



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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MCPB
Item # 16
5/18/06

MEMORANDUM: LOCAL MAP AMENDMENT

DATE: April 28, 2006

TO: Montgomery County Planning Board

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

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

SUBJECT: **Local Map Amendment No. G-841:** Shady Grove Associates I & II. Reclassification of 6.92 acres from the C-2 zone to the PD-44 zone for 371 multi-family residences. Located in the northeast quadrant of the intersection of Omega Drive and Research Boulevard in the Gaithersburg vicinity approximately a half mile southwest of the interchange between Shady Grove Road and Interstate 270. 1990 Shady Grove Area Master Plan.

FILING DATE: October 3, 2005
PUBLIC HEARING: May 15, 2006

STAFF RECOMMENDATION: APPROVAL, of the Planned Development Zone (PD-44) for 371 multi-family residences.

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 conforms to the recommendations of the 1990 Shady Grove Study Area Master Plan.

SUMMARY

A rezoning from C-2 to the PD-44 zone is proposed by Shady Grove Associates I & II. The subject property for the rezoning tracts measure approximately 6.92 acres in area. The property is more specifically described as Parcel "T-T", Decoverly Hall on Plat Number 22312 and Parcel "R-R", Decoverly Hall on Plat Number 20811. These undeveloped parcels are located in the Shady Grove Executive Center office park, which is subject to a preliminary plan of subdivision (1-86186), that would allow a total of 920,371 square feet of office space. The rest of the office park (710,000 square feet) has been developed, leaving a balance of approximately 210,000 square feet of office space permitted on the site.

It has been represented that the market is no longer as conducive to office development as it was when other parts of the office park were developed. The fact that an adjacent section of the office park was granted zoning for a hotel which is operating today offers some support to this representation. The permitted 210,000 square feet of office space was planned as two buildings on the site. For the past few years, the applicant consulted with various technical staff about the possibility of doing a residential project on the site. The applicant originally applied for the PD-60 zoning category for a total of 477 multi-family units. Staff raised concerns about buildings in that proposal. Since the Master Plan did not anticipate residential development and instead recommended commercial, confirming the C-2 zoning on the site, staff suggested that the 1.5 floor area ratio of the C-2 zone serve as a guide. This led to the current proposal.

The plan proposes 371 multi-family dwelling units in three buildings. The buildings would be four, five and, six stories in height. Residents of all three buildings will have use of a proposed gym and outdoor swimming pool located on the north side of the site. The two lower buildings will be designed with underground parking. The six story building takes advantage of an existing three story parking garage built for the office park and for which this site has parking rights. A pedestrian bridge may connect the parking garage to the residential building. The proposed buildings are similar in scale to other office buildings in the park.

BACKGROUND

A. Description of Property

The subject tracts for the proposed rezoning are located north and east of the intersection of Research Boulevard and Omega Drive. Parcel "T-T" is 3.59 acres in area (156,762 square feet), is of irregular shape, and has approximately 213'

of frontage on Research Boulevard. Parcel "R-R" is located immediately north of Parcel "T-T". Parcel "R-R" is 3.3 acres in area (144,712 square feet), is of irregular shape, and has approximately 145' of frontage on Omega Drive. The parcels make up an irregularly shaped property that can be considered "L-shaped" when viewed facing south. West of the property and at the corner of Research Boulevard and Omega Drive is the "Extended Stay" Hotel. Also west of the property and on Research Boulevard is the existing parking structure which may be connected to the six story building via a pedestrian bridge as parking spaces in this structure are dedicated for the use of this site. South of the site are existing office buildings number six and one.

Shady Grove Executive Center is a forty-five acre commercial campus that includes six office buildings and an "extended stay" hotel. The existing office buildings (appx. 680,000 square feet) in Shady Grove Executive Center were constructed in the eighties and are consistent with the research and development vision present in the master plan. Meridian Group, in a joint venture with Northwestern Mutual Life, acquired five office buildings and the vacant subject site in 2001. The Meridian Northwestern venture has since sold the office buildings to other real estate interests. The "extended stay" hotel operates as Homestead Suites Hotel and was built in 1999. Approval for the hotel was made possible by rezoning (G-740) which permitted change from the C-2 zone to the H-R zone.¹

B. Surrounding Area –

In a floating zone application, the evaluation of the zoning issues requires delineation of the surrounding area. The area for this application is referenced in the 1990 Approved and Adopted Shady Grove Study Area Master Plan in a discussion of an "R&D Village" area west of I-270. This area includes Traville, the Life Sciences Center, Falls Grove and The Washingtonian. It is distinguished from the "Metro Area" on the east side of I-270. The City of Rockville is across Shady Grove Road. The master plan envisioned this area as primarily offices.² The purpose of delineating the surrounding area for a floating zone application is to give the County Council a context for making a finding that the proposal is compatible with surrounding uses. While the current proposal is for intense, multi-family residential development, technical staff does not believe the impact of this use will be very noticeable given the office buildings and hotel that surround the site. Considering the way offices are used and the fact that the road facilities are sized for the offices envisioned by the plan, it would seem there would be little conflict between the uses. In the case of the subject application, the staff defines the surrounding area as bounded by Fields Road and the I-270 interchange to the north; Shady Grove Road to the east; Key West Avenue to the south; and those parcels of land fronting along the west side of Omega Drive to the west (see attached map).

¹ Approved in 1997.

² The nearest residences are nearly a half-mile away.

The surrounding area is located proximate to the Research and Development (R&D) Village identified in the Shady Grove Study Area Master Plan. As such, it is characterized by several large office developments and the Crown Farm which is subject to an annexation request for proposed development. Adjoining the property to the west is an extended stay hotel approved under G-740. Adjoining the property to the north and east is the remainder of the Shady Grove Executive Center consisting of property in the C-2 and O-M zones. Confronting the property to the south is a five acre parcel in the O-M zone improved with a parking lot and storm water management facilities. Confronting to the southwest is an office building within the Decoverly Industrial Park zoned O-M. Confronting to the west is the 180 acre Crown Farm currently in the R-200 Zone although the District Council recently approved an annexation request by the City of Gaithersburg. Gaithersburg intends to apply a mixed use zoning category to the property. Other uses nearby include the Shady Grove Life Sciences Center. The Corridor Cities Transitway is planned be located in the vicinity.

C. Intended Use and Approval Procedures

The applicant requests the PD-44 zone to allow the development of the site consisting of 3 buildings (4, 6, stories) 371 detached units multi-family units.

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

Area of the site – 6.92 acres

Total number of units – 371 all MF (may be either rental, owned or both)

1 BR Units - 205

2-4 BR Units – 148

4-5 BR Units – 18

Number of Moderate Priced Dwelling Units – up to 56 (15%)

Number of Parking Spaces – 550³

Setback from One-Family Zone for SFA- None of the adjoining land is recommended for a one family zone.

Greenspace – 58.2% or 4.03 acres, where 50% or 3.46 acres is required.

Development Program – The phasing plan does not provide any limitation on the sequencing or scope of project. Construction of all of the project at once or in sections would have little or no impact on the surrounding area. It may be more convenient for residents to have the gym and pool built and operating when the first units open.

Binding Elements –

³ At least 255 spaces will be provided in existing parking garage located on Parcel SS which is adjacent and connected to Building 1.

1. The number of units will not exceed 371.
2. The total Floor Area Ratio ("FAR") for the property shown on this development plan will not exceed 1.5 FAR.
3. A minimum of 55% of gross area will be provided as green area. The green area will be used for passive recreational purposes and all outdoor furniture and structures located on the green areas shown on the development plan will be provided by Applicant.
4. The maximum building height shall be 87', as described in Section 59-A-1.2 of the Montgomery County Code.
5. The Applicant will meet all forest conservation requirements as set forth in Chapter 22A of the Montgomery County Code on-site and will provide a minimum of 0.72 acres of reforestation/afforestation on-site and retain the existing forest conservation covenant area containing approximately 0.44 acres.
6. All sidewalks shown on the development plan as "Proposed Sidewalk" will be provided at a minimum width of 4 feet.
7. Street trees will be provided 30 feet on center and streetlights will be provided on the private Streets A & B as shown on this development plan.
8. The Applicant will provide the pool feature in the general location adjacent to Building 2 shown on the development plan, provided that the exact design of the pool may be modified at subsequent site plan proceedings.

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. Subdivision and development of this property as proposed depends upon approval of the proposed rezoning to the PD-44 zone.

D. Zoning History –

1. Comprehensive Zoning:
 - a. SMA G-502: C-2 Zone confirmed on 2/4/1986
 - b. 1958 Comprehensive Zoning: R-200 enacted and mapped.
2. Local Map Amendment:
 - a. LMA G-208: R-200 to C-2 Zone 1/29/80

E. Master Plan Recommendation –

1. Land Use: Business - Office
2. Zoning: C-2

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 and no extensions will be required. Local service is deemed adequate and rezoning of the property will not significantly impact existing systems.

2. **Roadways:**

According to the 1990 Shady Grove Area Master Plan, the nearby master-planned facilities include:

Research Boulevard: Designated by the Gaithersburg Vicinity Master Plan as an Industrial road (I-8) with 100 feet of required right-of-way. It is currently a four-lane road, with curbs, gutters, and four-foot wide sidewalks. Access is subject to County Department of Public Works and Transportation rules and regulations. At the time of subdivision review, staff anticipates an additional five feet of dedication from the centerline will be necessary to realize the required right-of-way. The plan shows connections to the existing sidewalks.

Omega Drive: Designated by the Gaithersburg Vicinity Master Plan as an arterial street (A-262-a) that requires 100 feet of right-of-way plus an additional 50 feet, as needed for the Corridor Cities Transitway. The facility is presently constructed as a four-lane road, with divided median, curbs, gutters and sidewalks. Access is subject to County Department of Public Works and Transportation rules and regulations.

3. **Schools:**

MCPS Staff has analyzed this proposal and has noted that this property is located within the Rosemont Elementary School, Forest Oak Middle School and Gaithersburg High School service areas. Enrollment at Rosemont Elementary School is currently within capacity and is projected to stay within capacity. Enrollment at Forest Oak Middle School is currently within capacity and is projected to stay within capacity. Enrollment at Gaithersburg High School currently exceeds capacity and is projected to exceed capacity in the future, however, the current Growth Policy schools test finds capacity adequate in the Gaithersburg cluster.

Projected student generation rates for the project were updated by MCPC staff given the revised development for 371 multi-family units and are as follows:

Elementary School Students (Kindergarten – Grade 5) = 48

Middle School Students (Grade 6 to Grade 8) = 24

High School Students (Grade 9 to Grade 12) = 23

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-44 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 meets the purpose clause of the PD zone. As discussed under above in the Master Plan analysis, there was initially question whether the proposed development would be in substantial compliance with most of the recommendations and objectives of the Master Plan. There was also some question whether integrating seemingly compatible uses could be achieved under the current conventional zoning. The Plan does not provide guidance for a residential proposal at this site. However, with the revision to the design and density, staff concluded it was not inconsistent with the Plan. Opportunities to integrate uses, though constrained in the PD zone are more likely than under the C-2 zone. Certainly circulation, access, storm water management and environmental protection and amenities are as good or better than could be achieved under the current conventional zoning.

The proposed development would achieve social and community interaction, distinctive visual character, and a balanced mix of uses in several ways. The development would have a distinctive visual character because of binding elements regarding street treatment and open space. A network of pedestrian sidewalks (per a binding element) would connect each of the multifamily buildings with one another and the rest of the development. Existing pedestrian circulation networks have been considered as a part of the zoning review and lead-in connections are shown. The land use plan and binding elements indicates a 4-foot wide sidewalk pedestrian circulation system that links the buildings to the rest of the park and sidewalks on existing streets.

The subject site is in reasonable proximity to shopping, parks and public transportation. Certainly more of a mixture of uses could come closer to meeting the unified sense of community identified in the purpose clause. The applicant even attempted to incorporate some convenience commercial into the project but noted that the commercial provisions of the PD zone (59-C-7.132. Commercial.) anticipate developments of 500 units or more.

The open space shown on the plan is the result of considerable discussion regarding the density of the development and preparation of the preliminary forest conservation plan. The resulting usable open space will redevelop an unused banking machine site to create a seating area adjacent to the conservation easement area and central to the development.

The overall proposal is approximately 6.92 acres in area. The minimum area requirement of the PD zone is met.

The proposed development provides access in the form of driveways (35' wide) to public streets. Entry from two different streets provides responders with flexibility in the event that one entrance is blocked. Rockville VFD Station 31 is located approximately 1.2 miles from the site. Secondary response alternatives include the Gaithersburg and Washington Grove Stations which are less than five miles from the site.

The submission for zoning application G-841 is accompanied by a set of plans that are sufficient for the Planning Board and District Council to make the finding that the proposed development meets the purpose of the zone and is in compliance with the adopted general plan and master plans.

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.

Staff examined this provision and reviewed it with the applicant at length. The fact is that the master plan recommends the C-2 zone. The plan does not explicitly indicate any residential density. The applicant provided staff with a rationale for contemplating, that in recommending the C-2 zone, the plan does, at least today, show land for a density of 2 dwelling units per acre. The line of reasoning is that the C-2 zone use table (Section 59 C 4.2) allows dwellings by special exception.⁴ The special exception use (Sec. 59-G-2.36.2. Dwellings) allows dwellings in an industrial or commercial zone with a base residential density of 6.0 units per acre. A weakness to this line of reasoning is the fact that the text amendment to allow this special exception use came after the

⁴ The footnote for the permitted use instance is not applicable.

master plan, which recommended the C-2 zone for this site. So residential use was not contemplated in developing the plan. That said, the District Council approved both the master plan and the zoning text amendment so the policy is now set in place. In the end the same body must make a finding that this application is in "substantial compliance" with the use and density indicated in the master plan. Even more compelling was a conclusion drawn by the Hearing Examiner in the review of G-803, which was similar to the current situation for a portion of the property. In G-803, the Olney Master Plan recommended C-1 zoning for a portion of the property. In that case the Hearing Examiner concluded that the recommended commercial zone, "... can be considered moderate-density commercial, more analogous to moderate-to-high density residential than to low-density residential of less than two dwelling units per acre."⁵ This approach provides an example where substantial compliance was found in making this interpretation. Staff contacted the County Attorney's office and confirmed that this rationale was acceptable. Staff accepts the reasoning, especially when the improvements made to the plan with binding elements from the time of initial submission to the present are taken into account. Technical staff has taken note that this case and the complex line of reasoning for this section of the PD zone are illustrative of some weaknesses of using the PD zone for infill development. Given the standing interpretation of policy, staff concludes that the Master Plan Density provision of the PD zone (Section 59-C-7.121) is met for this case and the District Council can make such a finding.

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

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

Application G-841 meets this criterion because it is 6.92 acres in size and will yield 50 or more dwelling units (371 are proposed).

59-C-7.13. Uses permitted.

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

⁵ Hearing Examiners Report, G-803, page 48.

The housing mix for the proposed development complies with the requirements of this section for high density (PD-44). There are 371 multi-family units proposed, placing the proposal in the 200 or more unit range. This range has a minimum of 25% multi-family units, four stories or less, and a minimum of 50% multi-family over four stories, and no maximum for this unit type. 100% multi family are proposed in four, five and six story buildings so this provision is met.

59-C-7.132. Commercial.

No commercial uses are proposed under this rezoning application.

59-C-7.133. Other uses.

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

Such facilities are indicated in the proposal in the way of common open space and community recreation in the form of a gym and pool.

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 high-density category of forty-four 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 PD zone is not 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 area is not shown for residential use on the master plan. The permitted density in the Master Plan recommended zone of C-2 is 1.5 FAR. For this reason a binding element limits development to 1.5 FAR. Moderately Priced Dwelling Units are proposed and will permit up to 56 units to the acre but the 1.5 FAR will not be exceeded so this increase is not necessary.

(d) Notwithstanding the density provisions of this zone, the District Council may approve an increase in density for housing for senior adults or persons with disabilities, as defined in Section 59-A-2.1, within a planned development in accordance with the following requirements:

No senior housing is proposed.

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

TDRs are not recommended for this site, 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 use is found to be compatible as shown on the plan. The proposed use and requesting density are compatible 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.

There are no one-family detached homes in the area nor are any recommended.⁶ The Development Plan indicates that no buildings other than one-family detached will be within 100 feet of adjoining land recommended for one-family detached zones. No property is within close proximity to a CBD or transit station.

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

The proposed development follows the 1990 Shady Grove Area Master Plan by providing appropriate residential development and public recreation.

59-C-7.16. Green area.

⁶ Even without the Crown Farm Annexation, the Crown Farm was recommended medium density in the PD Zone.

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

The green area comprises over 55 percent of the site.

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

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

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

59-C-7.18. Parking facilities.

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

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

Having considered the 1990 Approved and Adopted Shady Grove Study Area Master Plan, staff supports approval of the proposed rezoning on the basis that it is consistent with the recommendations of the master plan.

This site is not specially discussed in the narrative text of the plan but it is shown on the land use plan for employment (office). The zoning maps in the plan show the property for C-2, as it is zoned. The actual zoning predates the plan recommendations and comes from a series of local map amendments in the decades before the plan. The plan simply anticipates build out of the office park.

C. Transportation

Having considered the traffic study and existing facilities, Transportation Planning staff recommends approval for a total of up to 480 multi-family housing units. This is met by binding element number one, which limits development to 371 units. The higher number is because the traffic study was based upon the original proposal of PD-60 with 477 units. The lower final number of units was selected to resolve other non-transportation issues, but this only lowers the impact on critical intersections, and there was no change in unit type or uses so no new traffic study was necessary for the zoning review.

D. Development Plan

Development standards for the rezoning petition are consistent with the zone. The following chart shows the development standards for the rezoning application:

Section 59-C-7.19 requires that the 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:
 - (1) other natural features, such as rock outcroppings and scenic views; and
 - (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 approved Natural Resources Inventory/ Forest Stand Delineation (NRI/FSD) has been submitted with the Development Plan. The NRI/FSD (#4-05369) was approved on September 27, 2005 in accordance with the technical manual adopted by the Planning Board on September 25, 2003.

The development plan shows the relationship of the site to the surrounding area and the use of adjacent land. In addition, staff has required an illustrative that considers the position of this project in the office park as a whole.

The locations and uses of all buildings and structures are shown on the development plan although there is a note on the plan indicating that the exact location will be determined during preliminary plan and site plan proceedings. The plan indicates a preliminary classification of dwelling units by type and by number of bedrooms.

The location of parking areas, with calculations of the number of parking spaces, is shown on the plan as is the location of land to be dedicated to public use. Since this project is multifamily, all exterior areas will be maintained as common areas.

The submitted Land Use Plan indicates access points to the site. The western access is to Omega Drive and the southern access is Research Boulevard. No development of CIP planned roads or facilities are associated with this proposal.

No commercial development is proposed so an economic analysis is not required. The development plan indicated the PD-44 zone category.

Technical staff finds the preliminary forest conservation plan to be in accordance with Chapter 22A and recommends approval.

The 3-phase development program is indicated on the development plan but the phases may occur in any order. Technical analysis has not indicated any reason why this flexibility would be a problem but in subsequent review occupancy may be linked to completed pedestrian and recreational facilities.