

OCT 10 2011



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-61
Preliminary Plan No. 12004016A
Gables Rothbury Square
Date of Hearing: July 14, 2011

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on May 12, 2011, Avalon II Maryland Value I LP ("Applicant"), filed an application for approval of a preliminary plan amendment designated Preliminary Plan No. 12004016A ("Preliminary Plan" or "Amendment") for approval of the following modifications:

1. Revise condition #2 of Preliminary Plan No. 120040150 to increase the maximum number of garden apartments approved from 203 to 205 (including 41 MPDUs).

WHEREAS, Staff issued a memorandum to the Planning Board, dated June 29, 2011, setting forth its analysis, and recommendation for approval of the Amendment subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other governmental agencies, on July 14, 2011, the Planning Board held a public hearing on the Amendment (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, on July 14, 2011, the Planning Board voted to approve the Amendment subject to certain conditions, on motion of Commissioner Presley; seconded by Commissioner Wells-Harley; with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

Approved as to
Legal Sufficiency:

Christina Sorensen 9/8/11

8787 Georgia Avenue, N.C. 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Preliminary Plan No. 12004016A, subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to a maximum of 205 garden apartments (including 41 MPDUs).
- 2) All other applicable terms, conditions, and findings of the previous preliminary plan approval, as contained in the Planning Board Opinion dated December 3, 2003, remain in full force and effect.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

- 1) *Public facilities will be adequate to support and service the area of the proposed subdivision.*

Local Area Transportation Review (LATR)

An LATR study scope was requested in 2002 to prepare a traffic study. The subsequent study analyzed the traffic impacts of 203 garden apartments for Preliminary Plan No. 120040160, Gables Rothbury Square, which was approved on November 20, 2003.

The Amendment converts the existing model apartment and underutilized business center into rental apartment units. The existing uses of these spaces, in themselves, do not generate any trips within the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.). The table below shows the number of peak-hour trips generated by the proposed two additional garden apartments within the weekday morning and evening peak periods:

| | Number of Units | Weekday Peak Period | |
|---------------|-----------------|---------------------|---------|
| | | Morning | Evening |
| Proposed | 205 | 85 | 87 |
| Original 2003 | 203 | 84 | 86 |
| Increase | 2 | 1 | 1 |

A new traffic study is typically required when total existing and proposed additional non-residential development generates 30 or more total (i.e., existing and new) peak-hour trips within the weekday morning and evening peak periods. Section II.A. of the *Local Area Transportation Review and Policy Area Mobility Review Guidelines* covers one instance where a new study is not required. It states, "If use and occupancy permits for at least 75 percent of the originally approved development were issued more than 12 years before the LATR study scope request, the number of signalized intersections in the study will be based on the increased number of peak hour trips rather than the total number of peak hour trips. In these cases, an LATR study is not required for any expansion that generates five or fewer additional peak hour trips." In this case, all 203 apartments have been constructed since 2002, which is less than twelve years ago. Therefore, according to the LATR guidelines, a new traffic study would typically be required to satisfy the LATR test. However, based on information provided by the Applicant's traffic consultant and traffic data available to Staff, Staff did not find it necessary to require a new traffic study for the following reasons:

1. The two new apartment units generate only one new weekday peak-hour trip.
2. If a new traffic study were submitted to satisfy the LATR test, the resulting congestion levels at the nearby analyzed intersections are not likely to exceed the current congestion standard based on the available traffic volumes along nearby roadways.

A traffic study was submitted in 2003 for the originally approved Preliminary Plan No. 120040160 that analyzed the following intersections:

1. Montgomery Village Avenue and Arrowhead Road-Shadow Oak Drive
2. Arrowhead Road and Rothbury Drive
3. Rothbury Drive and Site Driveway-Spur Hill Drive
4. Goshen Road and Rothbury Drive-Green Run Way

Based on the results of that traffic study, the critical lane volume (CLV) values at all four analyzed intersections were below 1,015 in the existing, background and total traffic conditions. The LATR test was satisfied in 2003 because these CLV values were below the applicable congestion standard of 1,500 for intersections within the Montgomery Village/Airpark Policy Area.

If a new traffic study were to be submitted, the current applicable congestion standard of 1,425 CLV would be lower than the 1500 CLV standard used in 2003, and the LATR test should be satisfied if the current CLV increase is less than 410 (i.e., 1,425 minus 1,015) or 27%.

Updated intersection traffic counts are not available at the four analyzed intersections in our traffic count database. In lieu of updated intersection counts, Average Annual Daily

Traffic (AADT) data was obtained from the Maryland State Highway Administration (SHA). AADT is two-way 24-hour traffic volume for a typical weekday along roadway segments collected for a given year. AADT data was available on 11 nearby roadway segments that are located within 2 miles from the subject site. Comparing historic AADT data with 2010 data, the average AADT increased only 7.7% or less. The 7.7% increase in traffic volume is significantly less than an increase of 27%. Based on this, Staff determined that if reanalyzed today, the CLVs at the previously analyzed intersections are not likely to exceed the current congestion standard of 1,425 CLVs.

Based on the analysis above, the Board finds the proposed development meets the LATR requirements of the APF review.

Policy Area Mobility Review (PAMR)

Under the current *Growth Policy*, PAMR mitigation would not be required because the two additional apartment units would generate 3 or fewer new peak-hour trips and, thus, would be considered *de minimus*. Therefore, the Board finds the Preliminary Plan meets the PAMR requirements of the APF review.

2) *All previous findings remain in full force and effect.*

The Planning Board further finds that the Preliminary Plan Amendment does not affect the previous findings of the Board regarding the Preliminary Plan, and all other previous conditions of approval remain in full force and effect unless modified herein.

BE IT FURTHER RESOLVED, that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved preliminary plan; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that 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.

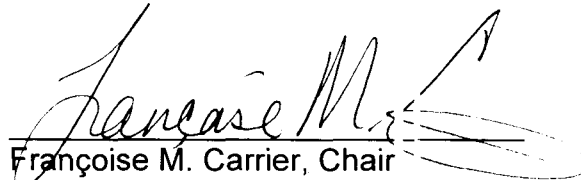
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and the date of this Resolution is OCT 10 2011 (which is the date that this Resolution is mailed to all parties of record); and

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

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 Presley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, September 15, 2011, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board