**MEMORANDUM**

DATE: April 9, 2004
TO: Montgomery County Planning Board
VIA: Rick Hawthorne, Chief
 Michael Ma, Supervisor *Ma*
 Development Review Division
FROM: Robert A. Kronenberg, RLA *RAL*
 Planning Department Staff
 (301) 495-2187



REVIEW TYPE: Site Plan
APPLYING FOR: 473 multi-family dwelling units, including 53 MPDUs
PROJECT NAME: Jefferson at Inigo's Crossing
CASE #: 8-04023
REVIEW BASIS: Site Plan Review required in the PD Zone [59-C-7.19] as set forth in Division 59-D-3. Section 59-C-1.61 for development including Moderately Priced Dwelling Units

ZONES: PD-28 and R-90
LOCATION: 900 feet west of Rockville Pike directly on Tuckerman Lane

MASTER PLAN: North Bethesda/Garret Park Master Plan
APPLICANT: JPI
FILING DATE: February 3, 2004
HEARING DATE: April 15, 2004

STAFF RECOMMENDATION FOR SITE PLAN: Approval of 473 multi-family dwelling units in the PD-28 and R-90 zones on 17.33 acres, with the following conditions:

1. Development Plan
Applicant shall comply with the binding elements listed in the Zoning Map Amendment (G-796) and associated Development Plan [Appendix A].
2. Preliminary Plan
Applicant shall comply with the conditions of approval for the amended Preliminary Plan

(#1-92072A) opinion dated July 8, 2003 [Appendix B].

3. Moderately Priced Dwelling Units (MPDUs)

Applicant shall provide (66) sixty-six Moderately Priced Dwelling Units (MPDUs) on the site in accordance with Chapter 25A.

4. Stormwater Management

Conditions of MCDPS stormwater management concept approval dated May 29, 2003 [Appendix B].

5. Forest Conservation

a. Conditions of approval of the Forest Conservation Plan.

b. Final Forest Conservation Plan (including grading and tree protection information) shall satisfy all conditions referenced in the M-NCPPC Environmental Planning Section memorandum dated April 8, 2004 [See Appendix B], prior to the Montgomery County Department of Permitting Services (DPS) issuance of sediment and erosion control permit:

c. Afforestation/Reforestation Plan to include landscape edge transition planting along the eastern edge of the building envelope. Provide appropriate permanent signage at the edge of the reforestation area. Trees shall be a minimum of 1.5" to 2" caliper along the forest conservation edge.

6. Site Plan Enforcement Agreement

Submit a Site Plan Enforcement Agreement and Development Review Program for review and approval prior to approval of the signature set as follows:

a. Development Program to include phasing as follows:

- 1) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
- 2) Coordination of each section of the development of roads;
- 3) Street tree planting must progress as street construction is completed, but no later than six months after completion of the buildings;
- 4) Phasing of dedications, stormwater management, sediment and erosion control, or other features;
- 5) Community-wide facilities, including recreational facilities must be completed prior to 70% occupancy of the buildings for the development. Certificate of occupancy to be provided to M-NCPPC staff demonstrating the 70% occupancy of the building;
- 6) Identify the area of ground lease for the multi-family component of the development.

b. Final Forest Conservation Plan shall satisfy all conditions of approval prior to the Montgomery County Department of Permitting Services issuance of sediment and erosion control permit.

c. No clearing or grading prior to M-NCPPC approval of signature set of plans.

7. Signature Set

Prior to signature set approval of site/landscape plans, the following revisions shall be made, subject to staff review and approval:

a. Site Plan

- 1) Show all easements, Limits of Disturbance, Rights-of-Way, Forest

Conservation Areas and Stormwater Management Parcels, Home Owner Association Parcels and trails, Planning Board opinion, development program inspection schedule, site plan numbers and dates of approval on the drawing.

- 2) The location of all recreation facilities shall be clearly identified on both the site and landscape plans. Complete details and specifications demonstrating full conformance with the Recreation Guidelines shall be added to the plans.
- 3) All internal sidewalks to be a minimum width of four feet.

b. Landscape Plan:

- 1) Label all sidewalk and pathway material. Provide details of all proposed hardscape material and site amenities, including but not limited to brick and concrete pavers, pea gravel, flagstone and the pergola.
- 2) Provide a detail of the 6-foot metal fence at the end of the access road.
- 3) Label all of the plant materials and provide quantities in the plant schedule.
- 4) Additional planting shall be provided at the transitional edge of the forest conservation easement, in conjunction with the approved final forest conservation plan.

c. Lighting Plan:

- 1) Provide a lighting distribution plan that accurately separates the zones to nighttime use areas. Remove the 0.00 points from the summary to accurately reflect max./min. ratios. Label all the fixtures on the lighting plan.
- 2) Provide detail specifications for all light fixtures, including wattage and correct height of poles.
- 3) All fixtures shall be full cut-off.
- 4) All light poles on the western boundary shall be a maximum of 14-feet in height including the base. Provide shields on these fixtures to negate any glare onto the adjacent residential community.

Summary of Issues:

During the course of site plan review and discussion, staff and the applicant reviewed the location of the units and their relationship to Tuckerman Lane and the adjacent communities, access to and from the site, location of the building and amenities and preservation of natural features. Issues are being addressed with regard to the provision of Moderately Priced Dwelling Units (MPDUs) directly related to the density of the property.

Vehicular access will consist of one primary street serving the two buildings with an access road to the maintenance buildings for the overall site. Pedestrian access will be provided via sidewalks from Tuckerman Lane and internally to link the public road and activities associated with the proposed buildings.

Other elements pertinent to the Development Plan and Zoning Reconsideration, such as landscaping were reviewed for conformance to adjacent uses. The majority of the lighting will be located internally to provide safety and illumination within the amenity areas encompassed within the building.

RELATED ISSUES PERTINENT TO SITE PLAN REVIEW:

A. MPDUs

The subject 15-acre property was rezoned from the R-90 Zone through Zoning Map Amendment G-796. Under the PD zone, the maximum base density for the site is 420 (28 x 15) dwelling units. The minimum amount of MPDUs required for the maximum base density at 12.5% is 53 MPDUs. The total number of units proposed by the submitted site plan is 473, which includes the 53 MPDUs above the base density. This calculation was a part of the Development Plan approved along with the Zoning Map Amendment for this property.

Applicant Position

The applicant believes that the PD Zone offers an option to increase the number of units above the base density, as long as the bonus units are MPDUs and that the required 12.5% is calculated on the base density and not the total number of units proposed. The applicant applies the language in the zoning ordinance to calculate the number of MPDUs in the following manner:¹

Base density:	420 dwelling units
[15 acres x 28 (PD Zone classification)]	
Required MPDUs:	53 MPDUs
[420 du's x 12.5%]	
Total number of units:	473 dwelling units
[420 (Base) + 53 (MPDU)]	

The applicant's position is that the total number of MPDUs was approved as part of the Zoning Map Amendment G-796 and should not be changed as part of the site plan application.

Staff Recommendation

It is Staff's position that, although the Development Plan does set forth the maximum number of units as 473 and the required MPDUs at 53, this is contrary to the provisions of the Zoning Ordinance and Chapter 25A. The correct calculation under these statutory provisions is as follows:

The proposed site plan requests 53 bonus units above the 420-unit base density, which represents a 12.6% increase of the base density. According to the sliding scale established by Chapter 25A, the development must provide MPDUs which equal to 13.8% of the total

number of units proposed (473) to qualify for the 12.6% bonus density. Staff's calculations are as follows:

Base Density:	420 dwelling units
[15 ac. x 28 du's/ac.]	
Total proposed residential units:	473 dwelling units
Bonus units:	53 dwelling units
[473-420 = 53 (12.6% density bonus over the base)]	
Required MPDUs:	66 MPDUs
[473 x 13.8% (based upon sliding scale in Chapter 25A)]	

The MPDU calculation shown on the Development Plan was incorrect and 66 MPDUs must be provided for the proposed 473-unit development in accordance with Chapter 25A.

Further support for Staff's position is found in §59-C-7-1.4(c) which states, in full, as follows:

- (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 increased¹ to accommodate the construction of Moderately Priced Dwelling Units as follows:
- (1) For projects with a residential density of less than 28 dwelling units per acre, the number of Moderately Priced Dwelling Units must not be less than either the number of density bonus units or 12.5 percent of the total number of dwelling units, whichever is greater.
 - (2) For projects with a residential density of more than 28 dwelling units per acre, the number of Moderately Priced Dwelling Units must be at least 12.5 percent of the total number of dwelling units in accordance with Chapter 25A.

Since the current application is zoned PD-28, it does not fall squarely under subsection (1) or (2). However, the result is the same in this case whether PD-28 falls under (1) or (2). In either case, the minimum number of MPDUs required, under § 59-C-7.14 is 60, which supports Staff's position that 66 MPDUs are required.

1 While this language implies an increase in base density, it only provides it in accordance with the language that follows in subsections (1) and (2), which does not, in fact, expressly provide for an increase in base density. Instead, subsections (1) and (2) only address the minimum MPDUs required. Subsections (1) and (2) may be interpreted, however, to provide for an increase in base density in accordance with Chapter 25A. This interpretation further supports Staff's position.

Position of the Department of Housing and Community Affairs

Ms. Elizabeth Davison of the Department of Housing and Community Affairs (DHCA) has sent a letter dated April 7, 2004 to Mr. Michael Ma with regard to the number of MPDUs provided in the subject application [Appendix A]. Although DHCA does not contest the calculations proposed by site plan staff, she believes the number of MPDUs was determined by the approval of the zoning case to provide 12.5% of the base, and to impose additional units at this time would be unfair.

PROJECT DESCRIPTION: Surrounding Vicinity

The site is located 900 feet west of the intersection Rockville Pike directly on the north side of Tuckerman Lane in Rockville, Maryland. The site is the southern extension of the Georgetown Preparatory School, which borders Rockville Pike to Golf Lane. Access to the school is directly across from Strathmore Avenue. The western edge of the property is bounded by the subdivision known as Tuckerman Station, consisting of one-family attached dwelling units. The subject application is split-zoned PD-28 and R-90, with the PD zone located primarily at the intersection of Tuckerman Lane and Rockville Pike. The remainder of the school property is zoned R-90.

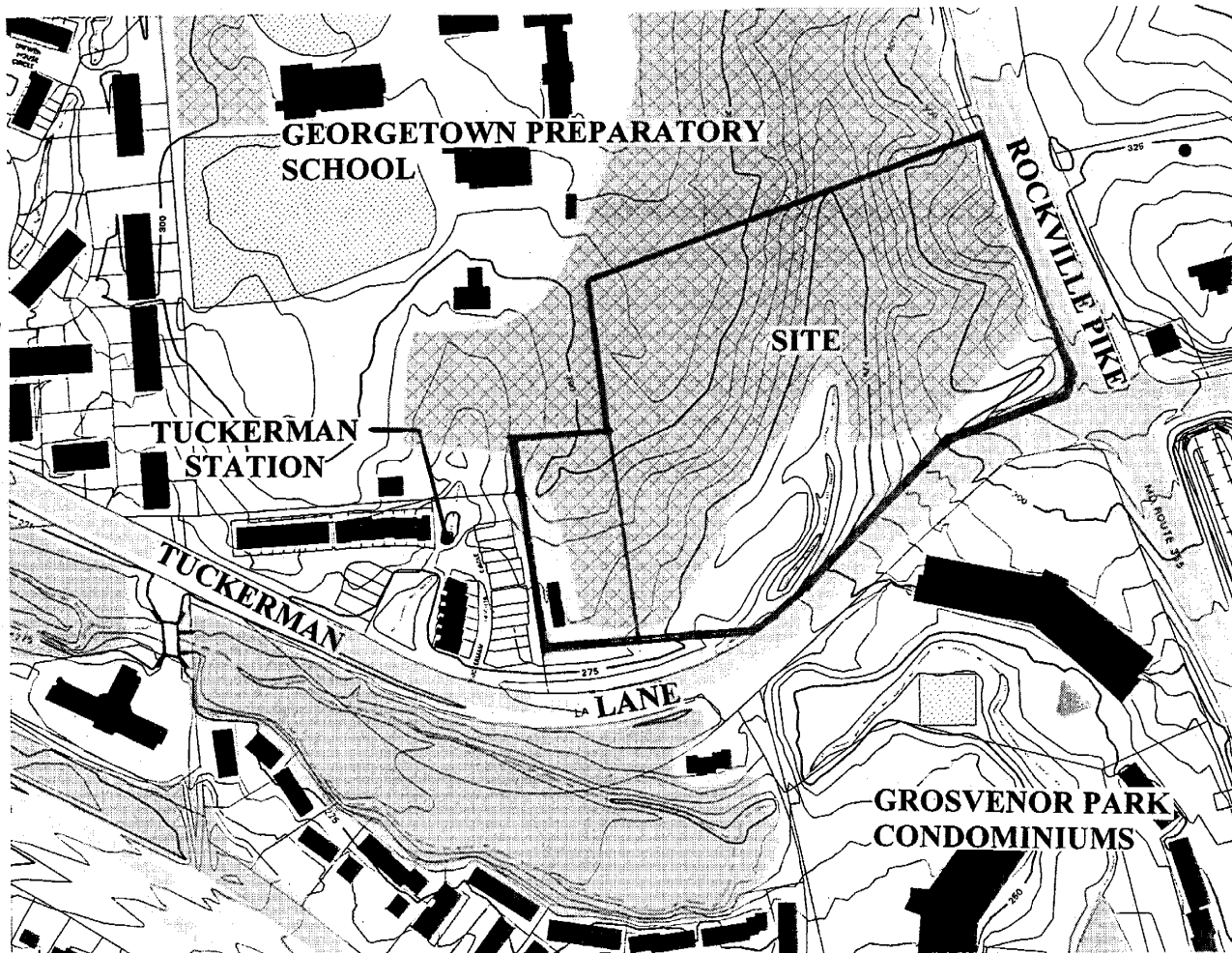
The properties across Rockville Pike, consisting of Strathmore Hall, the American Speech Language Building [Plat Book 575, page 94] and Strathmore Place subdivision [Plat Book 529, page 76 and book 539, page 18]. Tuckerman Station subdivision bounds the subject site at the southwest corner [Plat book 606, page 77] and to the west [Plat book 555, page 56 and site plan 8-84071]. All of these properties are zoned PD-9. The older subdivision across Golf Lane is zoned R-90. The commercial properties at the intersection of Rockville Pike and Golf Lane are zoned RT-12.5. The properties south of Tuckerman Lane known as Grovesnor Park condominiums are zoned R-30 and R-10.



PROJECT DESCRIPTION: Site Description

The 17.33-acre site is part of a 90.30-acre tract within the Georgetown Preparatory School site situated at the southwest intersection of Rockville Pike and Tuckerman Lane in Rockville, Maryland. The subject application contains three of the existing greens that make up the nine-hole golf course that is part of the school. The area around the fairways and greens contain larger deciduous and evergreen trees that act as a separation from the other fairways on the course. There is an existing gravel driveway across from Grosvenor Place Road that serves as maintenance access to an existing metal maintenance building and shed in the southwest corner and further to the building and parking associated with the golf center. The middle portion of the subject property consists of a 100-year floodplain, intermittent stream and associated buffer.

There are steep slopes throughout the southern end of the property, some of which are associated with previous improvements to Tuckerman Lane and Rockville Pike. Slopes leading down to the floodplain and stream average 15-18% percent while slopes near the fairways start to level out to 2-5%. There is a prominent knoll north of the maintenance building in the southwest corner. Overall the grade drops from 35-40 feet from the knoll to the streambed.



PROJECT DESCRIPTION: Proposal

The applicant proposes to develop two multi-family buildings for a total of 473 dwelling units in the southeast quadrant of the Georgetown Preparatory School site in Rockville, Maryland. The site is located at the intersection of Tuckerman Lane and Rockville Pike (MD 355), with the primary entrance on the north side of Tuckerman Lane. The site is a lease line that consists of a total of 17.33 acres, of which 15 acres are zoned PD-28. The remainder of the 91-acre school site is zoned R-90.

There are two separate buildings that encompass an interior courtyard. The buildings are similar in shape to an 'F' and a 'J' and are called out in the report as such. Building 'F' is a four story multi-family structure with the western façade resembling a lower scale residential building to address compatibility issues with the adjacent townhouse community. Building 'J' will vary in height to nine stories. Both buildings will be over the top of a three to four level parking structure. The interior courtyard will be situated on top of the parking structure as well between the two buildings.

The 15 acre property was rezoned from the R-90 Zone to the PD-28 Zone (Zoning Map Amendment No. G-796) on October 29, 2002. The application included a Development Plan that incorporated the binding elements outlined in the zoning reclassification. The binding elements included conditions regarding educational activities, buffer requirements, building height, vehicular access and environmental protection.

Vehicular circulation consists a private drive into the site that turns immediately into a circular entry for pedestrian access into the buildings. The main drive becomes an access road that serves three separate entrances into the garage situated on the south and west side of building 'F'. The access road continues along the western boundary and terminates into a cul-de-sac, providing future maintenance access for the George Preparatory Golf Course. An easement was also provided for right-of-way for the master-planned North Bethesda Transitway along Tuckerman Lane to connect to the Grosvenor Metro, in accordance with the Preliminary Plan.

Pedestrian circulation consists of 4-foot-wide sidewalks along the western side of the access road and along the eastern side leading up to the circular drive and building entrance. An existing five-foot-wide sidewalk with existing street trees parallels the north and south side of Tuckerman Lane. Pedestrian crossings are proposed on both sides of the entrance into the site that match up with Grosvenor Place Road directly south of Tuckerman Lane. The crossings will be included with the addition of a traffic signal at this intersection.

Landscaping consists of shade trees lining the entry and paralleling the access into the building site as well as the access road leading to the west side of building 'F'. Ornamental flowering trees and shrubs accent the entry and circular entry into building 'J'. The interior courtyard of both buildings will be elegantly landscaped to accent and provide definition for the pool area and the two lawn areas. A courtyard and seating area is located between the two lawn areas to provide a more centrally located gathering spot in a less intensive active area such as the pool. Shade trees have been placed in areas where additional soil has been added to support their root system, since the courtyard is over structured parking. Raised planters are being implemented in areas where the soil depth is limited.

Flowering trees and shrubs are located near entrances to the building and parking to highlight their importance as well.

Additional evergreen and deciduous trees have been sited on the west side to soften the height and appearance of the proposed building and supplement the planting to be installed in the east-west buffer, as required in the Development Plan. The east west buffer shall contain ten feet of dense evergreen planting, an additional fifty feet of wooded area adjacent to the ten-foot evergreen strip. The planted area serves as a buffer strip to the adjacent townhouse community of Tuckerman Heights.

Forest conservation requirements are being met on site through the retention of 2.51 acres of existing forest within the stream valley area and floodplain on the north side of Tuckerman Road. The applicant has a planting requirement of 1.06 acres, which will be met through a combination of on-site forest plantings adjacent to the stream valley. The existing Category I forest conservation easement will be reestablished to conform to the stream valley buffer and will cover the existing forested area as well as their planting obligations. Additionally, the applicant has agreed to clean up much of the debris located within the stream buffer and completely replant the buffer, which is over and above their requirement.

This property has an approved stormwater management concept by the Montgomery County Department of Permitting Services dated May 29, 2003. Stormwater management consists of on-site channel measures via a dry pond and underground storage; on-site water quality control via surface sand filters and structural sand filters; and on-site recharge via drywells and storage under the sand filters.