



Towne Crest Apartments, Local Map Amendment, LMA G-910



Carlton W. Gilbert, Planner Coordinator, Area 2 Division, Carlton.Gilbert@montgomeryplanning.org, 301-495-4576



Lynn Knaggs, Senior Planner, Area 2 Division, Lynn.Knaggs@montgomeryplanning.org, 301-495-4638



Joshua Sloan, Planner Supervisor, Area 2 Division, Joshua.Sloan@montgomeryplanning.org, 301-495-4597

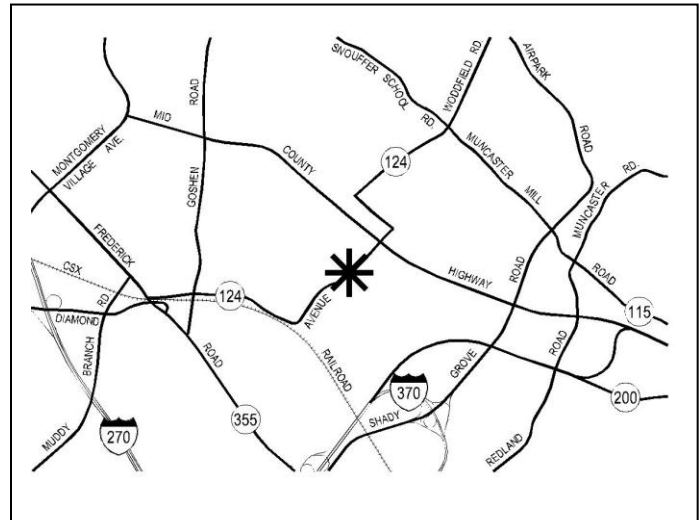


Glenn Kreger, Chief, Area 2 Division, Glenn.Kreger@montgomeryplanning.org, 301-495-4653

Completed: 08/30/12

Description

- Request to rezone the subject property to the PD-44 zone to construct up to 346 apartment units and up to 12 townhomes, with a total not to exceed 356 units.
- Preliminary Forest Conservation Plan (PFCP) and Tree Variance.
- Location: 17500 Towne Crest Drive, on 8.11 acres of land.
- Current Zoning: RT-12.5 (3.58 acres) and R-30 (4.53 acres) in the 1985 Gaithersburg Vicinity Master Plan, as amended.
- Applicant: Towne Crest Apartments, LLC
- Filing Date: December 16, 2011
- Public Hearing Date: October 5, 2012



Summary

Staff Recommendation:

- **Approval** of Local Map Amendment (LMA) G-910 and the associated Development Plan.
- **Approval** of the Preliminary Forest Conservation Plan (PFCP) and tree variance with conditions.

LMA G-910 is an application for the reclassification and redevelopment of the subject property ("Property") located at 17500 Towne Crest Drive in Gaithersburg, Maryland. The property, comprising 8.11 acres of land, is known as the Towne Crest Apartments. The Property is currently zoned RT-12.5 and R-30 and is currently improved with 60 garden-style apartments (in six buildings) and 47 rental townhouse units built in 1966. The Applicant is proposing to redevelop and replace these apartments and townhouses with up to 346 rental apartments in two buildings, ranging in height from 3 to 4 stories, and up to 12 two-story rental townhomes. The Applicant proposes to redevelop the entire site under the PD-44 Planned Unit Development zoning category, in order to achieve a more attractive, integrated

community. Their stated goal is to create a development that is compatible with the surrounding communities and promotes the principles of Smart Growth given the proximity to the Washington Grove MARC Station, direct bus service to the Shady Grove Metro Station and the Intercounty Connector (ICC/MD 200).

In general, the proposed development meets all applicable standards of the PD-44 zone and complies with the purpose clause of the Planned Development Zone (59-C-7.11.). The Development Plan would allow creation of a community compatible with existing and proposed uses in the surrounding area. The 1985 Gaithersburg Vicinity Master Plan reflected the existing zoning and number of units but is less clear about the land use recommendations placing the property into the “High Density Residential” category but not the “Multiple-Family” category although most of the site is within the R-30 zone, a multiple-family zone. The density allowed in each category ranges from 8-15 units to 14.5-43 units per acre, respectively. Because no development was anticipated for this site, the status-quo was maintained, but the application (G-910) is substantially consistent with the multi-family land use recommendation and is more consistent with the multi-family density recommendation than the high density category.

The application is subject to the Forest Conservation Law and the submitted PFCP provides for the required minimum levels of afforestation on-site through use of tree canopy. Under 22A-11(b)(2)(c), a Planning Board recommendation on a Forest Conservation Plan must be made to the District Council as part of its review of a planned development application.

The proposed development requires District Council approval of a Local Map Amendment and a Development Plan. If LMA G-910 is approved by the District Council, the proposed development will be subject to preliminary plan and site plan review by the Planning Board.

PROPERTY DESCRIPTION

The Property is an 8.11-acre platted parcel in the R-30 and RT-12.5 zones recorded as Parcel A of the Towne Crest subdivision adjacent to a Town of Washington Grove property known as the West Woods. The Property is relatively flat with approximately 1,420 feet of frontage on Towne Crest Drive and approximately 180 feet of frontage along Washington Grove Lane. There is a narrow border of existing trees on the southwestern boundary of the site adjacent to four single-family homes located on Daylily Lane, which the Applicant intends to preserve. The remainder of the western border fronts on the West Woods and it is anticipated that the construction of the project will have minimal impact on the trees in this area. The remainder of the property has few healthy, mature trees. There is minimal streetscape along Towne Crest Drive and Washington Grove Lane. The existing sidewalks are narrow and deteriorating and there are no curbs nor street trees along Towne Crest Drive.



Site Map

There are six garden apartment buildings on the 4.53-acre, R-30-zoned northern portion of the Property and 47 rental townhouses on the 3.58-acre RT-12.5-zoned southern portion of the Property. The apartment buildings contain 60 apartments and are a brick veneered frame construction. Parking for these buildings is provided in highly visible surface parking located in front of the buildings. The existing dumpster pad is also located in front of the building. Parking for the townhouses is also visible surface parking located in front of the units. In many instances, the rear elevations of the townhouses face onto the public street.

One of several existing WSSC Sanitary Sewer easements divides the Property roughly into halves at the boundary between the two existing zones. This easement will not be moved or disturbed as part of the proposed development. There are no forests, streams, wetlands, or buffers on the Property. There are no known historical features on the Property.

SURROUNDING AREA

Staff defines the surrounding area as the tract bounded by the City of Gaithersburg to the north and the Mid-County Highway to the northeast and including Washington Square Park to the east, the Town of Washington Grove to the south, and Maple Lake Park and the West Woods to the west. The immediate

neighborhood is characterized by a mixture of residential apartments, townhouses, and single-family developments. The larger surrounding area consists primarily of single-family residential uses within the Town of Washington Grove and the City of Gaithersburg. The Washington Grove MARC station is located approximately one-half mile south of the Property.

The Property is bordered on the east by Towne Crest Drive. Across from the property are townhouses in the RT-12.5 zone. These townhouses front on Larchmont Terrace or Town Crest Court with their sides or backs facing Towne Crest Drive. A church is located at the corner of Towne Crest Drive and Washington Grove Lane. Washington Grove Lane borders the south side of the subject property with a single-family community, mostly within the Town limits of Washington Grove, south of the street.

Abutting the western property line of the Property, there are four single-family houses on Daylily Lane within the Town of Washington Grove. The Gaithersburg Vicinity Master Plan recommended the heavily wooded area comprising the rest of the area abutting the western property line for parkland. To the north of the site are three single-family houses located on Saybrooke View Drive in the City of Gaithersburg.



Site Vicinity

ZONING HISTORY

The Property was classified in the R-A (Residential Agricultural) zone until 1958. Upon the adoption of the 1958 Zoning Ordinance, the Property was incorporated into the Regional District and classified in the R-R (Rural Residential) zone. In 1963, a request to reclassify the property (C-906) to the R-20 (Multi-Family, Medium Density Residential) zone failed by a tie vote of the District Council. On June 23, 1964, the District Council granted zoning applications C-1196 and C-1197 to rezone the northern portion of the property to the R-30 (Multi-Family, Low Density Residential) zone and the southern portion of the property to the R-T (Residential Townhouse) zone, which currently apply to the property.

PROPOSAL

The use of the Property must be in accordance with the development plan submitted in conjunction with the rezoning application. As previously stated, the redevelopment of the Towne Crest Apartments property proposes two new apartment buildings (up to 346 apartment units) and up to 12 townhouse units, with 12.5% MPDUs. The site planning has been designed to buffer impacts to all surrounding properties. The two proposed multi-family buildings are four stories (50 feet maximum) in height, stepping down to three stories closer to Towne Crest Drive.

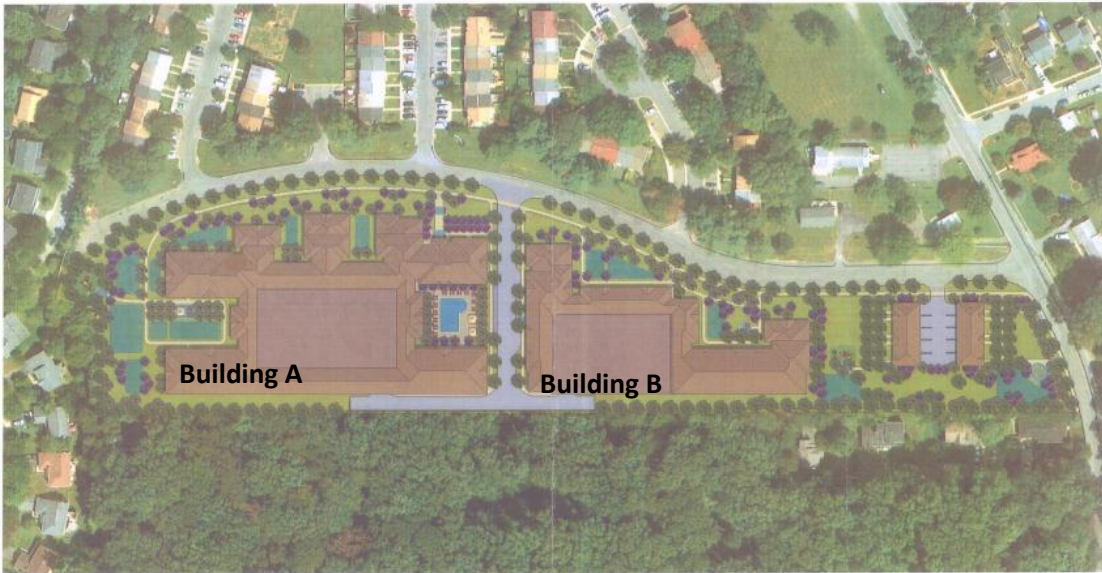
Building A, the northern building, will house approximately 224 units surrounding a 4-story parking garage with 328 parking spaces. The garage will be screened from Towne Crest Drive and neighboring communities. This building will provide ample room for buffering and landscape treatments along the northern and eastern boundaries. The mass of the building has been further softened by the creation of four courtyards that provide breaks in the building elevation facing Towne Crest Drive. An additional internal courtyard is designed for a pool, bordered on its southeast by building amenities, such as an exercise room, club room, and library for the residents of the community.

Building B consists of approximately 122 apartments and steps back from Towne Crest Drive to minimize the length and mass of the building along the Drive. The floor plan of this building also screens a 3-story parking structure with 210 parking spaces and provides internal site courtyards. The rear of this building's parking garage will be well screened from West Woods Park by extensive landscaping.

The southern portion of the site will contain a maximum of twelve townhouse units, two-stories (35 feet maximum) in height, surrounding an internal parking area. One stack of these units faces Washington Grove Lane, helping to define the residential nature of that street, and extensive landscaping is provided in the green areas around these units. The townhomes are designed to be the main welcoming façade of the project. The proposed scale and character of the townhomes are designed to blend well with the surrounding Washington Grove and Wedgewood neighborhoods. The townhomes will have individual driveways and garages within the homes.

The proposed development will provide a 100-foot landscape buffer along the north side, a 25-foot landscape buffer along the east side, a 45-foot buffer on the south side, and a 6-foot high fence with a 25-foot buffer along the west side. The Applicant intends to replace the existing sidewalk along the entire length of Towne Crest Drive and install new, wider sidewalks along Washington Grove Lane as well as install street trees on both streets.

Access to the site will be provided by two entrances from Towne Crest Drive. The southern access point will provide ingress/egress to the townhouse units and the northern access point provides access to the entrances to the garages for multi-family Buildings A and B. There will be some parking along the internal entry street that can be used by guests and as short-term parking.



Illustrative Plan

Final design of the development will be reviewed by the Montgomery County Planning Board at the time of subdivision and site plan review. The Applicant must submit a site plan in accordance with Section 59-D-3 of the Zoning Ordinance before any development of the site may take place.

The Proposal will be subject to the following binding elements:

1. The uses on the property are limited to Multi-Family Residential uses and Townhouse Dwelling units.
2. The proposed development density must not exceed 356 dwelling units, including 12.5% MPDUs (45 units).
3. The proposed building heights will not exceed 4 stories or 50 feet for Building “A” and Building “B”, and 2 stories or 35 feet for the Townhouse Units.
4. Green space for this project must not be less than 50% of the gross tract area, which may include abandoned right-of-way in the future.
5. The proposed development will be limited to two (2) access points from Towne Crest Drive.

PUBLIC FACILITIES

The subject application will be adequately served by public facilities.

Water and Sewer

Public water and sewer are both available at the subject property which is currently served by water and sewer categories W-3 and S-3, respectively. Currently, there are 5 water connections to the site. The proposed plans will abandon the existing connections and provide two new connections to the site. An 8-inch sewer line runs through the property and will provide a sewer connection for each of the proposed multi-family buildings and each of the proposed townhouse units. Gas, electric, telephone and cable television utilities will be available to the site via existing easements along Towne Crest Drive and Washington Grove Lane.

Schools

With regard to school capacity, the Property is located in the Zadok Magruder High School Cluster. The most current 2008 Student Generation rates reflect that the existing Towne Crest development generates approximately 15 elementary school, 9 middle school and 10 high school students. In the future, the proposed Towne Crest redevelopment, with the proposed 356 units, is anticipated to generate approximately 38 elementary school, 22 middle school and 21 high school students. Based on these numbers, the proposed Towne Crest redevelopment will result in a net increase of 23 elementary, 13 middle and 11 high school students. Under the recommended FY2013 Capital Budget and the FY2013-2018 Capital Improvements Program, there is adequate capacity at the high school and middle school levels. The elementary schools are projected to exceed the County's 105% capacity limit, which requires mitigation through payment of the school facilities payment at the time of building permit, but does not result in a residential moratorium. Therefore, the school capacity is currently considered adequate to serve the proposed development.

Other Public Facilities

The property is located four miles from the 6th District Police Station, and two miles from two fire stations that are staffed by the Gaithersburg – Washington Grove Volunteer Fire Department. Police, fire and rescue services are adequate to serve the proposed project.

MASTER PLAN

The Gaithersburg Vicinity Master Plan was approved in 1985, amended in 1988, and again in 1990. Recommendations for this area have not been changed from the 1985 plan.

The Master Plan has very little to say about this property. It is identified as Analysis Area number 2 in the Midcounty Highway District. Analysis Area 2 is 21 acres and includes the Towne Crest Apartments and the adjacent townhouse development to the east. The Master Plan recommends R-30 and RT-12.5 zoning, with 231 Potential Units Recommended (Table 3, page 46 of the Master Plan). It also lists the existing development as 171 townhouses and 60 garden apartments, totaling 231 units. The Land Use map that accompanies the Master Plan designates Analysis Area 2 as "High Density Residential, 8-15 units/acre."

The entire text for the Midcounty Highway District in the Master Plan (p. 42-49) consists of four short paragraphs:

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

Another characteristic of this area is its proximity to the City of Gaithersburg and the Town of Washington Grove. The Plan reflects these borders by recommending appropriate residential densities near existing or planned developments and recommending buffering when necessary.

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

The presence of floodplains, streams, erodible soils, and steep slopes in parts of this district indicate that development should be clustered away from these features."

TRANSPORTATION

The following issues related to the Adequate Public Facilities (APF) test of the transportation requirements for the subject Local Map Amendment Application must be addressed at the relevant subsequent reviews:

1. The Preliminary Plan and Site Plan must be limited to a maximum of 356 total units.
2. At the APF review at the preliminary plan, the Applicant must satisfy the required policy area review procedures of the future County Council adopted Subdivision Staging Policy.
3. The Applicant must dedicate up to 4 feet of additional right-of-way for a total of 70 feet from the opposite right-of-line along Towne Crest Drive.
4. The Applicant must provide a green panel of at least 5 feet along the sidewalks on Washington Grove Lane and Towne Crest Drive.
5. The Applicant must provide at least 48 bicycle parking spaces consisting of at least four inverted-U bike racks at the main entrance of each apartment building and secure locations for 16 bicycles in each apartment's garage near the elevator in a well-lit area.

Transportation Demand Management

A traffic mitigation agreement is not required because the subject housing redevelopment is located outside the Greater Shady Grove Transportation Management District.

Public Transit Service

Transit service is readily available near the subject site:

- Along Midcounty Highway: Ride On routes 60, 64, and 65.
- Along Washington Grove Lane: Ride On route 57 with a bus stop at the corner of the intersection with Towne Crest Drive.
- Along East Diamond Avenue/Railroad Street: Ride On route 61.
- The proposed housing redevelopment is located within a long walking distance (approximately 2,600 feet) from the Washington Grove MARC Station.

Master-Planned Roadways and Bikeways

In accordance with the 1985 *Gaithersburg Vicinity Master Plan*, as amended, and 2005 *Countywide Bikeways Functional Master Plan*, the master-planned roadways and bikeways are as follows

1. Midcounty Highway is designated as a four-to-six-lane major highway, M-83, with a recommended 150-foot right-of-way and a bikeway, S-82. The *Countywide Bikeways Functional Master Plan* recommends a shared use path, SP-70 along Midcounty Highway.
2. Washington Grove Lane is designated as a primary residential street with a recommended 70-foot right-of-way where the existing right-of-way is 78 to 92.
3. Towne Crest Drive is a primary residential street with a 70-foot wide right-of-way as listed in the County's road maintenance records but not designated in the *Gaithersburg Vicinity Master Plan* street network. The existing right-of-way varies from 66 to 72 feet and, therefore, additional right-of-way dedication is required as discussed in Recommendation No. 3.

Pedestrian and Bicycle Facilities

The existing 4-foot wide sidewalks are proposed to be widened to 5 feet along Washington Grove Lane and Towne Crest Drive; green panels and street trees will be required along each street. Given the proposed 570 vehicular parking spaces, 48 bicycle parking spaces are needed.

Local Area Transportation Review (LATR)

The table below shows the number of peak-hour trips generated by the proposed redevelopment during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.).

<i>Land Use</i>	<i>No. of Units</i>	<i>Peak-Hour Trips</i>	
		<i>Morning</i>	<i>Evening</i>
Proposed Mid-Rise Apartments	+346	+141	+164
Proposed Townhouses	+10	+ 5	+ 8
Total Proposed Housing Units	+356	+146	+172
Existing Multi-Family Units	-60	-26	-29
Existing Townhouse Units	-47	-23	-39
Total Existing Housing Units	-107	-49	-68
Net Increase in Site-Generated Trips	+249	+97	+104

The Applicant submitted a traffic study to satisfy the LATR test because the proposed redevelopment generates 30 or more peak-hour trips within the weekday morning and evening peak periods. The table below shows the calculated Critical Lane Volume (CLV) values from the traffic study at the analyzed intersections for the following traffic conditions:

1. Existing: Existing traffic conditions as they exist now.
2. Background: The existing condition plus the trips generated from approved but unbuilt nearby developments.
3. Total: The background condition plus the site-generated trips.

<i>Analyzed Intersection</i>	<i>Weekday Peak Hour</i>	<i>Traffic Condition</i>		
		<i>Existing</i>	<i>Background</i>	<i>Total</i>
Washington Grove Lane & Midcounty Highway	Morning	1,304	1,352	1,400
	Evening	1,104	1,134	1,152
Washington Grove Lane & Towne Crest Lane	Morning	554	568	697
	Evening	545	565	627
Washington Grove Lane & East Diamond Avenue	Morning	854	856	866
	Evening	1,114	1,138	1,171

The CLV values at all analyzed intersections in all traffic conditions are less than the 1,475 congestion standard and, thus, the LATR test is satisfied.

Policy Area Mobility Review

The current PAMR test requires no mitigation by the Applicant because the percent mitigation of new peak-hour trips is zero for new developments located in the Montgomery Village/Airpark Policy Area. If PAMR is replaced by the Transportation Policy Area Review (TPAR) at site plan review, the Applicant must satisfy the applicable requirements of the future County Council adopted Subdivision Staging Policy.

ENVIRONMENT

Natural Resource Inventory/Forest Stand Delineation (NRI/FSD)

The net tract area includes the 8.11 acre site and 0.93 acres of off-site improvements for a total of 9.04 acres. This Property appears to have been substantially filled and graded prior to the existing development of the site, resulting in a site that is relatively flat. Runoff drains primarily from east to west across the site. The Property lies within the Seneca Creek watershed, which has a State Use Class designation of I-P. The Property is not within a Special Protection Area.

Currently, the site is developed with garden apartments, townhouses and associated surface parking. Most of the rest of the site is maintained as lawn. A Natural Resource Inventory/Forest Stand Delineation (#420111880) was approved on April 25, 2011. The site contains no streams or their buffers, wetlands or their buffers, or known occurrences of rare, threatened, or endangered species.

No on-site forest was identified in the NRI/FSD. A significant stand of forest occurs immediately adjacent to the western site boundary. This forest lies within the Town of Washington Grove. Four specimen trees on the site are proposed for removal. In addition, the plan identifies the critical root zones of 14 specimen trees off-site in the Town of Washington Grove that will be impacted by development of this site. The Applicant proposes to save all 14 of these trees.

Preliminary Forest Conservation Plan (PFCP)

Section 22A-12(f)(2)(B) of the Montgomery County Forest Conservation Law states that "In a planned development, or a site development using a cluster or other optional method of development in a one-family residential zone, on-site forest retention must equal the applicable conservation threshold. Section 22A-12(f)(2)(D) says that "If a site covered by this subsection is unforested, on-site afforestation must equal the applicable afforestation threshold." The PD-44 zone proposed by the applicant falls under the "planned development" category of zoning and is unforested; therefore on-site afforestation must equal the afforestation threshold of 15% of the net tract area, or 1.36 acres. Submission of a PFCP (Attachment 2) is required at the time of rezoning to demonstrate that the Applicant can meet the planting requirement on-site. The PFCP submitted by the Applicant proposes to meet this requirement through tree canopy cover, which is permitted due to the high-density residential development proposed (Section 22A-12(d)(2) of the Montgomery County Forest Conservation Law). The Preliminary Forest Conservation Plan does not propose any Category I easements on site.

Forest Conservation Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The Applicant submitted a variance request on June 21, 2012 for the impacts/removal to trees with the proposed layout (Attachment 3). The Applicant proposes to remove 4 trees that are 30 inches and greater, DBH, and to impact, but not remove, 14 others on adjacent property that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

Table 1: Trees to be removed or potentially removed

Tree Number	Species	DBH	Status
10	<i>Quercus alba</i>	39"	Remove
15	<i>Liriodendron tulipifera</i>	38"	Remove
70	<i>Quercus rubra</i>	38"	Remove
71	<i>Quercus rubra</i>	38"	Remove

Table 2: Trees to be affected but retained (off-site)

Tree Number	Species	DBH	CRZ Impact	Status
14	<i>Liriodendron tulipifera</i>	31"	39%	Save
26	<i>Liriodendron tulipifera</i>	33"	15%	Save
27	<i>Liriodendron tulipifera</i>	36"	41%	Save
28	<i>Liriodendron tulipifera</i>	42"	17%	Save
34	<i>Liriodendron tulipifera</i>	38"	35%	Save
37	<i>Liriodendron tulipifera</i>	31"	3%	Save
41	<i>Liriodendron tulipifera</i>	31.5"	12%	Save
43	<i>Liriodendron tulipifera</i>	42"	7%	Save
46	<i>Liriodendron tulipifera</i>	30"	4%	Save
48	<i>Liriodendron tulipifera</i>	30"	10%	Save
49	<i>Liriodendron tulipifera</i>	31"	23%	Save
50	<i>Liriodendron tulipifera</i>	31.5"	1%	Save
59	<i>Liriodendron tulipifera</i>	43"	9%	Save
72	<i>Liriodendron tulipifera</i>	31"	46%	Save

Unwarranted Hardship Basis

As per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship. In this case, the unwarranted hardship is caused by existing buildings on-site, the presence of an existing sanitary sewer easement along the western boundary of the site, and the irregular shape of the property. If the Applicant was not allowed to impact the requested trees, the Applicant would not be able to demolish the existing buildings or retrofit the existing sanitary sewer located within a 15-foot easement along the western boundary of the site.

Variance trees number 10, 15, 70 and 71 are located between the western property boundary and an existing 15-foot sanitary sewer easement. Saving these trees would require major changes to the proposed development and would not protect the critical root zones of these trees from disturbance associated with the maintenance and upgrade of the existing sanitary sewer. Staff concurs that the Applicant has sufficient unwarranted hardship to consider a variance request.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the reviews of the variance request and the proposed forest conservation plan:

Variance Findings

Staff has made the following determination based on the required findings that granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the applicant as the critical root zones of the specimen trees on-site are located in an existing 15-foot sanitary sewer easement and would be impacted by the removal of the existing buildings independent of the proposed redevelopment. In addition, impacts to the critical root zones of other specimen trees located off-site will be mitigated by the use of tree save measures prior to construction. Given the intensity of the proposed development, impacts to variance trees are to be expected. Therefore, it is staff's opinion, that granting the variance will not confer a special privilege to the applicant.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

Staff concurs that the requested variance is based on the constraints of the site and the proposed development density, public facilities and amenities, rather than on conditions or circumstances which are the result of actions by the Applicant.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on neighboring property.*

Staff concurs that the requested variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The proposed development plan would improve the water quality on-site and in adjacent areas downslope of the site with the addition of on-site water quality treatment facilities and Environmental Site Design practices. In addition, the specimen trees requested for removal on-site are not located in an environmental buffer or special protection zone.

Therefore, staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

There are four trees proposed for removal as a result of the proposed development. There will also be some disturbance within the CRZ of another 14 trees located off-site.

Mitigation should be at a rate that approximates the form and function of the trees removed. Therefore, staff is recommending that replacement occur at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" DBH. This means that for the 153 caliper inches of trees removed, the required mitigation will be 13 native canopy trees with a minimum size of 3" dbh. While these trees will not be as large as the trees lost, they will provide some immediate canopy and will help augment the canopy coverage. Staff therefore recommends the addition of 13 native canopy trees with a minimum size of 3" dbh to the landscape plan. Because these trees are in mitigation for specimen trees removed, they do not count toward afforestation requirements.

The trees subject to this variance to be impacted but retained are located off-site. The Applicant proposes to implement rigorous tree save measures in an attempt to save these trees, including progressive root pruning over a number of years in advance of construction, application of a tree growth regulator, and crown cleaning. No mitigation is recommended for trees impacted off-site.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on June 25, 2012. On June 27, 2012, the County Arborist issued her recommendations on the variance request and recommended the variance be approved with mitigation (Attachment 4).

Variance Recommendation

Staff recommends that the variance be granted.

Stormwater Management

A Stormwater Concept Plan was submitted to and approved by the Montgomery County Department of Permitting Services (DPS).

Conclusion and Preliminary Forest Conservation Plan Recommendation

Staff finds that the plan is in compliance with applicable laws and M-NCPPC's *Environmental Guidelines*. Staff recommends that the Planning Board approve the Preliminary Forest Conservation Plan with the conditions cited in this Staff Report. The variance approval is assumed in the Planning Board's approval of the Preliminary Forest Conservation Plan.

EVALUATION AND FINDINGS

Sec. 59-C-7.1. P-D ZONE, PLANNED DEVELOPMENT ZONE

A floating zone requires an evaluation for compliance with the purposes of the zone. Section 59-C-7 of the Montgomery County Zoning Ordinance contains the requirements for development of property in the Planned Development (PD) Zone. The stated purposes of this zone, and how the Project satisfies the zone's objectives, are summarized below.

Section 59-C-7.11 of the Zoning Ordinance sets forth the purposes that the PD zone is designed to accomplish:

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 the 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.

The following analysis demonstrates how the Application conforms to these purposes.

- a. *To Implement the General Plan and Area Master Plan and provide means of regulating development to provide flexibility of design.*

Specifically, the Gaithersburg Vicinity Master Plan has very little to say about this property. The subject property falls within the Airpark Study Area of the overall Gaithersburg Vicinity Master Plan, last amended in July, 1990. The Airpark Study Area is divided into three districts. This Property is identified as Analysis Area number 2 in the Midcounty Highway District. This Master Plan was originally prepared in 1971 and has had subsequent amendments to several portions but this area has never been subject of an amendment. Since this plan was first developed to respond to the “wedges and corridors” concept, many policies and patterns of development have changed. In general, there has been a greater emphasis to redirect densities to areas that are in proximity to transit facilities to encourage the use of public transportation. These areas can take better advantage of the existing MARC station and the other public transportation opportunities located nearby. Since commuter rail service is provided in the area at the Gaithersburg Station and at the station at Washington Grove, Staff finds that this project meets this objective. Additionally, the proposed redevelopment allows for the integration of the two existing zoning categories on the site into a single, harmonious, infill, multi-family community. This project provides screened structured parking to replace existing surface parking on the site and mitigates the visual impact of the automobile on the surrounding neighborhoods. Furthermore, the project provides the opportunity to update the dated apartments and provide new investment in the area.

- b. *That the project 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.*

The buildings proposed in this project are designed as elevator served, central corridor apartment buildings with controlled entrances and visitor lobbies to replace the existing garden apartment buildings. The existing, aging garden apartments have multiple unsecured entrances with limited opportunities for resident social interaction. The proposed apartment buildings and townhouse units surround a common area that will create a neighborhood feel that will encourage interaction. The project will feature party rooms, a business center, exercise gym, pool, bathhouse, and a full array of events and programs intended for greater social interaction among the residents.

- c. *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. Promote development designed and constructed 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.*

The project achieves this objective by providing a mix of multi-family and townhouse units. Additionally, by replacing the existing apartments, this proposal preserves and somewhat increases the rental apartment inventory in the area that is primarily comprised of owner-occupied single-family and townhouse units. It does this without adding new apartment projects in other more sensitive locations.

- d. *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.*

The redevelopment of Towne Crest will not remove a significant amount of trees or introduce any significant grading on the site. Staff finds, however, that this project will provide an opportunity to greatly increase the amount of new trees, street trees and extensive new landscaping along the edges and throughout the site.

- e. *To encourage and provide for open space ...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 for places of 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 physical and aesthetic integration of the uses and activities within each development.*

This proposal contains approximately 50% green space in accordance with the requirements of the PD-44 zone, and increases the amount of recreation and social spaces interior to the buildings as well as exterior. The proposed development plan provides for significant open space at the northern boundary of the site adjacent to Building A as well as in front of Building B. Also, open space will be provided between Building B and the proposed townhomes. Furthermore, the Applicant maintains its continued interest in working with the Town of Washington Grove to create an attractive gateway to the historic Town along Washington Grove Lane and will play a role in the clean-up and improvements to Washington Grove's West Woods.

- f. *To encourage and provide for development of comprehensive, pedestrian circulation networks, separate from roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities to minimize reliance on the automobile.*

The Development Plan includes a pedestrian walkway interconnecting the proposed apartment buildings with the proposed townhomes. The Applicant proposes to re-construct and/or replace all sidewalks and plant street trees around the site to Montgomery County standards. The Applicant will complete all pedestrian links with walks within the project to the public sidewalks. The Applicant states that if access is requested by the Town to any nature trails or walkways within the Washington Grove woodlands, the Applicant will comply.

- g. *To encourage development on a large enough scale to achieve purposes of the zone.*

The proposed Development Plan on an 8.11-acre parcel allows for a more comprehensive development by providing a mix of multi-family and townhouse units that achieves the purpose of the zone. The proposal also provides amenities and facilities for the residents as well as the community at large.

- h. To achieve a maximum of safety, convenience and amenity for 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.*

The proposal is designed and planned to maximize safe connection between the residential buildings and the surrounding neighborhood. Sidewalks connect the proposed residential buildings to Towne Crest Drive and Washington Grove Lane. Vehicular access to the garage parking is provided from Towne Crest Drive. The architectural treatment of stepping down the building height from 4-stories to 3-stories facing Towne Crest Drive and the proposed landscaping will help to ensure compatibility with surrounding uses.

- i. Approval or disapproval shall be 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 purpose of the zone and is or is not in substantial compliance with the general plan and master plan.*

Staff believes that the proposal should be approved as appropriate for the development of the County and in keeping with the purpose of the zone and in substantial compliance with the general plan and master plan.

59-C-7.12 Where Applicable

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.

This property is within the Gaithersburg Vicinity Master Plan last amended in July 1990 and it is currently shown in that plan as residential with the high residential designation of multi-family (with densities of 8-15 Dwelling units per acre).

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;*
- (b) That it would be logical extension of an existing planned development;*
- (c) That it would result in the preservation of an historic structure or site (as indicated on the current historic sites identification map or as recommended by the planning board as being of historic value and worthy of preservation);*
- (d) That the accompanying development plan would result in the development of a community redevelopment area;*

- (e) *That the site is recommended for the PD zone in an approved and adopted master plan or sector plan and so uniquely situated that assembly of a minimum gross area to accommodate at least 50 dwelling units is unlikely or undesirable and the development of less than 50 dwelling units is in the public interest.*

The subject property can be classified as a planned development zone because it meets one of the criteria listed as requirements for its eligibility: the proposed development contains sufficient area to allow for 356 units, including 12.5 percent MPDUs.

59-C-7.13 Uses Permitted

Although the zone permits a large array of uses, it is essentially a zone designated for residential development. The PD-44 zone allows townhouses and multifamily structures with a wide range of heights. The project includes structures that range from 2 to 4 stories in height. While commercial uses are also permitted in the PD zone, none are proposed as part of this application due to the residential character of the area and the density proposed, which does not meet the threshold for commercial uses in the PD zone.

59-C-7.14 Density of Residential Development

The PD-44 zone allows a maximum density of 44 dwelling units per acre, or 414 total dwelling units. The project proposes a total of 356 dwelling units. These units range in size from efficiency to one-, two-, and three-bedroom apartments and multi-bedroom townhomes. The proposed unit mix reflects the current market demands. The number of MPDUs must be at least 12.5 percent for projects with more than 20 dwelling units. This project is proposing 45 MPDUs.

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.*
- (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 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.*

A waiver of the requirement of paragraph (b)(1), may be permitted if:

- (1) *The property is within or in close proximity to a central business district or transit station development area and reduced setbacks are recommended by the master or sector plan, and the Planning Board finds that the reduced setbacks are compatible with existing or proposed development in the adjoining or confronting one-family detached zones; or*

- (2) *The property is within or in close proximity to a historic district and the Planning Board reuse, or redevelopment of a designated historic district and the immediately adjoining property will not be adversely affected by the waiver.*
- (3) *The maximum building height under this waiver must not exceed 50 feet.*

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

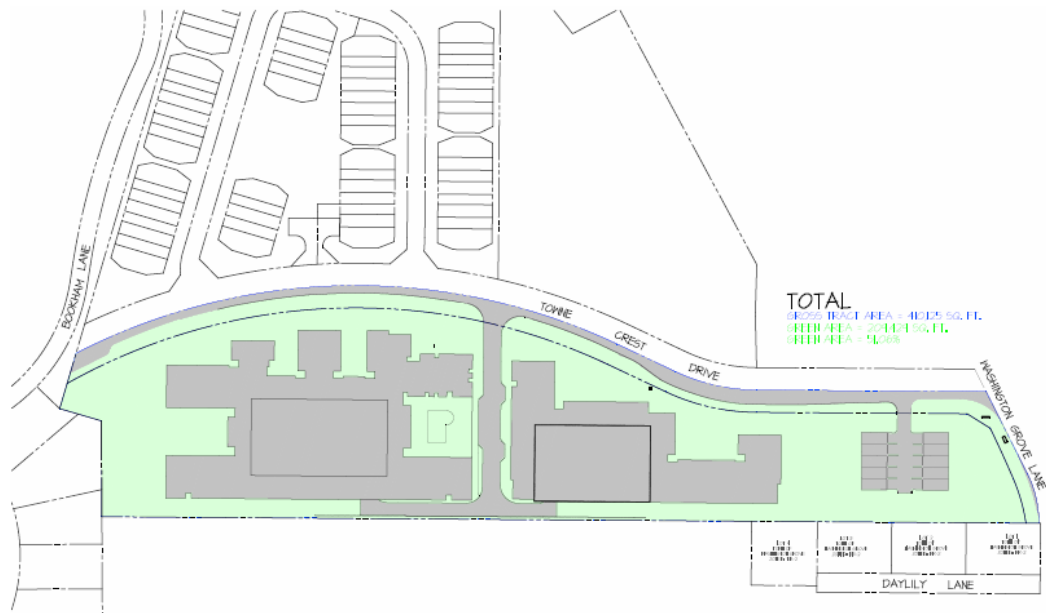
The proposed project achieves the purposes of the planned development zone and is compatible with adjacent residential uses. As noted above, the project incorporates a 100-foot landscape buffer along the north side of the Property, which adjoins single-family development within the corporate limits of Gaithersburg. A minimum 25-foot landscape buffer is provided along the east side of the property, which confronts townhouse developments and two single family lots. This setback, in combination with the right-of-way for Towne Crest Drive, provides the required 100-foot setback from the properties to the southeast, which are recommended in the Master Plan for single-family development. Because the properties to the south and west are within the Town of Washington Grove and not within the zoning controls of Montgomery County, the setback provisions of Section 59-C-7.15 (b) do not apply along these borders. However, 25-foot landscape buffers are provided along the southern and western edges of the property. On the south, this 25-foot setback, in combination with the right-of-way for Washington Grove Lane, still results in a 133-foot setback between the nearest townhouse unit and the closest residential property to the south. The minimum 25-foot setback provided from the west significantly increases the setback beyond existing conditions, which currently is approximately 18 feet.

59-C-7.16. *Green Area*

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

Density <u>Category</u>	Green Area <u>(Percent of Gross Area)</u>
High	
PD-28	50
PD-35	50
PD-44	50

The proposal includes green area on the site and meets the 50 percent minimum green area required for the PD-44 zone. The Applicant proposes an overall green area of 51.06%, located along the perimeter of the property as well as in a series of courtyards and open spaces. The Applicant notes that the common green space area will be accessible to people who live in and/or use the building.



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 County subdivision regulations, General Plan, Master Plan and identified on the Development Plan.

59-C-7.18. Parking

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

The parking for this project is provided internal to the site and does not rely on any on-street parking along adjacent public streets. The majority of on-site parking is provided in parking structures located in each of the two main buildings; the remainder is provided as surface parking serving visitors. The townhouse units have single garages and driveways. All the parking is shielded from view from the streets and neighboring uses either by the residential structures themselves or by extensive landscaping.

The minimum required total of parking spaces for this proposed development is 506 parking spaces. The Applicant is providing a total of 570 parking spaces in the structured parking garages. Parking spaces will be provided on the subject property as follows:

Parking Level	No. of Floors	*No. of Spaces
G-1	4	328
G-2	3	210
Surface Parking	N/A	22
Townhouse Garage	N/A	10
Total	N/A	570 parking spaces

*Final parking counts to be determined on site plan.

59-C-7.19. *Procedure for application and approval*

- (a) *Application and development plan must be in accordance with division 59-D-1.*
- (b) *Site plan must be submitted and approved in accordance with 59-D-3.*

The application includes a Development Plan. A site plan that will be reviewed in accordance with Section 59-D-3 subsequent to approval of the Development Plan.

59-D-1.6 – Approval by District Council

59-D-1.61 – Findings

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 doing so, the District Council must make the following specific findings in addition to any other findings which 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;*

As indicated previously, the PD-44 zone is in compliance with the use and density recommendation of the Sector Plan for this area. The proposal complies with the uses outlined in the Midcounty Highway District of the Airpark Area Section of the Gaithersburg Master Plan (originally prepared in 1971 as part of the “Wedges and Corridors” vision), which recommends multi-family uses for the Property. While the densities are higher than contemplated in the older plan, the proposed densities are consistent with current County policies providing higher densities near transit and transportation rich areas of the County; page 49 of the Master Plan describes this area as having “good planned or existing access to Metro, employment, and shopping areas” and states that “this access supports the Plan’s recommendations for higher density on suitable vacant properties”. Although not vacant nor expected to redevelop in 1985, the buildings are aging and the property could better serve the goals of the Master Plan through redevelopment. Finally, the proposed development is not contingent upon any County capital improvements.

- (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.*

The proposed development complies with the purposes, standards and regulations of the PD-44 zone as set forth in article 59-C. The development plan maintains an appropriate scale, both in terms of activity and layout, to achieve compatibility with the surrounding mix of multi-family, institutional, commercial, and single-family uses. The proposal will enhance both pedestrian and vehicular safety because the access driveways, pedestrian ways and entrance features have been designed in a safe and efficient manner. Moreover, the design

is such that many of the multi-family units will have direct access to structured parking spaces on the same level as their units and the townhomes will each have a private garage.

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

The internal vehicular and pedestrian circulation for the project has been designed to provide clear drive aisles, sidewalks, drop-off and pick-up areas, and separate loading areas. The internal and external vehicular circulation patterns are safe, adequate and efficient. Access is limited to two entrances either where access points already exist or in close proximity to existing access points that have functioned safely. Internal drive aisles have clear circulation patterns leading to parking. Pedestrian systems in the proposed plan, for both residents and surrounding neighborhoods, will be greatly improved, continuous, and rational. The streetscape along Washington Grove Lane will be greatly improved with wider sidewalks, street trees, and a continuous green panel behind the back of curb. This perimeter sidewalk flows into an on-site pedestrian circulation system providing access to all building areas, open spaces, and parking areas.

- (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 Department of Permitting Services (DPS) has approved a stormwater management (SWM) concept plan for the redevelopment of the site. The proposed development will meet the new, more stringent, stormwater requirements in the State of Maryland and other mandated environmental regulations enacted in Montgomery County and the State. The new SWM techniques will improve the stormwater quality of the site, as well as the adjacent wooded area located in the Town of Washington Grove.

- (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 of quasi-public purposes are adequate and sufficient.*

At the appropriate time, the Applicant will submit all required documents, covenants, and restrictions and record them for the property to the satisfaction of the County Council and Planning Staff. The Applicant must provide appropriate assurances of maintenance of common areas as required by law prior to any conveyance of building units.

DEVELOPMENT STANDARDS

The design of the development will be finalized and reviewed by the Montgomery County Planning Board at the time of subdivision and site plan review. The Development Standards for the PD-44 zone are tabled below:

<i>Development Standards</i>	<i>Zoning Ordinance Required / Permitted</i>	<i>Proposed for Approval</i>
Minimum Lot Area	1.16 AC	8.11 AC
Gross Area (SF):		
Prior ROW Dedication		56,850 or 1.305 AC
Gross Area		410,125 or 9.415 AC
Net Area (SF):		353,265 SF or 8.11 AC
Setbacks (FT):		
North: Brookham Lane & SF	Not specified	100', Final to be determined on Site Plan
East: Towne Crest Drive	Not Specified	25', Final to be determined on Site Plan
South: Washington Grove Lane	Not Specified	25', Final to be determined on Site Plan
West: Day Lily / West Woods	Not Specified	25', Final to be determined on Site Plan
Green Area:	50% - 205,063	51.06% - 209,429
Density:	44 DU/AC = 414	356
# of Units Building A		Max. 224
# of Units Building B		Max. 122
# of Townhouse Units		Max. 12
MPDU:	12.5%	12.5% (45 DU)
Building Height MF:	Not Specified	4-story (50 ft. max. height)
Townhouses:		2-story (35 ft. max. height)
Parking*:		
G-1		328 in 4 levels
G-2		210 in 3 levels
Surface Parking		22
Townhouse Parking		10
Total Parking Spaces	506	570
*Final parking counts to be determined on site plan.		

COMMUNITY CONCERNS

Staff received a letter from the Gaithersburg Planning Commission which fully supports redevelopment at this location. The Commission and City staff believes that the current plan reflects the appropriate density for this site. Furthermore, the Commission recognizes that the Towne Crest neighborhood currently experiences significant stress from crime and that redevelopment of this site will help to stabilize crime rates within the neighborhood and could serve as a catalyst for further redevelopment within the surrounding area (Attachment 12).

Staff received five letters in opposition to the proposed development from neighboring citizens and associations, including the Greater Shady Grove Civic Alliance and the Town of Washington Grove. Staff also toured the Town of Washington Grove with members of the community and met with concerned citizens and their legal counsel. The general concerns expressed include:

- opposition to the proposed density, building height, and mass;
- inconsistency with the planned development purpose clause in the County Zoning Ordinance;
- inconsistency with the Master Plan recommendations for the Towne Crest property;
- redevelopment cannot be justified by proximity to transit; and
- the impact on neighborhood safety due to increased traffic.

(Attachment 13)

Staff believes these concerns have been addressed in this Staff Report. In addition, the Applicant's response to some of the concerns expressed by the Town of Washington Grove and their legal counsel is attachment 14.

RECOMMENDATION FOR LOCAL MAP AMENDMENT G-910

Staff concludes that LMA G-910 complies with the purpose clause of the Planned Development (PD-44) Zone and its requirements for zoning, use, and density. The Development Plan is compatible with existing and proposed uses in the surrounding areas and meets the intent of the Gaithersburg Vicinity Master Plan. Therefore, Staff recommends approval of the Development Plan and Binding Elements enumerated herein.

RECOMMENDATION AND CONDITIONS FOR THE PRELIMINARY FOREST CONSERVATION PLAN

Staff recommends approval of the Preliminary Forest Conservation Plan and associated Variance for LMA G-910 subject to the following conditions:

1. The Applicant must submit a Final Forest Conservation Plan for the area covered by rezoning application G-910 with the Site Plan.
2. All afforestation requirements must be met on-site as mandated by the zone.
3. Thirteen native shade trees of at least 3" caliper must be included in the landscape plan for the site as mitigation for the removal of four (4) specimen trees. These trees will not count toward afforestation requirements.
4. The Applicant must coordinate with the Town of Washington Grove regarding removal of any off-site trees in the Town of Washington Grove and mitigation required.
5. The Applicant must submit a Tree Save Plan as a component of the Final Forest Conservation Plan for the trees impacted along the Town of Washington Grove municipal boundary. The Tree Save plan must be signed by an International Society of Arboriculture Certified Arborist.

CG:ha: N:\Area 2\Gilbert\Towne Crest apartments LMA G-910 Final

Attachments

1. Preliminary Forest Conservation Plan (PFCP) Resolution
2. PFCP
3. Applicant tree variance request
4. County Arborist recommendation on variance request
5. G-910 Development Plan
6. Architectural plans and elevation perspectives
7. Master Plan memo
8. Transportation planning memo
9. Environmental planning memo
10. Stormwater management concept letter
11. Fire Marshal approval memo
12. Letter in support
13. Letters in opposition
14. Applicant's response to opposition

MCPB No.
Forest Conservation Plan No. G-910
LMA G-910 Town Crest
Date of Hearing: September 13, 2012

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 22A, the Montgomery County Planning Board is authorized to review forest conservation plan applications; and

WHEREAS, on January 23, 2012, Towne Crest Apartments, LLC (“Applicant”) filed an application for approval of a forest conservation plan on approximately 8.11 acres of RT-12.5 and R-30 zoned land located at 17500 Towne Crest Drive (“Subject Property”) in the Gaithersburg Vicinity (“Master Plan”) area; and

WHEREAS, this Application was filed in conjunction with Local Map Amendment G-910 in which Applicant has submitted an application to rezone the Subject Property to PD-44; and

WHEREAS, Applicant’s forest conservation plan application was designated Forest Conservation Plan No. G-910 (“Forest Conservation Plan” or “Application”);¹ and

WHEREAS, following review and analysis of the Application by Planning Board Staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board dated [date], setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on September 13, 2012, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

¹ Unless specifically indicated otherwise, the Board has reviewed the preliminary Forest Conservation Plan and set forth conditions under which the Staff can approve the final Forest Conservation Plan without further Board action. Therefore, for purposes of this Resolution, whether or not indicated, the Board’s action is with regard to the preliminary Forest Conservation Plan.

Approved as to
Legal Sufficiency: _____
M-NCPPC Legal Department

WHEREAS, at the hearing, the Planning Board approved the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVED Forest Conservation Plan No. G-910 on the Subject Property, subject to the following conditions:²

1. The Applicant must submit Final Forest Conservation Plan for the area covered by rezoning application G-910 with the Site Plan.
2. All afforestation requirements must be met on-site as mandated by the zone.
3. Thirteen native shade trees of at least 3" caliper must be included in the landscape plan for the site as mitigation for the removal of four (4) specimen trees. These trees will not count toward afforestation requirements.
4. The Applicant must coordinate with the Town of Washington Grove regarding removal of any off-site trees in the Town of Washington Grove and mitigation required.
5. The Applicant must submit a Tree Save Plan as a component of the Final Forest Conservation Plan for the trees impacted along the Town of Washington Grove municipal boundary. The Tree Save plan must be signed by an International Society of Arboriculture Certified Arborist.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and the protection of environmentally sensitive features.*

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

Section 22A-12(f)(2)(B) of the Montgomery County Forest Conservation Law states that "In a planned development, or a site development using a cluster or other optional method of development in a one-family residential zone, on-site forest retention must equal the applicable conservation

² For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor in interest to the terms of this approval.

threshold. Section 22A-12(f)(2)(D) says that “If a site covered by this subsection is unforested, on-site afforestation must equal the applicable afforestation threshold.” The PD-44 zone proposed by the applicant falls under the “planned development” category of zoning and is unforested; therefore on-site afforestation must equal the afforestation threshold of 15% of the net tract area, or 1.36 acres. The Preliminary Forest Conservation Plan (PFCP) submitted by the Applicant proposes to meet this requirement through tree canopy cover, which is permitted due to the high-density residential development proposed (Section 22A-12(d)(2) of the Montgomery County Forest Conservation Law). The PFCP does not propose any Category I easements on site.

B. Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree’s critical root zone (“CRZ”), requires a variance under Section 22A-12(b)(3) (“Variance”). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to eighteen Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

The Board made the following findings necessary to grant the Variance:

- 1. Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the applicant as the critical root zones of the specimen trees on-site are located in an existing 15-foot sanitary sewer easement and would be impacted by the removal of the existing buildings independent of the proposed redevelopment. In addition, impacts to the critical root zones of other specimen trees located off-site will be mitigated by the use of tree save measures prior to construction. Given the intensity of the proposed development, impacts to variance trees are to be expected.

- 2. The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The requested variance is based on the constraints of the site and the applicant's proposed development density, public facilities and amenities, rather than on conditions or circumstances which are the result of actions by the Applicant.

- 3. The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.

- 4. Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The proposed development plan would improve the water quality on-site and in adjacent areas downslope of the site with the addition of on-site water quality treatment facilities and Environmental Site Design practices. In addition, the specimen trees requested for removal on-site are not located in an environmental buffer or special protection zone.

Mitigation for the Variance should be at a rate that approximates the form and function of the Protected Trees removed. The Board approved replacement of Protected Trees at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" DBH. No mitigation is required for Protected Trees impacted but retained.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is _____ (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

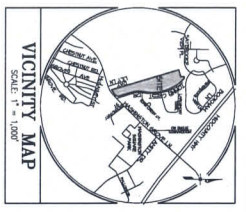
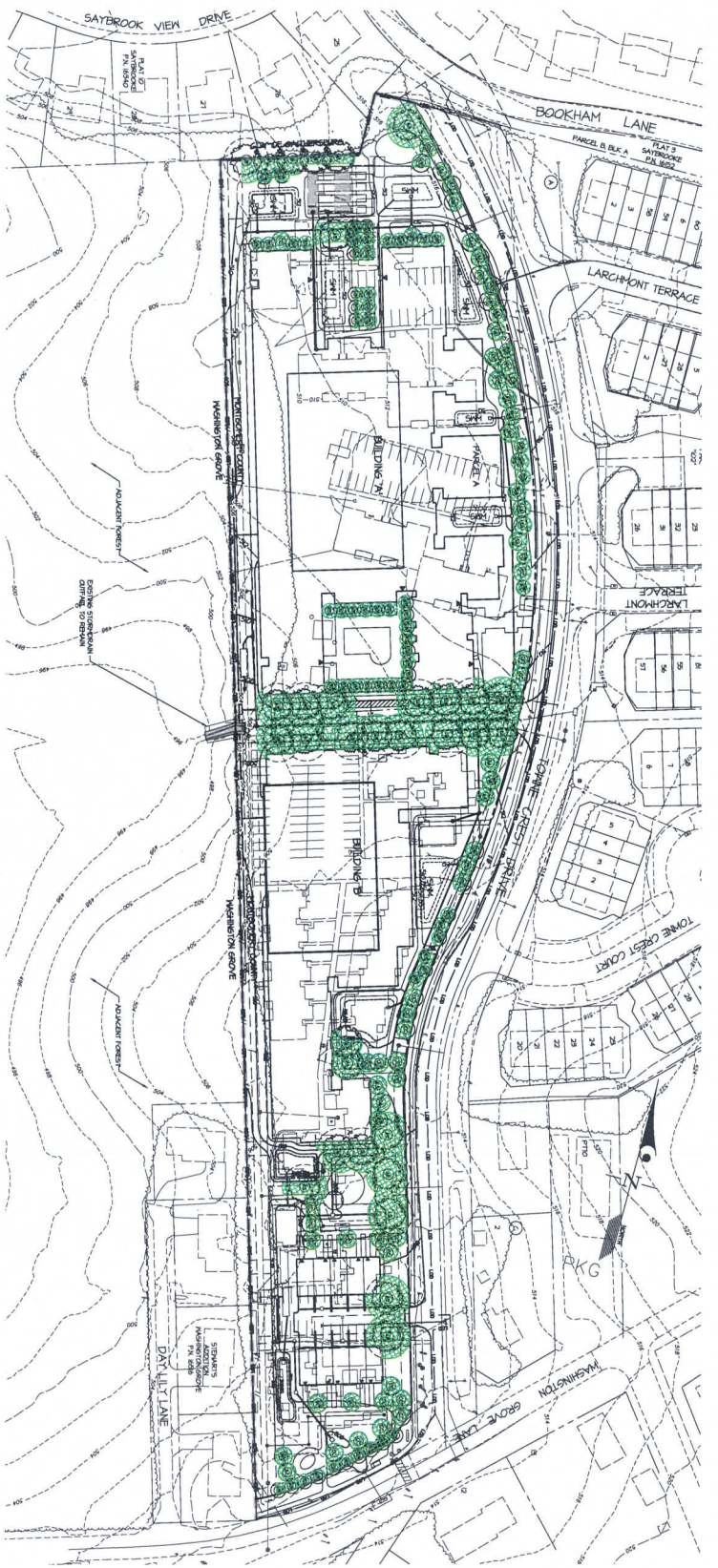
CERTIFICATION

MCPB No. _____
Forest Conservation Plan No. G-910
LMA G-910 Towne Crest
Page 5

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Commissioners _____, _____, _____, _____, and _____ voting in favor of the motion, [**modify vote as applicable if PB member absent, abstains, etc.**] at its regular meeting held on Thursday, _____, in Silver Spring, Maryland.

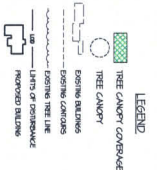
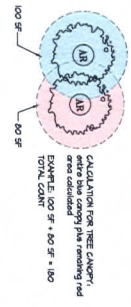
Françoise M. Carrier, Chair
Montgomery County Planning Board

lsk



Symbol Planting List Quantity 20 Tr-canopy Credits

①	Acer norfolkian type	26	40'
②	Baldcypress	56	16'
③	American arborvitae	22	20'
④	Green arborvitae	40	20'
⑤	American hickory	4	35'
⑥	Cornus florida	8	16'
⑦	Platanus occidentalis	2	35'



TOTAL TREE CANOPY PROVIDED = 60119 SF/138 AC

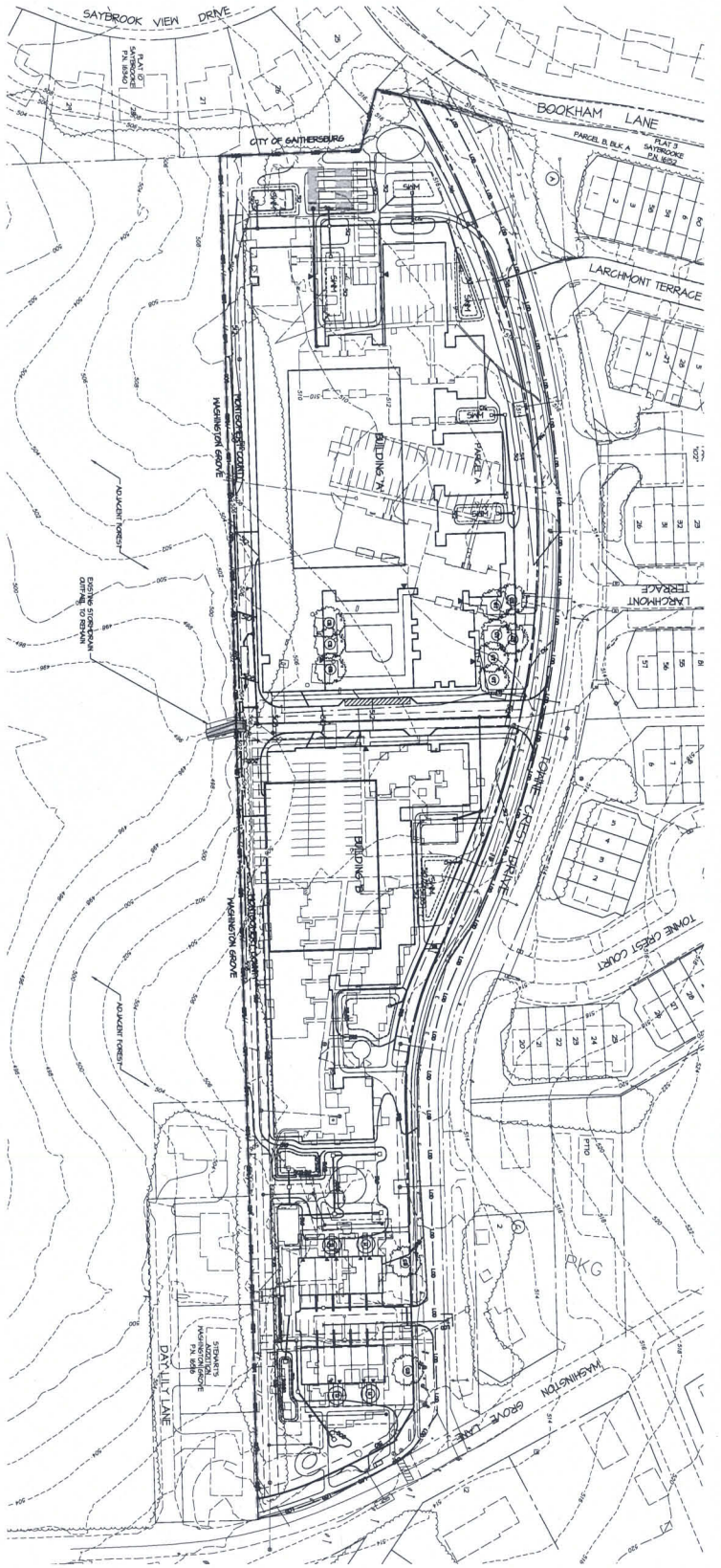
GIW GINSBERG LITTLE & WARRER, PA
 CIVIL ENGINEERS, LAND SURVEYORS, AND PLANNERS, URBANISTIC ARCHITECTS
 300 N. MARKET STREET, SUITE 200, PHILADELPHIA, PA 19106
 TEL: 215-562-1100 FAX: 215-562-1101 WWW: GIW.COM

PREPARED FOR: TOWNE CREST DEVELOPMENT, LLC
 676 GERMANTOWN AVE. PHILADELPHIA, PA 19106
 PLOT: 3127' x 1050' (APPROXIMATE)
 DATE: SEPT. 2011

SCALE: 1" = 50'
 DATE: SEPT. 2011

PRELIMINARY FOREST CONSERVATION PLAN - TREE CANOPY COVERAGE
 TOWNE CREST
 PARKEL 'X'
 PLAT NO. 7043

DATE: 11/02/12
 SHEET: 2 OF 3



Symbol	Planting List	Quantity	Size
(A)	Alder Native Cultivar / Columnar Red Maple	3	3" cal. min. and 12' - 14' Ht.
(B)	Orange Siskin Fringedleaf / Orange Siskin	6	6" cal. branch Ht. - 81B 3" cal. min. and 12' - 14' Ht.
(C)	Lupinus latifolius 'Atlas' / Crepe Myrtle	4	1" - 1.5" cal. Ht. - 81B (2) (local stock)

LEGEND

	EXISTING BUILDINGS
	EXISTING CONTOURS
	EXISTING WET LINE
	LAYERS OF EXISTING
	PROPOSED OUTLINE
	PROPOSED TREES

GIW GROUP INC. LITTLE & WEAVER, P.A.
 ONE EMBURY LANE SUITE 200
 GREENBELT, MARYLAND 21060
 TEL: 301-330-1234 FAX: 301-330-1235
 WWW.GIWGROUP.COM

DATE	DESCRIPTION	BY	CHKD



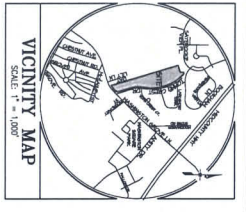
PREPARED FOR:
 TOWNE CREST AND DEVELOPMENT, LLC
 607 TOWNE CREST DRIVE
 GREENBELT, MARYLAND 21060
 ATTN: JEFFREY J. BARNETT
 PROJECT NO. 101012

SCALE: 1" = 50'
 DATE: SEPT., 2011
 TYPED BY: JWB
 DRAWN BY: JWB

CADREWORK ELECTION DISTRICT NO. 8

MITIGATION REQUIREMENTS FOR TREE VALUANCE
 TOWNE CREST
 PARCEL A
 PLAT NO. 780

C.L. & M.L. No. 11012
 SHEET NO. 3 OF 3



GLWGUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

June 21, 2012

Mr. Steve Findley
Forest Conservation Program Manager for Area 2
Maryland-National Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Towne Crest Local Map Amendment Application No. G-910 –
Preliminary Forest Conservation Plan Tree Variance Request

Dear Mr. Findley:

On behalf of our client, Towne Crest Apartments LLC (“Applicant”), we are hereby requesting a variance from Section 22A-12 of the Montgomery County Code (“Code”). Section 22A-12(b)(3) of the Code states:

The following trees, shrubs, plants and specific areas are priority for retention and protection and must be left in an undisturbed condition unless the Planning Board or Planning Director, as appropriate, finds that the applicant qualifies for a variance under Section 22A-21:

- (C) *Trees with a diameter measured 4.5 feet above the ground, of:*
 - i. *30 inches or more; or*
 - ii. *75% of the diameter, measured 4.5' above the ground, of the current state champion tree of that species.*

The subject property, Towne Crest, Parcel A, is located in the northwest quadrant of the intersection of Towne Crest Drive and Washington Grove Lane in the Gaithersburg area of Montgomery County, Maryland (the “Property”). The Property is fully developed with apartment buildings, townhouses, and parking lots. No environmental features are located on site. An adjacent mature forest borders most of the western Property line. The proposed development on the Property is multifamily and townhouse residential development with the associated parking structures to replace the existing multifamily and townhouse residential development (the “Project”).

The applicant is requesting a variance to remove four trees on the Property, that measure 30” or greater in diameter at breast height (dbh). The Applicant is also submitting a variance request for fourteen (14) off-site trees at the request of Staff, but reserves the right to question the necessity of that variance. Impacts to these trees are more in the nature of tree pruning of roots on the Applicant’s Property and, therefore, the Applicant does not believe a variance is required.

The following four on-site trees will be removed:

(see Preliminary Forest Conservation Plan)

- tree # 10 – 39” dbh White Oak
- tree # 15 – 38” dbh Tulip Poplar
- tree #70 - 38” dbh Red Oak
- tree # 71 – 38” dbh Red Oak

The following four off-site trees will have impacts to the CRZ that may require removal:*

- tree # 14 – 31” dbh Tulip Poplar (39% CRZ disturbance)
- tree # 27 – 36” dbh Tulip Poplar (40% CRZ disturbance)
- tree # 34 – 38” dbh Tulip Poplar (35% CRZ disturbance)
- tree #72 – 31” Tulip Poplar (46% CRZ disturbance)

*NOTE: Due to the degree of the critical root zone impacts to these trees, the potential exists that they may not ultimately survive. However, rigorous tree save measures will be taken to attempt to save each of these trees, including progressive root pruning over a number of years in advance of construction, application of a tree growth regulator, and crown cleaning.

The following ten off-site trees will have impacts to the CRZ:

- tree # 26 – 33” dbh Tulip Poplar (15% CRZ disturbance)
- tree # 28 – 42” dbh Tulip Poplar (17% CRZ disturbance)
- tree # 37 – 31” dbh Tulip Poplar (3% CRZ disturbance)
- tree # 41 – 31.5” dbh Tulip Poplar (12% CRZ disturbance)
- tree # 43 – 42” dbh Tulip Poplar (7% CRZ disturbance)
- tree # 46 – 30” & 21” dbh Tulip Poplar (4% CRZ disturbance)
- tree # 48 – 30” dbh Tulip Poplar (10% CRZ disturbance)
- tree # 49 – 31” & 28” dbh Tulip Poplar (23% CRZ disturbance)
- tree # 50 – 31.5” dbh Tulip Poplar (1% CRZ disturbance)
- tree # 59 – 43” dbh Tulip Poplar (9% CRZ disturbance)

Section 22A-21(b) of the Code lists the criteria for the granting of the variance requested herein. The following narrative explains how the requested variance is justified under the set of circumstances described above.

Describe the special conditions peculiar to the property which would cause the unwarranted hardship:

The Property is irregularly shaped and is rather narrow at its southern end. As noted above, the Property is currently developed with multi-family and townhouse units and paved parking areas that have existed on the site for decades. The Gaithersburg Vicinity Master Plan (“Master Plan”) recommends high density residential use for the Property. The four on-site trees (#10, #15, #70, and #71) proposed for removal are clustered along the western edge of the narrow portion of the Property, and their critical root zones extend almost a third of the way across the Property, making their retention in combination with any redevelopment impractical. Similarly, the 14 identified off-site trees have extensive root zones, some of which extend as much as 50 feet into the property, severely restricting the developable areas of the narrow site.

In some cases, the root zones of the off-site trees even extend under existing buildings and

parking lots on the Property (see trees #14, #26, #27, #28, and #72). As stated above, a rigorous tree save program will be implemented in an effort to save trees #14, #27, #34 and #72. Root pruning and additional tree save methods may be implemented for the other ten off-site trees, whose critical root zone disturbance is below 30%.

The irregular shape of the Property, the location of the existing trees, the percentage of the Property occupied by the tree critical root zones, and the Master Plan's recommendation for high-density residential use on the Property (and the existing multifamily use) represent conditions peculiar to the Property that would cause hardship if the trees could not be impacted or removed, as only very limited redevelopment of the Property could occur if the trees were left undisturbed, contrary to the objectives of the Master Plan.

Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas:

The inability to impact the subject trees would substantially impact the buildable area of the Property. The potential inability to impact the subject trees would therefore deprive the Applicant of the opportunities enjoyed by neighboring and similar properties that are developed with more intense uses, without protected trees located in the most developable areas of their properties and along their property boundaries.

Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance:

The variance will not violate state water quality standards or cause measurable degradation in water quality. All proposed land development activities will require sediment control and stormwater management plan approvals by Montgomery County. The subject trees are not within a stream buffer, wetland, or special protection area, and impacts to these trees will not adversely affect water quality. The Property currently contains no significant stormwater management on-site and the provision of the stormwater facilities proposed as part of the Project will significantly improve the stormwater quality on the Property and in the adjacent area.

Provide any other information appropriate to support the request:

- The variance requested is not based on conditions or circumstances which result from the actions of the applicant, and impacts to significant trees have been minimized wherever possible. While all of the subject trees are in good condition, Tulip Poplar trees are usually not considered a valuable landscape tree and are not usually recommended near buildings and structures due to their weak wood characteristics that occur with age.
- The Applicant believes that the information set forth above is adequate to justify the requested variance to remove the four specimen trees on the Property and to impact the fourteen off-site trees. Furthermore, the Applicant's request for a variance complies with the "minimum criteria" of Section 22A-21 (d) for the following reasons:
 - The Applicant will receive no special privileges or benefits by the granting of the

requested variance that would not be available to any other applicant.

- The variance request is not based on conditions or circumstances which result from the actions of the applicant.
- The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property.
- As noted above, the proposed impacts to the subject trees will not violate State water quality standards or cause measurable degradation in water quality. Full ESD stormwater management will be provided as part of the Project.

If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Foster', with a stylized flourish at the end.

Kevin Foster, ASLA AICP



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

June 27, 2012

Françoise Carrier, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Towne Crest Rezoning Application, G-910, NRI/FSD application accepted on 5/9/2011

Dear Ms. Carrier:

The County Attorney's Office has advised that Montgomery County Code Section 22A-12(b)(3) applies to any application required under Chapter 22A submitted after October 1, 2009. Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this condition.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, is not interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this condition, as long as appropriate mitigation is provided for the resources disturbed.

3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this condition.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this condition.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that revisions to the LOD are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Robert Hoyt, Director
Walter Wilson, Associate County Attorney
Mark Pfefferle, Chief

LAND USE SUMMARY TABLE

LAND USE	EXISTING	PROPOSED
Residential Single-Family	100	100
Residential Medium-Density	0	0
Residential High-Density	0	0
Commercial	0	0
Industrial	0	0
Public	0	0
Open Space	0	0
Other	0	0
TOTAL	100	100

GENERAL NOTES

1. OWNER: TONNE CREST APARTMENTS, LLC
2. DEVELOPER: TONNE CREST APARTMENTS, LLC
3. ARCHITECT: J. J. JENSEN & ASSOCIATES, P.A.
4. ENGINEER: J. J. JENSEN & ASSOCIATES, P.A.
5. ENVIRONMENTAL ENGINEER: J. J. JENSEN & ASSOCIATES, P.A.
6. LANDSCAPE ARCHITECT: J. J. JENSEN & ASSOCIATES, P.A.
7. CIVIL ENGINEER: J. J. JENSEN & ASSOCIATES, P.A.
8. ELECTRICAL ENGINEER: J. J. JENSEN & ASSOCIATES, P.A.
9. MECHANICAL ENGINEER: J. J. JENSEN & ASSOCIATES, P.A.
10. PLUMBING ENGINEER: J. J. JENSEN & ASSOCIATES, P.A.
11. STRUCTURAL ENGINEER: J. J. JENSEN & ASSOCIATES, P.A.
12. TRAFFIC ENGINEER: J. J. JENSEN & ASSOCIATES, P.A.
13. HISTORIC PRESERVATION CONSULTANT: J. J. JENSEN & ASSOCIATES, P.A.
14. STATEMENT OF WORK: J. J. JENSEN & ASSOCIATES, P.A.

- GENERAL NOTES**
1. THE PROJECT IS TO BE DEVELOPED IN ACCORDANCE WITH THE ZONING ORDINANCE OF THE CITY OF SALEM, OREGON.
 2. THE PROJECT IS TO BE DEVELOPED IN ACCORDANCE WITH THE SUBDIVISION MAP ACT OF THE STATE OF OREGON.
 3. THE PROJECT IS TO BE DEVELOPED IN ACCORDANCE WITH THE PLANNING AND ZONING COMMISSION ORDINANCES OF THE CITY OF SALEM, OREGON.
 4. THE PROJECT IS TO BE DEVELOPED IN ACCORDANCE WITH THE ENVIRONMENTAL IMPACT STATEMENT OF THE PROJECT.
 5. THE PROJECT IS TO BE DEVELOPED IN ACCORDANCE WITH THE HISTORIC PRESERVATION ACT OF THE STATE OF OREGON.
 6. THE PROJECT IS TO BE DEVELOPED IN ACCORDANCE WITH THE STATEMENT OF WORK OF THE PROJECT.
 7. THE PROJECT IS TO BE DEVELOPED IN ACCORDANCE WITH THE STATEMENT OF WORK OF THE PROJECT.
 8. THE PROJECT IS TO BE DEVELOPED IN ACCORDANCE WITH THE STATEMENT OF WORK OF THE PROJECT.
 9. THE PROJECT IS TO BE DEVELOPED IN ACCORDANCE WITH THE STATEMENT OF WORK OF THE PROJECT.
 10. THE PROJECT IS TO BE DEVELOPED IN ACCORDANCE WITH THE STATEMENT OF WORK OF THE PROJECT.

SITE DATA

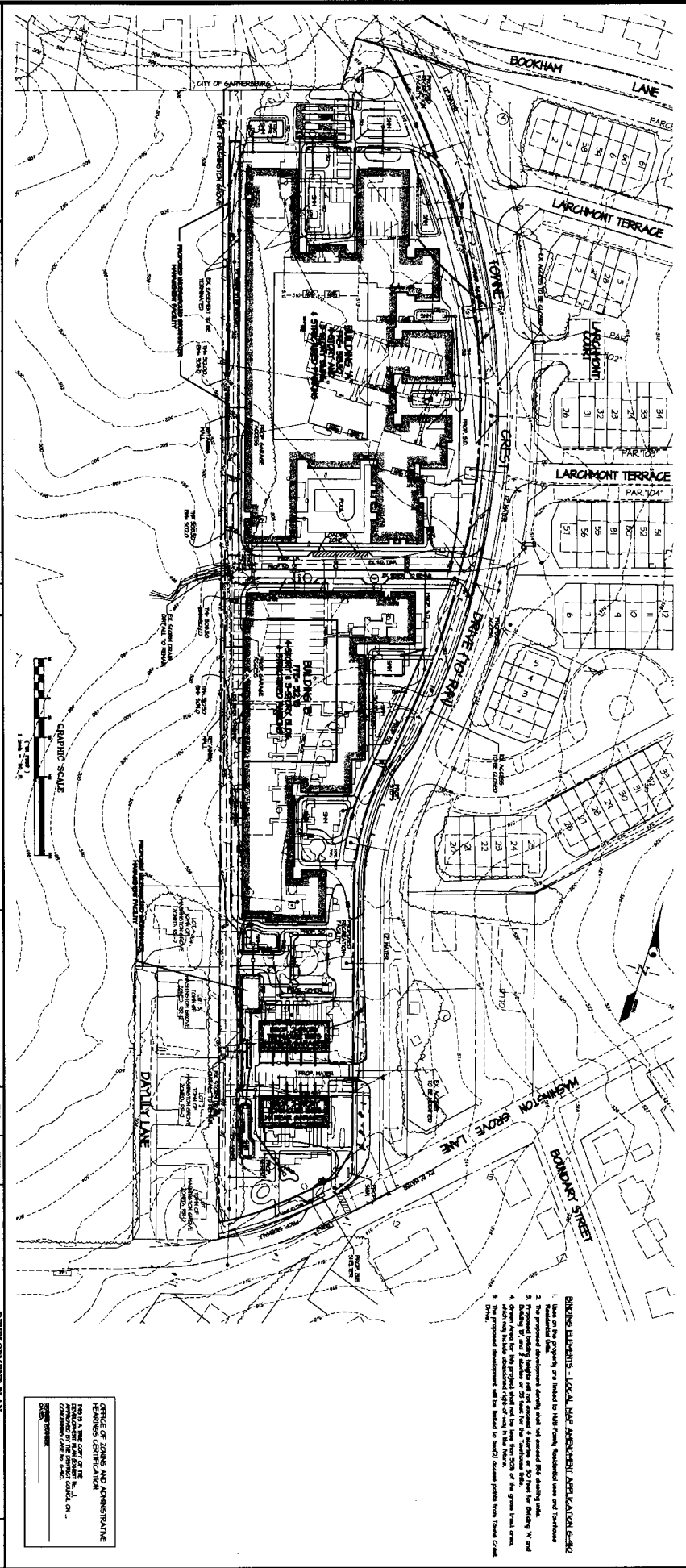
9.50 AC OF G.S.
 10.50 AC OF G.S.
 11.50 AC OF G.S.
 12.50 AC OF G.S.
 13.50 AC OF G.S.
 14.50 AC OF G.S.

LEGEND

- EXISTING TOPOGRAPHY
- EXISTING STRUCTURES
- EXISTING TREES
- EXISTING TREE LINE
- PROPOSED TOPOGRAPHY
- PROPOSED STRUCTURE

VICINITY MAP

SCALE: 1" = 100'



PROFESSIONAL CERTIFICATION

I, **J. J. JENSEN**, a duly licensed Professional Engineer under the laws of the State of Oregon, do hereby certify that these plans and specifications were prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Oregon.

RECORDED FOR: TONNE CREST APARTMENTS, LLC
 11012 S.W. 110TH AVENUE, SUITE 100
 BEAVERTON, OREGON 97005

DATE: OCT. 2011

SCALE: 1" = 50'

DATE: OCT. 2011

COMMISSIONER OF DIVISION: J. J. JENSEN

DEVELOPMENT PLAN

TONNE CREST
 PARCEL A

DATE: OCT. 2011

SCALE: 1" = 50'

DATE: OCT. 2011

COMMISSIONER OF DIVISION: J. J. JENSEN



TOWNHOMES

VIEWED FROM TOWNE CREST DRIVE



TOWNHOMES

VIEWED FROM WASHINGTON GROVE DRIVE



BUILDING B

VIEWED FROM REST DRIVE



BUILDING B

BUILDING A

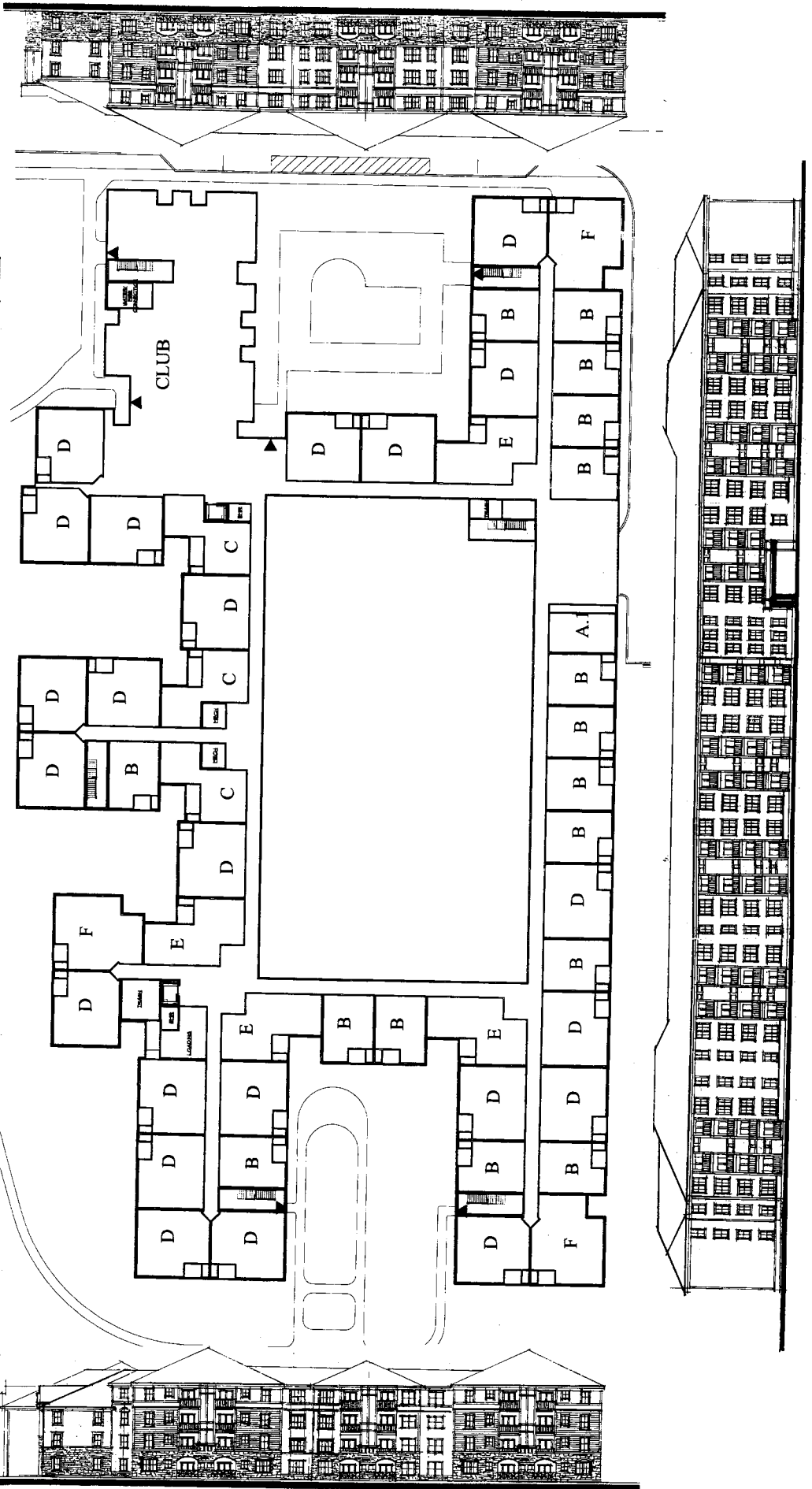
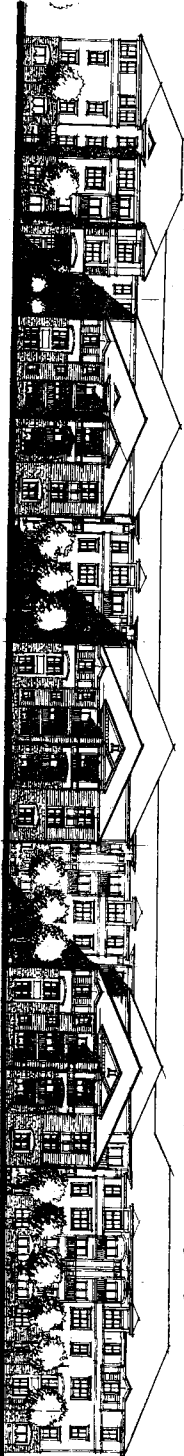
VIEWED FROM TOWNE CREST DRIVE

TOWNE CREST
MONTGOMERY COUNTY, MARYLAND
REPUBLIC TOWNE CREST, LLC

HARPER, ANDERSON, STELLMAN, SCOTT, ROBINELLO
THE MARTIN ARCHITECTURAL GROUP, P.C.
ARCHITECTS AND LAND PLANNERS
240 South Park Street, Washington, DC 20001 P: 202.638.2000 F: 202.638.2004
© 2012, The Martin Architectural Group, P.C.

TOWNE CREST
 MONTGOMERY COUNTY, MARYLAND
 REPUBLIC TOWNE CREST, LLC

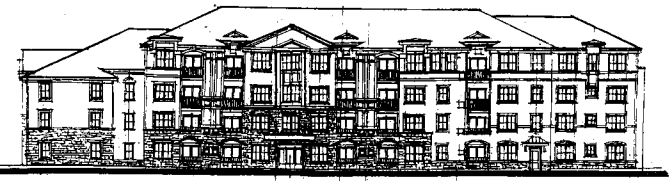
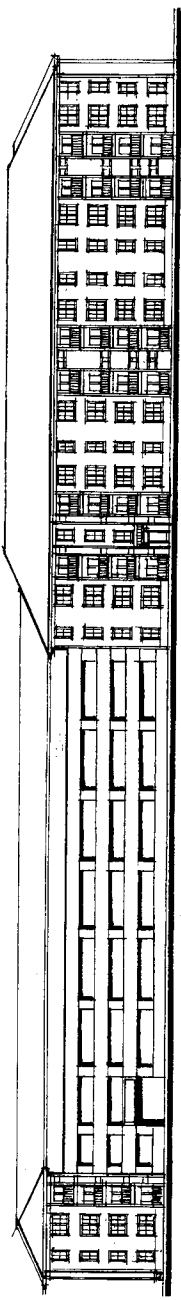
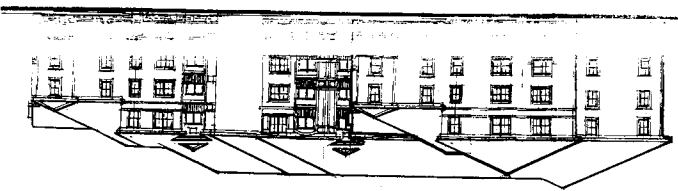
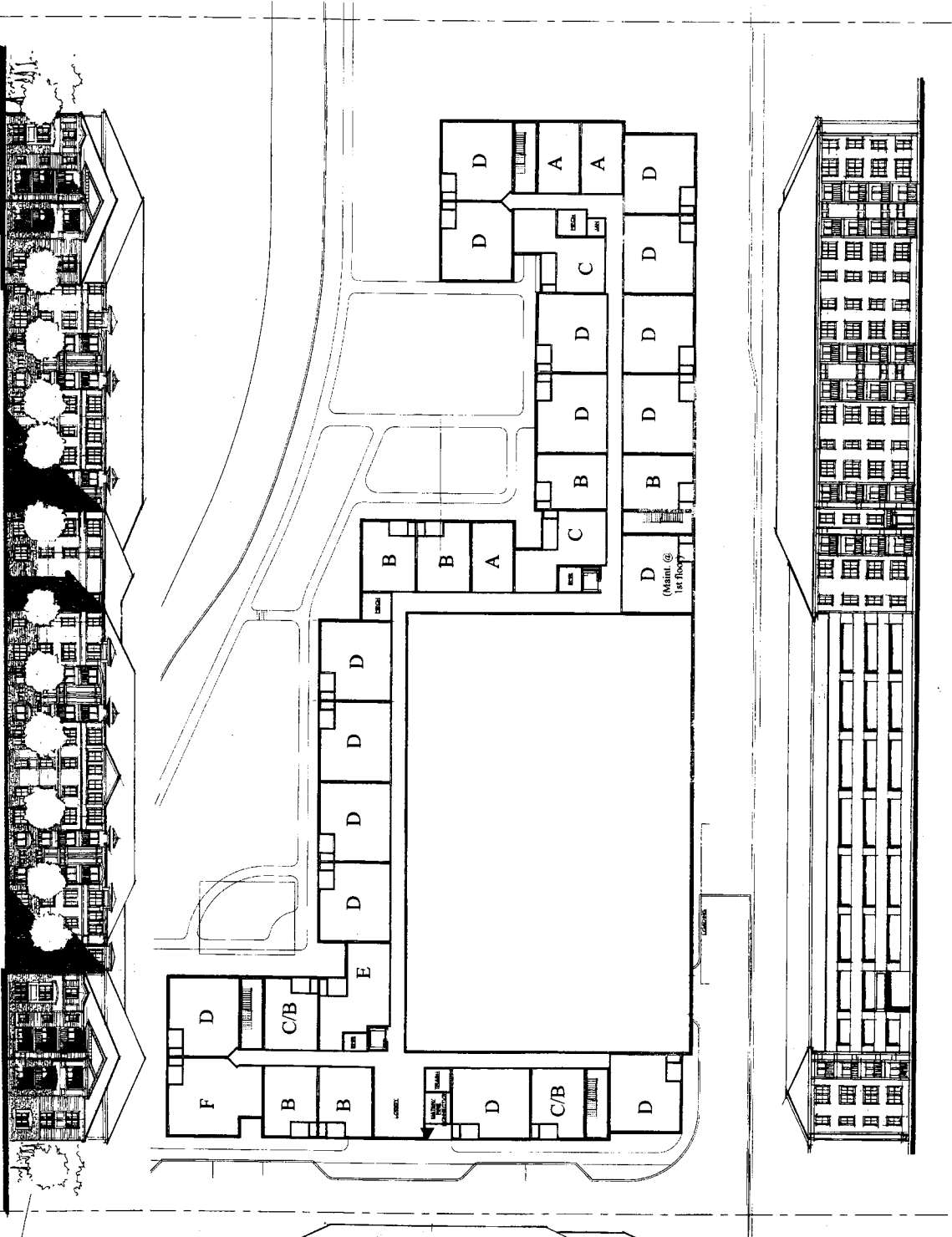
Building A



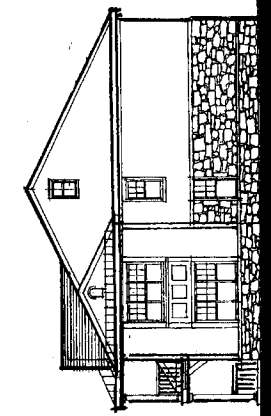
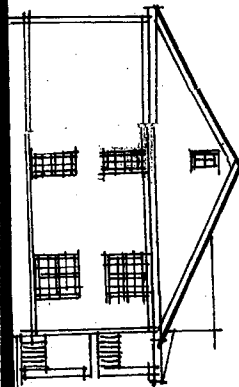
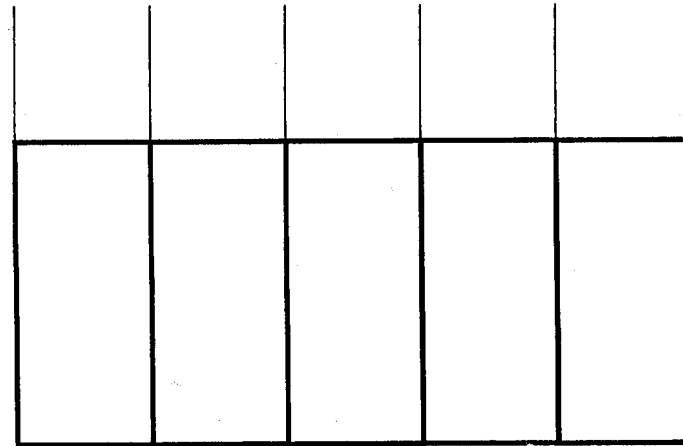
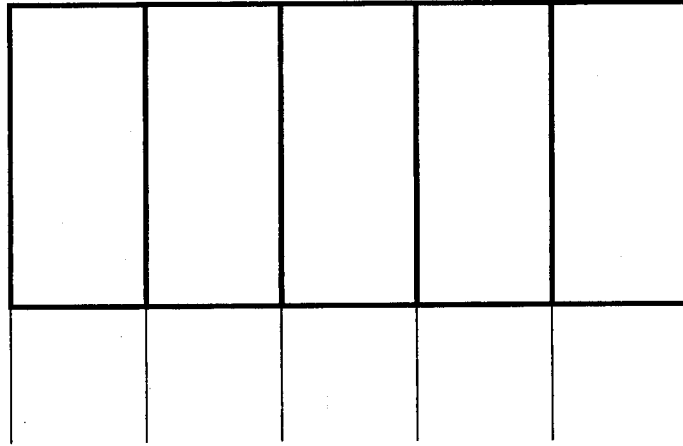
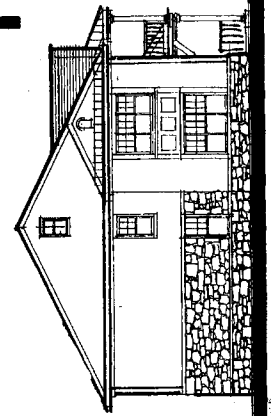
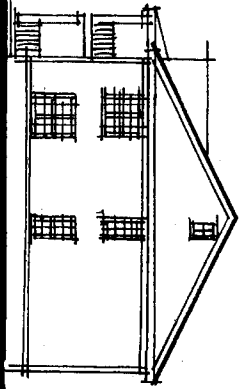
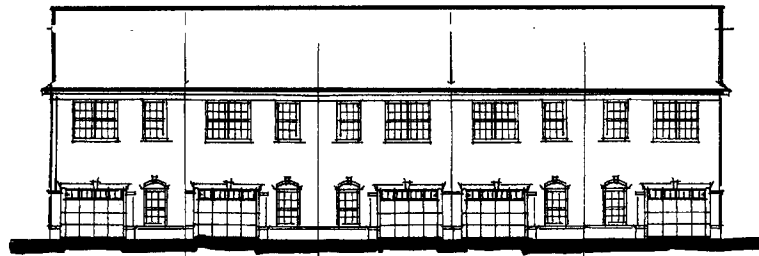
DATE: 6/6/12
 SCALE: 1/8" = 1'-0"

THE MARTIN ARCHITECTURAL GROUP, P.C.
 ARCHITECTS AND LAND PLANNERS
 441 North West Street, Washington, DC 20007
 © 2012 The Martin Architectural Group, P.C.

Building B



DATE: 6/6/12
 SCALE: 1/16" = 1'-0"
 © 2012 The Martin Architectural Group, P.C.



Gilbert, Carlton

From: Findley, Steve
Sent: Friday, June 15, 2012 12:42 PM
To: Gilbert, Carlton
Cc: Sloan, Joshua
Subject: Master Plan Analysis for Towne Crest

Carlton – I have read through the Gaithersburg Vicinity Master Plan for recommendations on the Towne Crest property. The Master Plan was approved in 1985, amended in 1988 and again in 1990. Recommendations for this area have not been changed from the 1985 plan.

The Master Plan has very little to say about this property. It is identified as Analysis Area number 2 in the Midcounty Highway District of the Gaithersburg Vicinity Master Plan. Analysis Area 2 is 21 acres and includes the Towne Crest apartments and the adjacent town house development to the east. The Master Plan recommends R-30 and RT-12.5 zoning, with 231 Potential Units Recommended (Table 3, page 46 of the Master Plan). It also lists the existing development as 171 townhouses and 60 garden apartments, totaling 231 units. The Land Use map that accompanies the Master Plan designates Analysis Area 2 as “High Density Residential, 8-15 units/acre.”

The entire text for the Midcounty Highway District in the Master Plan consists of four short paragraphs:

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

Another characteristic of this area is its proximity to the city of Gaithersburg and the town of Washington Grove. The Plan reflects these borders by recommending appropriate residential densities near existing or planned developments and recommending buffering when necessary.

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

The presence of floodplains, streams, erodible soils, and steep slopes in parts of this district indicate that development should be clustered away from these features.” (pages 42 and 49)



MONTGOMERY COUNTY PLANNING DEPARTMENT
IE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

June 27, 2012

MEMORANDUM

TO: Carlton Gilbert, Planner Coordinator
Area 2 Planning Division

VIA: Joshua Sloan, I-270 Corridor Supervisor
Area 2 Planning Division

FROM: Ed Axler, Transportation Planner Coordinator
Area 2 Planning Division EA

SUBJECT: Towne Crest
Local Map Amendment Application No. G-910
Montgomery Village/Village Policy Area

This memorandum is Area 2 transportation planning staff's review of the subject Local Map Amendment Application of the proposed redevelopment of the existing apartment complex.

RECOMMENDATIONS

Area 2 transportation planning staff recommends the following conditions related to the Adequate Public Facilities (APF) test of the transportation requirements for the subject Local Map Amendment Application:

1. The Preliminary Plan and Site Plan must be limited to 10 townhouses and 346 mid-rise apartments.
2. At the APF review at the site plan, the Applicant must satisfy the required policy area review procedures of the future County Council adopted Subdivision Staging Policy.
3. The Applicant must dedicate up to 4 feet of additional right-of-way for a total of 70 feet from the opposite right-of-line along Towne Crest Drive.
4. The Applicant must provide proposed a green panel of at least 5 feet from the curb of the paved travelway along the sidewalks on Washington Grove Lane and Towne Crest Drive.
5. The Applicant must provide 48 bicycle parking spaces consisting of four inverted-U bike racks at the main entrance of each apartment building and 16 bike lockers in each apartment's garage near the elevator in a well-lit area.

DISCUSSION

Site Location and Vehicular Site Access Point

The site is located in the western quadrant of the intersection of Washington Grove Lane and Towne Crest Drive with vehicular access from Towne Crest Drive.

Transportation Demand Management

A traffic mitigation agreement is not required because the subject housing redevelopment is located outside the Greater Shady Grove Transportation Management District.

Public Transit Service

Transit service is readily available near the subject site as follows:

- Along Midcounty Highway: Ride-On routes 60, 64, and 65.
- Along Washington Grove Lane: Ride-On route 57 with a bus stop at the corner of the intersection with Towne Crest Drive.
- Along East Diamond Avenue/Railroad Street: Ride-On route 61.

The proposed housing redevelopment is located within a long walking distance (approximately 2,600 feet) from the Washington Grove MARC Station.

Master-Planned Roadways and Bikeway

In accordance with the 1985 *Gaithersburg Vicinity Master Plan*, as amended, and 2005 *Countywide Bikeways Functional Master Plan*, the master-planned roadways and bikeway are as follows

1. Midcounty Highway is designated as a four-to-six-lane major highway, M-83, with a recommended 150-foot right-of-way and a bikeway, S-82. The *Countywide Bikeways Functional Master Plan* recommends a shared use path, SP-70 along Midcounty Highway.
2. Washington Grove Lane is designated as a primary residential street with a recommended 70-foot right-of-way where the existing right-of-way is 78 to 92.

Towne Crest Drive is a primary residential street with a 70-foot wide right-of-way as listed in the County's road maintenance records but not designated in the *Gaithersburg Vicinity Master Plan* street network. The existing right-of-way varies from 66 to 72 feet and, therefore, additional right-of-way dedication is required as discussed in Recommendation No. 3.

Pedestrian and Bicycle Facilities

The existing 4-foot wide sidewalks are proposed to be widen from 4 to 5 feet along Washington Grove Lane and Towne Crest Drive; green panels and street trees will be required along each street. Given the proposed 570 vehicular parking spaces, 48 bicycle parking spaces are needed.

Local Area Transportation Review (LATR)

The table below shows the number of peak-hour trips generated by the proposed redevelopment during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.).

Land Use	No. of Units	Peak-Hour Trips	
		Morning	Evening
Proposed Mid-Rise Apartments	+346	+141	+164
Proposed Townhouses	+10	+ 5	+ 8
Total Proposed Housing Units	+356	+146	+172
Existing Single-Family Detached Units	-60	-26	-29
Existing Townhouse Units	-47	-23	-39
Total Existing Housing Units	-107	-49	-68
Net Increase in Site-Generated Trips	+249	+97	+104

The Applicant submitted a traffic study to satisfy the LATR test because the proposed redevelopment generates 30 or more peak-hour trips within the weekday morning and evening peak periods. The table below shows the calculated Critical Lane Volume (CLV) values from the traffic study at the analyzed intersections for the following traffic conditions:

1. Existing: Existing traffic conditions as they exist now.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
3. Total: The background condition plus the site-generated trips.

Analyzed Intersection	Weekday Peak Hour	Traffic Condition		
		Existing	Background	Total
Washington Grove Lane & Midcounty Highway	Morning	1,304	1,352	1,400
	Evening	1,104	1,134	1,152
Washington Grove Lane & Towne Crest Lane	Morning	554	568	697
	Evening	545	565	627
Washington Grove Lane & East Diamond Avenue	Morning	854	856	866
	Evening	1,114	1,138	1,171

The CLV values at all analyzed intersections in all traffic conditions are less than the 1,475 congestion standard and, thus, the LATR test is satisfied.

Policy Area Mobility Review

The current PAMR test requires no mitigate by the Applicant because the percent mitigation of new peak-hour trips is zero for new developments located in the Montgomery Village/Airpark Policy Area. If PAMR is replaced by the Transportation Policy Area Review (TPAR) at site plan review, the Applicant

must satisfy the applicable requirements of the future County Council adopted Subdivision Staging Policy.

EA

cc: Ed Papazian

mmo to Gilbert re Towne Crest G-910.doc



MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

August 16, 2012

MEMORANDUM

To: Carlton Gilbert, Planner Coordinator
 Area 2

From: Steve Findley, Planner Coordinator
 Area 2
 Lynn Knaggs, Senior Planner
 Area 2

RE: Towne Crest Rezoning Application Environmental Review
 Plan # G-910

Recommendation

Staff recommends approval of the Preliminary Forest Conservation Plan and associated Variance for LMA G-910 subject to the following conditions:

1. The Applicant must submit Final Forest Conservation Plan for the area covered by rezoning application G-910 with the Site Plan.
2. All afforestation requirements must be met on-site as mandated by the zone.
3. Thirteen native shade trees of at least 3" caliper must be included in the landscape plan for the site as mitigation for the removal of four (4) specimen trees. These trees will not count toward afforestation requirements.
4. The Applicant must coordinate with the Town of Washington Grove regarding removal of any off-site trees in the Town of Washington Grove and mitigation required.
5. The Applicant must submit a Tree Save Plan as a component of the Final Forest Conservation Plan for the trees impacted along the Town of Washington Grove municipal boundary. The Tree Save plan must be signed by an International Society of Arboriculture Certified Arborist.

Site Description

The net tract area includes the 8.11 acre site and 0.93 acres of off-site improvements for a total of 9.04 acres. This Property appears to have been substantially filled and graded prior to the existing development of the site, resulting in a site that is relatively flat. Runoff drains primarily from east to west across the site. The Property lies within the Seneca Creek watershed, which has a State Use Class designation of I-P. The Property is not within a Special Protection Area.

Currently, the site is developed with garden apartments, townhouses and associated surface parking. Most of the rest of the site is maintained as lawn. A Natural Resource Inventory/Forest Stand Delineation (#420111880) was approved on April 25, 2011. The site

contains no streams or their buffers, wetlands or their buffers, or known occurrences of rare, threatened, or endangered species.

No on-site forest was identified in the NRI/FSD. A significant stand of forest occurs immediately adjacent to the western site boundary. This forest lies within the Town of Washington Grove. Four specimen trees on the site are proposed for removal. In addition, the plan identifies the critical root zones of 14 specimen trees off-site in the Town of Washington Grove that will be impacted by development of this site. The Applicant proposes to save all 14 of these trees.

Preliminary Forest Conservation Plan

Section 22A-12(f)(2)(B) of the Montgomery County Forest Conservation Law states that “In a planned development, or a site development using a cluster or other optional method of development in a one-family residential zone, on-site forest retention must equal the applicable conservation threshold. Section 22A-12(f)(2)(D) says that “If a site covered by this subsection is unforested, on-site afforestation must equal the applicable afforestation threshold.” The PD-44 zone proposed by the applicant falls under the “planned development” category of zoning and is unforested; therefore on-site afforestation must equal the afforestation threshold of 15% of the net tract area, or 1.36 acres. Submission of a Preliminary Forest Conservation Plan (PFCP) (attached) is required at the time of rezoning to demonstrate that the Applicant can meet the planting requirement on-site. The PFCP submitted by the Applicant proposes to meet this requirement through tree canopy cover, which is permitted due to the high-density residential development proposed (Section 22A-12(d)(2) of the Montgomery County Forest Conservation Law). The PFCP does not propose any Category I easements on site.

Forest Conservation Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The Applicant submitted a variance request on June 22, 2012 for the impacts/removal to trees with the proposed layout (attached). The Applicant proposes to remove 4 trees that are 30 inches and greater, DBH, and to impact, but not remove, 14 others on the adjacent property that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

Table 1: Trees to be removed or potentially removed

Tree Number	Species	DBH	Status
10	<i>Quercus alba</i>	39”	Remove

15	<i>Liriodendron tulipifera</i>	38"	Remove
70	<i>Quercus rubra</i>	38"	Remove
71	<i>Quercus rubra</i>	38"	Remove

Table 2: Trees to be affected but retained (off-site)

Tree Number	Species	D.B.H	CRZ Impact	Status
14	<i>Liriodendron tulipifera</i>	31"	39%	Save
26	<i>Liriodendron tulipifera</i>	33"	15%	Save
27	<i>Liriodendron tulipifera</i>	36"	41%	Save
28	<i>Liriodendron tulipifera</i>	42"	17%	Save
34	<i>Liriodendron tulipifera</i>	38"	35%	Save
37	<i>Liriodendron tulipifera</i>	31"	3%	Save
41	<i>Liriodendron tulipifera</i>	31.5"	12%	Save
43	<i>Liriodendron tulipifera</i>	42"	7%	Save
46	<i>Liriodendron tulipifera</i>	30"	4%	Save
48	<i>Liriodendron tulipifera</i>	30"	10%	Save
49	<i>Liriodendron tulipifera</i>	31"	23%	Save
50	<i>Liriodendron tulipifera</i>	31.5"	1%	Save
59	<i>Liriodendron tulipifera</i>	43"	9%	Save
72	<i>Liriodendron tulipifera</i>	31"	46%	Save

Unwarranted Hardship Basis

As per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship. In this case, the unwarranted hardship is caused by existing buildings on-site, the presence of an existing sanitary sewer easement along the western boundary of the site, and the irregular shape of the property. If the Applicant was not allowed to impact the requested trees, the Applicant would not be able to demolish the existing buildings or retrofit the existing sanitary sewer located within a 15-foot easement along the western boundary of the site.

Variance trees number 10, 15, 70 and 71 are located between the western property boundary and an existing 15-foot sanitary sewer easement. Saving these trees would require major changes to the proposed development and would not protect the critical root zones of these trees from disturbance associated with the maintenance and upgrade of the existing sanitary sewer. Staff concurs that the Applicant has a sufficient unwarranted hardship to consider a variance request.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan:

Variance Findings - Staff has made the following determination based on the required findings that granting of the requested variance:

1. Will not confer on the applicant a special privilege that would be denied to other applicants.

Granting the variance will not confer a special privilege on the applicant as the critical root zones of the specimen trees on-site are located in an existing 15-foot sanitary sewer easement and would be impacted by the removal of the existing buildings independent of the proposed redevelopment. In addition, impacts to the critical root zones of other specimen trees located off-site will be mitigated by the use of tree save measures prior to construction. Given the intensity of the proposed development, impacts to variance trees are to be expected. Therefore, it is staff's opinion, that granting the variance will not confer a special privilege to the applicant.

2. Is not based on conditions or circumstances which are the result of the actions by the applicant.

Staff concurs that the requested variance is based on the constraints of the site and the proposed development density, public facilities and amenities, rather than on conditions or circumstances which are the result of actions by the Applicant.

3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

Staff concurs that the requested variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.

4. Will not violate State water quality standards or cause measurable degradation in water quality.

The proposed development plan would improve the water quality on-site and in adjacent areas downslope of the site with the addition of on-site water quality treatment facilities and Environmental Site Design practices. In addition, the specimen trees requested for removal on-site are not located in an environmental buffer or special protection zone.

Therefore, staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions - There are four trees proposed for removal as a result of the proposed development. There will also be some disturbance within the CRZ of another 14 trees located off-site.

Mitigation should be at a rate that approximates the form and function of the trees removed. Therefore, staff is recommending that replacement occur at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" DBH. This means that for

the 153 caliper inches of trees removed, the required mitigation will be 13 native canopy trees with a minimum size of 3" dbh. While these trees will not be as large as the trees lost, they will provide some immediate canopy and will help augment the canopy coverage. Staff therefore recommends the addition of 13 native canopy trees with a minimum size of 3" dbh to the landscape plan. Because these trees are in mitigation for specimen trees removed, they do not count toward afforestation requirements.

The trees subject to this variance to be impacted but retained are located off-site. The applicant proposes to implement rigorous tree save measures in an attempt to save these trees, including progressive root pruning over a number of years in advance of construction, application of a tree growth regulator, and crown cleaning. No mitigation is recommended for trees impacted off-site.

County Arborist's Recommendation on the Variance - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on June 25, 2012. On June 27, 2012, the County Arborist issued her recommendations on the variance request and recommended the variance be approved with mitigation (Attachment C).

Variance Recommendation - Staff recommends that the variance be granted.

Stormwater Management

A Stormwater Concept Plan was submitted to and approved by the Montgomery County Department of Permitting Services (DPS).

CONCLUSION

The plan is in compliance with applicable laws and M-NCPPC's *Environmental Guidelines*. Staff recommends that the Planning Board approve the Preliminary Forest Conservation Plan with the conditions cited in this Staff Report. The variance approval is assumed in the Planning Board's approval of the Preliminary Forest Conservation Plan.

Attachments:

- A. Forest Conservation Plan submitted for PB approval
- B. Letter from County Arborist
- C. Applicant's Variance Request



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

July 19, 2012

Mr. Tim Longfellow
Gutschick, Little & Weber, P.A.
3909 national Drive, Suite 250
Burtonsville, MD 20866

Re: Stormwater Management **CONCEPT** Request
for Towne Crest
Preliminary Plan #: not available
SM File #: 241551
Tract Size/Zone: 8.11 acres/ proposed PD-60
Total Concept Area: 8.11 acres
Lots/Block: NA
Parcel(s): A
Watershed: Great Seneca Creek

Dear Mr. Longfellow:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via micro-bioretenention, rainwater harvesting, permeable pavement and control of the 10 year storm event.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
6. Option 1, which includes 10 year control, is the preferred option of the two submitted and is what this approval is based upon.
7. Continue to work with the Town of Washington Grove to extend the storm drain as shown, although the extension is not required.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov



8. An operational plan for the rainwater harvesting facilities will need to be submitted and approved as part of the detailed SC/SW review.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact William Campbell at 240-777-6345.

Sincerely,



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

RRB: tla

cc: C. Conlon
SM File # 241551

ESD Acres:	8.11
STRUCTURAL Acres:	0
WAIVED Acres:	0

RECEIVED

JUL 24 2012

Gutschick, Little & Weber, P.A.



FIRE MARSHAL COMMENTS

DATE: 25-Jun-12
TO: Tim Longfellow
Gutschick Little & Weber, PA
FROM: Marie LaBaw
RE: Towne Crest Parcel A
G-910

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **25-Jun-12**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** Parking restrictions to be submitted at time of site plan. *****

***** Main side hinge door locations must be clearly identified at time of site plan. Main side hinge door is defined as lobby access and/or access with annunciator panel. Each main side hinge door access must be within 50 ft of fire department apparatus access. *****



Gaithersburg
A CHARACTER COUNTS! CITY

June 29, 2012

Chair Francoise Carrier
Maryland National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Chair Carrier;

Thank you for the opportunity to participate in the review of the proposed Towne Crest development plan. The draft plan was discussed by the Gaithersburg Planning Commission at our regular meeting on June 20, 2012. The Gaithersburg Planning Commission fully supports redevelopment at this location. The Commission and City staff acknowledge the applicant's responsiveness to input from interested parties and believes the current plan reflects the appropriate density for this site.

The Commission recognizes that the Towne Crest neighborhood currently experiences significant stress from crime. Redevelopment of this site will help to stabilize crime rates within the neighborhood and could serve as a catalyst for further redevelopment within the surrounding area. The proposed on- and off-site stormwater management and reforestation plan for the West Woods of the Town of Washington Grove will provide significant environmental benefits within the surrounding area, including the City's Kelley Park. Recognizing that this plan is in the initial approval stages, the Commission offers the following specific comments for future plan submittals:

1. Analyze and improve pedestrian linkages from the site, to the Washington Grove MARC station and Olde Towne Gaithersburg to ensure continuity and connectivity.
2. Ensure the provision of appropriately sized active open space areas onsite.
3. Ensure that townhouse elevations fronting Towne Crest Drive and Washington Grove Lane provide enhanced architecture reflecting the "gateway" location and high visibility of those units.
4. Consider on street parking along Towne Crest Drive.
5. Provide a bus shelter on Washington Grove Lane.
6. Preserve tree #1, Red Maple with a DBH of 16 and 24 inches, as identified on the Preliminary Forest Conservation Plan and incorporate the tree into the design of the proposed recreational facility.

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2038
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitersburgmd.gov •
www.gaitersburgmd.gov

MAYOR
Sidney A. Katz

COUNCIL MEMBERS
Jud Ashman
Cathy C. Drzyzgula
Henry F. Marraffa, Jr.
Michael A. Sesma
Ryan Spiegel

ACTING CITY MANAGER
Tony Tomasello



Gaithersburg
A CHARACTER COUNTS! CITY

Again, we thank you for the opportunity to comment on the plan. Your consideration is appreciated. If you have any questions contact the City's Planning Director, Lauren Pruss at 301-258-6330 or lpruss@gaitthersburgmd.gov .

Sincerely,

John Bauer
Chairman
Planning Commission

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2038
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitthersburgmd.gov •
www.gaitthersburgmd.gov

MAYOR
Sidney A. Katz

COUNCIL MEMBERS
Jud Ashman
Cathy C. Drzyzgula
Henry F. Marraffa, Jr.
Michael A. Sesma
Ryan Spiegel

ACTING CITY MANAGER
Tony Tomasello

LAW OFFICES OF


KNOPF & BROWN
401 EAST JEFFERSON STREET
SUITE 206
ROCKVILLE, MARYLAND 20850
(301) 545-6100

FAX: (301) 545-6103
E-MAIL BROWN@KNOPF-BROWN.COM
WRITER'S DIRECT DIAL
(301) 545-6105

DAVID W. BROWN

MEMORANDUM

TO: Carlton Gilbert, Planning Coordinator, Area 2
Montgomery County Planning Board

FROM: David W. Brown 

DATE: June 25, 2012

RE: **Towne Crest LMA G-910**
PD-44 Technical Analysis

§59-C-7.1 Requirements

1. Density

7.14(a) **PD-44 is "High"***

PD 28 & 35 also "High"
PD – 15, 18, 22, 25 – "Medium High"

Proposed dwelling units: 356
Current no. 107
% increase – 233% (from 12.2 du/acre to 44 du/acre)

7.14(b) **District Council decides if density category is appropriate**

Current zoning (R-30/RT-12.5) matches 1985 Gaithersburg Vicinity Master Plan, where maximum density recommended for 21 acres in Analysis Area 2 is 231 units, or 11 du/acre.

2006 Shady Grove Sector Plan reflects current smart growth planning goal of concentrating density near the Metro stop. See Density Distribution Map, p. 35. Density is comparable to PD-44 only in areas very near Shady Grove Metro Station (TOMX/TDR), whether based on du/acre (30-40 maximum) or FAR (maximum of 1.6). Highest PD is 35.

2. Compatibility

7.15(a) Compatibility w/existing uses adjacent or in the vicinity

Townhouses adjacent to 3 of the 4 single-family homes on DayLily Lane. Multi-family adjacent to the 4th house, creating an incompatibility that does not now exist.

Multi-family –Buildings A & B -is not compatible w/vicinity – neighborhood is single-family (attached and detached)

7.15(b) Height/setback compatibility to adjoining land recommended for one-family detached zones

Inapplicable to Building A; it adjoins FR zoned land, not land zoned for single-family detached use.

Building B (in part) and the 10 townhouses adjoin RR-2 zoned land – a SFD zone in Washington Grove. (2009 Washington Grove Master Plan, p. 7.

(1) No multiple-family building within 100' of such land.

West side of the townhouses violate this rule.
Setback is 70' from SFD's on Day Lily. To get to 100' requires removal of two townhouses in each stick—4 in all.

Building B, southern 45', violates this rule. It is set back only 25' from SFD on lot 4 of Day Lily. To comply, about 3375 sq ft of Building B footprint would have to be removed. At 4 stories, this is about 13,500 sq. ft.

(2) No building violating 1:1 setback ratio to one-family detached land.

Townhouses are 35'; setback is 70'. No violation of this requirement.

Building B at 50' height and 25' setback violates this rule. Correction would involve significant reconfiguration of Building B.

7.15(c) Waiver of (b)(1) permissible, but only if (c) (1) and (c)(2) criteria are met.

Waiver of (b)(1) inapplicable because, under (c) (1), the “area master plan “ does not recommend “other than a one-family detached use” for the Day Lily properties. Applicant contends the Gaithersburg Vicinity Master Plan is the “area master plan.” If so, the relevant document is the Plan itself, which recommends single family use on the Day Lily properties (Fig. 14, p. 43). The Applicant incorrectly refers to the color land use map that is inconsistent with the Plan. The inconsistency must be resolved in favor the document reviewed and approved by the

Council. Further, “area master plan” logically refers to the master plan for the jurisdiction embracing the land in question, i.e., Washington Gove. As detailed above, the Washington Grove Master Plan does not recommend other than RR-2 zoning (one-family, detached use) on the adjoining property.

As for (c)(2), it is a criteria in addition to (c)(1). Adverse effect may be limited to Lot 4 on Day Lily, which will be adjacent to multi-family at far greater density than at present.

No waiver of (b)(2) is authorized.

Hence, even if the 100’ setback requirement were waived, the 50’ setback would apply to Building B where it confronts Lot 4 on Day Lily.

3. Green Area

7.16 Green Area requirement is 50% of gross tract area

Here: .5 x 410,125 = 205,062.5 sq ft

Green area claimed = 177,091* = 43.18%

Shortfall is 27,971 sq. ft., or about .64 acres. Applicant claims it is exceeding green area requirement by 458 sq ft, using net tract area (8.11 acres) instead of gross tract area (9.415 acres) to compute the required green area. **This is contrary to 59-C-7.16, which explicitly refers to “Percent of Gross Area.”**

*May improperly include planting area beyond sidewalk and in Town Crest Drive ROW & Washington Grove ROW. Applicant has not submitted its green area calculations

Current Towne Crest development not subject to green area requirement, but tabulation of currently qualifying green area would be a useful before/after comparison.

4. Parking

7.18 Parking Facilities

<u>Requirements</u>	<u>Spaces per Unit</u>
Studio	1.0
1 Bedroom	1.25
2 Bedroom	1.5
3 Bedroom	2.0

Building A Parking – 328 (10 more than needed considering only Building A)

Building B Parking – 210 (38 more than needed considering only Building B)

Townhouses - 20 (10 single garages and 10 adjacent surface)

Off-street spaces: 22 claimed

10 adjacent to townhomes

Remaining 12 – indeterminate location (apparently parallel parking along drive aisles and characterized as guest or short-term parking)

Total spaces provided: 570

Number of dwelling units: 356

Ratio: 1.6 spaces per unit

Current parking for 107 units = 164

Ratio: 1.53

Hence, proposed PD-44 plan is a slight improvement. But if there is a substantial overflow parking problem today, it is foreseeable that parking for 233% more units just adds to the problem.

E-2.8(a) Setback requirements – parking facilities in or adjoining residential

Towne Crest project is in a residential zone not recommended for anything else, making this section applicable. Triggers screening requirements in E-2.9.

Also applicable because it adjoins land in a residential zone [Wash. Grove RR-2]

Rear yard RR-2 setback = 10'

[No average setback for rear yards on Day Lily under Town Zoning Code 3.14 because rear lot line does not adjoin publicly owned land]

No FR zone setback and FR zone not a residential zone. This does not mean a setback along the FR property would not be necessary for compatibility or other reasons. For comparison, consider R-10 (multi-family high density setback requirements): Building A & B – binding element of 50' height: Under C-2.413: setback = 30' + 10' = 40'. Applicant proposes 25' for A & B, or 37.5% less. PD zoning is supposed to provide a better, not worse, result than conventional zoning.

5. Screening

E.-2.91 **Solid wall or fence to shield other properties from car lights, noise and traffic movement.**

No screening shown on development plan, only a retaining wall.

6. Forest Conservation

Chapter 22A – Forest Conservation

Significant/specimen trees slated for removal

13 – on site (critical root zone impact: 52%-92%)
3 specimen trees to be removed - #s 10, 15, 70

9 – off site (CRZ impact: 35% - 54%)
5 specimen trees to be removed –
#s 14, 27, 34, 71, 72

#10 could be placed in the save category with Bldg B in compliance with compatibility setback rules

#s 14, 15, 27 & 72 could be saved with rear yard setback on Building B.

#34 could be saved with rear yard setback on Bldg A

Specimen tree removal requires a variance, tree-by-tree, with a tree-by-tree showing of “unwarranted hardship.” §22A-21(a). As a less dense project would obviate most removals, there is a self-created hardship, not an “unwarranted” one.

Significant trees that could be saved with rear yard setbacks:

On site – #s 8, 9, 39 & 70

Off site – #s 11, 40, 53 & 54

Critical root zone impact, but not over 35%:

On site - none

Off site – 19 trees

Afforestation § 22A-12(f)

Requirement is for 1.36 acres

Applicant proposes none, on site or off site, despite removal of 13 significant/specimen trees on-site

§22A-12(d)(2):

“Tree cover” exception for “high density residential”

Crowns of planted trees to = 1.36 acres in 20 years.

Tree canopy exhibit claims 1.37 acres—just barely enough;

No computations to justify claim

7. Stormwater Runoff

We have no calculations of impervious surface, before and after. A significant increase is apparent.

Applicant claims it will work with Washington Grove “to substantially improve the existing outfalls.” Applicant states that further study and design is required.

The conceptual storm drain and SWM plan proposes a variety of SWM facilities, including an “underground SWM vault for 10 yr quality control” in two locations: west of Building A and west of the townhouses.

Outfall through DayLily Lot 3

Proposed to remain, not relocated and improved. This is a change from the prior plan.

Outfall between Buildings A & B

Proposed to remain, not upgraded and improved. This is a change from the prior plan.

8. Grading

Applicant proposes to construct a retaining wall behind much of Buildings A & B. Overall length about 510’. Height varies from 6.5-8.5 feet. This one is somewhat shorter than the prior proposed retaining wall. Three options have been provided to Washington Grove. All of them portend considerable loss of significant trees.

/attachments

LAW OFFICES OF

KNOPF & BROWN
401 EAST JEFFERSON STREET
SUITE 206
ROCKVILLE, MARYLAND 20850
(301) 545-6100

FAX: (301) 545-6103
E-MAIL BROWN@KNOPF-BROWN.COM
WRITER'S DIRECT DIAL
(301) 545-6105

DAVID W. BROWN

August 1, 2012

Via Email and Regular Mail
Carlton.Gilbert@mncppc-mc.org

Carlton Gilbert, Planner Coordinator
1-270 Coordination Team, Area 2 Planning Division
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Towne Crest LMA G-910

Dear Carlton:

In my memorandum of June 25, 2012 to you on the above-referenced application, I noted that the green area claimed on the latest version of development plan at that time (dated June 8, 2012 and signed by licensed professional engineer Timothy Michael Longfellow) was 177,091 square feet. I also noted that this was a shortfall of 27,971 square feet in the minimum green area requirement for the subject property, as specified in §59-C-7.16.

Yesterday, I received another revision to the development plan, dated July 31, 2012, which Mr. Longfellow signed and which the applicant's counsel submitted to you and to OZAH. The green area requirement is now correctly stated as 205,063 square feet, and the amount provided has now increased to 209,429 square feet, an increase from the June 8, 2012 plan of 32,338 square feet, and a figure that is 4,366 square feet more than the corrected minimum requirement. The submittal from the applicant's counsel does not note the change in the amount of green area provided, let alone offer an explanation for it.

A comparison of the June and July plans sheds no light on this discrepancy. The configurations and locations of all the buildings are essentially unchanged, except for a westward shift of the two townhome buildings by about twenty feet, which has no material impact on total green area. Under these circumstances, and on the information submitted, the inescapable conclusion is that at least one, if not both, of Mr. Longfellow's representations of the amount of green area provided is unreliable, and critically so.

In reviewing a development plan submitted in support of a rezoning, both the Council and the Hearing Examiner rely on "Technical Staff" to ensure that plans submitted for that

Carlton Gilbert, Planner Coordinator
Montgomery County Planning Board
August 1, 2012
Page 2

purpose are technically accurate in every respect. Neither office has the capability to scrutinize plans for computational error that is not self-evident on the face of the plan. They must rely on you and those assisting you in evaluating the plan. And needless to say, citizens affected by a proposed rezoning also have to put their trust in Technical Staff to ensure full compliance with development standards.

While in some cases your responsibility in this respect perhaps need not go further than ensuring that plans are signed by a Maryland-licensed professional engineer, this is not one of them. Without explanation, you have the same licensed professional signing off on two plans that, on their face, are irreconcilable. **Please ensure that the Planning Board is presented with Technical Staff's completely independent appraisal of the amount of green area on the latest plan.**

With one other exception, my views on behalf of Washington Grove on the June plan, as expressed in my June 25th memo, remain applicable to the latest plan. The exception is in application of the compatibility requirement in §59-C-7.15(b)(1), which requires a 100' setback of the townhomes from the single-family detached homes on Day Lily Lane. With the westward shift of those townhomes by 20,' the Day Lily setback has been reduced from 70' to 50,' thus increasing the setback shortfall on that side from 30' to 50.' To rectify this, yet preserve the increased setback from Town Crest Drive that you recommended, the applicant would have to remove the west most three townhomes in each row, or six in all, not four, as specified in my June 25th memo.

Please ensure that both my June 25th memo and this letter are included as attachments to your staff recommendation to the Board. As always, please feel free to contact me if you have any questions or concerns about the views expressed in this letter.

Sincerely yours,



David W. Brown

cc: Mayor Georgette Cole, Town of Washington Grove
Martin Grossman, Director, OZAH
Stephen Kaufman, Esq.
Erin Girard, Esq.



DRAFT 3/26/2012

Resolution Number: 2012-xx
Introduced: xx/xx/2012
Adopted: xx/xx/2012
Effective: xx/xx/2012

COUNCIL OF THE TOWN OF WASHINGTON GROVE, MARYLAND
RESOLUTION REGARDING PROPOSED REDEVELOPMENT
OF THE TOWNE CREST APARTMENTS

WHEREAS, the Town of Washington Grove is extremely concerned about the impacts of development on the Town borders and is cognizant of the developments proposed in the Shady Grove Sector and Gaithersburg Vicinity Master Plans; and

WHEREAS, the Town's Forest Preserve is a unique asset to the Gaithersburg Vicinity providing important greenspace benefiting the entire Vicinity; and

WHEREAS, the Town has reviewed the application for proposed rezoning and redevelopment of the Towne Crest Apartments adjacent to the Town's West Woods; and concludes the following:

1. The proposed redevelopment is not consistent with the planned development purpose clause in the County Zoning Ordinance.
2. The proposed density and proposed building sizes are not consistent with compatibility requirements specified in the County Zoning Ordinance.
3. The proposed redevelopment is not consistent with the Master Plan for the Towne Crest property.
4. The proposed redevelopment cannot be justified by proximity to transit.
5. The proposed redevelopment is incompatible with the adjacent significant historic resource that is the Town of Washington Grove.
6. The proposed redevelopment is too close to the Washington Grove West Woods and will cause the loss of a significant number of trees.
7. The proposed redevelopment will exacerbate transportation problems in the vicinity of Towne Crest related to speed, safety of pedestrians and vehicles as well as signage and efficient movement of traffic.
8. The proposed redevelopment does not provide adequate off-street parking, and proposed access roads adjacent to the Washington Grove West Woods will exacerbate negative impacts on the Town of Washington Grove.
9. The proposed redevelopment should address the Towne Crest Storm Water impacts on Washington Grove's West Woods.
10. The proposed redevelopment should assist with pedestrian access impacts on the West Woods.
11. The proposed redevelopment should protect birds and West Woods habitat from negative impacts of exterior lighting.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Washington Grove requests Montgomery County to deny the application for rezoning the Towne Crest Apartments.

Approved by Mayor and Town Council:

Attest:

Mayor

Date

Town Clerk

Date

**Greater Shady Grove Civic Alliance
Care of Mrs. Pat Labuda, President
16929 Briardale Rd., Derwood 20855
301-840-5507 patlabuda@aol.com**

2/24/12

Mr. Carlton Gilbert
Planning Coordinator
Area 2 Planning Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Gilbert,

The members of the Greater Shady Grove Civic Alliance would like to register our concern about the proposed rezoning application for the Towne Crest site off of Washington Grove Lane. We agree with the findings of the Washington Grove Planning Commission, to wit:

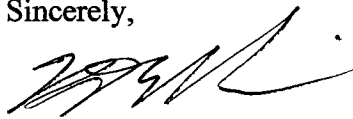
- that the proposed redevelopment is not consistent with the planned development purpose clause in the County Zoning Ordinance,
- that the proposed density (60 units per acre) and proposed building sizes (3, 4, and 5 story) are not consistent with compatibility requirements specified in the County Zoning Ordinance, and
- that the proposed redevelopment is not consistent with the Master Plan for the Towne Crest property.

We are very concerned that this "urban high" density will have a negative effect on future planning in the Derwood area. Increased density should be reserved for the areas closest to the Shady Grove Metro station and should respect the existing lower density communities. It is our understanding that the Planning Department evaluates new development with regard to compatibility with the existing neighborhood. The proposal for 5-story multi-family buildings adjacent to the existing 2-story single family homes in Saybrooke and Washington Grove does not seem consistent with that policy.

Kindly place our organization on record as opposing the proposed rezoning of this property.

We thank you for your thoughtful consideration of the ramifications of this rezoning proposal.

Sincerely,



Kenneth D. Weiss, 1st Vice President
For the GSGCA

Carol Hylond
18020 Mill Creek Drive
Herwood, Maryland 20855
March 9, 2012

Carlton Gilbert
Montgomery County Planning Department
8787 Georgia Ave.
Silver Spring, Maryland 20910

Dear Mr. Gilbert,

I am writing to you to voice my concern for the rezoning of the Toron Crest Apartments at Washington Grove Lane & Toron Crest Drive in Herwood, Maryland.

This area backs up to a single family residential area & three story buildings, that are being considered for this area, are not compatible with such a neighborhood. The new zoning will also increase the number of units to be built, allowing for a heavier populated area.

Our area is already being over developed with housing, & this will help to increase the population & traffic causing this area to no longer be a desirable place to live.

Therefore, I am in opposition to the new zoning.

Sincerely,
Carol Hylond

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

August 16, 2012

Stephen Z. Kaufman
301.961.5156
skaufman@linowes-law.com

Erin E. Girard
301.961.5153
egirard@linowes-law.com

Carlton Gilbert
Area 2 Planner
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Local Map Application No. G-910; Towne Crest

Dear Mr. Gilbert:

On behalf of our client, Towne Crest Apartments LLC (“Applicant”), the purpose of this letter is to respond to David Brown’s letter to you dated August 1, 2012. As explained more fully below, the arguments in Mr. Brown’s letter are based on incorrect assumptions that, once clarified, demonstrate absolute compliance of the proposed development plan with all applicable criteria.

In his letter, Mr. Brown questions the changes to the green area calculation shown on the July 31, 2012 development plan and suggests that the inconsistency between the July plan and the June 8, 2012 plan makes the project engineer’s information “critically unreliable.” This is simply not the case. The June 8, 2012 development plan calculated green area based on net tract area, which staff later noted was incorrect, as this calculation should have been based on the gross tract area pursuant to Section 59-C-7.16 of the Montgomery County Code (“Code”). The July 31, 2012 submission corrected this inadvertent error, and shows required and provided green space based on the gross tract area for the project. The increase in the provided green space is therefore not a function of any significant plan revisions, but rather is a result of a recalculation based on gross, rather than net, tract area. In both cases, the green area provided exceeds that required by the Code. Contrary to Mr. Brown’s assertions, therefore, the project engineer’s calculations are, and have been, accurate and consistent, and we would welcome staff’s review of the numbers to confirm this fact.

On the second issue Mr. Brown raises regarding setbacks, as you are aware, the Applicant has confirmed with staff and your legal counsel that the setback provisions of Section 59-C-7.15(b) of the Code do not apply to the subject property’s southwestern property line. Therefore, the

LINOWES
AND **BLOCHER LLP**
ATTORNEYS AT LAW

Carlton Gilbert
August 16, 2012
Page 2

50 foot setback of the proposed townhouses from that property line is sufficient and, in fact, more than doubles the setback over existing conditions, enhancing compatibility between the proposed and existing structures.

Thank you for the opportunity to provide these clarifications. If you have any questions, or require any additional information, please feel free to contact us.

Very truly yours,

LINOWES AND BLOCHER LLP

Stephen Z Kaufman
llp

Stephen Z. Kaufman

Erin E Girard

Erin E. Girard

cc: Office of Zoning and Administrative Hearings
Stacy Hornstein
David Peter
David Brown, Esq.