

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

April 10, 2006

MEMORANDUM

TO: Daniel Janousek, Zoning Analyst
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Ed Axler, Planner/Coordinator *EA*
Transportation Planning

SUBJECT: Local Map Amendment Application No. G-840
Mainhart Property
Montgomery Village/Airpark Policy Area

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject local map amendment to rezone Parcel P520 from the R-90/TDR 5 zone to the RT-10 zone.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to this local map amendment:

1. Limit the land uses proposed for this local map amendment to a maximum of 32 townhouses.
2. At the time of preliminary plan, provide the following pedestrian facilities:
 - a. A five-foot wide sidewalk along the southern-most 40 feet of Washington Grove Lane property frontage.

- b. Provide pedestrian handicapped ramps at the curbs across the vehicular access points from Washington Grove Lane and Woodward's Store Road. Provide handicapped ramps at the corners of the internal streets.

DISCUSSION

Site Location and Vehicular Accesses

The site is located in the western quadrant of Midcounty Highway (MD 124) and Washington Grove Lane and Woodward's Store Road along the western property line. The vehicular site access points are from Washington Grove Lane and Woodward's Store Road.

Pedestrian and Bicycle Facilities

The proposed land uses for this local map amendment will not adversely impact the pedestrian facilities. The applicant proposes to provide the following facilities:

1. Five-foot wide sidewalks along the entire property frontage on Midcounty Highway.
2. Five-foot wide sidewalks along the southern-most 40 feet of Washington Grove Lane.
3. Pedestrian crosswalks with handicapped ramps at each curb across the northwest leg of the intersection of Midcounty Highway and Washington Grove Lane.
4. Four-foot wide lead-in sidewalks on both sides of the vehicular access points from Washington Grove Lane and Woodward's Store Road.
5. Four-foot wide sidewalks on both sides along the internal streets.

Additional segment of external sidewalks and handicapped ramps would be recommended at time of preliminary plan.

Available Transit Service

Ride-On route 65 operates along Midcounty Highway, and Ride-On route 57 operates along Washington Grove Lane.

Master-Planned Roadways and Bikeway

In accordance with the *Gaithersburg Vicinity Master Plan*, the master-planned roadways and bikeways are as follows:

1. Midcounty Highway is designated as a major highway, M-83, with a 150-foot right-of-way and a bikeway, S-82. The *Countywide Bikeway Functional Master Plan* recommends a shared-use path, SP-40, on the northwest side of this road.

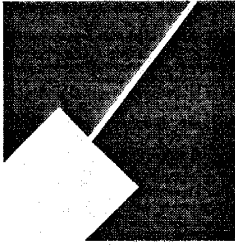
2. Washington Grove Lane is designated as a primary residential street, P-5, with a 70-foot right-of-way.

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 ten more feet of right-of-way along their property frontage for 25 feet measured from the roadway centerline.

Adequate Public Facilities / Local Area Transportation Review

The applicant submitted a traffic statement dated March 23, 2006, showing that the proposed 32 townhouses would generate 15 peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and 27 peak-hour trips during the evening peak period (4:00 to 7:00 p.m.). A traffic study is not required to satisfy Local Area Transportation Review because proposed land use generates fewer than 30 peak-hour trips during the weekday morning and evening peak periods.

EA:gw



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April 10, 2006

MEMORANDUM

To: Daniel Janousek, Zoning Analyst, Development Review Division

Via: Sue Edwards, Team Leader, I-270 Corridor Team *Sue*
Community-Based Planning Division

From: *N* Nancy Sturgeon, Planner Coordinator, Community-Based Planning

Subject: Local Map Amendment G-840: Mainhart Property

The Mainhart property is located at 17720 Washington Grove Lane in Gaithersburg. It is on the southwest corner of the intersection of Mid-County Highway and Washington Grove Lane. The 3.28-acre property is zoned R-90/TDR 5 and it is within the boundaries of the 1985 *Gaithersburg Vicinity Master Plan*, which is currently being updated. The property is somewhat triangular in shape and is bordered on the north by Mid-County Highway (a major highway), on the east by Washington Grove Lane (a primary road), and on the west by Woodward's Store Road (a secondary road), which dead-ends at Mid-County Highway. The southern property line adjoins a lot with a single-family residence.

Requested Zoning and Schematic Development Plan

The applicant, Magruder/Reed Communities, LLC, has submitted a Local Map Amendment application to rezone the subject property from R-90/TDR 5 to RT-10 through the optional method of application, which requires a schematic development plan. With a schematic development plan, the applicant limits the scale of development or use of the property (through "binding elements" on the plan and a Declaration of Covenants) more strictly than is allowed by the standards of the zone.

In response to staff comments and concerns about the crowdedness of dwelling units and the lack of open space on the initial site design, the applicant reduced the total number of units from 38 to 32 townhouses, four of which are required Moderately Priced Dwelling Units (MPDUs). The applicant is not utilizing the optional development standards that are permitted when MPDUs are provided.

Therefore, using the regular RT-10 development standards, the maximum number of townhouse units permitted on the property is 32. The applicant is not restricting the schematic development plan with regard to density, although 32 dwelling units (including four MPDUs) is listed as a binding element. When the final site plan issues are resolved, including stormwater management, forest conservation, and a noise wall along Mid-County Highway, the requested zoning maximum of 32 townhouse units may not be achieved.

Other binding elements listed on the schematic development plan include a maximum building coverage of 22 percent (32,000 square feet) and a minimum green open space area of 51 percent (72,900 square feet). The permitted building coverage in the RT-10 Zone is a maximum of 35 percent and green space area is a minimum of 50 percent. To address staff concerns regarding highway proximity and noise, the applicant has agreed, as a binding element, to provide a berm (approximately two feet high) and a six and a half foot high sound wall/fence structure along Mid-County Highway. The exact location of the noise wall will be determined during the site plan phase of development.

Surrounding Land Uses

Land uses surrounding the property are all residential, with varying densities and housing types. On the northeast quadrant of Mid-County Highway and Washington Grove Lane is a multi-family development in the R-30 Zone and adjacent townhouses in the RT-12.5 Zone; on the southeast corner is a townhouse development in the RT-10 Zone with adjacent multi-family housing in the R-30 Zone. Across Woodward's Store Road, immediately west of the subject parcel, are single-family homes in the R-90 Zone. Adjacent to the parcel on the south side is a single-family home in the R-90 Zone. Single-family homes on Bookham Court in the City of Gaithersburg border the property at the northern tip of the site where Woodward's Store Road dead-ends at Mid-County Highway. South of the site, Washington Grove Lane runs through the Town of Washington Grove starting at Boundary Street.

Washington Square Neighborhood Park is located nearby at Washington Grove Lane and Amity Drive and has tennis courts, basketball courts, softball, and a playground. Also in the area, north of Mid-County Highway on Emory Grove Road at Washington Grove Lane, is the Upper County Community Center and Outdoor Pool Complex, which is adjacent to Johnson Local Park. There is also a neighborhood shopping center at Washington Grove Lane and Flower Hill Way. The Shady Grove Metro Station is approximately three miles from the subject site.

Master Plan Guidance

The Mainhart property is within the Mid-County Highway District of the 1985 *Gaithersburg Vicinity Master Plan*. Mid-County Highway was proposed but not

built at the time of the 1985 Master Plan, which said the following regarding this area:

The Midcounty Highway District includes Analysis Areas 1 through 13. These properties, all lying south of Emory Grove Road, will be affected by their proximity to the proposed Midcounty Highway. The design of this and other highways planned for this area should consider the need for noise abatement and protection of stream valleys. (page 42)

This district has good planned or existing access to Metro, employment, and shopping areas. This access supports the Plan's recommendations for higher density on suitable vacant properties. (page 49)

The subject property is not specifically discussed in the narrative text of the 1985 Master Plan, but it does fit the general descriptions of the above excerpts. It is listed on Table 3 (page 46: "Airpark Analysis Areas: Summary of Zoning Recommendations") as part of Analysis Area 4 in the Mid-County Highway District and is shown on the map on page 45. Analysis Area 4 on Table 3 is listed as a vacant eight-acre site that was recommended for R-90/TDR 5 zoning. Although the Master Plan noted that the property was vacant, it actually contained one single-family house that was likely built in 1930.

When Mid-County Highway was constructed, the original eight-acre parcel listed in the Master Plan was divided, creating two properties, the 3.28-acre subject site and a 1.25-acre parcel. The 1.25-acre parcel is on the northwest corner of Mid-County Highway and Washington Grove Lane and remains from the right-of-way acquisition. This parcel is owned by Montgomery County and has been considered, along with other sites, for disposition for affordable housing.

While the 1985 Plan had recommended TDRs for the 8 acres contained in Analysis Area 4, given the smaller size of the site today, the applicant has determined that utilizing TDRs is not feasible. The additional density that would be available if TDRs were utilized for the extant 3-acre site is marginal and does not provide enough of an incentive for the applicant to choose this option, especially compared with the number of units that can be built if the property is rezoned to RT-10. Under the existing R-90/TDR 5 Zone, the base density would be 15 single-family detached dwelling units; the TDR density would be 16 single-family detached dwelling units. Staff agrees with the applicant that the potential to achieve one additional unit under the TDR method of development is not a sufficient inducement.

Given the County's need and desire to provide more housing, including additional affordable units, staff supports the rezoning request. Although TDRs are not being utilized, the proposed project will produce twice as many dwelling units than would have been possible under the existing zoning. And, the provision of four MPDUs contributes to an equally important public policy goal. The Master

Plan supported higher density on suitable sites in the Mid-County District given the area's access to transit, employment, and shopping areas. (See page 49 excerpt above.) The subject site is located on the corner of a busy intersection where the compact design of a townhouse development provides opportunities to buffer the units from the impacts of adjacent roads.

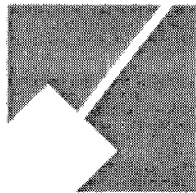
Compatibility

The vast majority of land uses that abut both Mid-County Highway and the subject property are residences, including single-family, townhouses, and multi-family. As described above, there is a wide range of zoning and housing types as well as lot sizes and ownership composition in this area. The schematic development plan has been revised to improve the compatibility of the proposed project with existing development. The townhouses along Woodward's Store Road face the single-family homes, providing a residential edge that frames the street. Similarly, the townhouses that front on Washington Grove Lane provide a building edge as well as landscaping and sidewalk.

At staff's direction, the project has intentionally placed townhouses to have minimal frontage on Mid-County Highway and to buffer the units from the road, consistent with adjacent developments. Along the southern property edge, several significant trees will be saved in a forest conservation area that will buffer the adjacent, existing single-family home from the new development. Sidewalks will be constructed along the property frontage on Washington Grove Lane, Woodward's Store Road, and Mid-County Highway.

Conclusion

Community-Based Planning staff supports the rezoning request for the Mainhart property. While the Master Plan did not recommend or designate this site for townhouses, it did recommend higher density on suitable parcels and staff finds that this is an appropriate site for the proposed development. The proposed rezoning and schematic development plan are compatible with the densities and housing types in the surrounding area. Given current staffing constraints, Urban Design staff from Community-Based Planning have not reviewed the schematic development plan for setback, height, pedestrian connections, or recreation amenities. Staff recommends approval of the rezoning request with the conditions listed by the Zoning Analyst.



**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**

Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Dan Janousek, Development Review

VIA: Mary Dolan, Supervisor, Environmental Planning *MD*

FROM: Amy Lindsey, Environmental Planning *AWL*

DATE: April 10, 2006

SUBJECT: G-840
Mainhart Property

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

- **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 revise the concept and obtain a Stormwater Management Concept approval from the Department of Permitting Services. All stormwater management for this property must be met on-site, with no waivers or partial waivers necessary. This may mean a loss of units.**
- **Any changes to the Stormwater Management Concept should not affect the retention of specimen trees as shown on the Preliminary Forest Conservation Plan and covered by a Category II Forest Conservation Easement.**
- **The Category II Forest Conservation Easement should not be diminished in size or changed in configuration in any way that increases the impacts on the specimen trees that it is protecting.**
- **Applicants must submit a Final Forest Conservation Plan addressing all staff comments at time of plan submission. This plan must demonstrate full-compliance with the requirements of Forest Conservation Law Section 22A-12.**
- **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”).

- A Tree Save Plan must be approved and tree protection measures must be in place before any demolition, clearing or grading can take place.

Discussion

There is a possible conflict between storm water management and tree save issues on this application. Currently, the storm water management concept has not been approved. It is quite possible that the storm water management facilities will need to be rearranged or enlarged in order to meet all of the pertinent issues. This may increase pressure to develop the area that is currently shown as a tree save area.

There may also be a conflict between the noise barrier for this development and tree save issues. The applicant is currently proposing a noise wall with a height of 6'. This may not be adequate and may change, based on site grading. If the wall is over 6'6", the wall is then considered a structure and is subject to the 25' BRL. This would require the wall to be moved approximately 15' into the interior of the site. This may also increase pressure to develop the area that is currently shown as a tree save area.

Environmental Planning staff recommends that no encroachment be allowed into the proposed Category II Forest Conservation Easement, regardless of the need to accommodate other aspects of development caused by the increase in density. Instead, the applicant may not realize the desired unit yield or need to redesign in some other way to accommodate the needs of the development.

Forest Conservation

A Natural Resources Inventory/Forest Stand Delineation has been submitted and approved. (4-05366). There is no forest on-site but 14 specimen trees, including a 60" Northern Red Oak. A Preliminary Forest Conservation Plan has been submitted, proposing to save the 60" Northern Red Oak and several other specimen trees. The applicant has proposed to meet afforestation requirements through a combination of tree cover, off-site afforestation, and fee-in-lieu.

Stormwater Management

The Department of Permitting Services reviewed the applicant's Stormwater Management Concept and commented in a letter dated March 30, 2006. The concept was neither approved nor denied but commented on instead. The DPS memo states "**To fully comply with onsite stormwater management requirements, the density of the proposed development will most likely need to be reduced. If the proposed density is maintained as currently shown throughout the rezoning process then full onsite stormwater management will most likely not be possible.**" While the applicant may request a partial waiver, DPS will not allow waivers when onsite management is possible.

Noise

This property is located at the intersection of Midcounty Highway and Washington Grove Lane. The posted speed limit is 45 miles per hour on Midcounty Highway but traffic often moves faster. In addition, there is noise from vehicles idling at the traffic light at Washington Grove. The Montgomery County Environmental Planning publication "Staff

Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development” has established the following classifications for external noise impacts:

| Maximum Guideline Value | Appropriate Usage |
|-------------------------|--|
| 55 dBA Ldn | Rural and low density residential |
| 60 dBA Ldn | Suburban densities. Noise attenuation is recommended to attain this level |
| 65 dBA Ldn | Urban ring, freeway, and major highway corridors. Noise attenuation is strongly recommended to attain this level |

These are the maximum levels generally accepted for outdoor recreation areas. In the case of this property, the proposed outdoor recreation areas are mainly the backyards and two common areas. Interior noise levels must meet the 45 dBA Ldn standard required by the Montgomery County Noise Ordinance.

According to the Traffic Noise Analysis prepared by Polysonics, dated 3/29/2006, current noise levels on this property exceed the 60 dBA Ldn maximum value established for suburban densities. Future (2027) unmitigated traffic noise levels are projected to exceed the 65 dBA Ldn maximum value established for urban ring, freeway, and major highway corridors for the rear yards of proposed lots 4-8 and 15-20.

The noise analysis has detailed recommendations for sound wall construction and height. Environmental Planning Staff feels that these recommendations need to be refined. The plan that was used for this analysis had some differences in grading that will impact the location and height of the wall.

Water Quality

This site is located in the Middle Great Seneca and Upper Rock Creek watersheds. Both watersheds are rated Use I by the Maryland Department of the Environment. A Use I classification indicates waters suitable for activities where the human body may come in direct contact with the surface water and fishing.



Attachment 6

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

March 30, 2006

Robert C. Hubbard
Director

Ms. Cheryl Hannan
Dewberry
203 Perry Parkway, Suite 1
Gaithersburg, Maryland 20877

Re: Stormwater Management **CONCEPT** Request
for Mainhart Property (Washington Grove)
Request for Rezoning
SM File #: 219986
Tract Size/Zone: 3.28 Ac.
Total Concept Area: 3.28 Ac.
Lots/Block: 32 Lots proposed
Parcel: P 520
Watershed: Great Seneca Creek

Dear Ms. Hannan:

Based on a review by the Department of Permitting Services (DPS) Review Staff, the stormwater management concept for the above rezoning case does not fully comply with the standards for onsite stormwater management as established in the Maryland Stormwater Design Manual or the County Code. The proposed stormwater management concept consists of on-site water quality control via 2 structural sandfilters and onsite recharge via drywells, recharge pits and a grassed swale. Channel protection measures were not proposed because the one-year post development peak discharge was apparently incorrectly computed to be less than 2.0 cfs in each drainage area.

The purpose of this review is to give Planning Board staff guidance concerning stormwater management for the proposed rezoning of this property. To fully comply with onsite stormwater management requirements, the density of the proposed development will most likely need to be reduced. If the proposed density is maintained as currently shown throughout the rezoning process then full onsite stormwater management will most likely not be possible. A partial waiver of stormwater management would have to be considered by DPS. Waivers of this type are allowed in the County Code. However, DPS will not allow waivers when onsite management is possible.

To further refine the stormwater management concept for this site, the following items need to be addressed during future submittals:

1. The chosen flow path and time of concentration (post-developed) for Area "A" does not accurately reflect the actual flow path for the majority of runoff from that drainage area. Using the correct flow path will result in a shorter time of concentration. The flow path shown in Area "B", which utilizes 15 feet of sheet flow to the street, is more representative of the site conditions.
2. The computations, as submitted, show a reduction in the net impervious area based upon the use of drywells for rooftop disconnection credits. As noted in the 2000 Maryland Stormwater Design Manual, the credit cannot be used to reduce onsite channel protection requirements for residential lots that are less than 6,000 square feet. Therefore, the assumption made in the submittal is incorrect.

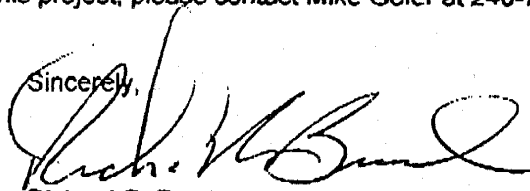


3. Based upon the above two discrepancies, the one-year post development peak discharge will be greater than 2.0 cubic feet per second in Area "A". Therefore, channel protection requirements must be addressed.
4. DPS has a concern about the conveyance of runoff Area "B"? The Subdivision Development Plan Review section of DPS will need to conceptually review and approve the proposed point discharge prior to future review of the stormwater management concept. Onsite stormwater management for the ten year storm could be required if conveyance from the site is not acceptable.

This list may not be all-inclusive and may change based on future submittals.

If you have questions regarding the review of this project, please contact Mike Geier at 240-777-6342.

Sincerely,

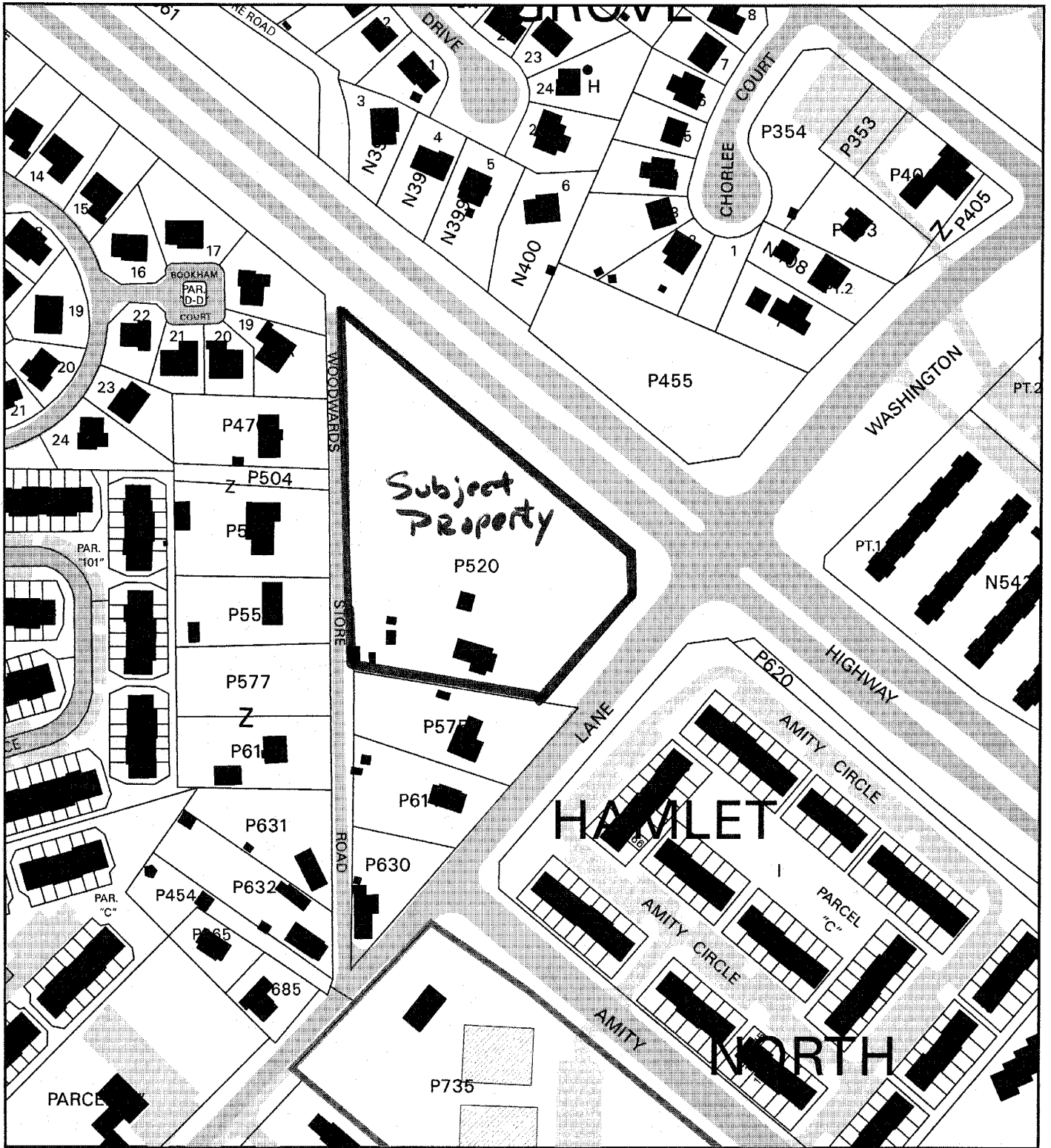


Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN219986d3.Mainhart Property.mjg.doc

cc: C. Conlon
S. Federline
SM File # 219986

G-840



Map compiled on April 17, 2006 at 9:58 AM | Site located on base sheet no - 224NW08

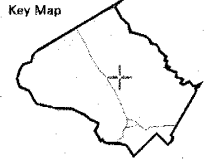
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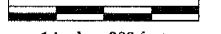
Key Map



N



Research & Technology Center



1 inch = 200 feet
1 : 2400