

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

**MCPB  
ITEM #7  
10/10/05**



**MEMORANDUM**

**DATE:** September 29, 2005

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief  
Development Review Division

**FROM:** Catherine Conlon, Supervisor (301-495-4542)  
Development Review Division *CC*

**REVIEW TYPE:** Preliminary Plan of Subdivision

**APPLYING FOR:** Preliminary Plan Approval for 96 multi-family dwelling units, including a minimum of 12.5 percent MPDUs

**PROJECT NAME:** 1200 Blair Mill Road Condos

**CASE NO.** 120060060 (formerly 1-06006)

---

**REVIEW BASIS:** Pursuant to Chapter 50, the Subdivision Regulations and Chapter 59, the Zoning Ordinance

**ZONE:** CBD-1

**LOCATION:** In the southwest quadrant of the intersection of Blair Mill Road and Newell Street

**MASTER PLAN:** Silver Spring Central Business District

**APPLICANT:** 1200 BMR Associates, LLC

**ENGINEER:** VIKA, Inc.

**ATTORNEY:** Linowes and Blocher

**FILING DATE:** July 12, 2005

**HEARING DATE:** October 10, 2005

**Staff Recommendation:** Approval, including a waiver of Section 50-26(a) pursuant to Section 50-38, to permit reduced-width road rights-of way for Newell Street along the property frontage; and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 96 multi-family dwelling units, including 12.5% Moderately Priced Dwelling Units (MPDUs).
- 2) Applicant shall dedicate, and show on the record plat, ten feet of right-of-way on Newell Road so as to equal 52 feet of right-of-way when measured from the confronting property line.
- 3) Applicant shall participate in the Silver Spring Transportation Management District and enter into a Traffic Mitigation Agreement with M-NCPPC and MCDPWT prior to site plan signature set approval.
- 4) Final approval of the number of dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 5) Applicant shall provide a Class III (on-road) bikeway along the frontage of the property on Blair Mill Road.
- 6) Compliance with the conditions of approval of the project plan (Project Plan No. 920060010).
- 7) Compliance with the conditions of the MCDPS approval of the stormwater management plan dated September 20, 2005 [Attachment D].
- 8) Compliance with conditions of MCDPWT letter dated September 29, 2005, as may be amended [Attachment D].
- 9) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 10) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 11) Other necessary easements.

## **SITE DESCRIPTION**

The subject property consists of 0.77 acres of land located in the southwestern quadrant of the intersection of Blair Mill Road, East West Highway and Newell Street within the Silver Spring Central Business District (see Attachment A). The property is zoned CBD-1 and lies within the Sligo Creek watershed, which is designated as Use Class I. There are no environmentally sensitive areas or significant trees located on the site.

## **PROJECT DESCRIPTION**

This is an application to create a multi-family residential community using the optional method of development in the CBD-1 zone, consisting of up to 96 dwelling units, with below-grade structured parking (see Attachment B). The housing will contain a mix of unit types with a minimum of 12.5% (12 units) being Moderately Priced Dwelling Units (MPDUs).

Residential development is permitted in the CBD-1 zone. The project reflects density of 124 dwelling units/ac (maximum density permitted by the zone is 125 dwelling units/ac) under the Optional Method. The minimum required public use space for this project is 20 percent of

the net lot area, or 3,555 square feet. The proposal includes 4,387 square feet of on-site public use space and amenities, which equals 24.7 percent of the net lot. The project also includes an additional 4,235 square feet of off-site streetscape improvements. Site plan review, per Section 59-D-3 of the Zoning Ordinance, is required for this project.

## **RELATIONSHIP TO THE SILVER SPRING CENTRAL BUSINESS DISTRICT SECTOR PLAN**

The Silver Spring Central Business District and Vicinity Sector Plan, approved by the County Council on February 1, 2000 ("Sector Plan"), outlines six themes that articulate the shared goals and vision for a revitalized Silver Spring. Three of these themes (i.e., a residential downtown; a green downtown; and a pedestrian-friendly downtown) apply to this proposed project. The Sector Plan does not specifically identify the proposed project site as a potential housing site. However, the Sector Plan does encourage housing as an important component of the revitalization efforts. The project is being developed under the optional method of development and proposes new opportunities for landscaped public open spaces, public art and streetscapes. This project encourages the development of active urban streets by providing a main building entrance along Blair Mill Road. This proposal improves the quality of the pedestrian environment by providing the streetscape treatment and other amenities required for optional method projects. Based on the foregoing, staff finds that the application substantially conforms to the Sector Plan.

## **TRANSPORTATION**

### Site Location, Access, Circulation, and Parking

The subject property is a roughly triangular parcel located at the southwestern corner of the intersection of East-West Highway, Blair Mill Road and Newell Street. Blair Mill Road borders the subject property on its northern side and Newell Road to the south. East-West Highway borders the property on its eastern portion. Acorn Park is located to the south and east of the subject property along Newell Street.

### Local Area Transportation Review

The proposed development of 96 residential units is not anticipated to generate more than 30 peak hour trips and therefore is not required to provide a formal traffic study per the LATR Guidelines. A traffic statement complying with LATR Guidelines was submitted and accepted for this project proposal.

### Master Plan Roadways and Bikeways

East-West Highway is classified as a major highway with four travel lanes and an ultimate right-of-way width of 90 feet between Blair Mill Road and Georgia Avenue. Newell Street is classified as a primary residential street of ultimate right-of-way of 70 feet per the Sector Plan. Blair Mill Road is classified as a Business Street of ultimate right-of-way of 70 feet per the Silver Spring CBD Sector Plan.

The subject property previously dedicated their portion of the required right-of-way for Blair Mill Road. It should be noted, however, that a previous application for development in the vicinity of the subject site requested reduced right-of-way dimensions for Blair Mill Road. A waiver to permit reduction of the Blair Mill Road right-of-way to 63 feet was granted as part of the approval of the 1200 East-West Highway Project<sup>1</sup>, located opposite the subject property on the north side of Blair Mill Road. The waiver was recommended since three travel ways, a Class III (on-road) bikeway, and a 12-foot sidewalk along the frontage of Blair Mill Road will be established within the 63 feet, and these improvements meet the requirements of the Sector Plan for total circulation needs.

An off-road, shared-use bikeway is planned for East-West Highway (Bikeway #5, also referred to as SP- 9) for the length of the development frontage. An on-road shared outside lane bicycle facility is planned for Blair Mill Road (Bikeway #14). Both bicycle facilities are shown in the Countywide Bikeways Functional Master Plan.

#### Right-of-Way Width Waiver

The subject property forms a triangular parcel on the western side of the Newell Street/Blair Mill Road/East-West Highway intersection. Along Newell Street, previously approved development for Lot 4, Parcel A, Block C of Silver Spring (Caldor/Discovery Creative and Technical Center) included the petition to abandon a section of Newell Street in order to expand Acorn Park. This abandonment was incorporated into the approval resulting in a reduced right-of-way of 42 feet at the time<sup>2</sup>. The subject application proposes dedication of an additional 10 feet of right-of-way, for a total of 52 feet for this section of Newell Street. The abandonment and revised dimensions for the Newell Street right-of-way were not included in the Silver Spring CBD Sector Plan, however, they were established as part of previous approvals. The approval anticipated 10 feet of additional dedication from the subject property with a minimum of 33 feet of pavement within the right-of-way, plus sidewalks. Because the proposed right-of-way is less than the standard required in Subdivision Regulations Section 50-26, the applicant has requested a waiver of this section pursuant to Section 50-38.

Staff recommends approval of the applicant's proposed dedication of 10 feet of additional right-of-way for Newell Street. Given the existing geometry of the adjacent Blair Mill Road/East West Highway/Newell Street intersection, additional right-of-way from the south side of Newell Street is more desirable, but was not provided since it would have compromised the configuration of Acorn Park. Shifting the right-of-way beyond the 10 feet sought from the subject property would cause the geometric configuration of the adjacent intersection to become problematic. Therefore, staff proposes that the applicant dedicate ten feet of right-of-way preserving the non-standard roadway cross section for this segment of Newell Street and the existing geometry of the adjacent intersection. The additional ten feet of right-of-way will adequately provide for standard streetscape amenities along the frontage of the development property.

---

<sup>1</sup> Planning Board approval for Preliminary Plan #1-05084 granted June 30, 2005, opinion not yet adopted.

<sup>2</sup> Planning Board Opinion for Preliminary Plan 1-94057, Caldor/Discovery Creative and Technical Center, dated July 29, 1997 in Attachment C.

For the foregoing reasons, Staff believes the requested waiver of the Subdivision Regulations pursuant to Section 50-38 to permit 10 feet of dedication for Newell Street is justified. Staff further finds the waiver to be the minimum necessary to provide relief from the section, not inconsistent with the purposes and objectives of the General Plan, and not adverse to the public interest. The resulting road cross-section will meet the pavement, sidewalk, and streetscape requirements of the Sector Plan

### Pedestrian Access

The adjacent intersection has signalized pedestrian crosswalks on all approaches. Access to and through the intersection is adequate for pedestrians. The proposed pedestrian facilities along the frontage of the property connect to a comprehensive network of pedestrian facility in the Silver Spring CBD area that is safe and adequate. No additional improvements for pedestrian access are anticipated as a result of this project proposal.

### **ENVIRONMENTAL:**

As previously noted, the subject site contains no environmentally sensitive areas, forest, or significant individual trees. The property is exempt from forest planting requirements because of its small size.

### **CONCLUSION:**

Staff finds the proposed preliminary plan to be in conformance with the requirements of Chapter 50, the Subdivision Regulations and Chapter 59, the Zoning Ordinance as summarized in attached Table 1, and recommends approval of the plan with the specified conditions.

---

### Attachments

- Attachment A – Site Vicinity Map
- Attachment B – Preliminary Plan
- Attachment C – Caldor Planning Board Opinion
- Attachment D – Agency Correspondence

*No citizen correspondence has been received as of the date of this report.*

Table 1. Preliminary Plan Data Table and Checklist

Plan Name: 1200 Blair Mill Road Condos				
Plan Number: 120060060				
Zoning: CBD-1				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: Multi-family Residential				
PLAN DATA	Required/Permitted	Provided	Verified	Date
Minimum Lot Area	22,000 sq.ft.	33,747 sq.ft.	CAC	9/29/05
Lot Width @ BRL	N/a	N/a	CAC	9/29/05
Lot Frontage	N/a	N/a	CAC	9/29/05
Setbacks	None specified	Per Project Plan 920060010 (0 along Blair Mill Rd; 0 along Newell Street; 0 along west property line; and 55 ft. from East West Highway truncation)	CAC	9/29/05
			CAC	9/29/05
Height	90 ft. Max.	Per Project Plan 920060010 (90 ft.)	CAC	9/29/05
Max Resid'l d.u per Zoning	96 dwelling units	96 dwelling units	CAC	9/29/05
MPDUs	12.5% or 12 units	12 units	CAC	9/29/05
TDRs	N/a	N/a	CAC	9/29/05
Site Plan Req'd?	Yes	Required by conditions	CAC	9/29/05
Onsite Public Use Space	20% of net lot area or 3,555 sq.ft.	24.7% of net lot area or 4,443 sq.ft.	CAC	9/29/05
<b>FINDINGS</b>				
<i>SUBDIVISION</i>				
Lot frontage on Public Street	Yes	Yes	CAC	9/29/05
Road dedication and frontage improvements	Dedication on Blair Mill Road and Newell Street	Yes	By Staff memo	9/22/05 and 9/29/05
Environmental Guidelines	N/a	N/a		
Forest Conservation	Exempt	Exempt		
Master Plan Compliance	Yes	Yes	By staff memo	9/21/05
Other				
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management	Yes	Yes	Approval memo	9/20/05
Water and Sewer	Yes	Yes	Approval memo	8/29/05
Local Area Traffic Review	No	Not required	By Staff memo	8/22/05
Fire and Rescue	No comments <sup>1</sup>			

<sup>1</sup> Agency received 30-day opportunity to review plans. No comments received within the review period is understood as acceptance of the plan.