

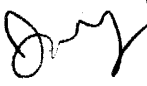


**MEMORANDUM: LOCAL MAP AMENDMENT**

DATE: October 11, 2005

TO: Montgomery County Planning Board

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

FROM: Joel A. Gallihue, AICP 

SUBJECT: **Local Map Amendment No. G-836:** J. Kirby Development, LLC and Vedanta Center of Greater Washington seeks reclassification of 16 acres of land from the RE-2 zone to the PD-2 zone for 21 single family detached residences (one existing), 12 single family attached residences and 6 townhouse units (MPDU) and expansion of an existing worship center. Proposed rental units for senior independent living were deleted from the proposal. Located at intersection of Bel Pre and Homecrest roads. Aspen Hill Master Plan.

FILING DATE: February 22, 2005 (revised June 10, 2005)
PUBLIC HEARING: 11/04/2005

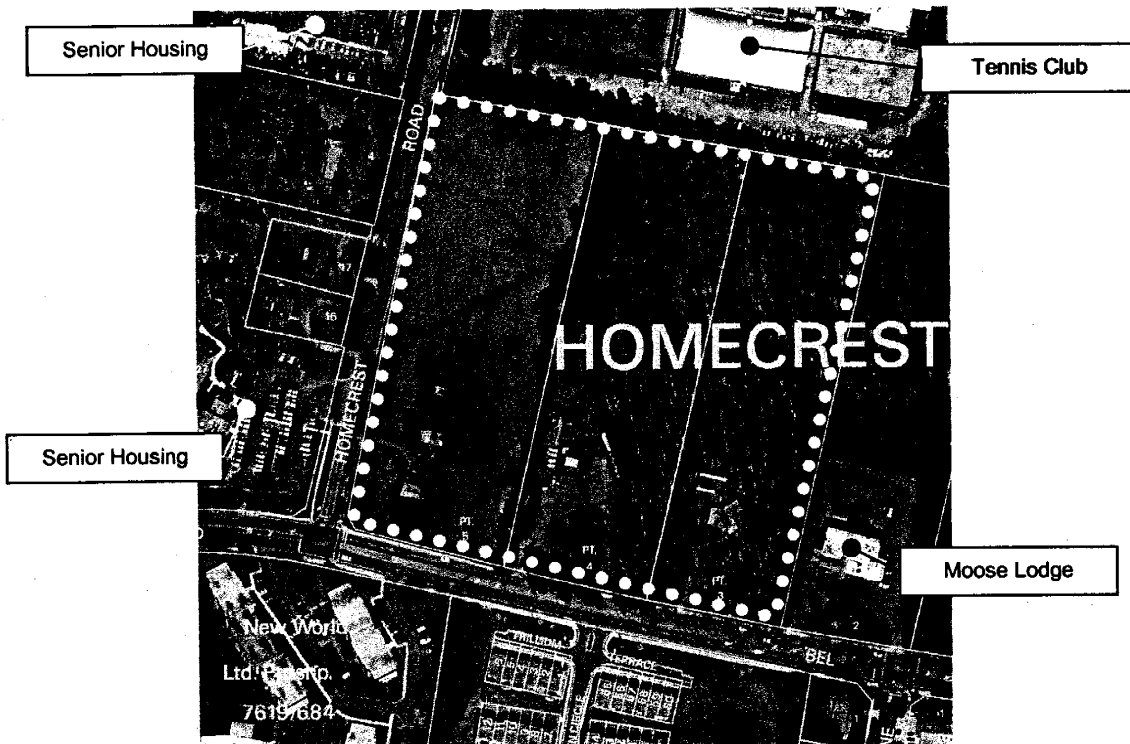
STAFF RECOMMENDATION: Approval, of the Planned Development Zone (PD-2) for 21 single family detached residences (one existing), 12 single family attached residences, 6 townhouse units (MPDU), and expansion of an existing worship center based upon the following findings:

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

3. The rezoning does conform with the recommendations of the 1994 Approved and Adopted Aspen Hill Master Plan.

SUMMARY

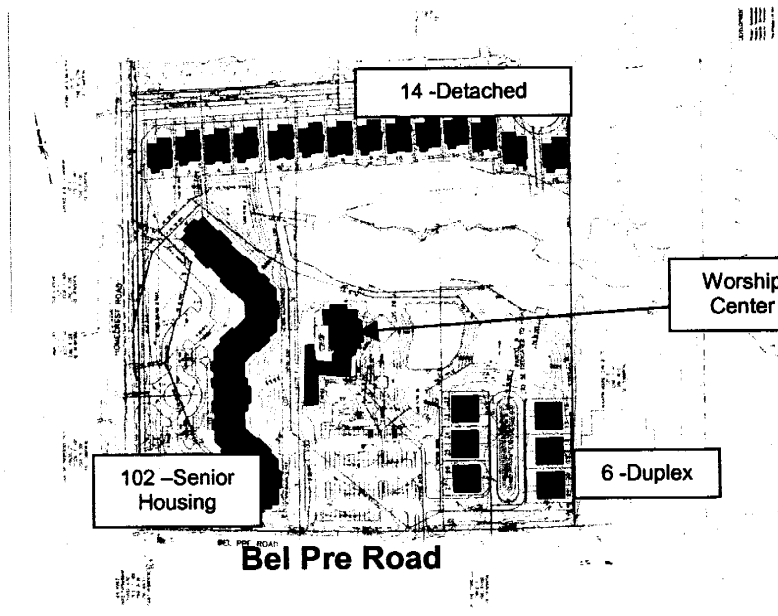
J. Kirby Development, LLC and Vedanta Center of Greater Washington¹ propose a rezoning from RE-2 to the PD-2 zone. The subject property for the rezoning tracts measure approximately 16 acres in area. The project includes parts of lots 3, 4 and 5 of the "Homecrest" subdivision recorded in Plat Book 25, Plat 1586. The addresses of the property are 2929, 3001, and 3031 Bel Pre Road, Silver Spring, MD. The plan proposes 21 single family detached dwelling units (one existing), 12 one family attached dwelling units, and 6 townhouse units (MPDUs) and expansion of an existing worship center (appx. 6,000 square feet) on approximately 16 acres of land. The proposed zoning is in the low category (PD-2). This development proposal has gone through three major revisions to reach the current scheme.



The original proposal was considered for a recommendation of denial by staff. Initially, PD-4 and then PD-7 was proposed which both exceeded the PD-2 density recommended in the 1994 Approved and Adopted Aspen Hill Master Plan. Additionally, proposed use of the senior housing bonus exceeded the

¹ Land planning report indicates a Hindu worship center. Website indicates, "The center provides a spiritual home for devotees and friends who come for Sunday lectures, weeknight scripture classes, worship and meditation." (<http://www.vedanta-dc.org/about.html>)

maximum one third of tract for calculating the bonus, per 59-C-7.14(d)(3)(c)². The original submission would have located another large building at an intersection where the Aspen Hill Master Plan specifically identifies a concern for over concentration of large-scale institutional uses.

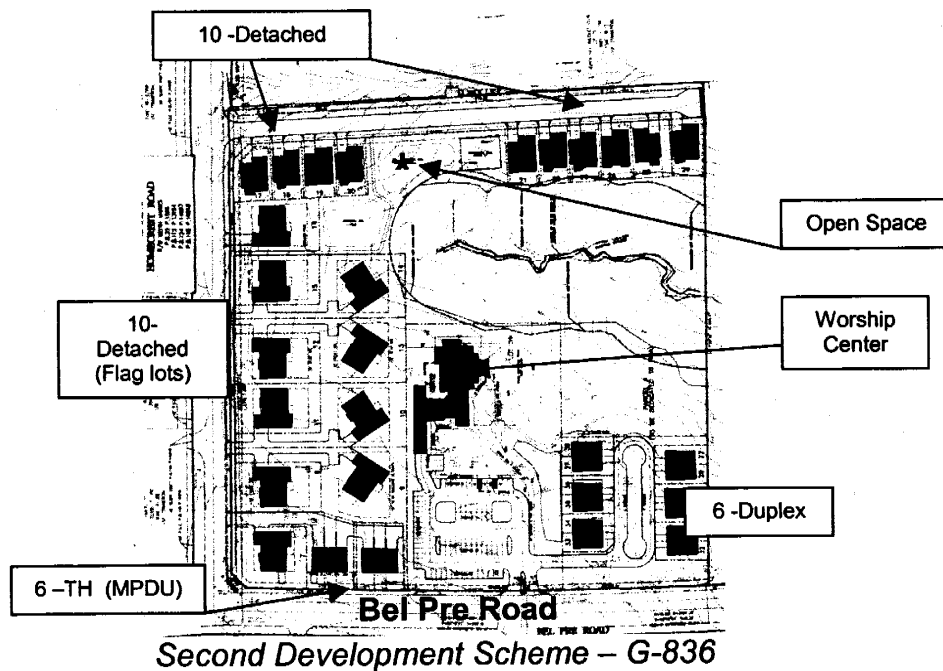


Initial Development Scheme - G-836

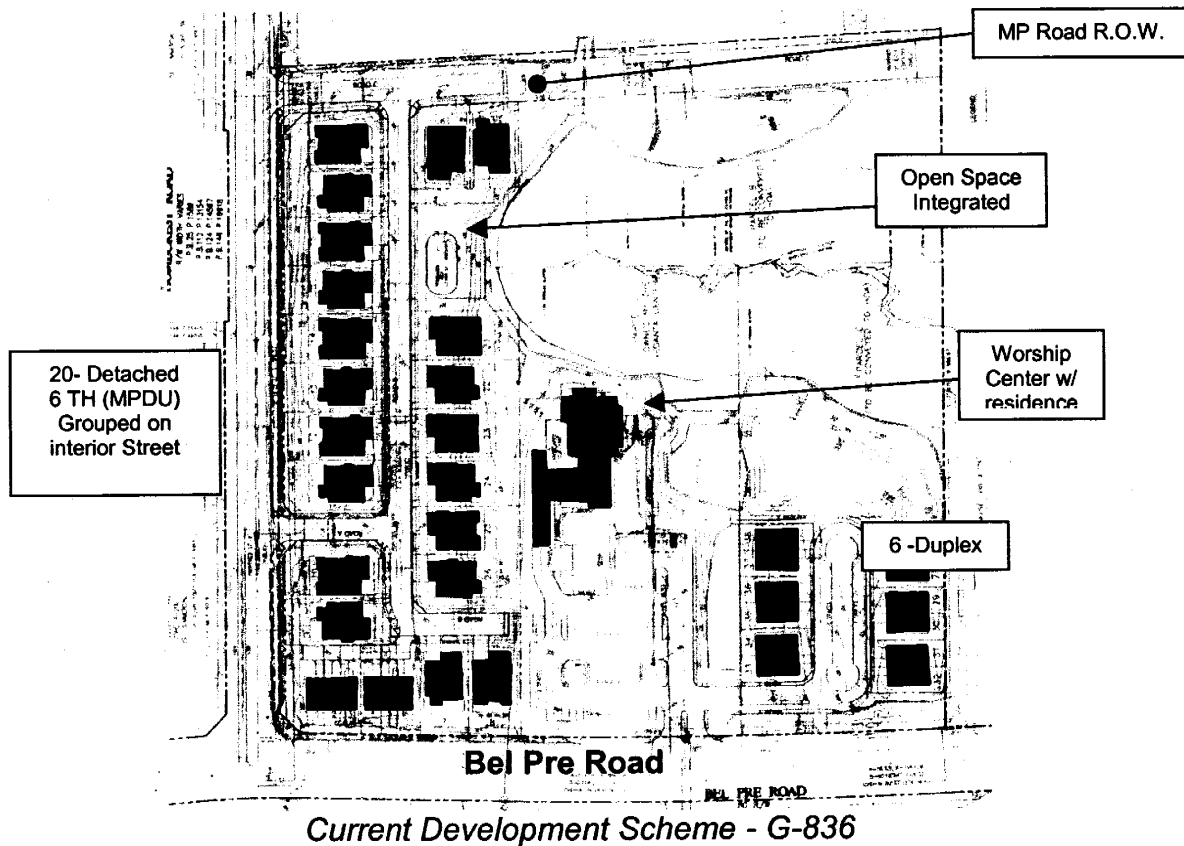
The relationship of the various components of the original proposed development was tenuous at best and ignored objectives of the PD zone purpose clause. The only link was the required sidewalk on public roads. The various components were compartmentalized on the plan increasing access points and making sharing of parking a challenge.³ In order to accomplish this scheme, a PD-7 classification would be necessary when the plan only allows PD-2. While the plan calls for a road on the north side of the property, the single loaded configuration was thought by staff to be inefficient. Such a suburban and auto-oriented design is not inconceivable in the PD zone. However, staff suggested that instead it was possible a better design could go further to advance the purpose clause objective to, "encourage a maximum of social and community interaction among those who live and work within an area. Staff believes that limited effort was taken to, "Create a distinctive visual character and identity for each coordinated residential use." No internal pedestrian connections or open space linked the site. The applicant made several efforts to resolve these matters with the senior housing component but then decided to drop that aspect of the proposal and redesign.

² An attempt to increase the density to the PD-7 category resolved the bonus issue but continued to fail to meet the master plan goals.

³ A link to promote shared parking between senior housing and the worship center is clearly a missed opportunity considering the parking deficit for senior housing and surplus for the worship center.



Having eliminated the senior housing, the next draft represented a fundamental improvement, in that the zone requested was PD-2. This brought the scheme into master plan conformance for density. Staff continued to argue for better social and community interaction as called for in the PD zone purpose clause. The open space area and some internal paths represented an improvement. Staff continued to object to the way the disparate assembly of the plan and was particularly concerned with the use of flag lots on Homecrest. Staff asked the applicant to provide internal pedestrian connections and work to integrate the worship center into the development. Subsequent to hearing various staff and community concerns, the applicant presented the current draft.



Current Development Scheme - G-836

The current scheme has many favorable components. Most of the residential development has been grouped in a pattern that encourages interaction off the main roads and “creates a place” that has an identity. Reinforcing this is an open space feature incorporated prominently into the interior development. While grouping of MPDUs can be a detriment, the small size of this development with environmental constraints leaves few options. While the MPDUs are not interspersed, they are integrated with the market rate units. Pedestrian connections link the worship center and related duplexes to the rest of the community. An emergency connection is available connecting the worship center to the interior street. Should roads be blocked, this provides emergency vehicles an option but the design prohibits cut-through in normal situations.

The master plan road on the north of the property is retained in this design, mostly as a dedication. Considering the uncertainties for development of the adjacent property, construction may not yet be necessary. Further consideration of this matter will be given when the preliminary plan of subdivision is reviewed. The scheme permits further discussion of the new intersection at Homecrest during preliminary plan review.⁴

⁴ The master plan concept of connecting the Tennis Club to the new road will be evaluated at that time.

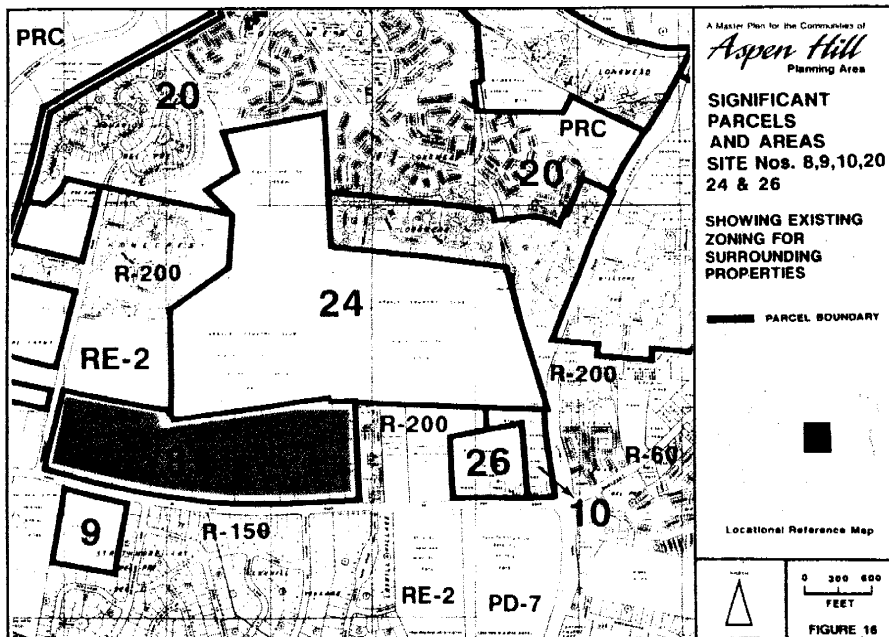
BACKGROUND

A. Description of Property

The three subject lots for the proposed rezonings form a square tract adjacent to Bel Pre Road and Homecrest Road in Aspen Hill. Approximately 867' of frontage on Bel Pre and 800' of frontage on Homecrest Road. A stream identified in the Master Plan as Bel Pre Creek drains through the property. There is no flood plain present on the tract. The property is partially wooded, partially field, and partially residential use.

B. Surrounding Area –

In a floating zone application, the evaluation of the zoning issues requires delineation of the surrounding area. The surrounding area for this application is referenced in the 1994 Approved and Adopted Aspen Hill Master Plan as the "Bel Pre Road" area⁵. The boundaries of this area are Bel Pre Road to the south, Homecrest Road to the west, Argyle Country Club to the North and The Bel Pre Square Townhouses⁶ Road to the East. The area is approximately 63 acres.



The land use pattern for the area is a mix of uses including residential, a social lodge and a nursing home. Adjacent to the north is land zoned RE-2, the Aspen Hill Racquet Club. Adjacent to the east is land zoned RE-2 and owned by the Wheaton Moose Lodge #1775. Across Homecrest Road and to the west is R-

⁵ The Plan has a section beginning on Page 34 entitled "Parcels or Areas Recommended for a Change in Use or Density." Page 46 begins the discussion Bel Pre Road Area (#8) of which the subject tract comprises a portion.

⁶ These townhouses are located across the street from Argyle School.

200 and RE-2 (TDR) zoned land with two senior housing facilities and single family residential. To the south is Strathmore House Apartments and townhomes in the R-150 zone.⁷

C. Intended Use and Approval Procedures

The applicant requests the PD-2 zone to allow the redevelopment of the site, which will consist of 21 detached units and 12 attached units, 6 townhouse units and the worship center.

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

Area of the site – 16.02 acres

Total number of units – 39 (21 SFD / 12 SFA / 6 TH)

(The number of bedrooms for SFD and SFA units not reported.)

Number of Moderate Priced Dwelling Units – 6, or 15% (12.5% min. is met)

Number of Parking Spaces – 201 spaces (71 more than is required)

Setback from One-Family Zone for SFA- < 50 feet

Greenspace – 47.39%

Development Program – The phasing plan indicates that development will occur in four phases, any or all of which may be initiated at any time:

- | | |
|-----------|---|
| Phase I | Grading and infrastructure for all 38 new single family lots, develop finished lots. |
| Phase II | Commence construction of 20 new single family homes and six MPDU townhouses on finished lots. |
| Phase III | Commence construction of 12 duplex homes. |
| Phase IV | Commence construction of 6,000 SF Vedanta Center Expansion. |

Development plan indicates that phases may occur in any order and may occur simultaneously although its not possible to grade and construct at the same time.

Binding Elements –

1. The number of dwelling units shall be limited to 39, including the existing residence at the worship center.
2. The addition to the worship center shall be limited to 5,700 sq. ft. gross floor area.
3. Access will be from a single point on Bel Pre Road and three points on Homecrest Road.

⁷ Area # 9 per the Aspen Hill Plan.

The subdivision and development of this property as proposed depends upon the rezoning to the PD-2 zone. In addition to this rezoning application, other approval processes for this site will include a preliminary plan of subdivision, a site plan and a final plat of subdivision.

D. Zoning History –

1. Comprehensive Zoning:

- a. 1959 Countywide Comprehensive Zoning mapped RA zone. (Agriculture – Residential)
- b. Re-designated RE-2 by ZTA #73013 in 1973.
- c. SMA G-709 reconfirmed RE-2 zoning.

1. Local Map Amendment:

None prior to instant proposal.

E. Master Plan Recommendation –

- 1. Land Use: Residential and Special Exception Uses
- 2. Zoning: RE-2 or PD-2 with assembly of ten acres or more.

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. Local service is deemed adequate and the impact from rezoning is considered negligible

2. ***Roadways:***

According to the 1994 Approved and Adopted Aspen Hill Master Plan, the nearby master-planned facilities include:

Bel Pre Road – designated as a five-lane arterial, A-40 with a recommended minimum right-of-way width of 80 feet and an existing Class I bikeway (i.e., a shared use path, SP-30, in the Countywide Bikeway Functional Master Plan).

Homecrest Road – designated as a primary residential primary street, P-12, with a recommended minimum right-of-way width of 70 feet and a proposed Class III bikeway.

3. Schools:

The subject property is located within the Kennedy School Cluster. The land planning report indicates that all levels of schools in this cluster have adequate capacity.

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 request, as revised meets the purpose clause of the PD zone. The proposed Land Use Plan would not be possible using the existing R-200 and RE-2 zone and the use of the PD-2 zoning category is recommended by the Aspen Hill Master Plan.

The current proposed development creates a residential community where previous drafts, in the opinion of staff, were an assemblage of unrelated residential and institutional components. Pedestrian and vehicular improvements are now configured to develop a unified residential community and provide safe access. No commercial or non-residential⁸ uses are proposed.

⁸ Other than worship center.

The proposed development provides adequate access for response from the Kensington Fire Department (Station 25- Aspen Hill) via Bel Pre road. The station is at the intersection of Connecticut Avenue and Bel Pre Road. Bel Pre, Homecrest and the new road provide fire fighter access to the site.

The submissions for zoning applications G-836 are 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 comments discussed above, staff concludes the subject application meets the purpose clause of the PD Zone.

59-C-7.12. Where applicable.

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 specifically recommends PD-2 zoning. *Initial proposals for higher PD zoning would have been recommend for denial because of the master plan recommendation.* The initial proposal for PD-4 and the revised proposal for PD-7 exceeded this recommendation. The submitted land planning report represents that 38 new units plus the existing residence at worship center are proposed. The "Proposed Lot, Parcel, and Density Calculation Table" on the submitted Development Plan indicates the same. So the representation of the land planning report is consistent with the submitted development plan.

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:*

(e) *That the site is recommended for the PD zone in an approved and adopted master or sector plan and so uniquely situated that assembly of a minimum gross area to accommodate at least 50 dwelling units is unlikely or undesirable and the development of less than 50 dwelling units is in the public interest.*

The applicant has advised staff that it has not been possible to negotiate with the adjacent property on Bel Pre Road to be a part of this application so assembly to accommodate at least 50 dwelling units is unlikely at this time. Development of less than fifty dwelling units is in the public interest when the Master Plan recommendation for PD-2 is taken into consideration and the fact that the plan recommends tracts of ten acres or more.

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.*

One family detached, semi-detached (duplex), and townhouse units are proposed. For the low density category, the permitted minimum number of single family detached units is 35% and 54% are provided. Also, the minimum number of townhouse and attached units is 35% and 46% are provided. Multifamily units are not permitted in this category and they are not proposed.

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.*

No such facilities are indicated in the proposal other than common open space.

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 low-density category of two 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 proposal does follow the low-density category (PD-2) recommended in the plan.

(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 base density of PD-2 (two dwelling units/acre) is only exceeded by the proposal as required by the MPDU provisions.

(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:

(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, nor are TDRs 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 development is consistent with the goals and objectives of the Aspen Hill Master Plan by providing development that exceeds the recommended density. The proposed use and requesting density are incompatible with the existing development in the surrounding area.

(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 does not indicate that buildings other than one-family detached will be within 100 feet of adjoining land recommended for one-family detached zones⁹. No property is within close proximity to a CBD or transit station. The 100' setback for units other than single family detached dwellings (59-C-7.15. (b)(1) from adjacent one family detached zones met on the east side where duplexes are less than fifty feet from the property line. The adjacent Moose Lodge property is recommended for PD zoning, which could allow something other than one family detached units so the 100' setback does not apply to the duplexes on this side.

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

59-C-7.16. Green area.

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

The green area comprises over 46 percent of the site, which exceeds the 30% minimum for the Master Plan recommended PD-2 density category.

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. At the time of preliminary

⁹ Staff concludes that the adjacent Moose Lodge property is recommended for PD-2.

plan of subdivision sight distance requirements or other considerations may require adjustments to the plan.¹⁰

59-C-7.18. Parking facilities.

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

As noted in the parking table on the development plan, requirements are met by this 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.

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

If the zoning applications are approved, site plans will be required.

B. Master Plan Recommendation

Based on the following analysis of the 1994 Approved and Adopted Aspen Hill Master Plan, staff concludes that the proposed rezoning of the approximately 16-acre parcel, located at the northeast corner of Bel Pre Road and Homecrest Road, from the existing RE-2 to PD-2 Zone is consistent with the goals and recommendations of the 1994 Aspen Hill Master Plan.

The subject property is within a portion of the area identified in the Land Use Chapter of the 1994 Aspen Hill Master Plan as #8 Bel Pre Area (the area "located along the northern side of Bel Pre Road between Homecrest Road and the Bel Pre Square townhouses..." (page 51). The Master Plan designated the subject property as "Area 8 The Bel Pre Road Area" needing sensitive treatment to protect Bel Pre Creek (a high quality Use IV stream) and described the community as needing an internal road network to minimize development impact on this creek (avoid crossings) and minimize entrances to Bel Pre Road from any future redevelopment in this area.

Figure 55 in Appendix C of the master plan (page 237) shows an entrance to the western Bel Pre area properties from Homecrest Road at the northern edge of these properties along the southern property line of the Aspen Hill Racquet Club.

¹⁰ As anticipated by Aspen Hill Master Plan on page 231.

The Plan states that a higher density zoning than RE-2 would help provide an incentive for such assemblage and redevelopment. In addition, the plan also stresses the need for on-site storm water management methods for maintenance of appropriate water quality standards for Use VI streams.

For the Western Bel Pre Road area, which contains the subject property, the Plan has more specific recommendations. It recommends, "Retaining the existing RE-2 zone for all properties not now zoned R-200. If properties amounting to at least 10 acres are assembled, a PD-2 zoning is recommended" (page 54). For a new access road for the Bel Pre Area, the Master Plan recommends a circulation pattern with access points on Homecrest Road and Bel Pre Road. The access point on Homecrest Road is on the subject parcel. The Plan recommends that since "the proposed road may be close to the existing entrance of the Aspen Hill Racquet and Tennis Club, the Montgomery County Department of Transportation may deem the proximity of two entrances to be a safety hazard. If so, access should be provided from the new street when it is constructed as a primary residential street to the location where access may have to be provided to the Racquet and Tennis Club. After that point, the street would continue as a secondary residential street through the Bel Pre Road properties in a circuitous alignment and ultimately intersect Bel Pre Road opposite Rippling Brook" (page 238). The proposed development scheme provides dedication to accomplish this Bel Pre parallel road. Staff believes that the proposed street with a 50-foot right-of-way is consistent with the goal of the master plan if the DPWT considers the proposed roadway to be adequate for the number of units in the proposal. Consolidation or widening of the street to a primary standard at this location can be accommodated at the time a new entrance or consolidation of entrances is need when the adjoining Racquet Club property redevelops.

C. Transportation

Transportation staff does not find a transportation related reason for recommending denial for this application. As noted in the attached memorandum, approved congestion standards are not exceeded. Various subdivision and site plan comments are included in the memorandum.

D. Development Plan

Section 59-C-7.19 requires that application and development plan approval must be in accordance with the provisions of Division 59-D-1

Sec. 59-D-1.3. Contents of development plan.

The development plan must clearly indicate how the proposed development meets the standards and purposes of the applicable zone. The development plan must include the following, in addition to any other information, which the applicant considers necessary to support the application:

- (a) *A natural resources inventory prepared in accordance with a technical manual adopted by the Planning Board and, in addition:*
- and*
- (1) *other natural features, such as rock outcroppings and scenic views;*
- (2) *historic buildings and structures and their approximate ages.*
- (b) *A map showing the relationship of the site to the surrounding area and the use of adjacent land.*
- (c) *Except for the town sector zone, a land use plan showing:*
- (1) *The general locations of the points of access to the site.*
- (2) *The locations and uses of all buildings and structures.*
- (3) *A preliminary classification of dwelling units by type and by number of bedrooms.*
- (4) *The location of parking areas, with calculations of the number of parking spaces.*
- (5) *The location of land to be dedicated to public use.*
- (6) *The location of the land which is intended for common or quasi-public use but not proposed to be in public ownership, and proposed restrictions, agreements or other documents indicating the manner in which it will be held, owned and maintained in perpetuity for the indicated purposes.*
- (7) *The preliminary forest conservation plan prepared in accordance with Chapter 22A.*
- (d) *Except for the town sector zone, a development program stating the sequence in which all structures, open spaces, vehicular and pedestrian circulation systems and community recreational facilities are to be developed. For the town sector zone, a development program stating the sequence of the following in relation to the development of the residential and commercial areas specified in subsection 59-D-1.3(f), below:*
- (1) *Dedication of land to public use.*
- (2) *Development of the arterial road system.*

- (3) *Development of pedestrian and bicycle circulation systems.*
- (4) *Development of community facilities and open space.*
- (5) *Development of regional stormwater management facilities.*
- (e) *The relationship, if any of the development program to the county's capital improvements program.*
- (h) *In the zones indicated by "X" below, the following shall also be shown:
Note: only relevant portion of table is shown*

	P-D
(6) The density category applied for, as required in subsection 59-C-7.14(a).	X

(i) *If a property proposed for development lies within a special protection area, the applicant must submit water quality inventories and plans and secure required approvals in accordance with Article V of Chapter 19. The development plan should demonstrate how any water quality protection facilities proposed in the preliminary water quality plan can be accommodated on the property as part of the project.*

An Natural Resources Inventory/ Forest Stand Delineation (NRI/FSD) was not originally submitted with the Development Plan. The NRI/FSD was finally approved early this month according to the technical manual adopted by the Planning Board on September 25, 2003. It is not known how the application was accepted without meeting this minimum submission requirement.

The submitted Land Use Plan indicates access points to the site. One access is proposed on Bel Pre Road and three are proposed on Homecrest Road. A binding element is offered to hold access to this configuration. All residential lots are shown on the plan. The Land Use Plan indicates that there will be 21 SFD units, 12 SFA units and 102 senior units. The Land Use Plan includes parking areas with calculations and number of parking spaces. The Land Use Plan does not specifically indicate land dedicated for public use. The sidewalks and stream valley area qualify. No land, which is intended for common or quasi-public use, is noted on the Land Use Plan. Technical staff has made a finding whether the preliminary forest conservation plan in accordance with Chapter 22A. The four-phase development program is indicated on the development plan. There is no specific CIP issue associated with this proposal. No commercial development is proposed. The property is not in a special protection area.

Development Standards for PD-2 Zone		
Standard	Permitted/Required	Proposed
Minimum tract area	12.5 acres (sufficient for 50 dwelling units)	16.013 Acres
Maximum density/ total yield	2 units to the acre	39 units (permitted w/MPDU) 2.4 / ac.
Minimum (maximum) percentage of units	35% SFD, 35% SFA and TH. No MF	54% SFD, 46% SFA 0% MF
Minimum setback		
-From any detached dwelling lot or land classified in a one-family, detached, residential zone.	100 Feet	Setback is met.
Maximum Building Height	No higher than distance from adjoining one-family detached residential zone.	Provision is met by development plan.
Minimum Green Area	40%	47.39% entire site
Minimum Parking	2 spaces per du for SFD/SFA. 0.85 per 1BR MF, 1.15 per 2 BR MF, .25 per seat worship = total of 220	Total of 271. Extra parking is provided for SFD and worship. Senior housing has 72% required on site.

E. Environmental

Countywide Environmental Planning staff has recommended approval of this zoning application and development plan.

F. Preliminary and Site Plan Issues

Section 59-C-7.19 requires that Site plans must be submitted and approved in accordance with the provisions of division 59-D-3. If the County Council approves the subject rezoning, this project will require approval of a preliminary plan and site plan by the Planning Board. The site plan must be consistent with the Development Plan covering the instant zoning applications. The number of dwelling units may be reduced during the review of the preliminary and site plan to meet environmental and other requirements.

This proposal would construct part of a master plan recommended road and dedicate right of way for the remainder. Staff recommended against an earlier draft that would have constructed the entire road because it left an isolated group of homes on the eastern end. The current configuration presents a more cohesive community that does not yet need the road constructed to the eastern end. Providing the pavement at this time may not be efficient given that

redevelopment of the lodge property is not at all imminent.¹¹ This is the position of technical staff in reviewing the zoning proposal, however the final decision for dedication is made in the subdivision process.

COMMUNITY CONCERNS – Staff has spoken with homeowners and civic associations in the area. Staff spoke to some members of the Layhill Alliance Association and other residents. They initially expressed opposition to the proposal. Staff explained that the Master Plan recommendation of PD-2 zoning using the senior housing bonus for one third of the site could yield more than six units to the acre. There were mixed feelings about this hypothetical situation. Some prefer the property to retain much more of the open appearance it currently has, citing the original “wedge” designation to support this desire. Others felt a PD-2 development without senior housing was more in keeping with the Master Plan objective of limiting institutions on major corridors. The applicant worked with citizens and continues to discuss the project, which led to the revisions. In a recent meeting with citizens staff found that the changes had been received favorably. Most support the PD-2 proposal without senior housing. Some remained concerned about adequate sight distance and some believe the master plan road should be constructed by this development.

CONCLUSION –

With respect to the subject application, staff finds that the purpose clause and the requirements of the Planned Development Zone to provide a broad range of housing types, to minimize the amount of grading necessary for construction through flexibility of standards, and to provide a pedestrian network that links existing and proposed communities to public facilities have been realized by this plan. Staff believes that the requested PD-2 zone meets the intent of the 1994 Approved and Adopted Aspen Hill Master Plan. Staff also recommends approval of the Development Plan and Binding Elements that accompany this application which limit the development to a maximum of 39 residential units.

Sec. 59-D-1.6 Approval by District Council

59-D-1.61. Findings.

Before approving an application for classification in any of these zones, the district council must consider whether the application, including the development plan, fulfills the purposes and requirements set forth in article 59-C for the zone. In so doing, the district council must make the following specific findings, in addition to any other findings, which may be necessary and appropriate to the evaluation of the proposed reclassification:

- (a) *That the zone applied for is in substantial compliance with the use and density indicated by the master plan or sector plan, and that it does*

¹¹ A potential concern is that the unused section would be used for dumping.

not conflict with the general plan, the county capital improvements program or other applicable county plans and policies.

- (b) *That the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.*
- (c) *That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.*
- (d) *That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3.*
- (e) *That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient.*

Technical staff finds that the findings of 59-D-1.61 listed above can be made for this application and believes this report provides sufficient analysis for the District Council to come to this conclusion.

Attachments

1. Vicinity Map
2. Surrounding Neighborhood Map
3. Development Plan
4. Transportation Planning Memorandum
5. State Highway Administration Memorandum
6. Environmental Planning Memorandum
7. Letter from B'nai B'rith Housing Foundation opposed to earlier development scheme.