**MEMORANDUM:**

DATE: May 23, 2005

TO: Montgomery County Planning Board

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

FROM: Dan Janousek, AICP, Senior Planner, Development Review Division
(301) 495-4564 *DJ*

SUBJECT: **Local Map Amendment No. G-833: Gateway Park**
Reclassification of 4.57 acres of land from the I-3 Zone to the RT-8 Zone to develop 29 townhouses, including 4 Moderately Priced Dwelling Units (MPDUs) provided on site.

APPLICANT: Germantown Station, LLC
FILING DATE: October 26, 2004
PUBLIC HEARING: June 17, 2005

RECOMMENDATION

APPROVAL of Local Map Amendment No. G-833 and the associated Gateway Park Parcel 1 Schematic Development Plan for the following reasons:

1. The application will comply with the purposes, standards and regulations of the RT-8 Zone.
2. The development, as reflected on the Schematic Development Plan, will be compatible with the surrounding uses.
3. The request for reclassification to the RT-8 Zone is in general compliance with the land use, zoning and transportation recommendations of the Germantown Master Plan.

SUMMARY

The applicant proposes a local map amendment to rezone approximately 4.57 acres of land from the I-3 Zone (Technology and Business Park) to the RT-8 Zone (Townhouse, Residential) to construct 29 townhouses. The subject property was once part of the alignment of the B & O Railroad in Germantown, midway between Clopper Road (MD 117) and I-270.

DESCRIPTION

Description of Properties

The subject property consists of two parcels (Part of Parcel 807 and parcel 730) that together comprise 4.5668 acres. The site is trapezoidal, with the north side adjoining the CSX Transportation Inc., right of way. The property has frontage on two streets, Lullaby Road and Father Hurley Boulevard. There are no existing improvements on the site. The topography is such that it slopes upward from west to east and downward from Lullaby Road towards the railroad right of way. The eastern half of the property is graded, and there are no historic structures or sites located on the property (source: M-NCPPC Historic Preservation Division Technical Staff). The western half of the property is forested with steep slopes descending to the west.

Previous Approvals

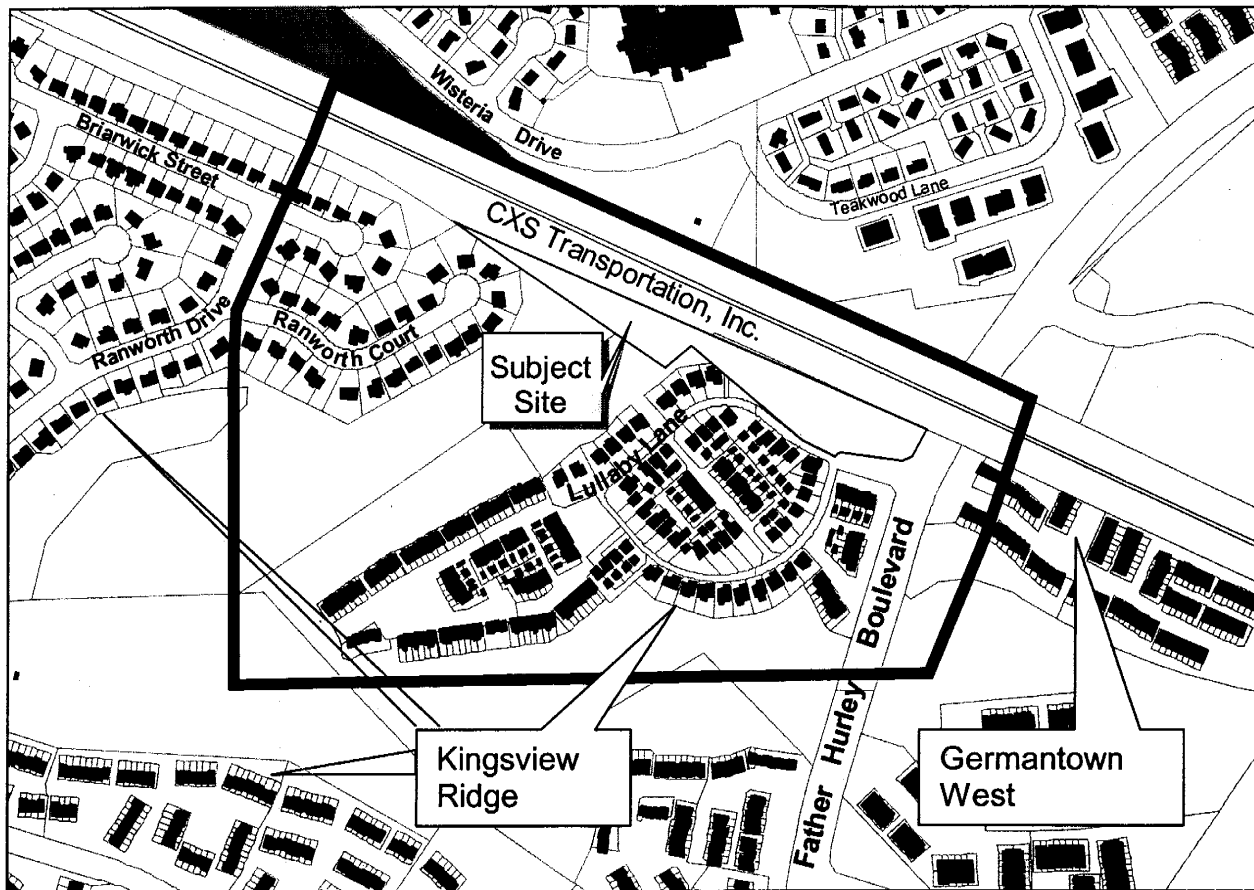
The property is undeveloped and it is Zoned I-3, Technology and Business Park. The Planning Board approved it for an office building of 27,077 square feet in 2001.

Surrounding Area

Definition of Surrounding Area – The RT-8 Zone is a floating zone and evaluation of the zoning requires delineation of a surrounding area. In general, the defined surrounding area takes into account those areas that are most directly affected by the proposed development and any special study areas that may have been defined by a master or sector plan.

Staff finds the subject property's neighborhood area is defined by CSX Transportation Inc. right of way to the north, properties fronting along Father Hurley Boulevard to the east, and the properties in the Kingsview Ridge subdivision to the south. To the west are properties included in the neighborhood area that are east of Ranworth Drive. The neighborhood area depicts properties most affected by the proposal.

Map 1. Neighborhood Area



Adjacent Development

The subject application proposes to be a part of Kingsview Ridge subdivision. Kingsview Ridge has a mixture of single family R-200 Zone and R-90 Zone properties and multi-family housing in the R-200 TDR Zone. On the northwest side of Kingsview Ridge is forested land that extends northward to the subject property. West of the subject property are single-family detached houses in the vicinity of Ranworth Court.

South of the defined neighborhood and beyond the immediate neighborhood are townhouses in the R-200 TDR Zone in another portion of the Kingsview Ridge subdivision. Across Father Hurley Boulevard at the eastern portion of the neighborhood are townhouses in the PD-15 Zone. Northeast of the site and across Father Hurley Boulevard north of the CSX tracks is Fairfield at Germantown. That development includes 620 residential units and 250,000 of office/retail use.

INTENDED USE AND APPROVAL PROCEDURES

Zone Purpose

The applicant requests approval for the RT-8 Zone to allow a townhouse development for the eastern portion of the property. The purpose clause of the RT-8 Zone states that the zone may be applied in sections of the County that are designated or appropriate for residential development at densities allowed in the R-T Zones. The subject property is included in the 1989 Germantown Master Plan study area. The Master Plan recommends the I-3 Zone for the property (Page 71) with a specific reference to the site. The applicant states that the site is appropriate for residential development at the density proposed because of its compatibility with surrounding uses. Furthermore, the appropriateness of attached housing for a situation similar to the subject property was recognized in the 1996 rezoning (G-723) of the eastern half of the original I-3 tract to PD-15 zoning.

The purpose clause of the RT-8 Zone also states that the zone may be applied in sections of the County where there is a need for buffer or transitional uses between commercial, industrial, or high-density apartment uses and low-density one-family uses. The applicant states that the site is appropriate for residential development at the density proposed because it will serve as a buffer between more intense land use north of the property and less intense single-family detached housing south of the subject property.

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 such a zone, to provide in such developments the amenities normally associated with less dense zoning categories, to permit the greatest possible amount of freedom in types of ownership of townhouses and townhouse developments, to prevent detrimental effects to the use or development of adjacent properties or the neighborhood and to promote the health, safety, morals and welfare of the present and future inhabitants of the district and the County as a whole. The fact that an application for R-T zoning complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the resulting development would be compatible with surrounding land uses and, in itself, shall not be sufficient to require the granting of the application.

Development Program

As shown on the attached schematic development plan, the applicants intend to develop 29 townhouses and parking for 132 vehicles. The residential buildings will include four MPDUs.

Parking is provided for each residential unit and. The proposal counts 4 parking spaces for each individual unit, with two spaces in each garage and two tandem spaces on each driveway for a total of 108 spaces. For additional visitors to the development, and

the MPDUs, 24 surface parking spaces are provided. There is no street parking available on this section of Lullaby Road.

The MPDU units are designed with two dwelling units per structure, located in two individual structures in units 9-10 and 28-29. These units are slightly larger and do not include the rear-entry parking provided for the other units, but there is additional parking provided by surface parking spaces located as close to the buildings as possible.

Stormwater management will be located on the western portion of the site. Vehicular access to parking will be from Lullaby Road. The proposal includes 60% green space provided in the residential area, including yards and other open areas and setbacks. West of the residences is green space on land dedicated to the HOA. Streetscape amenities include landscaping, sidewalks, and street trees.

The schematic development plan must satisfy the stated purposes of the applicable zone. The fact that a development plan complies with all stated general regulations, development standards, or other specific requirements of the zone does not, by itself, create a presumption that the proposed development would be desirable and is not sufficient to require the approval of the development plan or the granting of the application.

Binding Elements

The applicant has proposed four binding elements. Staff finds that the binding elements described below will not minimize the schematic development plan's general compliance with the purposes, development standards and regulations of the RT-8 Zone and will be compatible with the surrounding uses. Staff recommends one change to #4, Green Space, in the following table. The Binding element for Green Space should read "Not *less* than 60%".

Standard	Permit/Required	Binding Element
1. Land Use	59-C-1.7 (RT-8 Zone)	Exclusively one-family attached dwelling units
2. Density	8 d.u./acre (36 one-family attached dwelling units)	Not more than 29 one-family attached dwelling units
3. Building Coverage	35% or 69674	Not more than 20%
4. Green Space	50% or 99,534	Not more than 60%

Zoning History

1. Comprehensive Zoning

- a. SMA G-652: I-3 Zone enacted and mapped (02/13/1990)
- b. SMA G-569 R-200 reconfirmed (07/10/87)
- c. SMA G-539 R-200 reconfirmed (06/23/87)
- d. SMA G-404 R-200 reconfirmed (03/22/84)

- e. SMA F-939 R-200 reconfirmed (09/03/74)
- f. 1958 County-wide Comprehensive Zoning: R-R (R-200) Zone Mapped

2. Local Map Amendment Applications: None

Public Facilities

1. Water and Sewer Service

- a. Water and Sewer Service Categories: The subject property is served by public water and sewer systems, and it is currently in Water Service Category W-3 and Sewer Service Category S-3.

2. Roads

- a. Lullaby Road: This street consists of two through lanes providing access from Father Hurley Boulevard. The Master Plan recommends tertiary classification with variable right of way. The schematic development plan provides for 5-foot wide sidewalks behind a curb and a tree-lined plant strip along Lullaby Road.
- b. Father Hurley Boulevard: This street consists of four through lanes providing access for traffic traveling north and south through Germantown. The Master Plan recommends 6 lanes with a 120-foot right of way. The road is planned to span the CSX tracks at this location.

3. Schools

The schools serving the property are located within the Ronald McNair Elementary School, Kingsview Middle School, and Northwest High School service areas. These schools are in the Northwest cluster. The current Annual Growth Policy (AGP) schools test finds capacity adequate in the Northwest cluster (source: MCPS Department of Planning and Capital Programming).

Future Approvals

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

ANALYSIS

The subject property is included in the 1989 Germantown Master Plan study area. The proposed schematic development plan does not conform to the specific land use and zoning recommendation in the Master Plan for employment. The Master Plan recommends the I-3 Zone for the property (Page 71) with a specific reference to the site (Page 70, Figure 21 – Analysis Area, site KI-B). Job growth is expected to exceed household growth in Germantown around 2015. The employment yield from office at this site would generate approximately 100 jobs, but this represents only a small fraction of the 78,000 jobs that Germantown is ultimately projected to have.

The Master Plan objective is to reduce the number of single-family attached units as a total percentage of all housing units in Germantown in order to alleviate what is characterized in the Master Plan as a community with a “very monotonous, generally undifferentiated townscape” (Page 30). But the desired mix of housing in Germantown will be difficult to achieve due to limitations of uncommitted land parcels and market trends.

Requirements of the RT-8 Zone

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

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

59-C-1.71. Land uses.

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

	R-T 8.0
(a) Residential.	
*Dwelling unit, one-family attached.	P ²

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

59-C-1.72. Special regulations.

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

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

It is the intent of the R-T Zones to provide the maximum amount of freedom possible in the design of townhouses and their grouping and layout within the areas classified in that zone, to provide in such developments the amenities normally associated with less dense zoning categories, to permit the greatest possible amount of freedom in types of ownership of townhouses and townhouse developments, to prevent detrimental effects to the use or development of adjacent properties or the neighborhood and to promote the health, safety, morals and welfare of the present and future inhabitants of the district and the County as a whole. The fact that an application for R-T zoning complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the resulting development would be compatible with surrounding land uses and, in itself shall not be sufficient to require the granting of the application.

The present application satisfies the purpose clause that requires RT-8 Zones be located in the County where there is a need for buffer or transitional uses between commercial, industrial, or high-density apartment uses and low-density one-family uses. The subject site is appropriate for residential development at densities that are allowed in the R-T 8 Zones. The proposal will also provide a transition between the railroad tracks and the residential development south of the tracks. The proposed density of 6.3 residential units per acre is less than the existing adjacent townhouse development density across Father Hurly Boulevard and higher than the adjacent single-family detached homes to the south along Lullaby Road.

59-C-1.722. Row Design.

(a) Eight townhouses is the maximum number permitted in any one attached row.
The applicant proposes no more than eight units in any one row.

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

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

(c) For one-family attached units, there can be no more than 12 units in one row.
There are no more than 8 units in one row.

Development Standards

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

59-C-1.73. Development Standards.

In addition to the following, the regulations concerning row design in section 59-C-1.722 apply.

	R-T 8.0 Required/ Allowed	Provided
59-C-1.731. Tract Area and Density.		
(a) Minimum tract area (sq.ft.).	20,000 square feet	199,069 square feet
(b) Maximum density of development (dwelling units) per acre of usable area as defined in Section 59-C-1.523 of the special requirements for cluster development.	8 d.u./acre	6.3 d.u./acre
59-C-1.732. Building Setbacks (Minimum, in Feet).		
(a) From any detached dwelling lot or land classified in a one-family, detached, residential zone.	30 feet ¹	Approximately 50 feet
(b) From any public street.	25 feet	25 feet
(c) From an adjoining lot;		
(1) Side (end unit) ²	10 feet	10 feet
(2) Rear.	20 feet	20 feet
59-C-1.733. Maximum Building Height (in Feet). Except for agricultural buildings and except as provided in Division B-1(b) the maximum height of any building is:		
(a) For a main building.	35 feet	35 feet
(b) For an accessory building.	25 feet	N/A
59-C-1.34. Coverage and Green Area.		
(a) Maximum percentage of tract that may be covered by buildings.	35%	20%
(b) Minimum percentage of tract that must be devoted to green area.	50%	60%

59-C-1.735. Parking. Off-street parking must be provided in accordance with the requirements of Article 59-E, titled "Off-Street Parking and Loading." Parking spaces need not be located on the same lot as the dwelling unit but must be within a reasonable distance of each unit.	58	132
59-C-1.74. Development including moderately priced dwelling units.		
Where moderately priced dwelling units are included in a development in accordance with the requirements of chapter 25A, the following optional method standards are permitted in order to facilitate the provision of those units. It permits an increase over the total number of dwelling units otherwise permitted. It also permits some additional housing types and modification of some area and dimensional requirements.		
(a) Additional use: dwelling unit, one-family attached.	P ³	4 Units or 13.7% MPDU
(b) Maximum density of development (dwelling units) per acre of usable area as defined in section 59-C-1.523 of the special requirements for cluster development.	9.76	6.3
(c) Maximum percentage of tract occupied by buildings may be increased to:	40	N/A
(d) If necessary in order to accommodate the increased density:		
(1) The percentage of the tract devoted to green area may be reduced to not less than:	45	n/a
(2) The row design requirements of section 59-C-1.722 may be waived.		N/A
59-C-1.75. Procedure for application and approval.		
Site plans must be submitted and approved in accordance with the provisions of the division.	59-D-3	Subject to 59-D-3

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

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

Compatibility

The proposal is compatible with the existing and proposed uses and residential development in the immediate vicinity. Land use in the surrounding neighborhood area is mixed residential including single family detached, townhouses and multi-family units under several zoning classifications and constructed at densities ranging from 2 dwelling units per acre to 11.9 dwelling units per acre. Confronting the subject property to the north is the CSX Transportation Inc. right of way.

The primary compatibility issue is with the single-family detached housing located across Lullaby Road south from the subject property. This rezoning proposal provides sufficient building setbacks with residential design and landscaping in the nature of existing approved development in the neighborhood area to ensure compatibility with the surrounding residences. The schematic development plan shows a maximum height of 35' feet, and this is generally compatible with the mix of housing in the neighborhood area.

The applicant has provided a noise study. Noise at this location is influenced by the rail traffic on the CSX tracks and vehicle traffic on a completed Father Hurley Boulevard. The plan addresses noise, and additional compatibility concerns in terms of noise can be alleviated with sound attenuation techniques. These techniques will be considered at preliminary site plan review.

Adequacy of the Development Plan

The development standards for the zone allow flexibility in accommodating a building program, including minimum area required, density of development, and the provision of open space. The proposal meets the requirements of the zone and provides open space for HOA use.

Section 59-D-1.61. Approval by the District Council - Before approving an application for classification in any of these zones, the district council must consider whether the application, including the development plan, fulfills the purposes and requirements set forth in article 59-C for the zone. In so doing, the district council must make the following specific findings, in addition to any other findings that may be necessary and appropriate to the evaluation of the proposed reclassification:

- a. That the zone applied for is in substantial compliance with the use and density indicated by the master plan or sector plan, and that it does not conflict with the general plan, the county capital improvements program or other applicable county plans and policies.

The application does not conflict with the County's General Plan or the capital improvements program. The proposal provides for the right of way of Father Hurley Boulevard and Lullaby Road, and it does not conflict with future plans of improvements to the road or streetscape system.

- b. That the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.

As described in the previous paragraphs, the proposed development plan and application comply with the purposes and standards of the RT-8 Zone as set forth in Section 59-C of the Zoning Ordinance. The applicant is proposing an appropriate setback on the front of the property that will provide opportunities for sidewalks and landscaping for the maximum safety and convenience of the residents and visitors to the site. The proposal is compatible with adjacent development in terms of the type of development (residential), and the scale of the development will not adversely affect adjacent development. The location of the buildings and public use space will provide pedestrian connections and circulation for maximum convenience and compatibility.

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

All parking is to be located within the development, and the applicant has provided ample parking and driveway dimensions. The primary vehicular access to the site is from Lullaby Road.

- d. That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3.

The proposal includes adequate stormwater management and will provide for grading and erosion control. The applicant has provided an inventory of natural resources on the site and the proposal will preserve trees.

- e. That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient.

The applicant is working with adjacent property owners for the inclusion of the subject property for the future maintenance of all areas of the project. These documents will assure that the perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes is adequate and sufficient.

Transportation

The subject plan will not be subject to Local Area Transportation Review because it generates less than 30 peak-hour trips during peak traffic hours. Based on the applicant's traffic study, at the time of review of the adequate public facilities for the future subdivision the development is recommended to be limited to 29 one-family attached dwelling units.

Environment

1. Forest Conservation

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

2. Stormwater

A Stormwater Management Concept Plan is approved by DPS.

Subdivision

The applicant will be required to submit a Preliminary Plan for subdivision. Approval of the Preliminary Plan will be required prior to the release of building permits.

CONCLUSION

Staff finds that the proposed schematic development plan and local map amendment application are generally in compliance with the Germantown Master Plan; are in compliance with the purposes, standards and regulations of the RT-8 Zone; and will be compatible with the surrounding uses.

Attachments

A. Memorandum

1. Transportation Division Technical Staff Memo dated May 23, 2005
2. Community Based Planning Division Technical Staff Memo dated May 27, 2005
3. Environmental Division Technical Staff Memo dated May 28, 2005 (not available at time of printing).

B. Other Attachments

1. Zoning Map
2. Building Map
3. Aerial Photo
4. Schematic development plan

C. Letters