

**MEMORANDUM**

DATE: December 28, 2005
 TO: Montgomery County Planning Board
 VIA: Rose Krasnow, Chief *RK*
 Michael Ma, Supervisor *Ma*
 Development Review Division
 FROM: Robert A. Kronenberg *RK*
 Development Review Division
 (301) 495-2187



REVIEW TYPE: **Limited Site Plan Amendment**
 CASE #: **82005024A**
 PROJECT NAME: National Park Seminary
 APPLYING FOR: Approval to modify heights for the proposed townhouses
 REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance

ZONE: PD-15
 LOCATION: In the northeast quadrant at the intersection of Linden Lane and Sitter Avenue in Silver Spring, Maryland
 MASTER PLAN: North and West Silver Spring Master Plan
 APPLICANT: Forest Glen Venture, LLC
 C/O EYA

FILING DATE: December 12, 2005
 HEARING DATE: January 5, 2006

STAFF RECOMMENDATION:

Staff recommends **Approval** of the Site Plan Amendment (82005024A) for the modification to increase the height from 45 to 50 feet for the proposed townhouses. The terms and conditions of all applicable prior regulatory approvals and agreements, including the approved Site Plan [No. 820050240] and Preliminary Plan [No. 120050540] remain in full force and effect, except for this change to the allowable height.

Summary

Plan Approval

The Site Plan (820050240) for Phase I of the National Park Seminary was presented to the Planning Board on April 7, 2005 for approval of 257 dwelling units, including 155 multi-family units, 90 one-family attached units, and 12 one-family detached units, including 56 MPDUs in the PD-15 Zone. The Preliminary Plan of Subdivision (No. 120050540) was approved on the same date for the overall tract of 32.15 acres, including 280 dwelling units. Twenty percent of the units (56) will be MPDUs, all of which will be built as part of Phase I. Phase I consists of 27.95 acres and is located in the northeast quadrant at the intersection of Linden Lane and Sitter Avenue in Silver Spring, Maryland. The site is directly adjacent to and south of the I-495 Capital Beltway and southwest of the CSX railroad tracks.

The signature set for the site plan (820050240) was approved on December 15, 2005 and the Planning Board approved the record plat on December 22, 2005.

Discussion on the Building Height at the Public Hearing

During the Planning Board hearing, there was discussion about the height of the proposed townhouses, specifically on the south side of Linden Lane. The staff report recommended a maximum height of 40 feet based upon information provided by the Applicant during the site plan review period. The Applicant requested that the data table be revised to include 45 feet for the proposed townhouses, in-lieu-of the 40 feet recommended in the report, due to concerns that some of the proposed units may exceed the recommended height. Staff pointed out at the hearing that the permitted height limit in the PD-15 Zone allows for a maximum height of 50 feet. There was no objection or disagreement over the substitution or the height limitation in the zone by Staff or the public.

A waiver was granted by the Montgomery County Planning Board with the approval of the Preliminary Plan that permitted the structures already existing on the site to exceed the 50-foot height limitation.

Analysis of the Limited Amendment

Applicant's Position

As final engineering for this site has been completed, the Applicant has determined that 16 of the 90 proposed townhouse units would exceed the 45-foot height limitation originally prescribed in the data table and on the approved site plan. This is due primarily to final grading associated with the proposed units and the location of the exact measuring point that will be used to determine the height.

The proposed site plan application presented to the Planning Board has not changed in terms of house locations and building layout, access, landscaping or amenities. The townhouse units will be the same as originally shown to the Board; however, the height of the proposed buildings has increased due to determination of the proposed measuring point. The Applicant also points out that none of the proposed units would measure higher than 45 feet from the base of the unit, but would exceed the 45 feet as measured from the road or curb in front of the new units.

The Applicant believes it was the Planning Board's intent to provide flexibility for the proposed units to be as high as the 50 feet permitted in the PD-15 Zone. Therefore, the Applicant is seeking a limited amendment to modify the data table to reflect the increased height, from 45 to 50 feet.

Staff Position

Staff reviewed the application and has met with the Applicant to discuss the height of the proposed townhouses with regard to determining the measuring point and the varying height increase from 45 to 50 feet. The proposed building footprints and the architectural drawings provided by the Applicant have not changed from the original submittal; therefore, flexibility should be permitted within the confines of the zone to allow the increase in height.

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PROJECT DESCRIPTION: Prior Approvals

The National Park Seminary property is comprised of a collection of buildings that are architecturally eclectic to emphasize structures reminiscent of different eras and regions. Many of the well-known buildings include the Japanese Pagoda, the Swiss Chalet, Ye Forest Inn and the Ballroom; however, smaller buildings, parking areas, sculptures and various housing types exist on the site.

Zoning/Development Plan

The subject property was rezoned from the R-90 Zone to the PD-15 Zone by Local Map Amendment G-828. The application was approved for a total of 280 dwelling units by the District Council on March 1, 2005. The resolution is attached in Appendix A of this report

Preliminary Plan

The Preliminary Plan of subdivision #120050540 was approved by the Planning Board on April 7, 2005 for the total site area of 32.18 acres and 280 dwelling units.

Site Plan

The Planning Board approved the Site Plan on April 7, 2005 for Phase I of the site that encompassed 27.95 acres and a total of 257 dwelling units.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE (PD-15 Zone)

Development Standard	Permitted/ Required	Approved for Site Plan 820050240	Proposed for Site Plan Amendment 82005024A
Min. Tract Area (ac.):			
Phase I	N/A*	27.95	27.95
Phase II (not included in this application)		<u>4.23</u>	<u>4.23</u>
Total		32.18	32.18
Max. Density of Development (d.u./ac.)			
Phase I	15	9.19	9.19
Phase II (not included in this application)	15	5.44	5.44
Number of Dwelling Units			
<u>Phase I</u>			
Detached unit (min.)		12 (9 existing)	12 (9 ex.)
Attached unit		90	90
Multi-family		<u>155</u>	<u>155</u>
Total	419	257**	257
Min. Building Setbacks (ft.)			
<u>Existing Historic Buildings</u>			
from property line	0	0	0
from adjoining R-90 Zone	100	20***	20

<u>Proposed One-family attached units (townhouses)</u>			
(Lots 1-21, 23-42, 44-53-north side of Linden Lane)			
Front	0	5	5
Side	0	0	0
Rear	0	2	2
(Lots 1-7, 25-37-south side of Linden Lane)			
Front	0	5	5
Side	0	0	0
Rear	0	4	4
(Lots 18 & 19-south side of Linden Lane)			
Front	0	2	2
Side	0	0	0
Rear	0	3	3
(Lots 8-17, 20-24, 38, 39-south side of Linden Lane)			
Front	0	5	5
Side	0	0	0
Rear	0	3	3
<u>Proposed One-family detached units</u>			
Lot 40 (relocated from lot 2&3, blk A)			
Front	0	17	17
Side	0	7	7
Rear	0	15	15
Lot 59			
Front	0	10	10
Side	0	5	5
Rear	0	5	5
Min. Green Area (%)	50	61	61
Max. Building Height (ft.):			
Existing Dwelling Units	no greater than 50	50***	50
Proposed Dwelling Units	no greater than 50	45	50
Parking Spaces:			
One-family detached (2 sp./unit @ 12)	24	24	24
One-family attached units (2 sp./unit @ 90)	180	180	180
Dedicated Rock Creek Park spaces	N/A	5	5
Visitor	N/A	18	18
<u>Multi-family</u>			
1-Bedroom (42 units @ 1.25 sp/unit)	53	53	53
2-Bedroom (85 units @ 1.5 sp/unit)	128	128	128
3-Bedroom (28 units @ 2 sp/unit)	56	56	56
Catholic Charities/Transitional Housing (19 rooms @ 1 sp./room)	19	19	19
Optional Parking Deck	N/A	52	52
Total Parking Spaces		534	534
		(incl. 11 HC spaces)	(incl. 11 HC spaces)

- * The gross area of the site must be sufficient to construct 50 or more dwelling units under the density category.
- ** The zoning case and associated development plan (G-828) approved a total of 280 units for the 32.18-acre site. Phase I is proposing a total of 257 dwelling units. Phase II will include the remaining 23 dwelling units.
- *** The applicant is requesting a waiver of the setbacks and height requirements, which the Planning Board granted in connection with the approval of Preliminary Plan No. 1-05054 for this project.

APPENDICES

- A. Planning Board opinions for Preliminary Plan 120050540 and Site Plan 820050240.
- B. Letter from the Applicant dated December 5, 2005.