

**MEMORANDUM: LOCAL MAP AMENDMENT**

DATE: December 10, 2004

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Development Review Chief *RK*
Carlton Gilbert, Zoning Supervisor, Development Review *CG*

FROM: Joel A. Gallihue, AICP (301) 495-2119
Development Review *JAG*

SUBJECT: **Local Map Amendment No. G-828:** Local Map Amendment request by Forest Glen Venture, LLC, applicant, to rezone 32 acres from R-90 to PD-15 for 169 Multi-Family (MF) 98 Townhouse (TH) residential units and 13 Single-Family Detached (SFD) residences. Approximately 20% of units will be Moderately Priced Dwelling Units. (MPDU) Proposal also relocates transitional housing facility on site. Property located on Linden Lane west of the CSX Bridge and South of the Capital Beltway. North and West Silver Spring Master Plan.

FILING DATE: August 30, 2003
PUBLIC HEARING: January 5, 2005

STAFF RECOMMENDATION: APPROVAL, of the Planned Development Zone (PD-15) and the accompanying development plan for no more than 280 dwelling units. The 280 units indicated on the proposed development plan include 169 multi family residences, 98 town home residences and 13 single-family detached residences. All multi family and single-family detached residences will be the product of historic restoration. The 98 new town homes will be built on property that is currently vacant or where existing army buildings are proposed for demolition. In addition, transitional housing run by Catholic Charities will be relocated on site.

1. The application complies with the purpose clause of the planned development zone (59-C-7.11) and all other requirements of the zone.
2. The requested planned development zone is compatible with the surrounding uses.

3. The rezoning conforms to the recommendations of the 2000 Approved and Adopted North and West Silver Spring Master Plan.
4. Development Plan requirements are met by submitted plan. (59 D 1.61)

SUMMARY

A rezoning from R-90 to the PD-15 zone is proposed by Forest Glen Venture, LLC (a joint venture of the Alexander Company and Eakin Youngentob). The development team was selected by Montgomery County through a competitive bid process and the property was acquired by Montgomery County from the Army and transferred to the Developer¹. The subject property for the rezoning measures approximately 32 acres in area and is improved with 29 buildings. The project includes renovation of many of the existing historic National Park Seminary structures. The plan proposes no more than 280 dwelling units. There are 280 units indicated on the proposed development plan including 169 multi family residences, 98 town home residences and 13 single-family detached residences. Approximately 16 acres of land is forested; much of it is stream valley including the "Historic Glen", an area of paths and statuary. The proposal provides for improved access and connections to parkland. Montgomery County has identified this project for the Green Tape process and the Maryland - National Capital Park and Planning Commission has also applied an expedited process.

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¹ Transaction occurred on October 25, 2004 and is detailed in a Memorandum of Understanding dated August 12, 2004. (Exhibit 3 of the applicant's submission.)

BACKGROUND

A. Description of Property

The subject site is adjacent to the CSX Railroad overpass over the Capital Beltway. The site is accessed via Linden Lane, which connects to Seminary Road. Seminary Road intersects Georgia Avenue South of the Beltway interchange. The subject tract consists of two parcels: Parcel 1 is 27.2 acres in area and is located north of Linden Lane and adjacent to the Beltway and the CSX Railway; and Parcel 2 is 4.78 acres in area and south of Linden Lane between the intersection with Stephen Sitter Lane and Woodstock Court.

Approximately 27 acres (Parcel 1) of the 32-acre tract is within the historic district. The property is currently improved with 29 buildings situated in a campus-like setting, 23 of which are contributing to the historic district. The property is subject to a preservation easement held by Maryland Historic Trust. The total existing floor area is approximately 375,000 square feet in area and is in an advanced state of disrepair. Most structures are north of Linden Lane in Parcel 1. Most of the buildings are proposed for rehabilitation into a residential development with some public use space. Some deteriorated and/or Army buildings are to be removed by the project and replaced with new town-home residences.

The site is bisected by Linden Lane, a road that is currently 18 – 20 feet in width and has no curb or gutter. Improvements to Linden Lane are a significant aspect of this proposal.

There are no Army uses on the site today and the property has been transferred to the developer. The only remaining use of the property is a transitional housing facility for men run by Catholic Charities, which is 11,000 square feet in area. This will be relocated on-site as a part of this proposed rezoning.

The property has striking topography that varies more than one hundred feet in elevation. The upland hills are developed with the campus. Stream valleys are forested² and include paths and statuary. The stream valley is a part of the Rock Creek watershed. Flood insurance maps do not identify floodplain.³

Utilities are available to the site. Electrical service exists on Linden Lane and improvements to Linden Lane may require some power pole relocations. Gas and water service may also be extended from Linden Lane. Parcel 1 can access sewer from facilities along the Capital Beltway. Parcel 2 may require new sewer access, possibly through parkland. The applicant has submitted a concept storm drain plan to the County for review.

² Approximately 13 acres of the property are forested, most of that stream valley.

³ Montgomery County Department of Permitting Services will make a final determination in subsequent review.

While detailed historical background is available in other sources,⁴ a brief sketch is helpful to understand the instant development scheme and why the project has been identified for "Green Tape"⁵ processing. The main building was originally constructed as a hotel in 1887 as part of early suburban development in Montgomery County. The hotel was not a success and by 1895 was operating as a private women's school. A key to understanding the site is to observe the traditional front, which now faces the Capital Beltway. Across the Beltway is the Forest Glen train station. Students accessed the site by taking the train to this station and then walking from the train station over a footbridge through the Glen. The Linden Lane perspective is historically the rear of the site. During this period, many additions were made to the main building and new buildings constructed, including internationally and culturally themed sorority houses. These buildings, combined with significant landscaped spaces and statuary, made the site a remarkable assemblage of designs.

The school operated until the World War II period when it was condemned and taken under the War Powers Act. The site then operated as an annex to the Walter Reed Army Medical Center. Wounded soldiers with amputations or psychological trauma were given therapy at the site. New buildings were added to the site and changes were made to existing buildings. Over time, the Army began to contemplate new uses for the site that required demolition of the existing buildings. Residents and preservationists organized opposition, and the National Park Seminary (NPS) property was finally placed on the National Register of Historic Places in 1972 and on the Montgomery County Master Plan for Historic Preservation in 1979.

Unfortunately the site was then subjected to a period of deferred maintenance as was most notoriously illustrated by the fire that burned down the Odeon Theater section of the main building. Later, as the central heating system deteriorated, frozen water pipes burst in many locations and caused extensive damage. Failing roofing led to additional water damage and floor collapses. Throughout this period, vacancy facilitated vandalism and property theft on site. Once the Army made it clear they would surplus the property, Montgomery County assembled the current development team. The property has now been transferred and is controlled by the applicant. While the applicant is working to stabilize existing buildings, time is a critical factor to the development scheme. Every effort has been made to avoid delay in the review of the application under the Green Tape process. However, this project is evaluated under the same standards as any other PD zoning proposal. Green tape has allowed many issues that typically surface in subsequent reviews to be identified early.

⁴ Detailed historical background on the Forest Glen site can be found in a book published by Save Our Seminary entitled Enchanted Forest Glen and also on the SOS website <http://www.saveourseminary.org>.

⁵ A County policy allowing the review process to be given higher priority for certain projects.

B. Surrounding Area

In a floating zone application such as the PD zone, the evaluation of the zoning issues requires delineation of the surrounding area. The surrounding area for this application is specifically referenced in the August 2000 Approved and Adopted North and West Silver Spring Master Plan as the Walter Reed Army Medical Center neighborhood⁶. The boundaries are I-495 -The Capital Beltway, CSX Railroad, Brookville Road, Rock Creek and Forest Glen Park.

The land use pattern for the area is a mix of uses including residential, parkland and the Army Medical Center. The adjacent Linden Neighborhood includes more base facilities, other industrial uses, and residential and commercial uses near Georgia Avenue. Zoning in the area is primarily R-90.

C. Intended Use and Approval Procedures

The applicant requests the PD-15 zone to allow the redevelopment of the site, which will consist of no more than 280 dwelling units. 280 units indicated on the proposed development plan including 169 multi-family residences, 98 town home residences and 13 single-family detached residences. In addition transitional housing units for up to 32 clients will be relocated on site.

The submitted development plan enumerates the following information on the land use plan:

Area of the site – 31.79 acres

Permitted density is 15 du/a. Maximum proposed is 8.8 du/a (per unit cap)

Total number of units – 280 as limited by binding element.

Multi-Family Units – 169

Townhouse Units – 98

Single-Family Detached Units - 13

Number of MPDUs: 56 or 20% (12.5% min. is exceeded)

Number of Parking Spaces: up to 535

Setback from One-Family Zone for SFA: 100 feet with waiver justification submitted.

Building height setback for zone: waiver justification submitted.

Greenspace: 65%

Development Program – The development plan indicates that development will occur in two phases and specifies what is in each phase. Nearly all development will occur in the first phase. The second phase is in the vicinity of the Castle and the Villa. This

⁶ Page 17.

section is in a remote section of the development plan and adjacent to additional Army land that may be surplus in the future, so it is logical to sequence it in a second phase.

Binding Elements –

- 1.) Development shall be limited to a maximum of 280 units. (Not including transitional housing units to be relocated for Catholic Charities.)
- 2.) The development shall be constructed in two phases as shown on the Development Plan. The development may proceed in a manner that permits the applicant to adjust the planned sequence of construction. Furthermore at site plan, the number of residential units in each phase, parcel or building may be shifted between phases, parcels or buildings as long as the total number of units does not exceed 280. (Not including transitional housing units.)
- 3.) During the development process, and as a part of the final forest conservation plan, the applicant (or its successors or assigns) shall finalize and agree to record a conservation easement in favor of the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission over all of those areas that are identified as conservation easement areas and that are therefore to remain undisturbed in their natural wooded state, in perpetuity, except for the construction and/or maintenance of stabilized stormwater outfall systems, sewer lines, and utility connections, which, after construction and or maintenance activities are completed, shall be allowed to revert naturally to their wooded condition. The applicant shall be permitted to construct trails and walkways in the conservation easement areas if approved as a part of the site plan process.
- 4.) The Applicant shall construct a historic interpretive trail that connects the M-NCPPC owned 'SVU2', which adjoins Rock Creek Park, to the Glen. The Applicant shall further refine this historic interpretive trail, including its design and location, as a part of the site plan approval process.

(Note – SVU2 is a reference from the property records that simply indicates a parcel of parkland known as Stream Valley Unit #2. This property includes the existing trailhead access to Rock Creek Park.)

The subdivision and development of this property depends upon the rezoning to the PD-15 Zone. In addition to these rezoning applications, other approval processes for this site will include a preliminary plan of subdivision, a site plan and a final record plat of subdivision.

D. Zoning History

Comprehensive Zoning:

- a. Original zoning map, adopted in 1928. Site mapped "A," one-family residential.

- b. 1941 zoning map adoptions reconfirmed "A" zone for site.
- c. 1954 Zoning Map remapped site to R-90 zone.
- d. 1958 Zoning Map reconfirmed R-90 zone for site.
- e. SMA G-642 was granted October 10, 1989 to implement recommendations of Kensington-Wheaton Master Plan that reconfirmed the R-90 zone for the site.
- f. SMA G-744 was granted June 24, 1997 and reconfirmed the R-90 zone for the site.
- g. SMA G-761 was granted on July 14, 1998, which reconfirmed the R-90 zone for the site.
- h. SMA G-787 was granted on March 27, 2001 to implement the North and West Silver Spring Master Plan⁷, which reconfirmed the R-90 zone for the site.

Local Map Amendment:

No previous local map amendment or special exception request is on record for this site.

E. Master Plan Recommendation

1. Land Use: Residential or other use by specific criteria
2. Zoning: R-90 or PD per specific criteria

The North and West Silver Spring Master Plan specifically addresses the Forest Glen site because of the historic status and the deterioration of existing buildings. In addition, when the Plan was prepared, the Army and General Services Administration was seeking to transfer the property to another government agency or private entity. The Plan could not anticipate this proposal but did foresee a need to balance complex issues for any reuse scenario. For this reason, the Master Plan laid out six guidelines for a redevelopment of the site. The Plan also discusses a minor Master Plan amendment if the property is not developed under R-90 zone standards. Staff notes that the Plan allows for the possibility of development proceeding without a minor master plan amendment. The plan also comments that such an amendment allows a response to changing community conditions or clarification of recommendations. Community conditions have changed little and the guidelines discussed below have not needed any clarification. Given these reasons and the facts that the PD zone analysis is similar in extent to a minor master plan amendment and approved by the same body, it is clear to staff that a minor master plan amendment is not warranted. The following is recitation and analysis of the criteria from the Plan:

1. *Maintain and restore the district's historic integrity, including the buildings, relationships between the buildings, and the character of open space.*

⁷ Approved and Adopted August 2000.

In a letter to the Chairman of the Planning Board dated November 18, 2004 (Attachment 10, page A-25), the Historic Preservation Commission (HPC) states their belief that the development plan reflects a balance of new construction and rehabilitation of nearly all historic buildings. The HPC took this position after at least two presentations by the applicant. The HPC reviewed the development plan and the architectural illustrations of the new construction.

Restoration of the historic district's integrity is literally accomplished by adaptive reuse of the buildings. New tenants and homeowners would have a more direct interest in building maintenance than the Army. Residential use will also bring moderate levels of activity back to vacant buildings and infrequently used open space. Historic photographs show students and, later, soldiers strolling and using the site. The applicant has studied available documentation of historic landscaping. Maintenance of the open spaces is proposed on the site to establish consistency of the historic campus setting.

The main change in the relationship of existing buildings proposed in this development is new access patterns. These are necessary for the residential development. New construction should be sensitive to the integrity of existing historic buildings. The submission details how present architectural themes such as Tudor and Mission architectural styles will be reflected in new construction. New construction proposed in Parcel 1 essentially replaces Army buildings. These town homes are similar in height to the historic structures to which they are adjacent. In Parcel 2, the town homes are of a lower height. It is anticipated that the differences in height of the new construction and the curvature of Linden Lane will draw attention to the Gym, which is currently a prominent structure on Linden Lane. The Maryland Historic Trust (MHT) holds a preservation easement on the property that allows design review and approval, a level of scrutiny that is not required in regular subdivisions.

Further consideration of this criterion will occur during site plan review and in subsequent reviews by the HPC and MHT.

2. Limit impacts on environmentally sensitive areas and provide for private conservation easements and public ownership.

The primary benefit of this development scenario in implementing this objective is use of existing buildings and new construction in the footprint of buildings that will be removed or the footprint of buildings that are already gone. This development plan does have some environmental impacts as noted in the environmental analysis. Private conservation easements are anticipated to implement Forest Conservation Law. Further review will occur at site plan to confirm that every effort has been made to limit impacts on environmentally sensitive areas.

3. *Consider, where compatible with the proposed use(s), the ability to allow access (either public or for-fee) to buildings with public or quasi-public uses such as the Ballroom, the Chapel, and the Pagoda.*

Public access to appropriate buildings has been considered in this review, particularly the Ballroom. The applicant intends to make the ballroom available for public use. The nature of the site and surrounding neighborhood and parking limitations do place constraints on any ongoing use of these buildings such as an attraction or for entertainment purposes. Certainly, HOA programming is expected. Occasional larger events may require off-site parking and a shuttle van. Save Our Seminary currently leads tours on-site. The MHT Preservation easement requires that this continue. The Chapel and Pagoda are slated for use as private homes.

4. *Minimize traffic impact on surrounding neighborhoods and roadways primarily through low-traffic-generating land uses.*

The choice of a residential development has advanced this objective. While the proposed PD-15 zone is denser than surrounding residential development, the maximum density allowed is not sought and is prohibited by the development plan. The Linden Lane concept will be a safer roadway that also calms traffic and invites pedestrians with sidewalks typical of a residential primary.

5. *Minimize noise, light and other environmental impacts on the surrounding residential neighborhoods.*

Most of the site is not near existing residences in the neighborhood, however, lighting, noise and other potential impacts will be residential in nature.

6. *Provide trail connections as recommended in this Plan.*

Trail connections are consistent with the plan, and public access to The Glen is enhanced by project design and Linden Lane traffic calming improvements. Public use easements will facilitate access to the trail head through the development and a new feature of an interpretive trail and link to the Glen will be added.

F. Public Facilities

1. *Water and Sewer Service:*

- a. *Service Categories:* The property is Water Category W-1 and Sewer Category S-1
- b. *Water and Sewer Service:* Water and sewer lines abut the property. Water mains exist in Linden Lane. Sewer is located adjacent to the Capital Beltway. New sewer systems are proposed to serve Parcel 2. Local service is deemed adequate and the impact from rezoning is considered negligible.

2. **Roadways:**

According to the 2000 Approved and Adopted North and West Silver Spring Master Plan, the nearby master-planned facilities include:

Linden Lane, the relevant segment, is not classified in the North and West Silver Spring Master plan but functions as a residential primary. The Master Plan designates Linden Lane, between Fraser Avenue and Stephen Sitter Lane as a commercial/industrial road with a 70-foot right-of-way, and a 40-foot pavement width. It recommends that the road retains classification but reduces pavement width and right-of-way to reflect new standards. The Master Plan is silent on Linden Lane, west of Stephen Sitter Lane. Appropriate right-of-way has been a subject of discussion between the applicant and technical staff and also the subject of a waiver request letter from the applicant to the Department of Public Works and Transportation (DPW&T). Narrower right-of-way is needed because of existing and proposed development and limitations of the shape of Parcel 2.

The primary goal of this discussion has been to accomplish key components of the residential primary. No compromise in normal travel lane width or sidewalk width was acceptable. Parking on only one side of the street is contemplated. Consequently, wider pavement is needed than exists today but probably less than the standard section. The smaller overall right-of-way is also being accomplished through smaller separations in green strip and other offsets. While resolution of this issue is not required prior to zoning approval, a resolution must come shortly thereafter, considering the Green Tape schedule. Fortunately, the difference in opinion is only two feet and staff is confident the matter can be resolved at preliminary plan of subdivision when right-of-way is dedicated.

G. **Schools**

The subject property is located within the Woodlin Elementary School and Sligo Middle School service areas. At the high school level, future students may go to Albert Einstein High School or other schools in the Downcounty Consortium and the site is in the Albert Einstein, "base area." Based upon average yield factors for comparable housing units, the impact of this project is estimated to be approximately 43 elementary, 22 middle, and 23 high school students. Woodlin Elementary is projected to exceed capacity in the coming years. Sligo Middle is projected to remain within capacity. The Annual Growth Policy (AGP) is the mechanism that regulates subdivision development approval with regard to facility adequacy. The current AGP indicates that school capacity exists in the Einstein Cluster as well as the Downcounty Consortium.

ANALYSIS

- A. Purpose of the PD-Zone:** A floating zone requires an evaluation of the purpose clause of the zone. The purpose of the PD zone is as follows:

Sec. 59-C-7.1. P-D Zone-Planned development zone.

59-C-7.11. Purpose.

It is the purpose of this zone to implement the general plan for the Maryland-Washington Regional District and the area master plans by permitting unified development consistent with densities proposed by master plans. It is intended that this zone provide a means of regulating development which can achieve flexibility of design, the integration of mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity than the procedures and regulations under which it is permitted as a right under conventional zoning categories. In so doing, it is intended that the zoning category be utilized to implement the general plan, area master plans and other pertinent county policies in a manner and to a degree more closely compatible with said county plans and policies than may be possible under other zoning categories.

It is further the purpose of this zone that development be so designed and constructed as to facilitate and encourage a maximum of social and community interaction and activity among those who live and work within an area and to encourage the creation of a distinctive visual character and identity for each development. It is intended that development in this zone produce a balanced and coordinated mixture of residential and convenience commercial uses, as well as other commercial and industrial uses shown on the area master plan, and related public and private facilities.

It is furthermore the purpose of this zone to provide and encourage a broad range of housing types, comprising owner and rental occupancy units, and one-family, multiple-family and other structural types.

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

It is further the purpose of this zone to encourage and provide for open space not only for use as setbacks and yards surrounding structures and related walkways, but also conveniently located with respect to points of residential and commercial concentration so as to function for the general benefit of the community and public at large as places for relaxation, recreation and social activity; and, furthermore, open space should be so situated as part of the plan and design of each development as to achieve the physical and aesthetic integration of the uses and activities within each development.

It is also the purpose of this zone to encourage and provide for the development of comprehensive, pedestrian circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities, and thereby minimize reliance upon the automobile as a means of transportation.

Since many of the purposes of the zone can best be realized with developments of a large scale in terms of area of land and numbers of dwelling units which offer opportunities for a wider range of related residential and nonresidential uses, it is therefore the purpose of this zone to encourage development on such a scale.

It is further the purpose of this zone to achieve a maximum of safety, convenience and amenity for both the residents of each development and the residents of neighboring areas, and, furthermore, to assure compatibility and coordination of each development with existing and proposed surrounding land uses.

This zone is in the nature of a special exception, and shall be approved or disapproved upon findings that the application is or is not proper for the comprehensive and systematic development of the county, is or is not capable of accomplishing the purposes of this zone and is or is not in substantial compliance with the duly approved and adopted general plan and master plans. In order to enable the council to evaluate the accomplishment of the purposes set forth herein, a special set of plans is required for each planned development, and the district council and the planning board are empowered to approve such plans if they find them to be capable of accomplishing the above purposes and in compliance with the requirements of this zone.

Staff believes that the rezoning requests meet the purpose clause of the PD zone. The proposed Development Plan would not be possible using the existing R-90 zone. The use of the PD zoning category implements the intent of the North and West Silver Spring Master Plan, which anticipates a scenario where reuse of the Seminary can not be accommodated by the R-90 zone. A primary illustration of this fact is that residential development over four stories is not permitted in the zone⁸, yet some of the existing historic structures exceed four stories. This reuse scheme depends upon converting such structures into apartments, which can be done in the PD-15 zoning category.

The residential development is a reuse strategy that is mutually compatible with the existing neighborhood and the optimum land use given existing and proposed facilities. Reuse, while necessitated by historic status, also is the development scheme of greater efficiency, further justifying the PD request.

⁸ R-90 zone building height limitation is 35 feet. There is a provision for increase to 3 stories w/ site plan approval by the planning board.

The residential community will be defined by its relationship to the historic school. New road and trail connections will tie the proposed development together and invite public access to The Glen, provide access to HOA and park facilities, and link parks. No commercial or industrial land uses are proposed.

The proposed development broadens the mix of housing types by providing apartment units and affordable dwelling units in a neighborhood that is primarily single-family detached dwellings and institutional use.

Open space is employed in a variety of ways as shown on the land use plan. The primary use is for protection of environmental resources. Additionally common open space provides trail access and community recreation.

Existing pedestrian circulation networks have been considered as a part of the zoning review. The land use plan indicates a pedestrian circulation system that links neighborhoods to HOA property and parkland. The development provides improved links in the network affected. Further review of pedestrian circulation will occur at the time of subdivision.

Convenience for residents of the proposed development and neighboring area will come from enhanced pedestrian linkages.

The zoning application is accompanied by a set of plans that are sufficient for the Planning Board and District Council to make the finding that the proposed development meets the purpose of the zone and is in compliance with the adopted general plan and master plans.

With the proposed pedestrian and vehicular circulation system, the housing types, improvement to historic structures and environmental remediation, staff concludes the subject application meets the purpose clause of the PD Zone.

B. Other Requirements of the PD Zone

59-C-7.121. Master plan. *No land can be classified in the planned development zone unless such land is within an area for which there is an existing, duly adopted master plan which shows such land for a density of 2 dwelling units per acre or higher.*

The master plan recommends R-90 zone, which permits density exceeding two units per acre.

59-C-7.122. Minimum area. *No land can be classified in the planned development zone unless the district council finds that the proposed development meets at least one of the following criteria:*

- (a) *That it contains sufficient gross area to construct 50 or more dwelling units under the density category to be granted;*

The application meets this criterion because it is 32 acres in size and will yield 50 or more dwelling units (maximum of 280 are proposed).

59-C-7.13. Uses permitted.

59-C-7.131. Residential. *All types of residential uses are permitted, including accessory uses. These include the following, provided they are shown on the development plan: housing and related facilities for senior adults or persons with disabilities, a group home, and a life care facility. A life care facility is subject to the provisions of Section G-2.35.1. The various dwelling unit types must be planned and constructed in accordance with the following table. The table establishes, by density category and size of development, the minimum percentage required for each dwelling unit type within a planned development. All remaining dwelling units not included in the minimum requirements may be of any type or combination of types permitted in the applicable density category and development size, provided the maximum percentage is not exceeded in any instance.*

The housing mix for the proposed development complies with the requirements of this section for Medium High density (PD-15 – PD-25). There are 280 units, placing the proposal in the required 200-800 unit range. This range permits Single-Family Detached. It has a minimum of 10% SFA and Townhouse and a minimum of 25% Multi-Family. The application has 35.4% Townhouse which exceeds the minimum. 48.7% of the units are Multi-Family up to four stories, which exceeds the minimum and does not exceed the maximum of 75%. The 11.2% of Multi-Family units that is over four stories does not exceed the permitted maximum of 30%.

Carroll House is a transitional housing facility for men, eighteen years or older, operated by Catholic Charities and licensed by the State of Maryland as a group home. The development scheme proposes to keep this facility but relocate it on site. This facility, as transitional housing, fits the Montgomery Zoning Ordinance definition of a "group home, large." Since it has been on public land owned by the Army and leased by Montgomery County, it was not subject to zoning regulations but under normal circumstances this is a special exception use in the R-90 zone. This use is also in the residential category of the residential zone land use table. (59-C-1.31. Land uses.) The PD zone permits all residential uses provided they are shown on the Development Plan. The development plan does reference the Catholic Charities facility as transitional housing for up to 32 individuals, which will be located in a portion of the lower level of the main building.

59-C-7.132. Commercial.

No commercial uses are proposed under this rezoning application.

59-C-7.133. Other uses.

(a) Noncommercial community recreational facilities which are intended exclusively for the use of the residents of the development and their guests may be permitted.

Such facilities are indicated in the proposal in the way of common open space and community recreation areas in addition to planned public access easements shown on the proposal. Notable examples include environmental restoration of the Glen, an interpretive trail and link to parks and continued historic tour activity.

59-C-7.14. Density of residential development.

(a) An application for the planned development zone must specify one of the following density categories and the district council in granting the planned development zone must specify one of the following density categories:

The proposal is for the Medium High-density category of 15 units to the acre.

(b) The District Council must determine whether the density category applied for is appropriate, taking into consideration and being guided by the general plan, the area master or sector plan, the capital improvements program, the purposes of the planned development zone, the requirement to provide moderately priced dwelling units in accordance with Chapter 25A of this Code, as amended, and such other information as may be relevant. Where 2 or more parts of the proposed planned development are indicated for different densities on a master plan, a density category may be granted which would produce the same total number of dwelling units as would the several parts if calculated individually at the density indicated for each respective part and then totaled together for the entire planned development.

The General Plan and Master Plan provides guidance supportive of development that cannot be accommodated by the R-90 zone. When taken with the fact that Multi-Family housing exceeding four stories is a flexible development option that permits the adaptive reuse of historic structures, the proposed density category is clearly appropriate. Further reassurance of the appropriateness is given by a binding element limitation to 280 units.

(c) The density of development is based on the area shown for residential use on the master plan and must not exceed the density permitted by the density category granted. However, the maximum density prescribed by Subsection (a) may be increased to accommodate the construction of Moderately Priced Dwelling Units as follows:

The permitted density of 15 dwelling units/acre is not exceeded by the proposal. MPDU bonus provisions are not exercised, although MPDUs are provided in excess of the minimum 12.5% required for such bonuses.

(d) Notwithstanding the density provisions of this zone, the District Council may approve an increase in density for housing for senior adults or persons with disabilities, as defined in

Section 59-A-2.1, within a planned development in accordance with the following requirements:

No senior housing is proposed.

(e) The District Council may approve a density bonus of up to 10% above the maximum density specified in the approved and adopted master plan for the provision of TDRs, if the use of TDRs is recommended for the site.

TDRs are not recommended for this site. TDRs are not a part of this application.

59-C-7.15. Compatibility.

(a) All uses must achieve the purposes set forth in section 59-C-7.11 and be compatible with the other uses proposed for the planned development and with other uses existing or proposed adjacent to or in the vicinity of the area covered by the proposed planned development.

The proposed use will achieve the goals and objectives of the North and West Silver Spring Master Plan by providing development consistent with the criteria articulated for Forest Glen. The proposed use and requested density are compatible with the existing development in the surrounding area. The proposed uses of residential and public recreation are internally compatible.

(b) In order to assist in accomplishing compatibility for sites that are not within, or in close proximity to a central business district or transit station development area, the following requirements apply where a planned development zone adjoins land for which the area master plan recommends a one-family detached zone:

(1) No building other than a one-family detached residence can be constructed within 100 feet of such adjoining land; and

(2) No building can be constructed to a height greater than its distance from such adjoining land.

The Development Plan indicates that buildings other than one-family detached will be within 100 feet of adjoining land recommended for one-family detached zones. These structures also cannot meet the second provision a setback for height. A waiver of these provisions is proposed on the basis that the development is in close proximity to a historic district and reduced setbacks will facilitate its preservation structures in the district. The Planning Board must make this finding at the time of site plan review.

The sale of these town homes will offset the extensive cost of adaptive reuse of the historic structures. This clearly facilitates preservation and supports a waiver by the Planning Board.

(e) Compliance with these requirements does not, by itself, create a presumption of compatibility.

The proposed development follows the North and West Silver Spring Master Plan by providing appropriate residential development with historic preservation as the primary goal

59-C-7.16. Green area.

Green area must be provided in amounts not less than indicated by the following schedule:

The green area requirement for the Medium – High-density category is 50%. The proposed green area comprises over 65 percent of the site.

59-C-7.17. Dedication of land for public use.

Such land as may be required for public streets, parks, schools and other public uses must be dedicated in accordance with the requirements of the county subdivision regulations, being chapter 50 of this Code, as amended, and the adopted general plan and such adopted master plans and other plans as may be applicable. The lands to be dedicated must be so identified upon development plans and site plans required under the provisions of article 59-D.

Such features are clearly shown on the land use plan and are indicated for dedication. Dedication must occur under applicable subdivision regulations, which will be applied at preliminary plan of subdivision.

59-C-7.18. Parking facilities.

Off-street parking must be provided in accordance with the requirements of article 59-E.

The required two parking spaces per unit are well exceeded by the proposal. 535 spaces are proposed. Parking tabulations on the development plan are accurate and indicate a need for 503 parking spaces. The Development Plan indicates an optional parking deck to replace surface parking in the northwest end of the historic building complex. This parking deck would be refined at site plan.

59-C-7.19. Procedure for application and approval.

- (a) *Application and development plan approval must be in accordance with the provisions of division 59-D-1.*

The information required by 59-D-1 has been submitted. Pre-submission coordination was significant.

- (b) *Site plans must be submitted and approved in accordance with the provisions of division 59-D-3.*

If the zoning application is approved, site plans will be required.