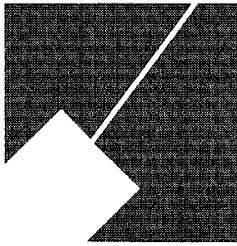


M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

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**MCPB**  
Item # 12  
April 27, 2006

**MEMORANDUM**

**DATE:** April 12, 2006

**TO:** Montgomery County Planning Board

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

**FROM:** *DJ* Dan Janousek, Senior Planner (301-495-4564)

**REVIEW TYPE:** Local Map Amendment

**CASE NUMBER:** G-840

**PROJECT NAME:** Mainhart property

**APPLICANT:** Magruder/Reed Communities

**LOCATION:** NW Corner of Midcounty Highway and Washington Grove Lane

**EXISTING ZONE:** R-90/TDR 5

**REQUESTED ZONE:** RT-10

**MASTER PLAN:** Gaithersburg Vicinity Master Plan (1985)

**FILING DATE:** August 30, 2005

**PUBLIC HEARING:** May 8, 2006, Council Office Building

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**STAFF RECOMMENDATION:**

APPROVAL, of Local Map Amendment No. G-840 and the associated Schematic Development Plan for the following reasons:

1. The proposed reclassification and Schematic Development Plan (SDP) will comply with the special regulations of the RT-10 Zone (59-C-1.72), including the intent and purpose clause of 59-C-1.721, which governs location, and all other requirements of the RT-10 Zone.

3. The proposed development as reflected in the application and Schematic Development Plan is compatible with the existing adjacent development and surrounding uses in the surrounding area.
4. The reclassification is in the public interest because it provides needed housing, including affordable housing units.

## **SUMMARY**

The applicant proposes a local map amendment to rezone approximately 3.28 acres of land from the R-90/TDR5 to the RT-10 Zone. Located at the northwest corner of Washington Grove Lane and Midcounty Highway in the Gaithersburg vicinity, the proposed Schematic Development Plan includes 32 townhouses, including four MPDUs, private drives, sidewalks, green space and parking.

## **DESCRIPTION**

### **Surrounding Area**

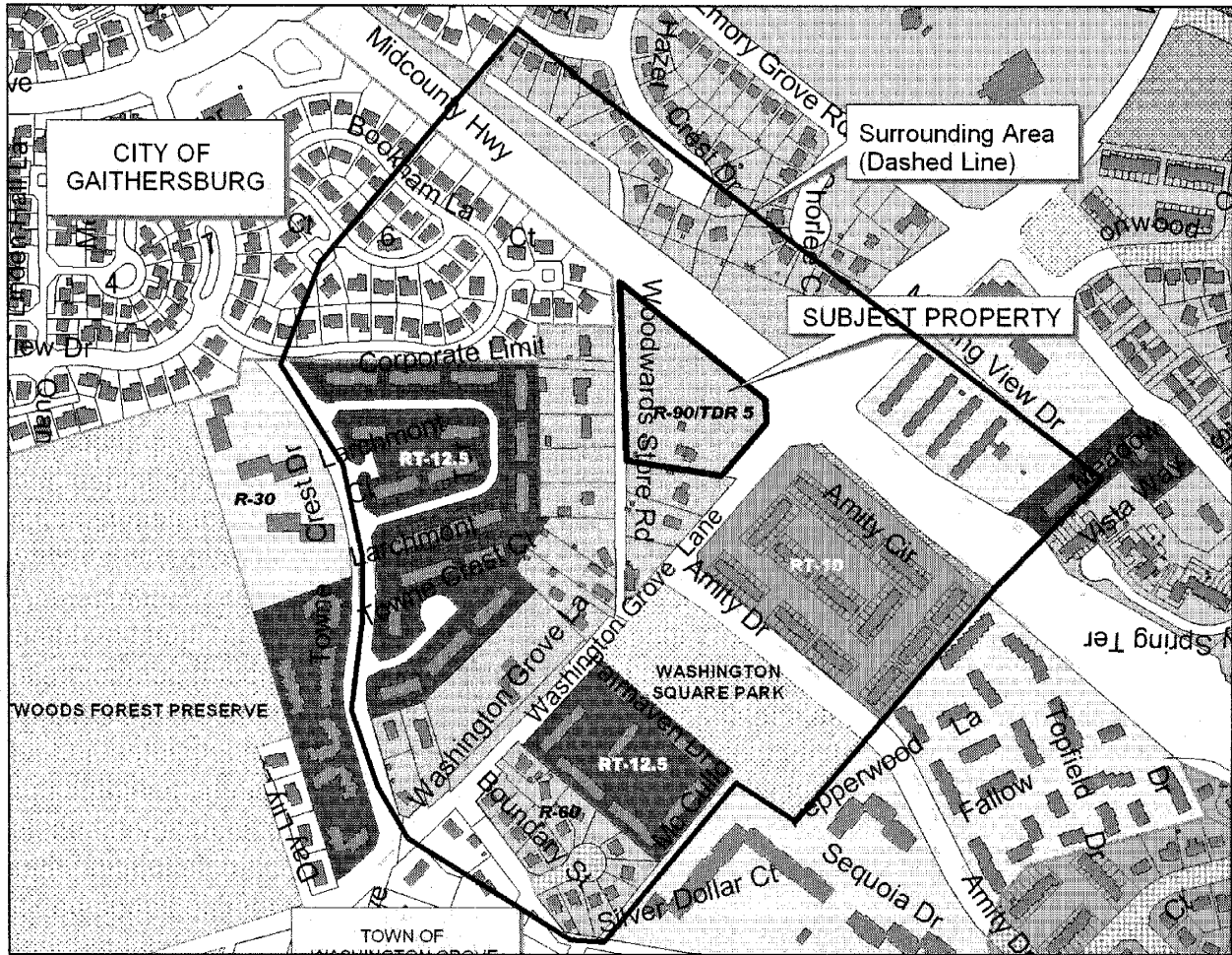
In general, the defined surrounding area takes into account those areas that are most directly affected by the proposed development and any special study areas that may have been defined by a master or sector plan. Staff finds the subject property's surrounding area includes properties with a variety of residential zoning categories and densities. The subject property is currently zoned R-90/TDR5, as is land adjacent to the subject property to the west. Further west, beyond the adjacent land, are several apartment buildings on R-30 property. Closer to the subject property within the County limits are townhouses on RT-12.5 zoned land. To the South are more townhouses on RT-12.5 zoned land. Also to the south are R-60 properties and the Washington Square neighborhood park. East of the subject property along Washington Grove Lane is an RT-10 development. Across Midcounty Highway from the subject property is land in the R-90/TDR 5 zone, the R-30 zone and the R-60 zone (See Figure 1.). Ride-On route 65 operates along Midcounty Highway, and Ride-On route 57 operates along Washington Grove Lane.

### **Description of Subject Property**

The subject property is 3.28 acres in size and is located in the western quadrant of Midcounty Highway (MD 124) and Washington Grove Lane. The property is zoned R-90/TDR5. Woodward's Store Road is along the western property line and dead ends at Midcounty Highway. There is no forest on the property. However, 14 specimen trees, including a 60" Northern Red Oak, exist on the property. The property slopes gradually towards the northeast. The property has 531.77 feet of frontage on Midcounty Highway and 197.59 feet of frontage on Washington Grove Lane. The property is trapezoidal in shape and contains one single-family structure and five smaller structures located on the southern

portion of the property. There are no 100-year floodplains and no buildings of historical significance on the property (source: M-NCPPC Historic Preservation Division Technical Staff).

**Figure 1. Subject Property, Zoning and Surrounding Area**



## INTENDED USE AND APPROVAL PROCEDURES

The applicant requests approval for the RT-10 zone to allow a 32 unit townhouse development, including 4 MPDUs provided on site. The applicant states that the Development Plan is consistent with many of the recommendations of the *Gaithersburg and Vicinity Master Plan (1985)* and compatible with the surrounding neighborhood.

## **Development Program**

As shown on the attached Development Plan, the applicants intend to develop a 32-unit townhouse development, including 4 MPDUs provided on site (12.5% of total units). The project will be developed in one phase. It includes 72,900 square feet of green area (51% of the gross tract area) and a maximum building coverage of 32,000 square feet (22% of the gross tract area). Roads, sidewalks, driveways, guest parking, and a sound wall will cover the remaining area.

The Schematic Development Plan shows five groups of townhouses. The project includes the required 50% of green space. Each individual townhouse lot will have a driveway and a small amount of green space. Many of the front entrances of the townhouses are located on small, open green areas (units 7-18). Other units front on Woodward's Store Road and Washington Grove Lane. Residents will have garage access from access drives on the subject property. Guest parking is proposed, which will look over a small tree save area

The applicant will dedicate 10 feet of additional right-of-way along Woodward's Store Road for 25 feet measured from the road centerline. Woodward's Store Road is accessed only from Washington Grove Lane and will dead end before Midcounty Highway. Vehicular access to parking will be from both Woodward's Store Road and Washington Grove Lane. Pedestrian crosswalks with handicapped ramps will be developed by the applicant to cross the northwest leg of the intersection of Midcounty Highway and Washington Grove Lane.

## **Zoning History - Comprehensive Zoning**

- a. SMA G-568: R-90-TDR Zone; Confirmed 07/10/1987
- b. SMA G-502: R-90-TDR Zone; Adopted 02/04/1986
- c. 1958 County-wide Comprehensive Zoning: R-90 Confirmed

## **Public Facilities**

### *Water and Sewer*

The subject property will be adequately served by public water and sewer systems, and it is currently in Water Service Category W-1 and Sewer Service Category S-1.

### *Roads*

Midcounty Highway is designated as a major highway, M-83, with a 150-foot right-of-way and a bikeway, SP-82. The Countywide Bikeway Functional Master Plan recommends a shared use path, SP-40, on the northwest side of this road. Washington Grove Lane is designated as a primary residential street, P-5, with a 70-foot right-of-way.

Woodwards Store Road is not listed in this Master Plan. This two-lane tertiary residential street has a 30-foot right-of-way, instead of the required 50 feet. The applicant proposes to dedicate 10 more feet of right-of-way along their property frontage for 25 feet measured from the roadway centerline. Woodward's Store Road is accessed only from Washington Grove Lane and dead ends before Midcounty Highway.

#### *Schools*

The schools serving the property are located within the Colonel Zadok Magruder School Cluster. The current Annual Growth Policy (AGP) schools test finds capacity adequate in the cluster (source: MCPS Department of Planning and Capital Programming).

#### *Stormwater*

The applicant has not obtained approval for a stormwater management concept, since this is not required at the time of zoning.

#### **Future Approvals**

The applicant has submitted a schematic development plan which may be submitted as a part of the application for reclassification of the land, as provided in section 59-H-2.5, "Contents of Optional Method of Application-Local Map Amendments." Procedures for certification, filing and amendment of schematic development plans approved by the district council are specified in division 59-D-1. A site plan that is consistent with the approved schematic development plan must subsequently be approved in accordance with the requirements of division 59-D-3 prior to the issuance of any building permit. The applicant must obtain approval for a stormwater management concept before approval of a preliminary plan for subdivision.

#### **ANALYSIS**

##### **Conformance with the Master Plan**

The 1985 Gaithersburg and Vicinity Master Plan recommends R-90/TDR5 for the subject property, but offers no specific guidance regarding the subject property other than zoning. When the land use and zoning recommendation was made, the property was much larger and included what is now Midcounty Highway and land across Midcounty Highway. The original property was 8 acres in size, and given the current size of the property, the applicant believes that utilizing TDRs is not feasible because they would only gain one additional unit. Ultimately, this would result in a development of about 15 single-family dwellings on the subject 3.28-acre property.

Community Based Planning technical staff provided analysis regarding the Master Plan (attached) and concluded that the proposal is appropriate for the subject property and is compatible with the residential densities and housing types in the surrounding area.

**Requirements of the RT-10 Zone**

The zoning requirements of the RT-8 Zone are found in Division 59-C-1.7 of the Zoning Ordinance. The relevant provisions are evaluated in the following paragraphs:

**Sec. 59-C-1.7. R-T zones, townhouse, residential.**

**59-C-1.71. Land uses.**

Permitted Uses. Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.

	<b>R-T 10.0</b>
<b>(a) Residential.</b>	
<b>*Dwelling unit, one-family attached.</b>	<b>P<sup>2</sup></b>

2. In accordance with the special regulations applying to developments that include moderately priced dwelling units as required by chapter 25A.

*Analysis: The proposed residential units are one-family attached dwelling units.*

**59-C-1.72. Special regulations.**

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

- (a) In sections of the County that are designated or appropriate for residential development at densities allowed in the R-T Zones; or
- (b) In locations in the County where there is a need for buffer or transitional uses between commercial, industrial, or high-density apartment uses and low-density one-family uses.

It is the intent of the R-T Zones to provide the maximum amount of freedom possible in the design of townhouses and their grouping and layout within the areas classified in that zone, to provide in such developments the amenities normally associated with less dense zoning categories, to permit the greatest possible amount of freedom in types of ownership of townhouses and townhouse developments, to prevent detrimental effects to the use or development of adjacent properties or the neighborhood and to promote the health, safety, morals and welfare of the present and future inhabitants of the district and the County as a whole. The fact that an

application for R-T zoning complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the resulting development would be compatible with surrounding land uses and, in itself shall not be sufficient to require the granting of the application.

*Analysis: The subject site is appropriate for residential development at densities that are allowed in the RT-10 Zone. The present application for 9.8 houses per acre is appropriate and it satisfies the purpose clause that requires RT-10 Zones be located in the County where there is a need for buffer or transitional uses between commercial, industrial, or high-density apartment uses and low-density one-family uses. The subject property's surrounding area includes properties with a variety of residential zoning categories and densities ranging from lower density to higher density across the subject property (See Figure 1.)*

**59-C-1.722. Row Design.**

(a) Eight townhouses is the maximum number permitted in any one attached row.

*Analysis: The applicant proposes no more than eight units in any one row.*

(b) Three continuous, attached townhouses is the maximum number permitted with the same front building line. The variations in building line must be at least 2 feet

*Analysis: Variations in building line as prescribed above are shown on the schematic development plan proposal.*

(c) For one-family attached units, there can be no more than 12 units in one row.

*Analysis: There are no more than 8 units in one row.*

**Development Standards**

The application conforms to the Development Standards in the Zoning Ordinance. The following table summarizes the conformance with the Development Standards in the Zoning Ordinance (e.g. lot area, setbacks, parking, and green space).

**59-C-1.73. Development Standards.**

	<b>R-T 10.0 Required/ Allowed</b>	<b>Provided</b>
<b>59-C-1.731. Tract Area and Density.</b>		
(a) Minimum tract area (sq.ft.).	20,000 square feet	142,947 square feet
(b) Maximum density of development (dwelling units) per acre of usable area as defined in Section 59-C-1.523 of the special requirements for cluster development.	10 d.u./acre	9.8 d.u./acre
<b>59-C-1.732. Building Setbacks (Minimum, in Feet).</b>		
(a) From any detached dwelling lot or land classified in a one-family, detached, residential zone.	30 feet <sup>1</sup>	30 feet
(b) From any public street.	25 feet	25 feet
(c) From an adjoining lot;		
(1) Side (end unit) <sup>2</sup>	10 feet	25 feet
(2) Rear.	20 feet	30 feet
<b>59-C-1.733. Maximum Building Height (in Feet).</b> Except for agricultural buildings and except as provided in Division B-1(b) the maximum height of any building is:		
(a) For a main building.	35 feet	Maximum 35 feet proposed
(b) For an accessory building.	25 feet	N/A
<b>59-C-1.34. Coverage and Green Area.</b>		
(a) Maximum percentage of tract that may be covered by buildings.	35%	20%
(b) Minimum percentage of tract that must be devoted to green area.	50%	51%



**59-C-1.73. Development Standards - continued.**

<p><b>59-C-1.735. Parking.</b> Off-street parking must be provided in accordance with the requirements of Article 59-E, titled "Off-Street Parking and Loading." Parking spaces need not be located on the same lot as the dwelling unit but must be within a reasonable distance of each unit.</p>	64	77  (Includes 11 spaces in surface parking lot and 2 van-accessible spaces.
<p><b>59-C-1.74. Development including moderately priced dwelling units.</b></p>		
<p>Where moderately priced dwelling units are included in a development in accordance with the requirements of chapter 25A, the following optional method standards are permitted in order to facilitate the provision of those units. It permits an increase over the total number of dwelling units otherwise permitted. It also permits some additional housing types and modification of some area and dimensional requirements.</p>		
<p>(a) Additional use: dwelling unit, one-family attached.</p>	P <sup>3</sup>	4 Units
<p>(b) Maximum density of development (dwelling units) per acre of usable area as defined in section 59-C-1.523 of the special requirements for cluster development.</p>	12.2	9.8
<p>(c) Maximum percentage of tract occupied by buildings may be increased to:</p>	40	20%
<p>(d) If necessary in order to accommodate the increased density:</p>		
<p>(1) The percentage of the tract devoted to green area may be reduced to not less than:</p>	45	51%
<p>(2) The row design requirements of section 59-C-1.722 may be waived.</p>		N/A
<p><b>59-C-1.75. Procedure for application and approval.</b></p>		
<p>Site plans must be submitted and approved in accordance with the provisions of the division.</p>	59-D-3	59-D-3

1. Unless a more desirable form of development can be demonstrated by the applicant to the satisfaction of the planning board using the street, side and rear lot line setbacks as provided in this section.

3. Not more than 40 percent of the total number of dwelling units.

## **Adequacy of the Development Plan**

**Section 59-D-1.61. Approval by the District Council** - 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 that 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 not conflict with the general plan, the county capital improvements program or other applicable county plans and policies.

*Analysis: The application and associated schematic development plan does not conflict with the County's General Plan or the capital improvements program. This proposal provides for the right of way of Woodward's Store Road, and it does not conflict with future plans of improvements to the road or streetscape system. Therefore, the application and Development Plan are in the public interest.*

*The proposal is not in full compliance with the County's stormwater plans and policies. But it can be modified at the time of preliminary plan for subdivision review to meet all applicable stormwater plans and policies, which may ultimately mean a reduction in the number of total units.*

*The zone applied for is not in substantial compliance with the use and density indicated by the master plan, however, the development plan provides an appropriate density for the subject property. The townhouse design is similar to, and will be compatible with, the surrounding residential development.*

- 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.

*Analysis: As described in the previous paragraphs, the proposed development plan and application comply with the purposes and standards of the RT-10 Zone as set forth in Section 59-C of the Zoning Ordinance. The applicant is proposing an appropriate setback on the front of the property that will provide opportunities for sidewalks and landscaping for the maximum safety and convenience of the residents and visitors to the site. The proposal is compatible with adjacent development in terms of the type of development (residential), and the scale of the development will not adversely affect adjacent development. The location of the buildings and public use space will provide pedestrian connections and circulation for maximum convenience and compatibility.*

- c. That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.

***Analysis: All parking is to be located within the development, and the applicant has provided ample visitor parking. Driveway dimensions are not shown on the development plan and these may need to be increased when the applicant returns for site plan approval before the Planning Board. The primary vehicular access to the property is from Washington Grove Lane Road and Woodward's Store Road.***

- 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.

***Analysis: The applicant has provided an inventory of natural resources on the site. The proposal will preserve trees through a tree save plan.***

- 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.

***Analysis: The applicant will be required to ensure the future maintenance of all areas of the project and documents will assure that the perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes is adequate and sufficient. The applicant has provided a draft declaration of covenants.***

### Compatibility

***Analysis: The land is not designated for an R-T Zone in the Gaithersburg Master Plan. But the proposed development will comply with the purpose clause of the RT-10 Zone, and the proposal will be compatible with the existing and proposed uses and residential development in the immediate vicinity. The purpose clause states that the RT Zone exists to "provide suitable sites for townhouses" in sections of the County that are designated or appropriate for residential development at densities allowed in the RT Zone (Sec. 59-C-1.72) or where there is a need for buffer or transitional uses. The present application satisfies both alternatives. The area is scattered with different types of residential developments of varying densities. Specifically, the subject site is adjacent to and will provide a transition between the townhouses to the east and single-family detached homes to the west. The proposal will also provide needed housing and moderately priced dwelling units, and therefore it is in the public interest.***

*Land use in the surrounding neighborhood area is mixed residential including single family detached, townhouses and multi-family units under several zoning classifications. The primary compatibility issue is with the single-family detached housing located to the west. The proposal provides sufficient setbacks from these existing single-family dwellings. Proposed buildings will front on Woodward's Store Road facing the single-family units. Unit 28 will present its side to the neighbor's lots.*

*This rezoning proposal provides sufficient building setbacks with residential design in the nature of existing approved development in the surrounding area to ensure compatibility with the surrounding residences. The schematic development plan shows a maximum height of 35' feet, and this is generally compatible with the mix of housing in the neighborhood area.*

*The applicant has provided a noise study. Noise at this location is influenced by the traffic on Midcounty Highway. The plan addresses noise with a proposed sound fence. Additional compatibility concerns in terms of noise can be considered at preliminary and site plan review by the Planning Board and may ultimately affect the total unit count.*

## **Transportation**

*Analysis: The application is in the public interest. A traffic study is not required to satisfy Local Area Transportation Review because the proposed land use generates fewer than 30 peak-hour trips during the weekday morning and evening peak periods (see attached memo).*

## **Environment**

### **1. Forest Conservation and Stormwater**

*Analysis: The site has an approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD). A draft Forest Conservation Plan was submitted with the application. The applicant will be required to submit an 'approved' Final Forest Conservation Plan at the time of site plan submission.*

*Environmental Planning staff recommends approval of this zoning application and associated development plan. The following issues must be addressed at subsequent reviews (Source: Environmental Planning Technical Staff):*

- *The Traffic Noise Impact Analysis must be recalculated using the grading shown on the current revision of the schematic plan.*
- *Revisions to grading and layout of this plan need to be reflected in further noise analyses.*

- *A Building Shell Analysis must be performed to determine what further architectural modifications are necessary to meet interior noise level requirements.*
- *The applicant must obtain a Stormwater Management Concept approval from the Department of Permitting Services. All stormwater management for this project must be met on-site, with no waivers or partial waivers necessary. This may mean a loss of units.*
- *A detailed Tree Save Plan must be prepared by an ISA certified arborist as part of the FCP which fully meets the objectives of Forest Conservation regulations #1-01, Sections 109B. The Tree Save Plan should use extraordinary measures, if necessary, to protect the 60" Northern Red Oak, as it is greater than 75% of the diameter of the current state champion (70").*
- *Tree Save Plan must be approved and tree protection measures must be in place before any demolition or grading can take place.*

### **Subdivision**

The applicant will be required to submit and gain approval for a Preliminary Plan and a Site Plan prior to the release of building permits.

### **CONCLUSION**

Staff finds that the proposed schematic development plan and local map amendment application are generally in compliance with the Gaithersburg Master Plan; are in compliance with the purposes, standards and regulations of the RT-10 Zone; and will be compatible with the surrounding uses.

### **Attachments**

1. Schematic development plan
2. Zoning Map
3. Transportation Division Technical Staff Memo
4. Community Based Planning Division Technical Staff Memo
5. Environmental Division Technical Staff Memo
6. DPS recommendation RE: Stormwater Concept Request
7. GIS Map – Subject Property Location

