional approval procedures following rezoning approval would include the review and approval of a Preliminary Plan of Subdivision, a Site Plan, a Final Forest Conservation Plan and Final Plat of Subdivision by the Planning Board.

D. Zoning History

1. **Comprehensive Zoning**

- a. SMA-G-709 R-90 and R-200 Zone approved 7/19/04.
- b. 1958 Countywide comprehensive zoning: R-90 Zone reconfirmed.
- c. 1954 Countywide comprehensive zoning: R-90 Zone enacted.

Master Plan Recommendation:

- 1. Land Use: Public Park and Church and Institution
- 2. Zoning: R-90 and R-200

E. Public Facilities:

1. **Water and Sewer Service**

- a. Service Categories: The subject property is in Water Category W-1 and Sewer category S-1.
- b. Water and Sewer Service: Local water and sewer service is deemed adequate to serve the subject property.

2. **Roadways:**

- a. Baltimore Road (P-17) Classified as a two-lane southwest-northeast primary residential street, with a recommended minimum 70-foot right-of-way connecting between Norbeck Road (MD 28) and the City of Rockville corporate limits.
- b. Parkvale Road (P-6) Classified as a north-south primary residential street connecting between Baltimore Road and Russett Road.
- c. Norbeck Road (M 18) Classified as a four-lane divided east-west major highway, with a recommended minimum 150-foot right-of-way and a proposed Class III bikeway.

3. **Schools:**

The proposed development would generate approximately 6 elementary students, 3 middle school students, and 3 high school students. The property is located within the Twinbrook Elementary School, Julius West Middle School and Richard Montgomery High School service areas. Enrollment at Twinbrook elementary School and Julius West Middle School is projected to be within capacity over the six-year forecast period. Enrollment at Richard Montgomery High School is over capacity through 2006-07.

Beginning in 2007-08 Richard Montgomery High will have increased capacity due to modernization and enrollment is projected to be within capacity. The current Annual Growth Policy (AGP) schools test finds capacity adequate in the Richard Montgomery cluster. In addition, the new AGP schools test that takes effect in July 2004 also will find capacity adequate in eh Richard Montgomery cluster.

ANALYSIS

A. Purposes of the Zone The purpose of the R-T Zone is as follows:

59-C-1.721. Intent and purpose. The purpose of the R-T Zone is to provide suitable sites for townhouses:

- (a) In sections of the County that are designated or appropriate for residential development at densities allowed in the R-T Zones; or
- (b) 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 fact that an application for R-T zoning complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the resulting development would be compatible with surrounding land uses and, in itself shall not be sufficient to require the granting of the application.

The purpose of that RT-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". As stated in the Environment section of this report, staff believes that the environmental constraints of the site make it unsuitable for higher densities than what is currently allowed on the site. Thus, the proposed request does not meet Sect. 59- C-1.721 (a) of the Ordinance.

Section. C-1.721 (b), states that suitable sites for townhouses "*in the County where there is a need for buffer or transitional uses, between commercial, industrial, or high density apartments use and low density one-family uses*". The adjacent property to the south is zoned R-90 and R-200 and developed as an institutional use, a synagogue. The property immediately adjacent (north, east and west) of the subject site is Rock Creek Regional Park and is also zoned R-90 and R-200. The nearest commercially zoned property is the Rock Creek Shopping center, approximately 3,000 feet north of the site. Staff does not

believe that proposed the rezoning request would provide any needed transition or buffer as stated in the purpose clause. Staff believes that the proposed townhouse development does not provide a more effective buffer or transitional area than the present R-90 and R-200 zones on the subject site. Thus, the subject application does not satisfy Sect. 59- C-1.721 (b) of the Ordinance.

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 submitted schematic development plan proposes the following: one row of units consisting of seven townhouses, two rows of units consisting of six townhouses and one row of units consisting of five townhouses and two rows of units consisting of three townhouses. The front building line of each unit will vary by two feet, so that the adjacent units do not have the same front building line.

59-C-1.723. Combined Tracts. Not applicable.

59-C-1.73 Development Standards

In addition to the following, the regulations concerning row design in section 59-C-1.722 apply.

Standard	Required	Proposed
Minimum Tract area	20,000 sq. ft.	5.68 acres
Maximum Density du/ac	8 du/ac	5.37 du/ac-
Minimum Building Setback		
From one-Family Detached	30 ft	30 ft
From any public street	25 ft	247 ft
From an adjoining lot		
Side (end unit)	10 ft	10 ft
Rear	20 ft.	20 ft.
Maximum Building Height	35 ft	35 ft.
Maximum Building Coverage	35%	13%
Minimum Green Area	50%	68%
Parking	2/du	2.4 d/u

From the submitted schematic plan, each proposed rear yard meets the 20-foot requirement. As shown on the plan, a 10-foot public utility easement that runs through each proposed rear yard. This easement is located at the rear of each lot. It is not the policy nor practice of the Planning Department to allow public utility easements (PUE) through rear yards of proposed townhouse developments. Placing the PUE on each individual lot encumbers and restricts future homeowners from fully utilizing their rear yards. For example, fence footings, landscaping, patios are not allowed to be located within this easement area. Staff does not support a 20-foot public utility easement located in the rear

yards of the proposed townhouses. While this issue of design is a site plan review issue, and the proposed lot pattern meets the rear yard setback set forth in the Zoning Ordinance, staff does not believe it meets the intent or spirit of Zoning Ordinance for RT zoning. If the PUE were removed from each yard and placed outside and at the rear of each proposed lot, and several units were removed to provide for several side yard setback, it would be a more satisfactory design and would create a useable rear yard for future residents and fully meet the setback requirement. However, the yield of units may be less than the 30 units proposed.

B. Compliance with the Master Plan: The Community-Based Planning staff reviewed the submitted local map amendment application and offers the following comments.

This property lies at the western edge of the 1994 Aspen Hill Master Plan area. Although there is no specific guidance or comments in the master plan for this property, the plan has numerous statements and comments that provide guidance relating to the rezoning request for this property. The master plan stresses the environmental protection and suitable densities at appropriate locations as major considerations when considering the sites for redevelopment potential.

On page 21 (Background Section), the Plan refers to Vision 1 of the Maryland Planning Act --development to be concentrated in suitable areas--. The plan further states in the Housing paragraph of the Background section on page 21 that a wide choice of housing types and neighborhoods should be encouraged "at appropriate densities and locations."

On page 38 (Land Uses section), the master plan states that " Environmental and physical conditions are major constraints in determining the development potential of a site. This Plan recognizes these factors in its examination of infill development potential." It further states, "this Plan supports retention and reconfirmation of existing zoning for all developed, underdeveloped and undeveloped land in the Aspen Hill Planning area, except for those sites recommended for a change by this Plan."

Also, the Land Use and zoning map of the Master Plan shows the eastern property as "public park" while the western property is shown as "church and institution". Although this property is not listed as one of the significant properties with specific recommendations in the Plan, that fact that the land use map shows this site to be future parkland indicates that the preferred use for this site, from a master plan point of view, is preservation, not higher density than it is currently zoned. The master Plan does not designate the subject site for residential development at densities allowed in the R-T Zones. Nor does the text of the plan state that residential townhouse development is appropriate at this location.

Given the guidance in the master plan and the environmental constraints of the site, staff believes that the subject site is not a suitable location for rezoning to higher densities.

C. Compatibility: The proposed RT-8.0 Zone will allow a density of eight dwelling units per acre. Under this zone, the maximum number of units would be 45. The submitted development plan shows 30 units on 5.68 acres, for a density of 5.3 units per acre.

According to information submitted by the applicant the existing Ashleigh Woods townhouse development in the City and across Baltimore Road from the subject is developed at 7.5 du/ac. The applicant also states that the Rock Creek Manor townhouses approximately 1,600 feet north of the site are zoned at RT-12.5 du/ac. It appears that the proposed development may be compatible in terms of uses and density with nearby townhouse developments. The compatibility issue is less relevant for the subject application as the surrounding area does not have a clear pattern of certain uses or types of development. The subject site is surrounded by parkland, a high school, a synagogue and townhouses.

D. Schematic Development Plan: The proposed Schematic Development Plan encompasses approximately 5.23 acres of land and proposes 30 townhouse units. Initially, the applicant submitted a schematic development plan that showed 43 units with a curvilinear entrance roadway cutting through the steepest slopes on the front portion of the site. Based on that layout, the applicant was proposing to retain only 0.4 acres of forest on site and to disturb much of the existing forest and trees. The plan did not meet the Forest Conservation law and saved only 7 of the 37 trees and only 15 % of the steepest slopes. The proposed units were sited too close to the property lines to provide adequate forest conservation areas. The initial submission also indicated that the synagogue could not meet its rear yard setback requirements once it was subdivided from the subject site.

The revised SDP proposes 30 units and a linear entrance roadway with a slope of 14%. At the top of its slope, this entrance road intersects with another internal street to form a "T" and the proposed townhouses are grouped along both sides of the second internal street. Portions of the steepest slopes along the site's frontage are left undisturbed. This revised layout makes extensive use of retaining walls of varying heights ranging from 4 feet to 5 feet, 5 inches throughout the site to achieve the proposed number of units. In addition, a proposed side yard for one unit is encumbered with PUE thereby creating a side yard that is not fully useable for future residents.

E. Environmental: Staff has reviewed the submitted rezoning application and believes that development under the requested RT-8 zone, as shown on the submitted SDP, will not provide adequate long-term natural resource protection.

The proposed project shows extensive forest loss coupled with excessive grading and site disturbance, which will result in:

1. Permanent loss of priority forest (and secondary loss due to critical root zone impacts);
2. Impact to stream valley buffer onsite and to forests on adjoining parkland;
3. Impact to shallow soils with patches of exposed bedrock, associated with steep slopes;
4. The potential for wind-throw of 'saved' trees within the proposed Category 1 conservation easement, following site development;
5. Moderate to severe erosion hazard and severe limitations to site development; and
6. The potential for increased sheet flow from the property on to Baltimore Road.

The approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) shows the site containing both priority and contiguous forest with large specimen trees. The NRI/FSD lists the forests onsite as "priority retention areas". In addition to forest removal, considerable site disturbance and grading will be necessary to create the entrance road, stormwater management facility, and the proposed dwelling units. The proposed area of disturbance, including off-site disturbance, is 5.33 acres or 57% of the property, if when the Parcel N895 and the entirety of Parcel 951 are used in the determination. Site disturbance is up to 93% of the property when calculated over the proposed 5.68 acres of the subject site. This level of disturbance will require a significant amount of mitigation. Staff does not believe that the submitted information as shown in the schematic plan justifies a finding that the RT-8 development results in the greatest possible forest retention. Consequently, staff cannot support the requested zone change.

For the purpose of calculating the forest conservation laws, both parcels consist of 9.40 acres of land and abuts Rock Creek Stream Valley Park. Forests on the site, on adjoining Rock Creek Park, and on properties immediately across Baltimore Road are part of a mature Tulip-poplar association extending along the Rock Creek stream valley. The site's NRI/FSD lists 17 specimen trees and 20 significant trees. The specimen trees include large White Oaks (31.5", 42"), Black Walnut (32", 33.5"), Tulip-poplars (32.5", 34", 37", 43"), Red Oaks (39", 55"), one 33" Black Oak, and one 32" American Beech. There are no indications that the forest onsite has been logged in the recent past. The property slopes steeply up (at about 25%) from Baltimore Road on the east, to a hilltop near the center of the site. The hilltop is almost flat and the site slopes more gently from there towards the western and northern property boundaries.

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) has been approved for the site. The applicant has submitted a concept forest conservation plan for review, with this rezoning request. Staff reviewed the plan and found it met the basic parameters of forest conservation law. The plan shows the

applicant removing 3.22 acres of the site's 4.65 acres of forest. The conservation threshold for the site is 1.88 acres and the afforestation threshold is 1.41 acres. Staff recommends conceptual approval of the plan. Conceptual approval of the plan is subject to the following conditions:

- No encroachment into adjoining parklands. Additionally, the applicant must use all available planning options, including reconfiguration of site layout and loss of developable area, to minimize impact to large trees on adjoining parklands.
- The applicant shall take all necessary steps to save Specimen tree #18 (a 32" American Beech) and to reduce impact to the eastern edge of the proposed conservation easement.
- A more detailed examination of Stormwater Management and Sediment Control during preliminary plan review may not allow the proposed density to be realized on the subject site.

Notwithstanding the above conceptual approval, staff has the following concerns that justify denial of the RT-8 Zone for this property:

The proposed development meets the technical requirements of the Forest Conservation Law. The site contains good quality upland forest with large trees, some in excess of 50" dbh. Further, it is adjacent to parkland and forms part of the country-like ambience of that part of Baltimore Road. Retaining existing forest on the site is preferable to reforestation given the quality of the site's forest, its proximity to Rock Creek Park, and the site's physical limitations.

In addition to forest removal, considerable site disturbance and grading will be necessary to create the entrance road, stormwater management facility, and the proposed dwelling units. The schematic development plan shows this proposed project disturbing 5.33 acres of the site's 9.40 acres, or 57% of the property. Staff is concerned by this proposed level of grading and urges that the applicant must use site design and other means to minimize grading, prevent soil erosion, and preserve more of the forest and other natural features of the site.

This project will impact the critical root zones of several large trees on adjoining parklands. Efforts should be made to minimize the risk of secondary loss of large trees on adjoining parkland, by ensuring that their critical root zones extending into the development will be protected. A certified arborist should be retained to determine appropriate protection measures.

Staff considers the eastern portion of the property to be 'unsafe land' as defined by Section 50-32 (b) of Chapter 50 of the Montgomery County Code, due to a combination of steep slope, exposed bedrock, erodible soils, and the risk of increased erosion impacts (to Baltimore Road) following land clearing. Staff is concerned that, given the shallow soils, large trees within the conservation

easement may become more prone to windthrow (being blown down during high winds) following site development.

Members of the nearby community have raised concerns about ongoing flood impacts to Baltimore Road, caused by runoff from the forested property during rain events. It is very likely that clearing the area as proposed, will make that situation worse. If the rezoning is approved, this issue should be revisited at time of subdivision and site plan review

Layers of exposed bedrock in sections of the eastern portion of the property, and the possibility of shallow soils at other parts of the property, raises the possibility of blasting to facilitate (road/housing, and stormwater management facility) construction. This has implications for the neighborhood and the survival of the remaining trees on the site.

The eastern portion of the site along Baltimore Road contains steep slopes with Blocktown-Channery (116D) silt-loams. These soils are shallow (10 to 20-inch average depth to bedrock) with frequent rock outcrops, exposed bedrock and detached boulders and stones. The *Soil Survey* cites the depth to bedrock, the rock outcrops, and the slope as the main limitations for construction of dwellings, local roads and streets. In terms of tree and forest retention, windthrow and moderate to severe erosion hazard are the greatest concerns if these areas are disturbed. The gentler (0-15%) slopes throughout the western and central portions of the site contain Glenelg-Urban (2UB) and Gaila (1C) silt-loam soils. The *Soil Survey of Montgomery County* lists these as fine-loamy, very deep, well-drained soils. Their depth to bedrock is typically more than 5 feet. These soils do not limit site development although their moderate permeability and degree of overlap with the shallower soils may limit the function of stormwater management facilities located there. The site contains areas of exposed bedrock, in the vicinity of the proposed road access, which may require blasting. If the subject request were approved, the potential noise and other impacts from blasting activity needs to be addressed at preliminary plan review.

The property is located mostly in the Lower Croydon Park of the Rock Creek watershed. The *Countywide Stream Protection Strategy* (CSPS, 1998) rates subwatershed and stream conditions as 'poor' and habitat conditions as 'good'. In-stream habitat, particularly substrate, is affected by storm runoff. CSPS lists imperviousness in the subwatershed at 13%, based on data available at the time. Rock Creek watershed is designated Use I by the Maryland Department of the Environment. Use I indicates that the waters are suitable for water contact recreation and protection of aquatic life.

The site is not located within a Special Protection Area (SPA). There are no wetlands on the property but a portion of the site along Baltimore Road falls within the 100-foot minimum stream buffer associated with a small intermittent stream on the property east of Baltimore Road. The eastern portion of the site

contains very steep slopes with patches of exposed bedrock and moderate to highly erodable soils. The concept Forest Conservation Plan shows this area proposed for protection in a Category 1 forest conservation easement. If the rezoning is approved staff will make a determination when the final Forest Conservation Plan is prepared as to whether the conservation easement will be sustainable on its own following site clearing and grading.

There are ongoing flood impacts to Baltimore Road caused by runoff from the forested property during rain events. It is likely that clearing of the area as proposed may make that situation worse. If this rezoning request is approved, stormwater management and sediment control facilities may require more area when further refinements are made at later review stages, thus reducing the potential number of units. DPS staff has given conceptual approval to the submitted concept plan as it meets technical requirements. However, DPS staff would prefer to see a more natural and scattered approach to stormwater management facilities on site, and would prefer to avoid the funnel effect of water draining to the bottom of the site. The proposed retaining walls, man made barriers, have the potential to create problems for the stormwater, as they do not allow percolation through the natural soils. Furthermore, given the steep slope of the proposed roadway, the placement of a catch basin may be needed along the proposed entrance road that could cut into the tree conservation area.

F. Municipality Comments: The City of Rockville is opposed to the rezoning request because it does not support townhouses as an acceptable transitional land use adjacent to a park. The City notes that the subject site is located within the Urban Growth Areas recognized in a Memorandum of Understanding (MOU) among Montgomery County and the cities of Rockville and Gaithersburg. The City finds the site to be significant to the comprehensive planning process within the area and to the surrounding environment. The city states that townhouses are located across Baltimore Road between a church and park and within their corporate limits. However, the City has amended its Zoning Ordinance, to allow townhouses as a transitional land use between single-family detached dwelling units, multifamily, commercial, office or light industrial uses only. Therefore, townhouse developments are not a permitted use adjacent to parkland in the City. To have this property approved for development inconsistent with the Aspen Hill Master plan would be of great concern to the City. A copy of the City's comments and the MOU is included as Appendix 1.

G. Transportation: Transportation Planning staff recommends approval the approval of the requested local map amendment. If the site were rezoned to RT-8 and developed under the submitted SDP, the proposed 30 townhouses would generate 14 peak-hour trips during the weekday morning peak period and 25 peak-hour trips during the weekday evening peak period. If the R-90 and R-200 Zones were retained on the subject sites, the maximum number of units would permit 20 single-family detached units and generate 19 peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and 22 peak-hour trips

during the weekday evening peak period (4:00 to 7:00 p.m.). If the site were rezoned to RT-8, the maximum number of units would permit 45 townhouses and generate 22 peak-hour trips during the weekday morning peak period and 37 peak-hour trips during the weekday evening peak period.

Thus, the proposed 30-unit townhouse development generates fewer peak-hour trips than the maximum number of 20 single-family detached units in the R-90 and R-200 zone and of 45 townhouses in the RT-8 zone. Under the *FY 2005 Annual Growth Policy* and the proposed 30 townhouse proposed development is not required to satisfy Local Area Transportation Review because the site generates fewer than 30 peak-hour trips during the weekday morning peak period and evening peak period.

Under the *FY 2005 AGP*, Policy Area Transportation Review is no longer required as part of APF test. For impact tax purposes as a preliminary plan, the remaining staging ceiling capacity is a negative 7,215 housing units in the Aspen Hill Policy Area under the latest applicable transportation staging ceiling capacities under the previous *FY 2004 Annual Growth Policy*.

If the local map amendment request is approved the following issues need to be addressed as part of the Adequate Public facilities (APF) at the time of preliminary plan review:

Limit the local map amendment to residential development to a maximum of 30 single-family attached or townhouse units.

Dedicate a minimum of 35 feet from the centerline of Baltimore Road plus any additional right-of-way needed to upgrade this master-planned primary residential street to County standards.

Upgrade Baltimore Road to County standards as a primary residential street including a five-foot sidewalk along the site frontage of both parcel, parcel N895 and N951

Confirm with the Montgomery County Department of Public Works and Transportation (DPWT) the adequacy of the sight distance from the proposed site vehicular access point from Baltimore Road based on the posted speed limit of 35 miles per hour at this location.

Confirm with the Montgomery County Department of Permitting Services (DPS) the adequacy of the proposed private entrance roadway grading.

Access to the site is proposed from Baltimore Road and located to minimize disturbance to the proposed tree save area, while the distance from the existing curb cuts along Baltimore Road is maximized. Existing curb cuts along Baltimore Road near the site include access points to Ashleigh Woods Court/townhouse

development, Tikvat Israel Synagogue's (two driveways access points), and the Rockville High School's northern-most access point. The proposed entrance road from Baltimore Road and internal street will be private streets with a 20-foot-wide pavement and five-foot- wide sidewalks.

The proposed request will not adversely affect the existing pedestrian and bicycle facilities, but would improve them as follows:

- Construction of a five-foot-wide sidewalk is proposed on the northwest side of Baltimore Road along Parcels N951 and P895 frontage. This sidewalk would provide a safe route to nearby Rockville High School.
- Construction of a five-foot-wide lead-in sidewalk from Baltimore Road and along the internal street. No pedestrian connection is provided to the adjacent Rockville High School and Tikvat Israel Synagogue due to steep slopes and security reasons.
- Transit service is not directly available on this segment of Baltimore Road, however Ride-On route 45 operates along another segment of Baltimore Road from Twinbrook Parkway to the southwest.

Local residents and the principal of Rockville High School have expressed concern regarding motorists driving at excessive speeds given the existing road conditions. The vertical and horizontal curves within Rock Creek Regional Park northwest of the site have the potential to be slippery during rain and snow. Accident data was obtained from 1997 to 2003 for the segment of Baltimore Road between Parkvale Road and Twinbrook Parkway. The table below gives the number of reported accidents by year, roadway segment, and time period as follows:

Segment of Baltimore Road	Number of Reported Accidents by Year in Total Year / Weekday Peak Periods/ Start & End of Rockville High School Classes							
	1997	1998	1999	2000	2001	2002	2003	Total
1. At the Norbeck Road Intersection ¹	0/0/0	1/1/1	1/0/0	6/3/0	1/0/0	0/0/0	0/0/0	9/4/1
2. At Parkvale Road to Rock Creek Park ¹	2/2/0	1/0/0	0/0/0	5/0/2	1/1/0	2/1/1	0/0/0	11/4/3
3. Through Rock Creek Regional Park ²	1/0/0	1/1/0	1/0/0	0/0/0	0/0/0	0/0/0	0/0/0	3/1/0
4. Along Site's Parcel P895 & Ashleigh Woods Court ²	0/0/0	0/0/0	2/0/1	0/0/0	1/1/0	0/0/0	0/0/0	3/1/1
5. Along Synagogue's Parcel N951 ²	0/0/0	0/0/0	0/0/0	0/0/0	0/0/0	1/0/1	0/0/0	1/0/1
6. At the Rockville High School / City Border ²	0/0/0	0/0/0	0/0/0	1/0/0	2/1/0	1/0/0	0/0/0	4/1/0

7. Rockville High School to Twinbrook Pkwy ¹	3/2/0	2/0/0	3/2/0	0/0/0	3/2/1	3/3/1	1/0/0	15/9/2
Total Accidents	6/4/0	5/2/1	7/2/1	12/3/2	8/5/1	7/4/3	1/0/0	46/20/8

¹ = As shown in the above table, more accidents were reported along Baltimore Road on segments No. 1, 2, and 7 that are at or near the intersections of Norbeck Road, Parkvale Road, and Twinbrook Parkway, respectively. Approximately a third more accidents were reported at or near the intersection of Baltimore Road and Twinbrook Parkway within the City of Rockville.

² = Along segments No. 3, 4, 5, and 6 of Old Baltimore Road, at least 50% fewer accidents were reported compared with segments No. 1, 2, and 7. Note that the segments No. 4, 5, and 6 along Baltimore Road have curb cuts for the Ashleigh Wood's townhouses, Tikvat Israel Synagogue, and Rockville High School, respectively.

The number of reported accidents is within a typical range for a primary residential street considering accidents associated with high-school-student drivers. The proposed upgraded shoulders and other cross-sectional geometric improvements would improve the safety along the site's frontage of Baltimore Road

The following information is provided for master planned roadways and bikeways located within the City of Rockville. According the 2002 *City of Rockville Comprehensive Master Plan*, below is a listing of master-planned roadways bikeways in the vicinity of the subject site. The right-of-way widths for the master planned roadways are not specified in the *Comprehensive Master Plan*.

1. Baltimore Road is designated as a primary residential Class I street for its entire length within the City of Rockville.
2. Twinbrook Parkway is designated as a primary residential Class I street for its entire length within the City of Rockville. This segment of Twinbrook Parkway connects Baltimore Road with Veirs Mill Road.
3. Broadwood Lane is designated as primary residential Class II street for its entire length within the City of Rockville. Broadwood Lane connects Baltimore Road with Veirs Mill Road.

Typically, primary residential streets have two traffic lanes and function as a major collector distributing traffic between neighborhood and arterial streets. A Class I, compared with a Class II, primary residential street has in excess of 5,000 vehicles per day.

In accordance with the City of Rockville's 2004 *Bikeway Master Plan*, the master-planned bikeways are as follows:

1. Baltimore Road has an existing shared-used path on the south side between Rock Creek Regional Park and Gladstone Drive.
2. Nearby Twinbrook Parkway has an existing on the two end segments and is recommended to have on the middle segments a signed-shared roadway with possible bike lanes between Baltimore Road and McAuliffe Drive.
3. Nearby Broadwood Lane has an existing signed-shared roadway between Baltimore Road and McAuliffe Drive.

H. Historic: The subject resource is not identified on the *Locational Atlas and Index of Historic Sites*. I visited the site on October 12, 2004. The original portion of the frame residence may date from as early as 1853. The residence consists of a front, center cross-gable section, a rear two-story ell, an infill within the ell, and a rear wing. A frame garage stands behind the house. There have been several alterations to the residence dating from approximately the late 19th, early 20th, and late 20th century. The resource has no known historic significance. Based on this information, staff does not find the property merits consideration for an addition to the *Locational Atlas*.

I. Community Concerns: Appendix 2 contains written comments from the community on this application.

CONCLUSION

The staff recommends denial of Local Map Amendment No. G-822 and the accompanying submitted Schematic Development Plan as the application is not in conformance with the recommendations contained in the Aspen Hill Master Plan and does not meet the purpose clause of Section of the Zoning Ordinance for granting RT-8 townhouse zoning.