



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
1/29/04
Item #2

MEMORANDUM – LOCAL MAP AMENDMENT

DATE: January 23, 2004
TO: Montgomery County Planning Board
VIA: John Carter, Chief, Community-Based Planning *JC*
FROM: Bill Landfair, AICP, for the Department of Park and Planning *WLL*
Sue Edwards, Team Leader, I-270 Team *SUE*
(301) 495-4555

SUBJECT: **Local Map Amendment No. G-812:** Arrowsmith Court LC, applicant – reclassification of 4.02 acres of land from the R-200 Zone to the RT-10 Zone – located on Old Game Preserve Road, Gaithersburg – Gaithersburg Vicinity Master Plan

STAFF RECOMMENDATION

APPROVAL of Local Map Amendment No. G-812 and the accompanying Schematic Development Plan for the following reasons:

1. The application is consistent with the purpose clause and all applicable standards for the RT-10 Zone.
2. The application is in substantial conformance with the land use recommendations of the Gaithersburg Vicinity Master Plan.
3. The proposed development, as reflected in the Schematic Development Plan, will be compatible with the surrounding area.

INTRODUCTION

The applicant has requested reclassification from the R-200 Zone (Residential, one-family) to the RT-10 Zone (Residential, townhouse) of 4.02 acres of land located north of Old Game Preserve Road and east of Arrowsmith Court,

Gaithersburg. The property is identified as Parcel 949, Tax Map FU121, in the 9th Election District of Montgomery County. The development of the property will be in accordance with a Schematic Development Plan submitted under the optional method of application for local map amendments. As shown on that plan, the proposed development will consist of 32 residential townhouse units.

BACKGROUND

A. Description of Property

The subject property is located on the north side of Old Game Preserve Road, between Arrowsmith Court and Travis Avenue. The property is located in the Gaithersburg Vicinity Master Plan area. The parcel is trapezoid in shape with approximately 310 feet of road frontage and an average depth of approximately 800 feet. The property is currently vacant. The topography reflects a downward slope from the road to the rear of the site. A mix of deciduous forest covers most of the property with the remaining area covered with shrubs and grass. There are no specimen trees. The site drains to an ephemeral channel located along the eastern property boundary.

B. Surrounding Area

The proposed RT-10 Zone is a floating zone. In a floating zone application, the evaluation of the zoning issues requires delineation of the surrounding area. Staff defines the area as generally bounded on the north and west by Great Seneca Stream Valley Park; on the south by commercially zoned properties located along North Frederick Road (MD 355) within the City of Gaithersburg; and on the east by a commercial center within the City of Gaithersburg and a Pepco transmission line.

The land use and zoning pattern for the area reflects a mix of residential, commercial, and institutional land uses. North of the subject property is Great Seneca Stream Valley Park owned by M-NCPPC. Adjoining to the east is a townhouse development zoned R-18 under the City of Gaithersburg zoning code. Confronting to the south is a former motel now owned by Montgomery County zoned C-2 under the City of Gaithersburg code. This property is undergoing renovation in partnership with the Montgomery County Coalition for the Homeless to create 57 dwelling units (including 17 transitional housing units for families). Further to the south and west are commercially zoned properties within the City of Gaithersburg zoned C-2 under the City's code. They include retail, restaurant, and service oriented uses as well as a Montgomery County police substation. Adjoining the subject property to the west are townhouses located on Badger Drive and single-family homes located on Arrowsmith Court. These properties are located in Montgomery County in the R-200 Zone.

C. Intended Use and Approval Procedures

As shown on the Schematic Development Plan, the proposed development will consist of 32 townhouses. The units will be arranged in five clusters fronting along a private street with access from Old Game Preserve Road. Eleven of the townhouses will have one-car garages integrated within the residences. The remaining units will rely upon surface parking. A total of 75 parking spaces will be provided. A tot-lot is proposed between two clusters opposite Badger Drive. An interior sidewalk network is proposed to connect with Old Game Preserve Road and the existing sidewalk on Arrowsmith Court. Approximately one acre of the property, adjacent to Great Seneca Stream Valley Park, will be preserved as forest within a conservation easement.

Following rezoning, approval procedures include the review and approval of a preliminary plan of subdivision and site plan by the Planning Board.

D. Zoning History

1. Comprehensive Zoning

- a. SMA G-652: R-200 Zone reaffirmed; 2/13/90
- b. SMA G-568: R-200 Zone reaffirmed; 7/10/87
- c. SMA G-502: R-200 Zone reaffirmed; 2/4/86
- d. SMA F-939: R-20 Zone reaffirmed; 9/3/74
Reversed by Court of Appeals, R-200 Zone mapped; 5/8/75
- e. SMA F-805: R-20 Zone reaffirmed; 7/11/72
- f. 1958 Countywide comprehensive zoning; R-200 Zone mapped

2. Local Map Amendment

E-602: R-200 Zone to R-20 Zone; 10/11/66

E. Master Plan Recommendation

- 1. Land Use: One-family residential
- 2. Zoning: R-200

F. Public Facilities

1. Water and Sewer Service

- a. Service Categories: Water Category W-1 and Sewer Category S-1
- b. Water and Sewer Service: An 8-inch water line abuts the subject property. A short extension may be necessary to serve the site. Local service is deemed adequate and the impact from rezoning is considered negligible. A sewer extension will be required to serve the property. Program-sized sewer mains are not necessary and interceptor capacity is adequate. Rezoning will not significantly impact the sewerage system. (Source: WSSC Development Services Group)

2. Roadways

- a. Old Game Preserve Road: An undesignated roadway with both dedicated and prescriptive right-of-way.
- b. Arrowsmith Court: A two-lane secondary residential street with a 60-foot right-of-way ending in a cul-de-sac.
- c. Badger Drive: A private street with a variable right-of-way ending in a turnaround.
- d. North Frederick Road (MD 355): A six lane major highway, M-6, with a 120-foot right-of-way.
- e. Game Preserve Road: A secondary residential street with a right-of-way varying from 50 to 70 feet.
- f. Travis Avenue: A collector road with a right-of-way varying from 50 to 80 feet.

3. Schools

The subject property is located within the Watkins Mill Elementary School, Montgomery Village Middle School, and Watkins Mill High School service areas. Based on average yield factors for comparable housing units, the impact of the proposed development of 32 townhouses is estimated to be approximately nine elementary students, three middle students, and one high school student. The

current Annual Growth Policy (AGP) finds capacity adequate in the Watkins Mill Cluster. In addition, the new AGP schools test, taking affect in July 2004, will also find capacity adequate in the Cluster. (Source: MCPS Department of Planning and Capital Programming)

ANALYSIS

A. Intent and Purpose of the Zone

The intent and purpose of the RT Zone is found under Section 59-C-1.721 of the Zoning Ordinance and provides:

The purpose of the R-T Zone is to provide suitable sites for townhouses:

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

It is the intent of the R-T Zones to provide the maximum amount of freedom possible in the design of townhouses and their grouping and layout within the areas classified in that zone, to provide in such developments the amenities normally associated with less dense zoning categories, to permit the greatest possible amount of freedom in types of ownership of townhouses and townhouse developments, to prevent detrimental effects to the use or development of adjacent properties or the neighborhood and to promote the health, safety, morals and welfare of the present and future inhabitants of the district and the County as a whole.

While the subject property is not specifically designated for residential development at densities allowed in the R-T zones, staff finds the proposed density appropriate given the existing pattern of townhouse development in the surrounding area. The proposed townhouse development will be compatible with adjacent uses and will contribute to a logical transition between the proposed higher-density residential and existing commercial uses to the south and the low-density single-family uses to the north and west. The design and grouping of the townhouses will be compatible with adjacent uses. Appropriate setbacks are proposed and opportunities exist for significant buffer. A significant amount of green area is proposed including one acre of the property adjacent to Great Seneca Stream Valley Park, which will be preserved as forest within a conservation easement.

B. Master Plan

Master Plan Conformance

The subject property is located within the boundaries of the 1985 Gaithersburg Vicinity Master Plan, which is currently being updated. The Master Plan does not include a specific recommendation for the subject property. The Plan's zoning map shows R-200 for the property and the land use map indicates low-density residential (2-4 units per acre). The adjacent properties to the west are also zoned R-200 and are developed with both single-family homes and townhouses. Townhouses are permitted in the R-200 zone under the optional method of development to accommodate moderately priced dwelling units (MPDUs).

Compatibility

The existing development that surrounds the subject property is residential, mostly townhouses with some single-family homes, on both the east and west sides of the property. Therefore, additional townhouses in this area would be compatible with the existing development. Site plan review will be required following rezoning and site conditions will be subject to further refinement at that time. During site plan review, the specific concerns of adjacent residents can be addressed, particularly with respect to the need for fencing and buffering.

C. Development Standards for the Zone

The applicant has proffered the following binding elements on the Schematic Development Plan related to development standards for the zone, use of the property, and staging.

Development Standard	Required/Permitted	Binding Elements
1. Land Use	* As per Section 59-C-1.7	- Exclusively one-family attached dwelling units
2. Density	* 32 one-family attached dwelling units	- Not more than 32 one-family attached dwelling units
3. Building Coverage	* 35% of 175,180 square feet	- Not more than 14% or 24,000 square feet
4. Green Space	* 50% or 87,590 square feet	- Not less than 65% or 113,800 square feet
5. Staging (per Section 59-H-2.53)	* Optional	- Submission of a preliminary plan of subdivision will be restricted to July 1, 2004 or thereafter

As shown on the Schematic Development Plan and illustrated in the table below, the proposed development will be in conformance with the applicable standards for the zone found in Section 59-C-1.73 of the Zoning Ordinance.

	Required/ Permitted	Provided
59-C-1.731 Tract Area and Density		
(a) Minimum tract area (sq. ft.)	20,000 s.f.	175,180 s.f.
(b) Maximum density of development (dwelling units) per acre of usable area as defined in Section 59-C-1.523 of the special requirements for cluster development.	10	8
59-C-1.732 Building Setbacks (Minimum, in Feet)		
(a) From any detached dwelling lot or land classified in a one-family, detached, residential zone.	30	30
(b) From any public street.	25	25
(c) From an adjoining lot;		
(1) Side (end unit)	10	10
(2) Rear.	20	20
59-C-1.733. Maximum Building Height (in Feet). Except for agricultural buildings and except as provided in Division B-1(b) the maximum height of any building is:		
(a) For a main building.	35	35
(b) For an accessory building.	25	25
59-C-1.34. Coverage and Green Area.		
(a) Maximum percentage of tract that may be covered by buildings.	35	14
(b) Minimum percentage of tract that must be devoted to green area.	50	65

The staff notes that the maximum proposed density of development will not exceed eight dwelling units to the acre. As such, staff recommends that the applicant revise the application to request the RT-8 Zone instead of RT-10 Zone. While the development standards for both zones are identical, the RT-8 Zone more accurately reflects the actual density the applicant is seeking for the subject property.

D. Transportation Issues

The Transportation Planning staff will recommend the following conditions at the time of Adequate Public Facilities (APF) review for the preliminary plan of subdivision:

1. Limit the proposed development to a maximum of 32 townhouses.
2. Provide the following in coordination with the City of Gaithersburg,

Montgomery County Department of Public Works and Transportation, and Montgomery County Department of Permitting Services:

- a. Dedicate additional right-of-way along the property frontage to provide 25 feet from the centerline of Old Game Preserve Road.
- b. Provide five-foot-wide sidewalks along the property frontage with Old Game Preserve Road.
- c. Limit vehicular access to Old Game Preserve Road.
- d. Provide a five-foot-wide lead-in sidewalk from Old Game Preserve Road.
- e. Provide a pedestrian connection from the internal street to Arrowsmith Court's cul-de-sac.

Site-Generated Traffic

The table below shows the increase in the weekday peak-hour trips generated as a result of the rezoning by comparing the projected number of weekday peak-hour trips generated by the existing zoning and the proposed zoning.

Trip Generation by Zoning Classification

Zoning Classification	Number of Units	Weekday Peak-Hour Trips	
		Morning	Evening
Existing R-200 Zone	6 Single-Family Detached Units	7	6
Proposed RT-10 Zone	32 Townhouses	15	26

For either zoning classification, a traffic study is not required to satisfy Local Area Transportation Review because the residential development generates fewer than 50 peak-hour trips (under the current *FY 2004 Annual Growth Policy*) during the weekday morning peak period (6:30 a.m. to 9:30 a.m.) and the evening peak period (4:00 p.m. to 7:00 p.m.). Thus, an analysis of the congestion levels at the nearby intersections is not required.

Staging Ceiling Condition/Policy Area Transportation Review

As of December 31, 2003, the Montgomery Village/Airpark Policy Area has a remaining capacity of negative 5,524 housing units in the transportation-staging ceiling under the *FY 2004 Annual Growth Policy*. However, the applicant

proposes to file for preliminary plan of subdivision after July 1, 2004, under the *FY 2005 Annual Growth Policy*, which will require the applicant to pay the following:

1. The Development Impact Tax for Transportation Facilities in the suburban tax district under Bill No. 31-03.
2. The Development Impact Tax for Public School Improvements in the suburban tax district under Bill No. 9-03.

E. Environmental Issues

Forest Conservation

A Preliminary Forest Conservation Plan has been submitted and reviewed by the Environmental Planning staff. The site includes 2.97 acres of forest. The applicant is proposing to retain 0.93 acres of forest and remove 2.04 acres of forest. There is a planting requirement of 0.38 acres. The applicant has proposed to meet these requirements by planting off-site. Staff is encouraging the applicant to meet these requirements by supplemental planting in appropriate areas of existing forest onsite or in the adjoining floodplain. The location, species selection, and method of planting will be determined during the final forest conservation plan. The forest being retained includes some located on highly erodible soils with slopes between 15% and 25%.

Stormwater Management

The development must comply with Montgomery County Department of Permitting Services (DPS) stormwater management, and sediment and erosion control requirements. The applicant will submit a stormwater management concept plan to DPS for review and approval prior to Planning Board review of a preliminary plan of subdivision. Without a stormwater management concept at this time, it is unknown how all stormwater will be treated. Of particular interest is how the applicant will address runoff from the rear of the townhouses lots adjacent to the ephemeral channel along the eastern property line.

Watershed Protection/Water Quality

The site drains to Whetstone Run, which skirts the eastern end of the property. Whetstone Run is a tributary to Great Seneca Creek in the Seneca Creek Watershed. This part of the Middle Potomac basin is designated as Class I-P waters. The *Countywide Stream Protection Strategy (CSPS)* rates both stream and habitat conditions in the watershed as fair. There are problems associated with uncontrolled storm runoff in the upper reaches of the subwatershed. Conditions improve in the lower reaches where regional stormwater control structures affect conditions. The northern portion of the property forms part of

the Middle Great Seneca Creek 100-year floodplain. This portion is being preserved within a Category 1 Forest Conservation Easement.

Environmental Guidelines

The development will comply with the Environmental Guidelines. There are no impervious surfaces within environmental buffers. Highly erodible soils on steep slopes (at the eastern end of the site) have been incorporated into the site's open space.

F. Community Concerns

Staff has discussed the application with two adjacent residents. These citizens have expressed a number of concerns including the density of development; security and liability issues related to a sidewalk connection, loss of privacy; and adequacy of parking. One of the residents, whose letter is attached as an exhibit, will support the application with certain conditions including the installation of a substantial fence along the common property line.

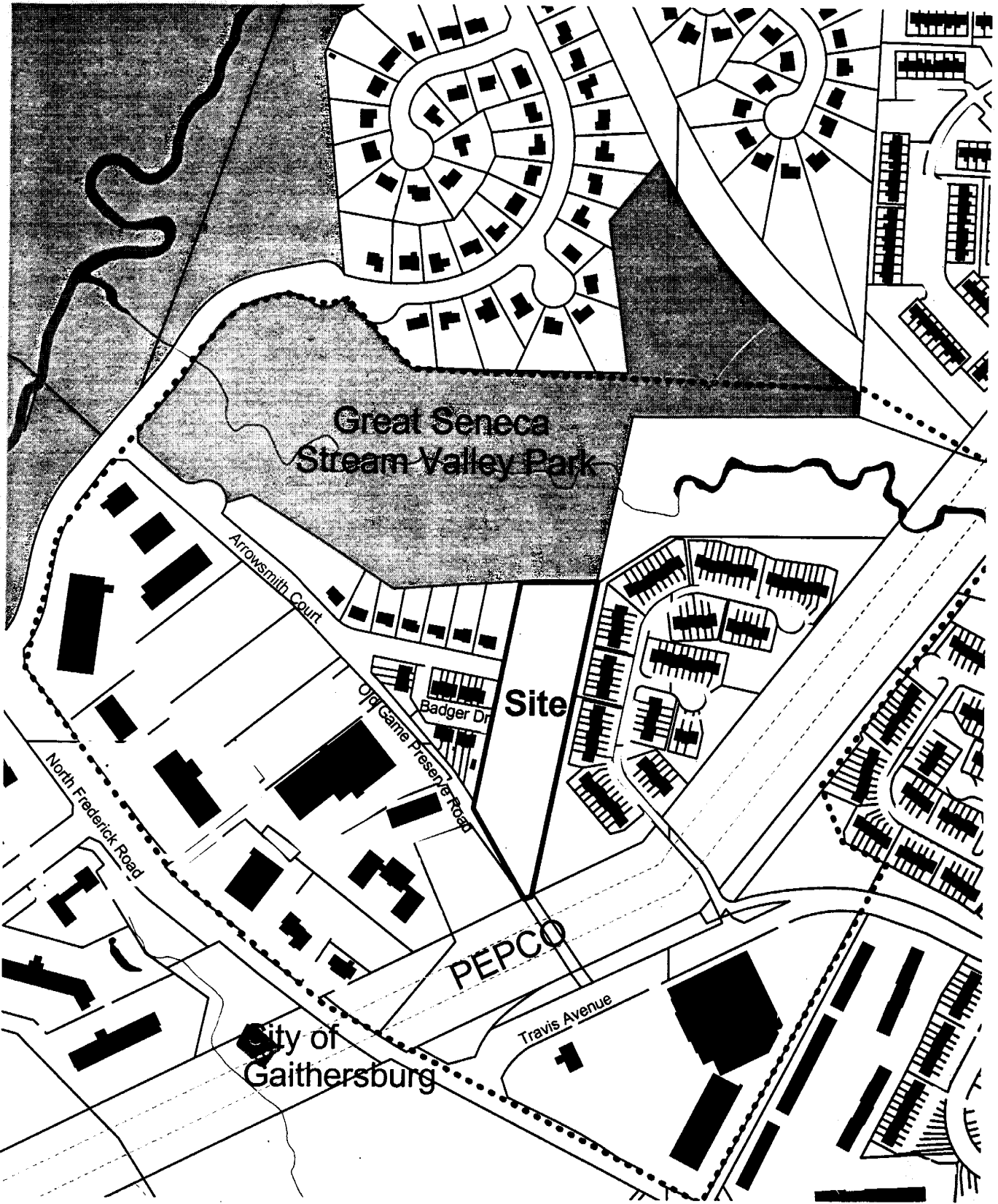
G. Conclusion

The staff finds that the proposed rezoning will be consistent with the purpose clause and all applicable standards for the RT-10 Zone, in substantial conformance with the land use recommendations of the Gaithersburg Vicinity Master Plan, and will be compatible with the surrounding area.

Attachments

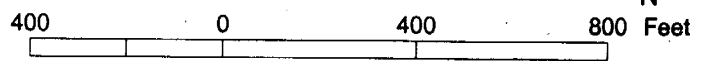
Vicinity Map
Schematic Development Plan
Zoning Map
Citizen's Letter

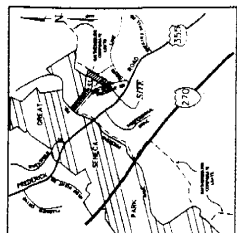
VICINITY MAP FOR G-812



Legend

- Surrounding Area Power Lines





Processed Development Standards RT-10 (Informational Purposes)

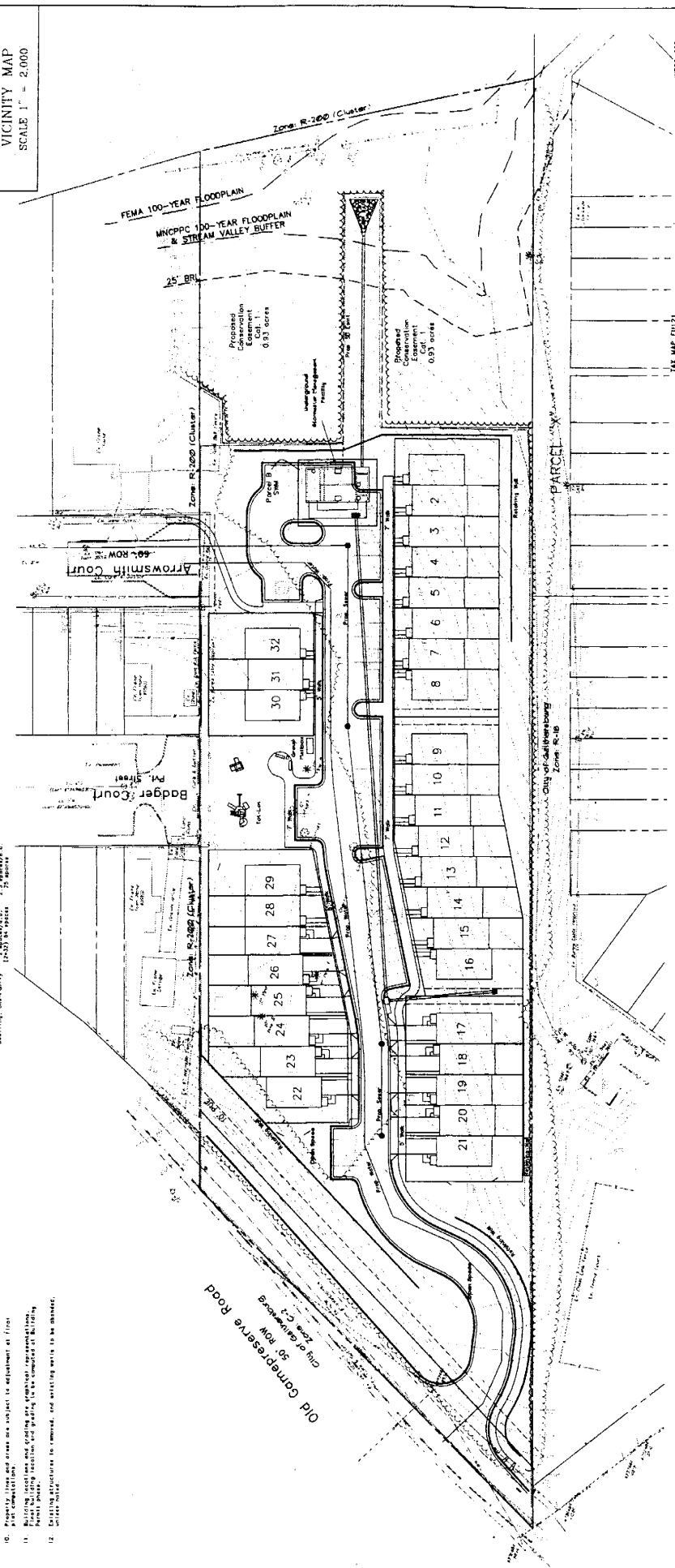
Standard	Required	Proposed
58-C-1.21	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.22	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.23	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.24	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.25	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.26	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.27	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.28	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.29	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.30	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.31	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.32	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.33	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.34	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.35	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.36	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.37	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.38	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.39	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.40	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.41	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.42	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.43	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.44	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.45	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.46	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.47	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.48	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.49	100 sq. ft. per lot	175 sq. ft. per lot
58-C-1.50	100 sq. ft. per lot	175 sq. ft. per lot

Binding Elements

Development Standard	Permitted/Required	Binding Elements
1. Land Use	As per Sec. 58-C-1.7	Exclusively one-family attached
2. Density	As per Sec. 58-C-1.7	Not more than 32 one-family attached dwelling units per acre
3. Building Coverage	As per Sec. 58-C-1.7	Not more than 32% of the lot area
4. Grass Space	As per Sec. 58-C-1.7	Not less than 10% of the lot area
5. Staging (per Sec. 58-C-2.25)	As per Sec. 58-C-1.7	Not more than 10% of the lot area

Decking Labeling
58-C-1.30 Staircase at Placement
Decking: 1. 2x6 Joists, 2. 2x6 Stairs, 3. 2x6 Posts, 4. 2x6 Ropes

- GENERAL NOTES:
1. Topography from survey by this office.
 2. Boundary information from survey performed by this office.
 3. All work shall conform to all applicable codes and regulations.
 4. The property lines and area, as shown on this plan, are based on a survey conducted by this office.
 5. The number of lots proposed by this plan is 32.
 6. A Natural Resource Inventory (NRI) Report, State Department of Environmental Protection, is attached to this plan.
 7. Planning and zoning regulations and zoning map of Montgomery County, Maryland, are shown on this plan.
 8. This plan is within the Montgomery Village/Arrowsmith Transportation Corridor, as shown on the Official Zoning Code.
 9. The State of Maryland has determined that portions of this waterway are subject to the National Wetlands Regulations.
 10. All wetlands and areas are subject to regulation at this time.
 11. Building locations and grading are shown on this plan.
 12. Existing structures to be removed, and existing walls to be retained, are shown on this plan.



SCHEMATIC DEVELOPMENT PLAN
TAX MAP F0121

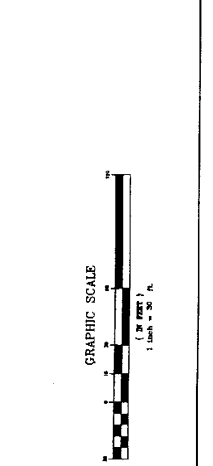
Whetstone Run
P. 949, L. 3976 F. 495

9TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

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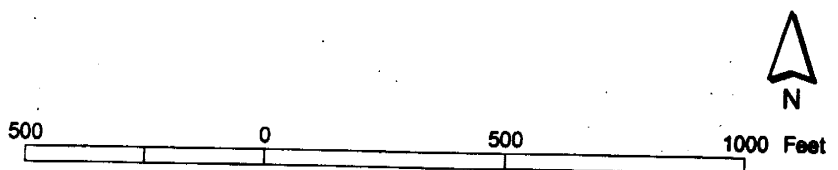
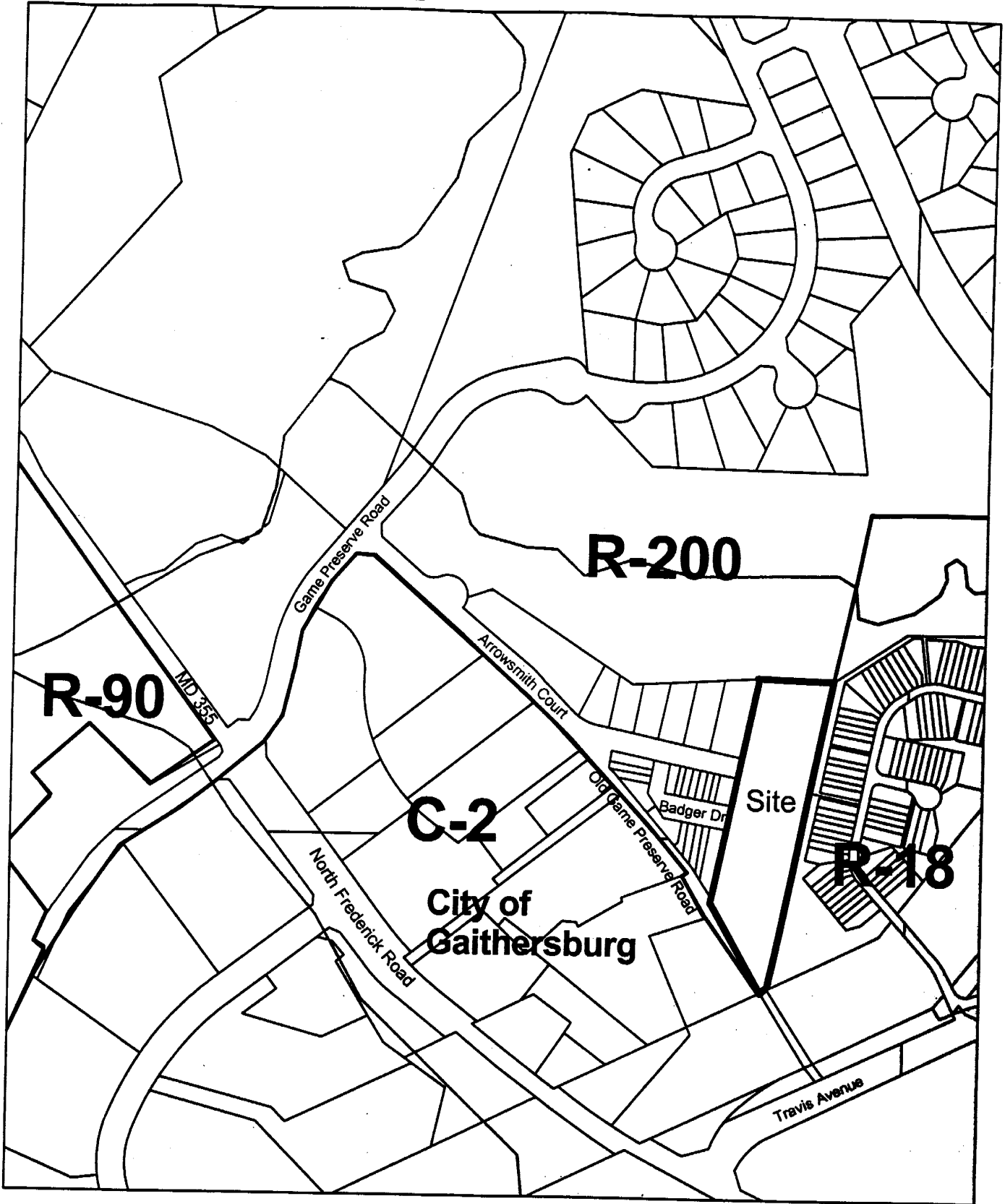
Project No. 2003-01-001
Sheet No. 1 of 1
Date: 02/11/04

NO.	DATE	DESCRIPTION	BY
1	1/23/04	Reasoning revision to MNCPPC	MJM



PREPARED FOR:
Arrowsmith Court, LC
5110 Arrowsmith Road, Suite 413
Bethesda, MD 20816
PHONE (301) 652-9224
FAX (301) 652-9224
Attn: John Lerner

ZONING MAP FOR G-812



HEATHER SCULL
10810 BADGER DR.
GAITHERSBURG, MD 20879

Department of Park & Planning
Attn: William R. Landfair
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Re: Arrowsmith Project

Dear Madam or Sir:

When I bought my townhouse in March of 2003 I was told there would be no development in the field next to my house in the foreseeable future. You could imagine my surprise when I found out about the Arrowsmith Project. I was totally against it. After watching the empty field, where the Arrowsmith Project is purposed to take place, collect trash that people leave when they are drinking in the woods; my opinion on the project has changed. I am prepared to help motivate people to be for the project. I request a couple of things be considered.

Badger Drive Home Owners Association has no insurance. That means that the Badger Drive homeowners are liable for anyone hurt on Badger Drive. A large six and a half foot fence will need to be put up separating Badger Drive from the new Arrowsmith community. This fence can not allow access to Badger Drive or Arrowsmith Project because of the liability factor. The communities could be connected if the proposed Arrowsmith Project takes the Badger Drive Home Owners Association under its wing. Meaning if Badger Drive insurance is reinstated. There are many good things that could come from the two home owners associations combining. This however is an elaborate and very touchy subject.

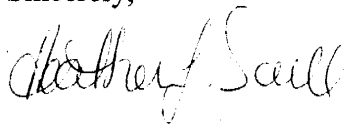
I currently have ten flood light that are situated around the house. I will not take these down. I would be glad to turn them off at 10:00pm so they would not bother the proposed Arrowsmith Project people. I also have two large German Shepherds. I am sure the purposed Arrowsmith Project people would feel a lot more comfortable with a six and a half foot fence separating their backyards from my large dogs.

In conclusion, I am happy to help motivate people to be for the Arrowsmith Project. At a later time we can talk about the possibility of combined home owners associations and access to each other communities. I am sad to say that there is no way I can support the project unless a six and a half foot fence is erected extending along the boundary of my property all the way to Arrowsmith Court with no access to either

community. The only way access would be allowed is if Badger Drive has its insurance reinstated. This is not possible for a long time unless the Arrowsmith Project were to combine homeowners associations.

Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Heather L. Scull". The signature is written in black ink and is positioned above the printed name.

Heather L. Scull