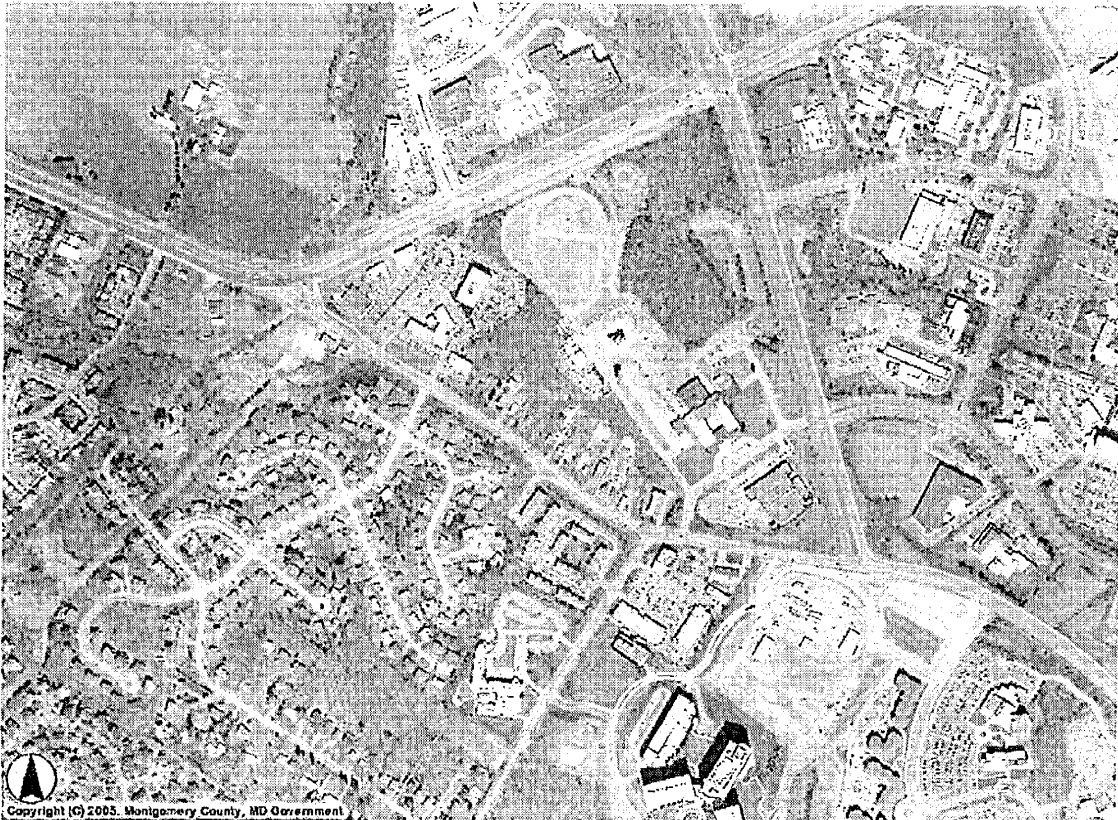


# **ATTACHMENTS III**

- Applicant's Statement

# Land Use and Zoning Analysis

## Local Map Amendment G-849 Darnestown at Travilah



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MHG JOB No. 2004.246

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### **Background Information**

The following report was prepared as supplemental information for the Local Map Amendment Application, case G-849.

The subject property consists of a series of 10 assembled parcels, totaling 4.92 acres. The "Property" is located on the north side of Darnestown Road approximately 400 feet west of the intersection of Travilah Road and Darnestown Road (See Exhibits A and B) The Property is currently zoned R-90. The Property lies in the Gaithersburg and Vicinity Master Plan Area. The applicable "Master Plan" is the Gaithersburg and Vicinity Master Plan as amended by the Shady Grove Study Area Master Plan, 1990.

Winchester Homes, the Applicant and contract purchaser of the Property is requesting rezoning from the R-90 zone to the RT-8 zone (residential townhouses at a density of 8 dwelling units per the acre). The density is appropriate as it is specifically identified in the Master Plan's land use and zoning recommendations. Developed at the maximum density, the Property would yield 48 dwelling units with MPDUs. While 48 dwelling units are allowed with the RT-8 Zone, the applicant proposes as a Binding Element, restricting development to a maximum of 39 single-family attached units.

The rezoning request is for a floating zone facilitated through a Local Map Amendment as described in section 59-H of the Montgomery County Zoning Ordinance. The optional method of application includes a Schematic Development Plan with binding elements. A floating zone, such as the RT-8 zone, requires a finding that the proposed zoning satisfies the purpose clause of the zone; that the proposed reclassification would be compatible with existing and planned land uses in the surrounding area; and the proposed reclassification bears sufficient relationship to the public interest to justify the approval. As discussed herein, the proposed application satisfies these standards.

### **Property Description**

The Property lies in part of Montgomery County informally known as Travilah. The Applicant has assembled 10 parcels along Darnestown Road to form the rectangular shaped Property. See Exhibit C, the Identification Plat. The parcel sizes range from 3,571 square feet to 24,393 square feet according to Maryland Department of Assessments and Taxation. The Property in total has +/-769 linear feet of frontage along Darnestown Road.

The Property is currently improved with several existing single-family homes. The architectural style of the homes varies. The gross square feet of the homes ranges from 721 square feet to 2,136 square feet, with the average of 794 square feet, according to Maryland Department of Assessments and Taxation.

Current access to the Property is via curb cuts in Darnestown Road with 7 individual driveways.

The topography of the Property falls from the upper north east corner, adjacent to the Public Service Training Academy (PSTA), to the lower south west corner of the Property, adjacent to Darnestown Road. The geology of the Property, via a geotechnical report, indicates a very shallow depth to bedrock.

There is no forest on the Property. There is a wooded area on adjacent land to the north of the subject area belonging to the PSTA. There are individual ornamental and shade trees and landscaped areas scattered throughout the Property. A Natural Resources Inventory – Forest Stand Delineation Plan has been approved by MNCPPC. The reference number is 4-06104 (See Exhibit D)

### **Surrounding Area**

The purpose clause of the RT Zones states there are designated or appropriate areas of Montgomery County where residential development can occur with densities allowed in the RT Zones. The surrounding area is identified and described to assist in demonstrating compatibility with surrounding uses. In general, the definition of the surrounding area takes into account those areas that would be most directly affected by the proposed development. The boundary of the surrounding area is described as follows:

To the north and west of the Property, the southern right-of-way for Key West Avenue, MD Route 28; continuing along the southern right-of way of Great Seneca Highway, MD Route 119; continuing along the southern right-of-way of Darnestown Road, a county road, to the a point on Darnestown Road where the zoning changes from MXN to C4; then south and west along the properties zoned C4 to a point on Travilah Road, a County road; then along the eastern right-of-way for Travilah Road continuing to a point in the boundary for the Hunting Hill Woods subdivision; then west following the Hunting Hill Woods subdivision along the easterly right-of-way of Travilah road to the southwest corner of Parcel D in the Hunting Hill Woods subdivision; then north and east along the boundary of the subdivision to a point in Darnestown Road. (See Exhibit E)

The surrounding area includes a diversity of zoning and land uses. These zoning classifications and uses range from residential, office-medical, institutional and retail.

The existing zoning patterns follow logical and appropriate designations. The commercial zoning is located near major intersections. At the intersection of Darnestown Road and Key West Avenue is a parcel zoned C-3 (Highway Commercial), and at the intersection of Darnestown Road and Travilah Road are properties zoned C-4, (Limited Commercial). The location at the intersections allows for adequate ingress and egress and could

accommodate the volume of traffic for the specified uses in those zones. The LSC (Life Science Center) and O-M zone offer employment opportunities and also allow for transitions in land use intensity and compatibility. The R-90, R-200 and RT-10 zoning classifications are contained in the surrounding area. The RT zoning was also adopted under the LMA process. Travilah Crest, G-618, was approved to allow 49 townhouse dwellings at an overall density of 10 units per the acre. Another project, with a Preliminary Plan name of "Parcel 56" and a Site Plan name of Travilah Crest, G-638, rezoned an acre of property, south of the Property, to the RT-10 zone. The R-200 zoning in the surrounding area is overlaid with the TDR (Transfer Development Right) Overlay. The overlay zone allows, under an optional method of development, additional density and variety dwelling units. The array of zoning classifications further enhances the development pattern with complementary land uses.

The residential character of the surrounding area is diverse. The residential uses are predominately located to the south of Darnestown Road. Within the surrounding area there is a mix of single-family detached and attached units. There are approximately 264 dwelling units, 58% of which are single-family detached and 42% attached. The residential developments also include a mix of development patterns. For instance, portions of the Bai-Nola Woods subdivision, located to the south of the Property, include lots recorded prior to the enactment of the subdivision ordinance as well as lots subdivided under the standard method of development, as contained in today's subdivision ordinance. The Hunting Hill Woods development is an example of another development technique. This subdivision was developed under the Cluster option of development. This development includes single-family detached and attached lots, at varying sizes, and also contains several parcels used for open space. The Travilah Crest and Parcel 56 projects contain all single-family attached units. These projects, similar to this proposed project were rezoned to the RT zone which allows all single-family attached units. There are other properties that are currently being used below their potential and could be further enhanced through redevelopment.

The adjacent commercially zoned properties act to serve convenience retail needs. In addition, employment uses are also in the surrounding area. The employment opportunities include medical, research and development, retail and public service.

The Public Service Training Academy, PSTA, is located to the north of the Property. The uses on-site include training for police, fire and rescue personnel. Mike Clemens, Assistant Chief Training Officer, emphasized how quiet the facility is. A Mandatory Referral No. 05303-DPWT-1 was recently approved by the Planning Board on January 20, 2006. It is important to note that the PSTA improvements, in addition to the existing improvements, were approved adjacent to existing single-family detached homes.

Police training activities include academic buildings, a driver training course and skill area, an indoor insulated gun range, and a soon to be constructed 1,350 square foot canine

training area.<sup>1</sup> The applicant has had several telephone conversations with command staff. The operations of the police training create very little noise pollution. Sirens are not used with the driving course, the gun range is enclosed and insulated and the canines are trained not to bark in order to conduct clandestine operations.

Rescue operations include training associated with urban search and rescue. The training includes periodic demolition of concrete structures. Additionally, a helipad, currently in use on the site will receive an upgraded asphalt surface. The bollard lighting is only activated when the helicopter is authorized to land, approximately 10 times a year. As stated in the mandatory referral, no noise complaints have been lodged.

Fire personnel utilize several structures and staging areas. There are fire burn-buildings and a tower structure used for training purposes. No sirens are used during training activities. A new 10,000 square foot fire station will also be added to the site. It will access Darnestown Road. The station will accommodate apparatus bays, offices, living quarters and support facilities. As discussed herein, and depicted on the Schematic Development Plan, the Applicant has designed the plan for the development to address the adjacent use. The Applicant is also proffering a Binding Element requiring notification to future homeowners of the existing use of the PSTA.

### **Master Plan**

The Property is discussed and depicted on several pages of the Shady Grove Study Area Master Plan. The Property lies within the PSTA Study Area, as depicted on Figure 5.4 of the Master Plan (See Exhibit F). Additionally, the Property lies within an area designated by the Master Plan, Figure 3.1 (See Exhibit G), as having redevelopment potential.

The proposed rezoning meets many general Master Plan objectives. Page 3, of the Master Plan reads,

*"providing a sense of community identity for both existing and future residences;"*

*"increasing the County's total housing stock and concurrently providing an appropriate mix of affordable housing;"*

The proposed rezoning complements this objective. The resulting assemblage and unified development properly addresses the streetscape along Darnestown Road and provides community amenities in appropriate locations and intensities. The development of the Property is proposed at 8 dwelling units per acre, well within the density range proposed

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<sup>1</sup> Mr. Clemens specifically noted that the dogs training in this area have already been taught not to bark.

in the Master Plan. The approved and adopted Land Use Plan also designates the Property with a residential land use with a density of 7 to 10 dwellings per acre, as shown on Figure 5.1 of the Master Plan (See Exhibit H ) In addition, 12.5% MPDU's are dispersed throughout the site.

On page 4 of the Master Plan, floating zones are suggested "*as a means of achieving the Plan's land use and design objectives.*" This local map amendment utilizes the RT-8 floating zone as expressly illustrated on Figure 6.3 "Properties Proposed for Optional Zones"(See Exhibit I). As part of the review process, additional review of the Property's finished design will occur with a Site Plan.

Land use and design objectives are highlighted in the Master Plan. Page 23 contains Objective 3: "*Provide for a broad mix of residential units including affordable housing.*" This application satisfies this objective in the context of the surrounding area. As a result of rezoning the property, dwelling unit types would be balanced. Of the approximately 303 dwelling units, there would be 153 single-family detached and 150 single-family attached dwelling units. This project also includes MPDUs dispersed throughout the Property.

The Property and surrounding area is specifically identified on pages 67 and 68 of the Master Plan (See Exhibits J and K). The land use analysis area is described as Public Service Training Academy (PSTA) Area. The described strategies are accomplished accordingly:

*Encourage the joint redevelopment of parcels fronting MD 28 by designating the area as suitable for 8 units per the acre. The applicant has assembled 10 properties, a feat in and of itself.*

*Recommend that a density of 8 units per the acre be allowed only if access is from a new frontage service road along MD 28. The proposed project eliminates 5 of the seven existing curb cuts while accommodating directed access to two logical points of ingress and egress.<sup>2</sup>*

The Master Plan recommend zoning designations are shown on Figure 6.4, "Zoning and Highway Plan" (See Exhibit O). The Property designated to be rezoned, through an optional method, to the RT-8 Zone. The Master Plan's Zoning Implementation Strategy, Table 6.1 (See Exhibit P) reiterates the allowing the RT-8 for the Property.

It is our opinion that the goals of the Master Plan have been satisfied through the subject application. Properties have been assembled, access points have been consolidated and the binding elements enhance compliance with future site design. Meeting Master Plan

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<sup>2</sup> Darnestown Road was a State Route, MD Route 28. After the adoption of the Master Plan, Key West Avenue was designated a State Route and Darnestown Road was classified as a County Arterial Road. (See Exhibits L, M and N)



goals and recommendations complements the finding that the proposed land use is compatible with the surrounding properties and area.

### **Description of the proposed rezoning**

In compliance with the area Master Plan, the applicant has assembled 10 parcels. In conformance of the RT-8 zoning requirements, the applicant proposes 39 single family attached dwelling units, and provide Moderately Priced Dwelling Units at 12.5% or up to 5 units. See Exhibit Q.

The Property is 4.92 acres and has +/-769 feet of frontage to Darnestown Road. With the approval of the last update to the Master Plan, Darnestown Road was reclassified to a county arterial road, losing the status of a state route. Key West was designated a major highway, with the purpose of carrying the bulk of regional through- traffic around the surrounding area. As prescribed in the current Master Plan, the right-of-way for Darnestown Road is 100 feet. Approximately 4,603 square feet will be dedicated through the subdivision process

The Master Plan objective of removing the multiple entrances to Darnestown Road is met and is enhanced with the other proposed public improvements: curb gutter, a shared bike path and street trees. In addition, the proposed development is served by ingress and egress proposed at two locations. Due to sight distance constraints, the easterly access to the site will be restricted with a traffic control device to provide right-in and right-out movements. The westerly point of access is currently proposed with full-movement, including a center turn-lane. Chapter 50-26(e)(2) requires a dimensional separation of intersections with arterial highways. The current intersection separation from centerline of Yearling Drive to the centerline of the westerly access point is +/- 297 feet. During initial layout studies a service road was explored. However, the same conflicts in intersection separation would be presented. Through traffic heading east should follow Key West Highway. Only a portion of the 19 am peak hour trips and a portion of the 33 pm peak hour trips would utilize, to the fullest extent, the westerly access point. Re-striping the pavement markings in Darnestown Road will accommodate safe and adequate ingress and egress to and from the site.

The unit types are proposed to be a mixture of front-loaded (an integral garage accessed from the front of the building) and rear-loaded (an integral garage accessed from the rear of the building) attached dwelling units. Access to the front-loaded units will be via a private street and the rear-loaded units will be served by a private alley. The 34 market rate units are proposed to be 24 feet in width, while the MPDUs are proposed to be 20 feet in width.

Several design techniques are utilized to ensure compatibility in design; buffer yards, unit orientation and strategic locations of amenity areas. The adjacent properties are primarily

residentially zoned, the exception being the O-M zoning directly to the west of the property. The adjacent land uses include the PSTA to the north, a dance studio operating under a special exception to the east, single-family detached and attached homes to the south and a medical office building to the west. Buffer areas are proffered as binding elements on the perimeter of the subject. This area is intended to provide a vegetated landscape screen. To specifically address the western property line and the office-use, a buffer strip of 16 feet from the boundary of the property to the closest lot line. In addition, the closet proposed building to the western boundary of the property is 35 feet. There is existing woodland adjacent to the property, on the PSTA site. Therefore, existing conditions are enhanced with the proposed 23 foot buffer yard. Screening will include an assortment of deciduous and evergreen trees and under-story plant material. Applicant also proffers, as a Binding Element, to construct a solid 6 foot fence (material to be determined at site plan) along the property line adjacent to the PSTA. The additional fence is intended to provide additional screening and to accommodate some noise attenuation measures. To the east of the site lies a residentially zoned property operating as a dance studio, under a special exception. The building located on the adjacent property is located approximately 12 feet away from the common property line with an asphalt driveway located between the building and the property line. The building wall is primarily blank comprised of architectural siding, an entry door and several high windows. Due to the nature of the use and the improvements located on the property, a 10 foot buffer strip is proposed. Again, vegetative screening is proposed within this buffer strip.

The dwelling unit orientation was also a consideration in providing compatibility. The placements of buildings on the eastern and western borders of the Property create "passive" areas on the adjacent properties. The Building façades have little to no architectural significance. With the proposed screening and buffer yards, the "active" rear yards for the proposed dwellings will have inherent privacy. Front building façades face public and private streets. This allows a unified streetscape onsite and allows for an attractive presentation along Darnestown Road. There will be four building facades that will not front to Darnestown Road. These units are proposed with enhanced architectural treatments to include, but are not limited to, masonry materials and appropriate fenestration. The overall building orientation scheme provides an efficient circulation pattern, compatible useable yards, appropriate streetscape and centralized recreation amenities.

The recreation amenities are conveniently located in the center of the project. A community wide sidewalk with street trees is proposed. The sidewalk will be linked to a shared bike path located along Darnestown Road. A play area of approximately 6,500 square feet with play equipment is proposed. Additionally, a passive seating area is included. Other passive areas on-site include preservation of a wooded area to be preserved in a conservation easement.

As part of the schematic development plan, the applicant is proffering binding elements; resulting in the project being bound by more restrictive development standards than normally required by the underlying zoning requirements. These binding elements include:

- limiting the project to a maximum of 39 dwelling units, including 12.5% MPDUs
- limits the development to 100% attached units
- limits maximum building height to 35 feet
- limits building coverage to a maximum of 20%
- providing a minimum of 53% green area
- provides MPDU building facades similar to the market rate units; masonry or like equivalent
- landscape buffers provided around the boundary of the property
- enhanced landscape design along the frontage of Darnestown Road to include, but is not limited to the following materials: masonry walls, decorative fencing, and screening landscape materials
- a Category I Conservation Easement to be placed on-site
- construction of a solid fence (materials to be determined at site plan) along the Property's northern boundary line adjacent to the county Public Safety Training Academy
- notification provided to potential purchasers in sales contracts of the Property's adjacency to the county Public Safety Training Academy

## **Public Facilities**

### **Schools**

According to information supplied Montgomery County Public Schools, the proposed 39 unit development could generate 10 elementary students, 5 middle school students and 7 high school students. Those students would attend Wootton High School, Cabin John Middle School and Stone Mill Elementary School. The FY 2005 AGP, adopted by the County Council in October 2004 provides for an annual school test component. The school test determines if a residential subdivision should be subject to either a school facilities payment or a moratorium. The MCPS staff, using the methodology adopted by the County Council, prepared the school test analysis. Subsequently, M-NCPPC staff reviewed the results of the MCPS analysis and endorsed the findings that there are no clusters where subdivisions should be subject to either the school facilities payment or to a moratorium. On June 23, 2005, the Planning Board adopted the recommendations of the Planning Staff in this regard and found that all Elementary, Middle and High schools have adequate capacity to support additional residential development. Based on the

FY2006 AGP, therefore, the requested rezoning will not result in the overburdening of the public school system.

#### Public Safety

The PSTA facility is located adjacent to the property. A programmed improvement to the facility is a new fire station. Emergency vehicles would access the property via Darnestown Road. Montgomery County Police use the PSTA extensively and therefore are very accessible to the property. In addition, the property is located less than a mile's drive to Shady Grove Adventist Hospital

#### Utilities

The property is currently serviced by cable, electric and gas. The property receives public water and sewer service through WSSC Washington (Suburban Sanitary Commission) and is classified in an appropriate service category. Existing infrastructure is located adjacent to or currently over the property and is adequate to serve the proposed 39 dwelling units.

#### Transportation

As determined by a study performed by the Traffic Group, the proposed development will not overburden the existing transportation network.

#### **Public Interest**

In my professional opinion, the proposed rezoning from the R-90 zone to the RT-8 zone is in the public interest as supported by the analysis contained in this report. The purpose clause of the RT zone is met, the proposed townhouse project is compatible within the surrounding area, and the density, building massing and location of amenities are appropriately scaled.

The provision of additional housing to support the county's growing population will help serve the public interest. The proximity to one of the county's major employment area will assist in meeting master plan objectives of an equitable jobs to housing ratio. In addition, moderately priced dwelling units at 12.5% will be provided on-site, thereby increasing the much needed affordable housing stock in the County. The RT rezoning is in the public's best interest.

Smart growth is facilitated with this rezoning request. Existing, adequate public utilities serve the site. The proximity to major transportation systems allows for alternative forms

of commuting. Employment and neighbor services are within walking distance. The RT rezoning is in the public's best interest.

The Master Plan encourages assemblage of the Darnestown Road properties and redevelopment as a residential use at 8 dwelling units per the acre. The applicant has been successful in assembling 10 parcels, an impressive assemblage.

The Master Plan recommends reducing curb cuts along Darnestown Road. The applicant has accomplished this by eliminating 5 of the 7 curb cuts and providing two logical points of ingress and egress. Recently, the PSTA was approved by the Planning Board with a number of improvements on their property. The subject Property is not needed to support the future use of the PSTA. In approving the changes to the PSTA, an examination as to the appropriateness of rezoning the Property to a higher intensity townhouse use was not sighted. The RT re zoning is in the public's best interest

### **Standards for Approval**

A floating zone requires an evaluation of whether the local map amendment application complies with the expressed purposes of the zone, as set forth in the Purpose Clause, and whether the proposed zoning is compatible with the uses and development in the surrounding area. As discussed in more detail below, the proposed local map amendment meets the expressed purposes of the RT-8 Zone and will be compatible with the surrounding area and generally consistent with the 1990 Gaithersburg and Vicinity Master Plan. In addition, the proposed zoning reclassification meets the Intent, Guidelines and Development Standards provided in the RT-8 Zone.

The Purpose of the RT zones is listed at Section 59-C-1.721 of the Montgomery County Zoning Ordinance, as follows:

*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 transition 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 to adjacent properties or the neighborhood and to promote the health, 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.*

The Master Plan designates the Property for an 8 units to the acre density. The proposed rezoning is in conformance with this designation. The Property is appropriate for residential development at the density requested because of its location and relationship to surrounding development and zoning patterns.

The PSTA, located to the north of the Property, operates as a public institutional use. However, the property is zoned residential, R-90, with a TDR Overlay Zone. If the PSTA were relocated, a mix of single-family attached and detached units could be provided.

The properties located to the south of the project include single-family detached and attached zoning. The largest subdivision, Hunting Hill Woods is zoned R-200, but was developed with the Cluster method of development. As such, large open spaces are provided and mix in dwelling types is encouraged. This development was approved with 106 single-family detached and 69 single-family attached units, 26 of which were MPDUs. Adjacent to the Hunting Hill Woods subdivision are the Travilah Crest subdivisions. These subdivisions share the same name and zoning, RT-10, but were developed at different densities. These developments contain 100% single-family attached dwellings and were also rezoned through the local map amendment procedure.

To the west and east of the site are a dance studio and medical office building. The nature of the relatively low land use intensity and existing building orientation, make for accommodating compatibility in land use.

*59-C-1.722. Row Design*

- (a) Eight townhouses is the maximum number permitted in any one attached 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.*
- (c) For one-family attached units, there can be no more than 12 units in one row.*

The proposed Schematic Development Plan is in conformance with the row design requirements

*59-C-1.723. Combined Tracts. Not applicable.*

*59-C-1.73. Development Standards*

<u>Standard</u>	<u>Permitted</u>	<u>Proposed</u>	<u>Binding Element</u>
Minimum tract area	20,000 sq.ft.	214,198 sq.ft.	-
Maximum Density du/ac	8.0 du/ac	8.0 du/ac	8.0 du/ac
Minimum Building setback --			
-From any detached dwelling lot 30 ft. or land classified in a one family detached residential zone	30 ft.*	30 ft.	-
-From any public street	25 ft.	25 ft.	-
-From an adjoining lot			
side (end unit)	10 ft.	10 ft.	-
rear	20 ft.	20 ft.	-
Maximum building height	35 ft.	35 ft.	-
Maximum building coverage	35%	20%	20%
Minimum Green area	50%	53%	53%
Parking	2/du	73 spaces driveway 73 spaces garage 20 addl. guest parking*	- - -

\* Final determination at Site Plan

At 4.92, acres the Property exceeds the minimum tract area and will meet or exceed all of the other development standards at time of subdivision and site plan review.

As discussed herein, and as illustrated on the schematic development plan, the proposed development is compatible with surrounding uses. In fact, at the proposed scale, and with the proposed buffers, the proposed townhouse development is more compatible with the surrounding uses than the existing hodge-podge of single family dwellings. In addition, the implementation of residences will reinforce the residential character of surrounding development.

### Summary

This report supports the application to rezone the Property to the RT zone at a density of 8 dwelling units per the acre. Master plan objectives including parcel assemblage, an increase in housing stock, inclusion of affordable housing and consolidated ingress and egress to the site in a safe and adequate manor have been properly demonstrated. The purposes clause of the RT Zone is met with a Master Plan recommendation for the RT-8 Zone and the applicant's ability to further Master Plan goals and objectives. The proposed Schematic Development Plan Illustrative and Binding Elements balances a transition in associated land uses along Darnestown Road.

Compatibility within the surrounding area has been demonstrated, conformance with the requirements of the Montgomery County Zoning Ordinance is achieved, and the rezoning is in the public's best interest.