



MCPB

Item No.: 4B.

Date: 10-6-16

Cashell Estates, Conditional Use No. CU 2016-11

Jee

Jonathan Casey, Senior Planner, Area 3, Jonathan.Casey@montgomeryplanning.org, 301-495-2162

RAW

Richard Weaver, Supervisor, Area 3, Richard.Weaver@montgomeryplanning.org, 301-495-4544

KRR

Kipling Reynolds, AICP, Division Chief, Area 3, Kipling.Reynolds@montgomeryplanning.org, 301-495-4575

Completed: 9/23/16

Description

Cashell Estates CU 2016-11

- B. Request for Conditional Use approval of 19 townhouse living units; located at 7009 Garrett Road in Derwood, approximately 2,300 feet south of the intersection of Redland Road and Muncaster Mill Road; identified as Part of Lot 5; 2 acres; RE-1 Zone; 2004 Upper Rock Creek Area Master Plan.

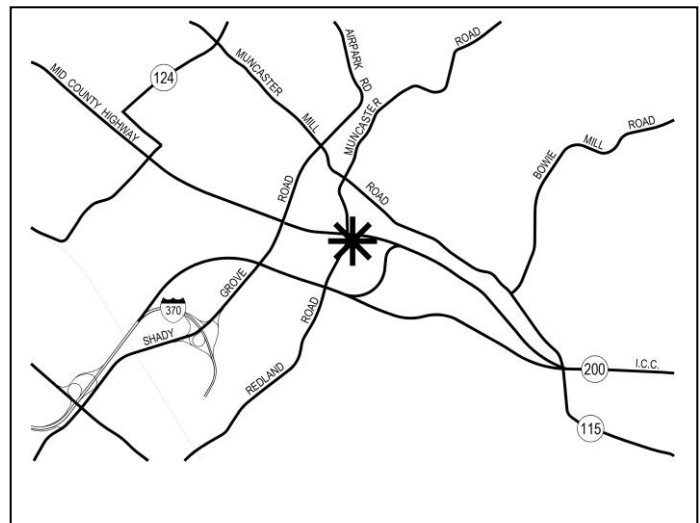
Filing Date: February 4, 2016

OZAH Public Hearing: October 14, 2016

Planning Board Hearing: October 6, 2016

Applicant: Garrett Gateway Partners, LLC

Review Basis: Ch.59 Section 3.3.1.D.2.b and 7.3.1



SUMMARY

- Staff recommends **approval** with conditions.
- A Preliminary Forest Conservation Plan No.CU2016-11 associated with this application has been reviewed and recommended for approval with conditions in a separate staff report.
- The Application is consistent with the recommendations of the *2004 Upper Rock Creek Master Plan*.
- The Application is being reviewed for compliance with the development standards for Townhouse Medium Density (TMD) zone Optional Method of Development as specified in the use standards.
- The proposed lots meet the standards of development for a Townhouse Living Conditional Use in the RE-1 Zone.
- A subsequent preliminary plan of subdivision is required if the conditional use is approved by the Hearing Examiner.

SECTION I: Staff Recommendations and Conditions of Approvals

Staff recommends approval for Cashell Estates CU2016-11, subject to the following conditions:

- 1) This conditional use is for up to 19 townhouse living units
- 2) All buildings and structures will be designed and constructed to meet or exceed the Level II Accessibility Standards established by Section 52-18T and detailed in Section 52-18U.
- 3) The Applicant must obtain approval of a Preliminary Plan of Subdivision per Chapter 50 of the Montgomery County Code.
- 4) No property owner of the conditional use project may seek a tax credit under Montgomery County Code Section 52-18U or 52-93(e), except for tax credits for additional accessibility features installed post occupancy, as described in Montgomery County Code, Section 3.3.1.D.2.b.
- 5) No fence constructed on the lots with frontage on Redland Road and Garrett Road may exceed four feet in height.
- 6) The common open space area must include a pergola, six raised planted beds, and 3 log benches as shown on the conditional use plan.

Section II: Project Description

A. Background

On February 2, 2016, Garrett Gateway Partners, LLC (“Applicant”), submitted a Conditional Use application CU2016-11, Cashell Estates, (“Conditional Use” or “Application”) requesting to develop a 19-unit Townhouse Living community on an approximately two-acre property in the RE-1 zone under the “Design for Life” criteria (Section 59-3.3.1.D.b).

Cashell Estates CU2016-11 is the first application requesting to develop townhouse living units as a conditional use. Townhouse living was added to the Montgomery County Zoning Ordinance (Ch.59) as a conditional use in the RE-1 zone through the adoption of ZTA 15-02. Introduction of the townhouse living conditional use was one of the ways the Montgomery County Council sought to implement the objectives of the “Design for Life Montgomery” legislation. The intent of the Design for Life program is to increase the number and variety of dwelling units in Montgomery County that are integrated into existing communities and fully accessible to all, including those with mobility or physical disability.

The tax credit portion of the Design for Life program is intended to incentivize the renovation of existing structures with accessible features. The second way to increase the accessible housing stock is through new construction. As part of the Design for Life program new construction of accessible units was incentivized by the adoption of ZTA 15-02 which allows for an increase in the number of dwelling units per acre on the qualifying properties over the base zoning density if the Application meets the conditional use standards in Section 3.3.1.D.

The Planning Board’s review of the Application is advisory, however, the Planning Board must make a finding that the pending Application complies with Chapter 22A, the Montgomery County Forest Conservation Law. The Preliminary Forest Conservation Plan (PFCP) was prepared as part of Conditional Use Application No. CU2016-11, and will be sent to the Planning Board for review with Staff recommendation of approval with conditions and will include a Resolution of the action.

B. Site Description

The subject property is identified as Part of Lot 5 on Tax Map GT 341, and is located at 7009 Garrett Road, at the intersection of Garrett Road and Redland Road, approximately 2,300 feet south of the intersection of Redland Road and Muncaster Mill Road (“Subject Property” or “Property”) in the 2004 Upper Rock Creek Master Plan area. The Subject Property is located north of the Intercounty Connector (ICC/MD 200), in the northeast quadrant of the intersection of Redland Road and Garrett Road and is zoned RE-1. The Property is 2.00 acres in size and has approximately 340 feet of frontage on Redland Road and 240 feet of frontage on Garrett Road.



Figure 1- Vicinity Map

The northern half of the Property is improved with a single-family detached house which is accessible from Garrett Road via a gravel driveway that parallels Redland Road. The remainder of the Property is kept in open grass field with some large individual trees present. There is also a dilapidated shed associated with the Subject Property that is located on the northwest corner of the Maryland State Highway Administration (MDSHA) property to the east. There is a 6.7 percent slope from the northern Property line (480 ft.) to the southern Property line (458 ft.). There are no steep slopes, highly erodible soils, or 100-year floodplains on the Property. The Property does contain three specimen trees (≥ 30 inches Diameter at Breast Height (DBH)) that requires a tree variance to impact or remove. The variance request is being reviewed as part of the associated Preliminary Forest Conservation Plan.



Figure 2 – Aerial View of the Subject Property

C. Neighborhood Description

The Applicant supplied Staff with a neighborhood boundary that was tightly drawn to include the properties within 500 feet of Redland Road to the south until reaching the Inter-County Connector, and only the most immediate neighboring properties to the west, north and east of the Subject Property. Staff believes this neighborhood does not adequately capture the full extent of the properties that could be impacted if this Conditional Use is approved. Staff proposes the neighborhood be more broadly defined as the Inter-County Connector to the south, Shady Grove Road to the west, Muncaster Mill Road to the north and northeast, and the rear of the properties on the east side of Applewood Lane to the east ("Neighborhood") (Figure 3). The Neighborhood determined by Staff takes into consideration the residents of properties that at most likely to travel past the Subject Property on a regular basis, and are likely to be users of Redland Local Park (Owned by M-NCPPC) on Redland Road across from the Subject Property.



Figure 3 – Neighborhood Map

The Neighborhood is predominantly comprised of one-family detached residential dwellings located in subdivisions on either side of Redland Road. Immediately to the north and east of the Subject Property is approximately 7.4 acres of land owned by the MDSA that is reserved for the potential future extension of Mid-County Highway east to intersect with the Inter-County Connector. Immediately north of there are one-family detached dwelling units. The neighboring properties to the north and west are zoned R-200 and the properties to the east and south are zoned RE-1. Confronting the Property on Redland Road is the Redland Local Park. There are three single-family detached homes south of the Property, on the opposite side of Garrett Road. Also within the Neighborhood are three distinct areas with existing townhouse developments, two located north of the Subject Property and one located to the southwest. At the northern portion of the Neighborhood is the commercial crossroads of Redland, located around the intersection of Muncaster Mill Road and Redland Road. This area has small auto-dominated shopping centers with services such as convenience stores and restaurants.

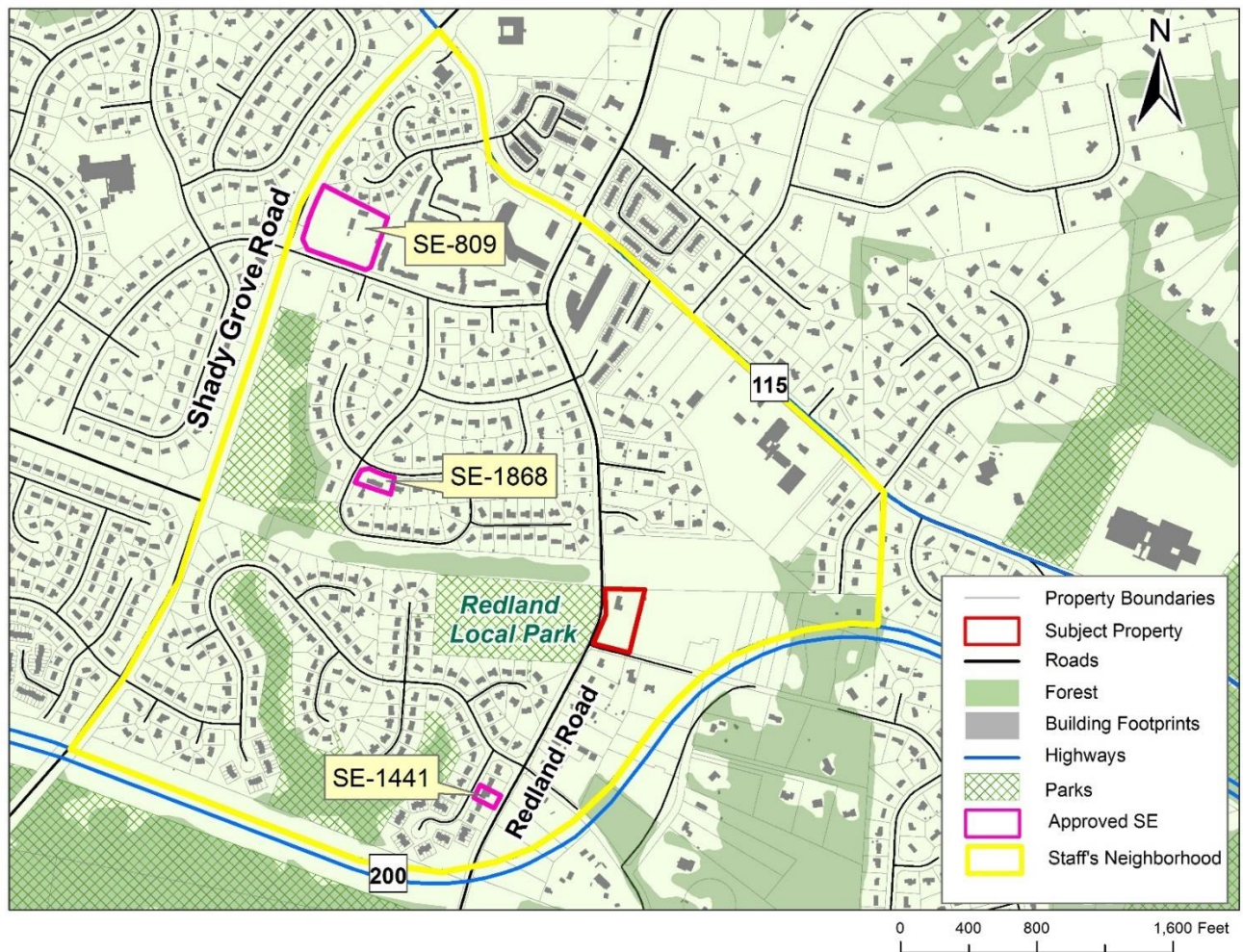


Figure 4 – Special Exceptions within the Neighborhood

There are three approved special exceptions (conditional uses) within the defined Neighborhood; S-809 approved in 1981 to expand an existing swim center, S-1441 approved in 1987 for a child day care, and S – 1868 approved in 1991 for an accessory apartment. Only S-1441 is also located along Redland Road, the other two are within separate subdivisions and not abutting or adjacent to the Subject Property.

D. Zoning History

The Subject Property is zoned RE-1 which was retained as recommended in the 2004 Upper Rock Creek Master Plan.

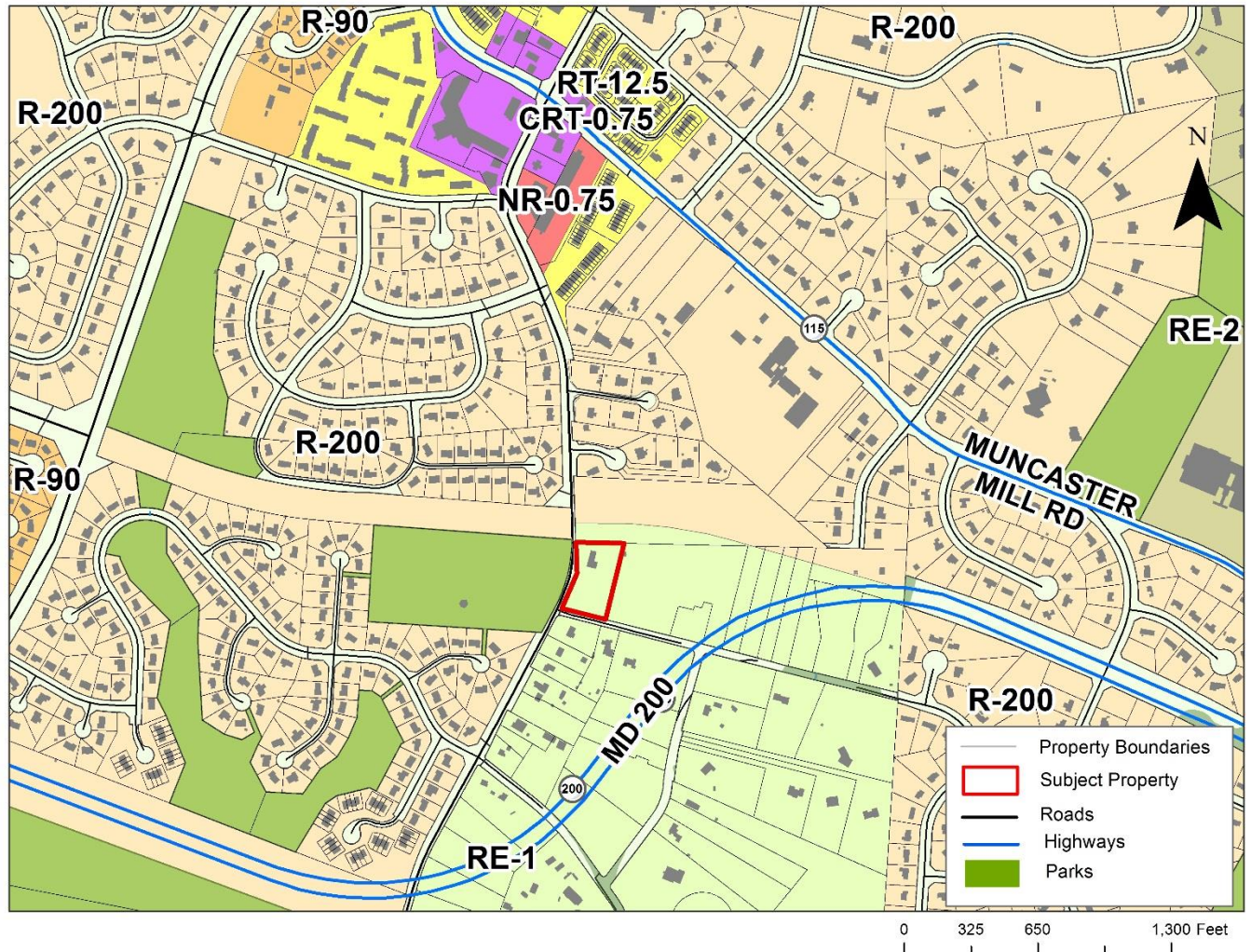


Figure 5 – Zoning Map

E. Proposed Use

The Applicant is requesting approval for the development of 19 townhouse living units that need the conditional use requirements. All buildings and structures will be designed to meet or exceed the Level II Accessibility Standards established by Section 52-18T and detailed in Section 52-18U of the Montgomery County Code.

The existing house and shed will be demolished and the driveway access to Garrett Road will be abandoned. The proposed development includes a 20-foot-wide private road which terminates in a T configuration and will provide access to Redland Road. The proposed development will include five sticks of three townhouses and one stick of four townhouses. Two sticks will face Redland Road, two will face Garrett Road and the remaining two sticks will be interior and parallel the eastern Property line. The proposed private street will be wide enough to provide adequate maneuvering space for cars, trash trucks and emergency vehicles. A total of 60 parking spaces will be provided on site.

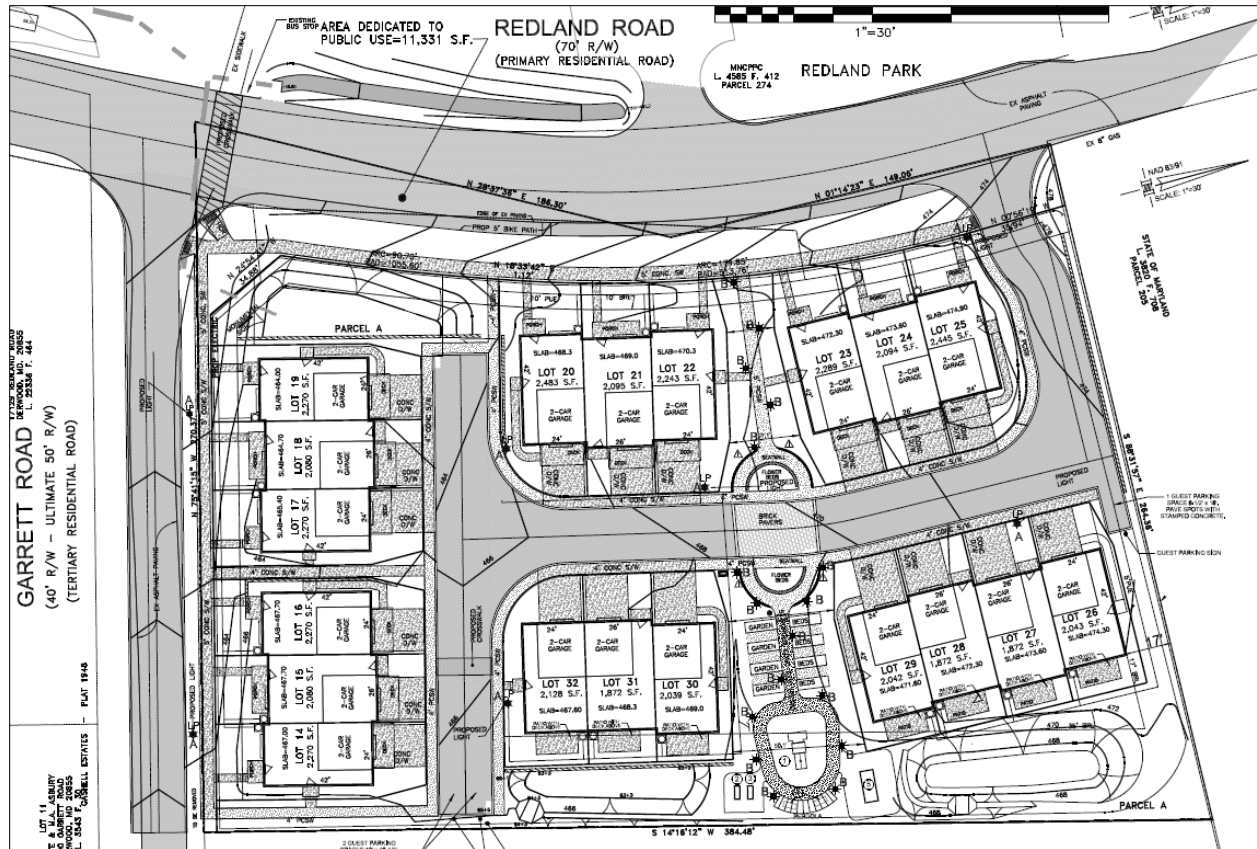


Figure 6 – Conditional Use Plan

Each individual townhouse unit will accommodate parking for three to four vehicles. Each unit will include a driveway for two cars and a two car garage capable of accommodating either two standard vehicles or one handicap accessible van. An additional three parking spaces will be provided as visitor parking one head-in space adjacent to Lot 26 and two head-in spaces at the westernmost terminus of the T-shaped road.



Figure 7 – View from Redland Road or Garrett Road

All units facing Redland Road and Garrett Road will have a front entrance and steps that lead to a new sidewalk to be constructed by the Applicant. Each unit will have a rear loaded garage, and the interior units will have a no-lip entrance next to the garage door to provide handicap accessible access other than through the garage. Similarly, the end units will have a lead walk from the driveway that leads to a no-lip side door. Both configurations will provide guest parking in the driveway and have direct access to a no-step entry, again, a handicap accessibility consideration. The two sticks of homes interior to the project, on Lots 26-32, will have front loaded garages and patios in the rear yard. The hinged doors are located in the same manner as the other units on the Property, and provide required fire and rescue accessibility.

Ground level porches are to be located on all of the units facing Redland and Garrett Roads. The exterior units will have smaller porches, 6 feet deep by 9 feet wide, to vary the roofline and architectural styles. The interior units (Lot 15, 18, 21, and 24) will have front porches between 6 feet in depth and a width of 18 feet. The Conditional Use plan shows an optional (determined by individual purchaser) deck partially extending over the driveway of the units on Lot 14-25 and over the rear patio of the units on Lot 26-32.



Figure 8 – View facing rear of units on Redland Road and Garrett Road

The façade of the units will incorporate lap siding which will vary in color from unit to unit, along with masonry or stone elements. The units will have pitched roofs which vary in height and breakup the building massing. Along the road frontages, where the development will be most visible, each stick of townhomes will only be three units wide. Limiting the number of units breaks up the building massing and creates compatibility with the surrounding single-family detached homes. Dividing the sticks of townhouses which front on Garrett Road and Redland Road also allows more light in to the interior of the development and provides a visually appealing and functional pedestrian corridor which connects the development to the surrounding area.

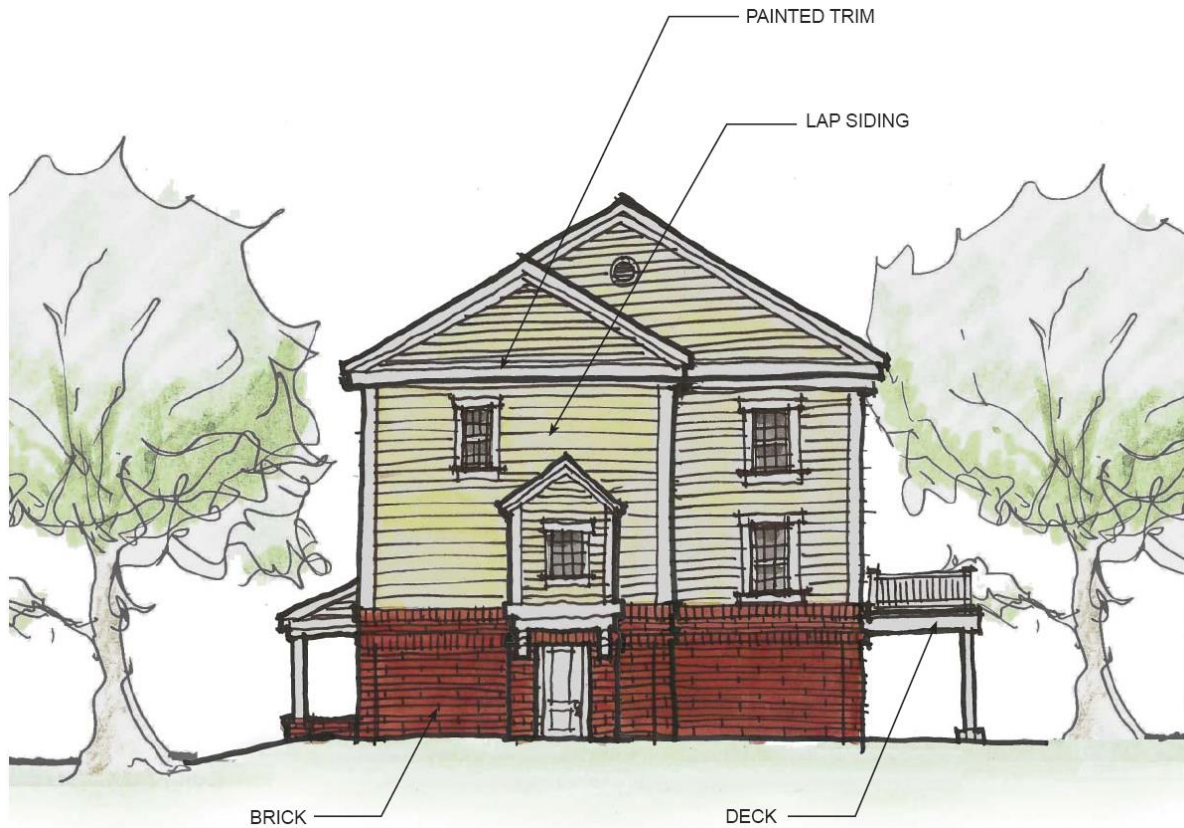


Figure 9 – Side view of typical end unit with side entrance at grade

The Application includes a number of community amenities, including a sidewalk network and a central community gathering and recreation area. The community area (open space) begins as a linear corridor that stems from the shared use path on Redland Road and continues east between Lot 22 and Lot 23. The section of roadway that connects the east and west community areas will be constructed of brick pavers instead of asphalt which will clearly identify the pedestrian corridor and connect the community area. In addition to the paver walkway, each side of the private street will feature a larger flower bed and a radial two tier seat wall which will be clad in brick veneer and framed by the sidewalk.



Figure 10 - Common Open Space (green)

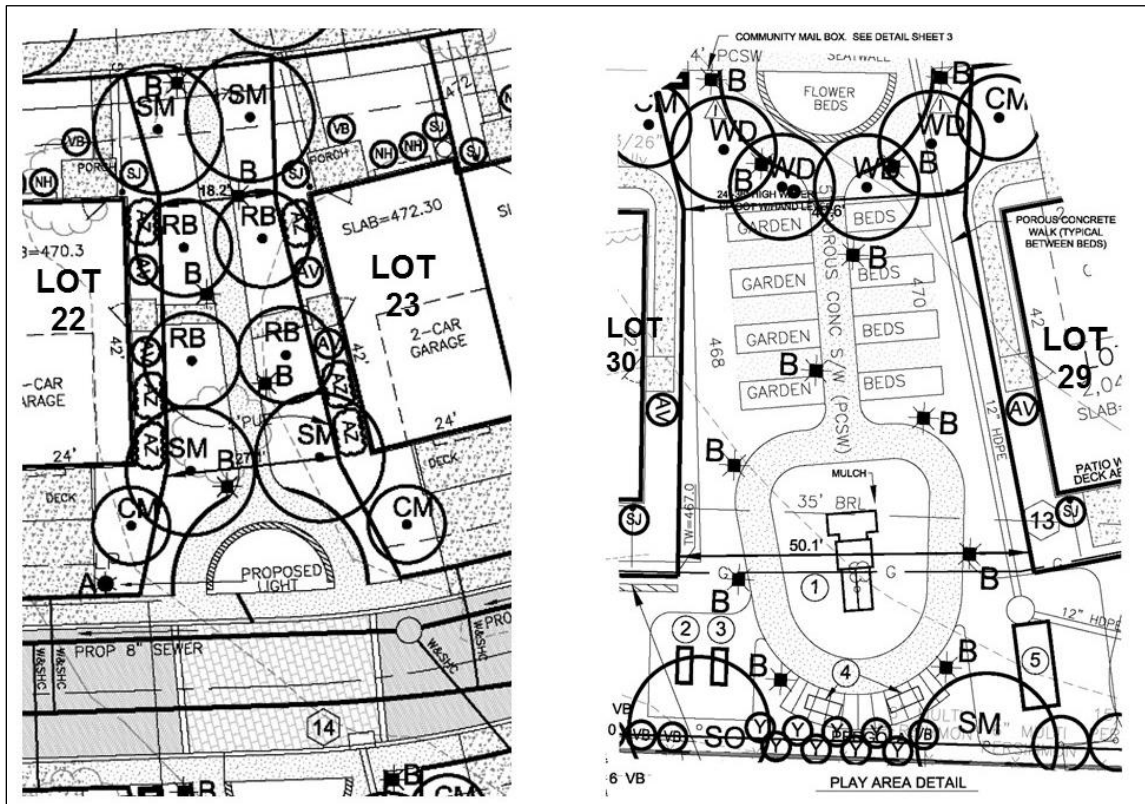


Figure 11 – Common Open Space detail from west (left) to the east (right)

The primary common open space is oriented east to west on the Subject Property. Sidewalks will connect the sidewalk on Redland Road to a play area and community gathering area between Lot 29 and 30 via an internal sidewalk constructed of porous concrete. The gathering area will include a pergola, six raised planted beds, and three log benches. The pergola will approximately nine feet tall, 21 feet wide, seven feet deep and constructed of cedar and cellular PVC. The play area will be lined with mulch and includes an array of multi-generational recreation equipment including climbing boulders, log balance beam, log crawl tunnel, power lifter, and a saddle spinner (final location, number, make/model, and manufacturer subject to staff approval).

The Applicant will construct a four-foot-wide continuous internal sidewalk network that outlines the private street. A five-foot-wide concrete sidewalk will be constructed along the frontage of both Garrett and Redland Roads. The Applicant will also be expanding the shoulder of Redland Road by five feet along the frontage to accommodate a five-foot-wide, on-road, bike lane recommended in the *2005 Bicycle Functional Master Plan*. The Applicant will dedicate approximately 11,331 square feet (0.26011 acres) along the Property's frontage as part of the subsequent preliminary plan, which will achieve the full right-of-way for Redland Road and associated Master Planned right-of-way improvements.

The internal sidewalk network will provide a defined pedestrian connection between the development and surrounding properties. The internal sidewalk will connect to the proposed five-foot-wide shared use path down to the intersection of Garrett Road and Redland Road which leads to Redland Park.

The Subject Property is in sewer category S-3 and water category W-3 which is consistent with the Applicant's proposal to connect to public water and sewer which are available and adequate to serve the development.

Three environmental site design stormwater management facilities will be installed to manage stormwater runoff; one micro-bioretenion facility and two landscaping infiltration facilities. A precast concrete retaining wall will be constructed in the rear of Lots 30-32 in order to achieve the necessary drainage to the proposed stormwater management facilities. Where the wall exceeds 30" a 42" high, a metal railing will be installed to eliminate potential for injury.

SECTION III: Analysis and Findings

A. Development Standards

The Subject Property is zoned RE-1, however, the density and development standards of the RE-1 zone do not apply to Townhouse Living as a Conditional Use in the RE-1 zone. Section 59-3.3.1.D.2.b.iiv states that "the density limitations and development standards of the TMD zone under optional method (Section 4.4.12.C) apply in spite of any other limitation in this Chapter." Therefore, the Application was reviewed for compliance with the development standards of the TMD zone under the optional method of development. Table 1, below, summarized staffs review of the Application.

Table 1 - Development Standards
TMD Zone Option Method of Development

Development Standards	Required/Allowed	Proposed/Provided
Dimensions		
Tract Area	2 acres	2 acres
• Usable Area (Min.)	20,000 S.F.	75,872 S.F.
Density (Max units/usable area)	26 units	19 units
Common Open Space (Min.)		
• Percent of Usable Area	20% (15,174 S.F.)	31.02% (23,631 S.F.)*
Minimum Lot Area	800 S.F.	1,872 S.F.
Lot width at front building line	24 ft. **	24 ft.
Lot width at front lot line	14 ft.	24 ft.
Frontage on street or open space	Required	Provided
Coverage		
• Maximum Site Coverage	40%	26.02% (19,740 S.F.)
Minimum Building Setback		
• Front (from public street)	10 ft.	12 ft.
• Front (from private street or open space)	4 ft.	22 ft.
• Side street setback	5 ft.	NA
• Rear setback ally	4 ft.	NA
• Side yard setback, abutting property not in application (MDSHA to the north)	17 ft.	17 ft.
• Rear setback, abutting property not in application (MDSHA to the east)	35 ft.	35 ft.
Maximum Building Height	40 ft.	39 ft. max.
Parking Requirements (59.6.2.4)		
• Handicap accessible spaces	1 space	1 spaces
• Standard spaces per lot	2 spaces	2 spaces
• Total per lot		3 spaces
• Guest parking	NA	3 spaces
Total Parking	38 spaces	60 spaces min.

* The proposed common open space does not entirely meet the 50-foot minimum width requirement of Section 6.3.5.B.2 and requires an exception be granted by the deciding body. The width ranges from 18 feet at the west to 50 feet at the west (widest point). Although the space does not meet the width requirement, Staff believes that an exception is warranted because the open space meets the intent of Division 6.3. As described on page 13 of this report, the proposed common space meets the intent because it is centrally located within the development, provides a break between the individual rows of townhouses, provides passive and active recreation including seating, a pergola, accessible garden beds and specialty play equipment designed for those with disabilities. The space is well connected with sidewalks and will be a welcoming space for visitors and residents.

** Minimum lot width at front building line was established as part of the Conditional Use because Site Plan is not required

B. Master Plan

The Subject Property is located within the *2004 Upper Rock Creek Area Master Plan*, the most recent master plan for this area. The Master Plan does not make specific recommendations for the Subject Property, but as noted below, makes general land use and zoning recommendations for the area in which the Property is located.

The Master Plan focused on preserving environmental resources in the sensitive Upper Rock Creek watershed, maintaining the fabric of existing communities and enabling environmentally sensitive new development. To achieve a balance among these objectives, the Master Plan recommended low density cluster development in the area north of Muncaster Mill Road, allowing public sewer service to large developing properties and creating a Special Protection Area to help preserve natural resources. An environmental overlay zone, with an eight percent limit on impervious surfaces, helped to implement these recommendations. The *Upper Rock Creek Master Plan* did not include in the Special Protection Area the portion of the watershed south of Muncaster Mill Road, which is largely developed and includes the Subject Property.

The Master Plan also endorsed the County's Housing Policy, which *"stresses the provision of affordable housing, or assistance to those with diverse housing needs, such as the elderly, the physically disabled and those with mental illness, and of equal opportunity in seeking housing."* (MP, p 35) The Master Plan recognized that preservation of natural resources and low density residential character limited the universe of housing options. It recommended several specific sites as suitable for additional affordable housing and endorsed expansion of the Moderately Priced Dwelling Unit program to large lot zones.

The Master Plan reconfirmed existing land uses and zones in the area south of Muncaster Mill Road. The Subject Property is in the RE-1 Zone. Land to the east and south is in the R-200 Zone. The Master Plan notes that development in this area occurred in the 1960s and *"did not entirely conform to the General Plan's policy recommendations, which in this area translated into residential densities of about one unit for every two acres."* (MP, p 3) The 1964 General Plan recommended a rural pattern for large parts of the county, including the Upper Rock Creek watershed, that would contribute to creation of a wedge that would mold *"the urban corridors, providing open space for recreation, enabling the continuation of farming and natural resource activities and conserving natural resources."*

The Master Plan notes that *"land along Needwood and Redland Roads was reclassified to half-acre zones—in part because trunk sewer lines had already reached the area—and residential subdivisions were approved at this density."* (MP, p 3) The R-200 communities in the vicinity of the Subject Property were initially laid out in the mid-sixties, and their creation, contrary to the General Plan's recommended policy, prompted preparation of the *1968 Master Plan for the Rock Creek Planning Area*. The RE-1 Zone placed on the Property and other land along Redland Road is consistent with a longstanding planning vision for this part of the Upper Rock Creek watershed. The Master Plan does not forbid conditional uses in this area, nor did it foresee the introduction of new uses that could further accomplish the housing goals recommended in the Master Plan.

The project falls under the category of Townhouse Living, and is a limited or conditional use in the RE-1 Zone. In general, conditional uses are considered appropriate when subject to an additional layer of regulatory scrutiny. In this case, the focus is on accessibility for broad ranges of residents. With conformance to the conditional use standards and recommended conditions of approval, this use can be consistent with the Master Plan's land use and housing goals. It will enable the integration of additional

housing in Upper Rock Creek suitable for people with special needs, an important objective of the Master Plan.

C. Transportation

Roadways and Transportation Facilities

The Subject Property is located at the northeast corner of the Garrett Road and Redland Road intersection in Derwood. The Property is currently improved with one single family detached dwelling unit, which has vehicular access from Garrett Road via an existing gravel driveway.

The Application includes removing the existing driveway on Garrett Road, installing a new driveway on Redland Road, approximately 320 feet north of Garrett Road and constructing a new five-foot-wide concrete sidewalk along the Property's entire frontage on Garrett Road and Redland Road. An internal sidewalk system will also be constructed that will provide adequate pedestrian circulation within the development and connect residents to Redland Local Park via an ADA compliant ramp and crosswalk.

Garrett Road is currently improved within a 40-foot wide right-of-way with a variable pavement width of 16 feet to 18 feet along the frontage of the Property. Garrett Road was a through road at one point, but was bisected when the ICC was constructed. Garrett Road is approximately 600 feet long and terminates in a non-standard cul-de-sac (constructed by MDSHA). Two of the three properties that have frontage on Garrett Road currently have residential driveways on the road. The Applicant will dedicate, at the time of preliminary plan, an additional five feet along the Subject Property's frontage which will provide 25' from the centerline required to fulfill their half of the ultimate 50' right-of-way width. The Applicant also proposes to widen the pavement on Garrett Road to meet the full 20' pavement width.

Public bus service is provided along Redland Road including two Montgomery County Ride-On routes. Ride-On Route 53 provides weekday rush-hour service between the Shady Grove and Glenmont Metro Stations by way of Olney, and Ride-On Route 57 provides seven days a week service between Shady Grove Metro and Lake Forest Mall in Gaithersburg, by way of Redland, Montgomery Village and Old Town Gaithersburg. The Property is located 1.7 miles from the Shady Grove metro station and is accessible by both Ride-On bus and by private vehicle.

Master Plan Transportation Facilities

The following summarizes recommendations included in the *2004 Approved and Adopted Upper Rock Creek Master Plan* and *2005 Countywide Bikeways Functional Master Plan* along the property frontage:

- Redland Road is a two lane road, with a posted speed limit of 35 MPH and is designated in the *2004 Approved and Adopted Upper Rock Creek Master Plan* as a primary residential road (P-7) with an ultimate right-of-way of 70 feet between Needwood Road and Muncaster Mill Road.
- Bike lane (BL-29) was designated on Redland Road between Needwood Road and Muncaster Mill Road. The Applicant will construct a five-foot-wide bike path along the frontage of the Property on Redland Road abutting the current pavement edge.

The Application takes into consideration the necessary dedication and right-of-way improvements recommended in the aforementioned master plans. At the time of preliminary plan, the Applicant will dedicate approximately 11,331 square feet along the Property's frontage on Redland Road to accommodate the construction of a new sidewalk and BL-29.

Local Area Transportation Review (LATR)

The Applicant's consultant provided a traffic statement which states that the proposed development of 19 dwelling units will generate 9 morning peak hour trips and 16 evening peak hour trips (Attachment A). Based on the traffic statement, the development will generate fewer than 30 trips during the morning and evening peak-hour. Therefore, this project is exempt from the LATR.

Transportation Policy Area Review (TPAR)

The Property is located in the Derwood Policy Area, which is inadequate for transit according the FY 2012-2016 Subdivision Staging Policy. Because the development will generate more than three peak hour trips, the Applicant is subject to a TPAR payment of 25 percent of the General District Transportation Impact Tax. A final determination on TPAR applicability will be determined based on the Subdivision Staging Policy in effect at the time of preliminary plan review.

Sight Distance

Although sight distance from the proposed entrance on Redland Road will be reviewed by MCDOT as part of the subsequent preliminary plan, the Applicant has measured the existing distance to ensure the proposed entrance will meet MCDOT standards prior to preliminary plan review. The Applicant identified that some of the existing vegetation on the adjacent MDSHA property to the north will need to be removed in order to provide adequate sight distance. The Applicant has coordinated with MDSHA and the Maryland Department of Natural Resources who has granted the Applicant permission to remove vegetation on MDSHA property, as necessary, to provide safe sight distance from the proposed entrance.

D. Parking (Section 59-6.2)

The Applicant is providing parking consistent with the number and design requirements of Section 59.6.2. The Applicant is required to provide two parking spaces per townhouse because the Subject Property is not in a designated parking lot district. The Application provides for a total of three spaces per unit, with one handicap accessible space located in an integrated garage and room for two additional vehicles in each unit's driveway. There are another three unassigned visitor spaces in two different locations within the community. The driveways will be a minimum of 18 feet deep and 17 feet as specified in the table in Section 59.6.2.5.E.1, and the garage is adequately sized to allow for a standard size vehicle with a handicap ramp to park and operate.

The landscape and lighting requirements described in Section 59 6.2.9 do not apply to this Application because no parking lot facility is proposed. The proposed use does not have any queuing design standards and does not require off-street loading spaces per Section 59.6.2.7 and 59.6.2.8.

E. Landscaping (Section 59-6.4 General Landscaping & Outdoor Lighting)

The Applicant has submitted a Landscaping Plan as part of their Application. The landscaping on the Subject Property serves primarily to screen the Property from the surrounding uses. The proposed landscaping meets the requirements under Section 6.4.3 in regards to the size and height of canopy trees, understory trees and shrubs.

Screening is required along the north and eastern property lines. Staff has determined that the landscape screening requirements along the northern Property line from the entry off of Redland Road to approximately 145-feet along the Property line meet the requirements under Section 6.8.1, Alternative Method of Compliance.

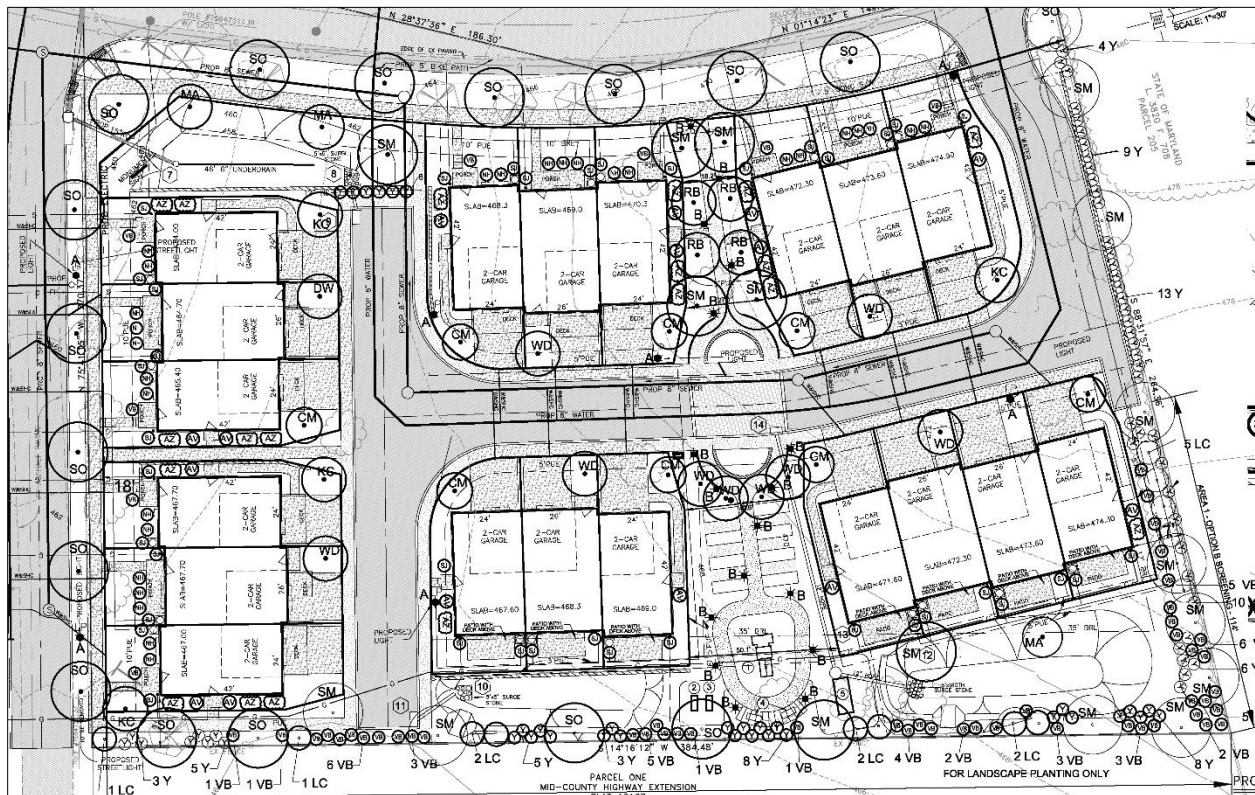


Figure 12 - Landscaping and Lighting Plan

The width of the screening area along the northern Property line is narrower than either of the standard panels in Section 6.5.3.C.4 due to the unique nature of the Conditional Use and the restrictive grading required to meet ADA and vehicle access. The screening area is three feet wide and approximately two to three feet below the grade of the adjoining MDSA property.

The Property is required to be graded to five percent or less and provide at least one no-lip entrance to each townhouse in order to meet the townhouse living conditional use requirements. In order to meet those requirements, the Applicant will install a 30-inch high precast concrete retaining wall which will take up some of the existing grade along the northern Property line. This leaves a three-foot-wide planting space to install the landscape screening materials required under Section 6.5.3. The Applicant proposes to install a continuous row of short evergreen shrubs and three canopy trees within this area. Staff has

determined that due to the unique site characteristics and development constraints that the screening requirements under Section 6.5.3 cannot be met and that the alternative design satisfies the intent of Section 6.5. which is to ensure appropriate screening between different building types and uses.

The screening requirements for the remainder of the Property perimeter are identified in Section 6.5.3.A and 6.5.3.C.4 which establish the need to screen the Subject Property from the adjoining lots to the east and the northeast. There are two options for establishing adequate buffer under Section 6.5.3.4, Option A and Option B. The Application meets the requirements of Option B for plant quantity which requires a minimum planting depth of 10 feet, with two canopy trees, two evergreen or understory trees, eight large and eight small shrubs per every 100 feet. The Applicant meets the requirements by providing a 10-foot wide planting area along the entire perimeter of the Property. The Applicant meets the planting density by installing a minimum of two canopy trees, two understory trees, eight large shrubs and eight small shrubs per every 100-feet of perimeter. In addition, both adjoin lot areas owned by MDSHA and are currently unimproved.

F. Outdoor Lighting Requirements (Section 6.4.4)

The photometric plan provided by the Applicant shows the projected lighting intensity across the entire Property in foot-candles, locations where lighting fixtures will be mounted and manufacturer's specifications on the lighting fixtures being proposed. The lighting proposed for the Property will provide safe and adequate illumination for vehicular and pedestrian circulation.

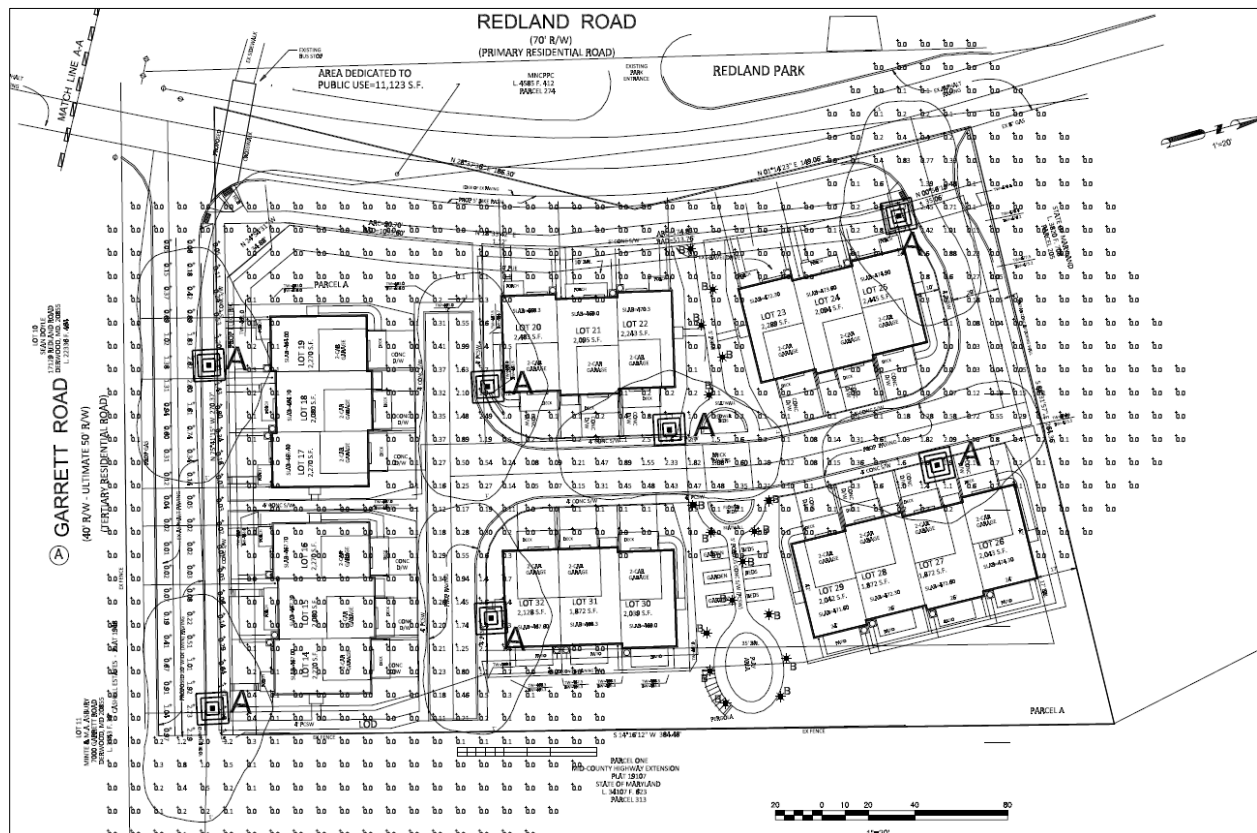


Figure 13 –Lighting/Photometric Plan

The Applicant proposes seven pole mounted lighting fixtures to illuminate the Subject Property which will be Residential Colonial post-top, LED optics with Type III light distribution. The Applicant also proposes 17 bollard style lights specifically for pedestrian illumination along the walking path in the mews area. Each of the 17 pole mounted light fixtures will be installed at a height of 12-feet above ground and each of the 17 bollards will be 30-inches in height.

All of the pole mounted lights are LED fixtures with full cut-off to eliminate horizontal light cast. The photometric plan predicts that no light above 0.01 foot-candles will spill across any Property boundary which satisfies the requirements of Section 6.4.4.E. The lighting will be adequate, providing visibility to the areas for vehicular and pedestrian circulation during nighttime hours. The lighting will not have a negative impact to neighboring property owners with either direct light or light glare. The bollard lights are LED fixtures fitted with angled louvers to reduce horizontal light spread and concentrate the light in the immediate area around the bollard. The lighting output of the bollards do not appreciably increase the total lumens of the overall lighting plan and as a result their calculations were not include in the photometric plan.

G. Signs (Section 59-6.7)

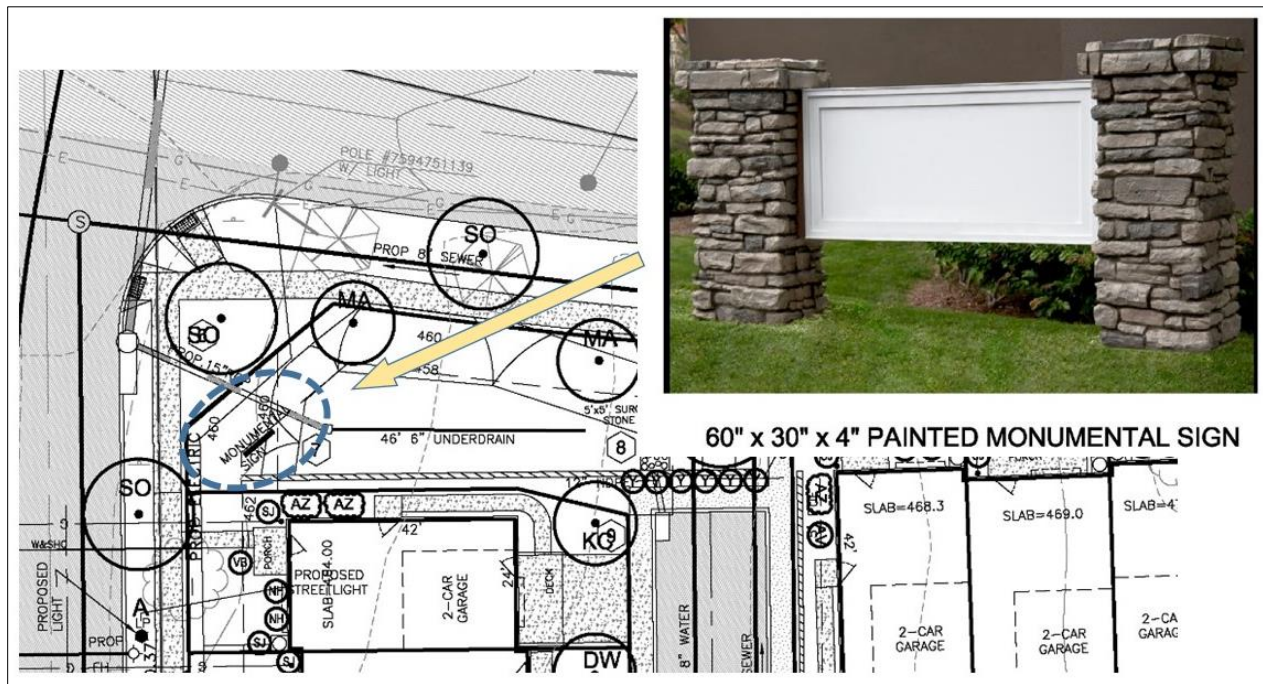


Figure 14 – Proposed Monument Sign (Name undetermined)

The Application proposes a painted monument style sign (5'w x 2 ½'h) at the southwest corner of the Property which will be anchored between two five-foot-tall faux stone pillars. The ground level monument sign will be at a scale and location that is consistent with the existing signage for similar residential subdivisions in the Neighborhood. The sign will be low to the ground, and constructed of masonry/stone veneer and wood. The sign will also be setback on the Property so as not to obstruct

drivers views the intersection of Garrett Road and Redland Road. The dimensions of the proposed signage area acceptable under Section 6.7.8. There are similar monumental signs in the Neighborhood. One to the north of the Subject Property, on the west side of Redland Road at its intersection with Roselyn Ave. The second is on the east side of Redland Road at its intersection with Roslyn Ave, which is constructed of wood. The proposed sign will be compatible with the existing character of the residential properties in the Neighborhood.

H. Environment and Forest Conservation

Environmental Guidelines

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Property on June 23, 2015. The Property is within the Upper Rock Creek watershed, which is classified by the State of Maryland as Use IV watershed, and does not contain any steep slopes, streams, wetlands, floodplains, or Environmental Buffers. There are three specimen trees on the Property. The Property is not within Special Protection Area of Primary Management Area. The Preliminary Forest Conservation Plan (PFCP) submitted with this Application conforms with the *Environmental Guidelines*.

Forest Conservation

A PFCP and tree variance request were submitted with the Conditional Use Application. A separate staff report for the PFCP has been prepared for the Planning Board's review and approval.

Stormwater Management Concept

Stormwater Management Concept Plan No.280375 was submitted to the Montgomery County Department of Permitting Service – Water Resources Section for review. An approved stormwater concept will be required as part of the preliminary plan review.

I. Community Concerns

To date Staff has not received any community correspondence regarding the Application.

SECTION IV: Compliance Sec. 59.7.3.1.E. Necessary Conditional Use Findings

A. Necessary Findings

Sec. 59.7.3.1.E.1 of the Zoning Ordinance identifies the required findings that must be made to approve a conditional use application. Conditional Use 2016-11 meets the necessary requirement the Hearing Examiner must find that the proposed development:

- (i) **Sec. 59.7.3.1.E.1.a** requires that the Application satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;

Staff Response: There are no previous approvals on the Subject Property.

- (ii) **Sec. 59.7.3.1.E.1.b-** satisfies the requirements of the zone (Division 59-4), the use standards under Division 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6.

Staff Response: The Application is located within the RE-1 zone, however, Section 59.3.3.1.2.b which permits townhouse living as a conditional use states that the density limitations and development standards of the TMD zone under optional method (59.4.4.12.C) apply to the development. Table 1 of the Staff report summarizes Staff's analysis of the proposed development against the requirement of the TMD Optional Method development standards, showing that the Application is compliant with the applicable development standards as long as the deciding body grants an exception for the common open space as prescribed by Staff on page 15.

Section 59-3.3.1.D.2.b Townhouse Living

- b. Where Townhouse Living is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

- i. *All buildings and structures must meet or exceed the Level II Accessibility Standards established by Section 52-18T and detailed in Section 52-18U.*

The Applicant will be required to provide to MCDPS inspectors certification that all structures will meet or exceed the Level II Accessibility Standards established by Section 52-18T, detailed in Section 52-18U, prior to the issuance of building permits.

- ii. *Public bus service must be available on a road abutting the site.*

Public bus service is provided along Redland Road including two Montgomery County Ride-On routes. Ride-On Route 53 provides weekday rush-hour service between the Shady Grove and Glenmont Metro Stations by way of Olney, and Ride-On Route 57 provides 7 days a week service between Shady Grove Metro and Lake Forest Mall in Gaithersburg, by way of Redland, Montgomery Village and Old Town Gaithersburg.

- iii. *A Metro Station must be within 2 miles of the site.*

The Subject Property is located 1.7 miles from the Shady Grove metro station and is accessible by both Ride-On bus and by private vehicle.

- iv. *Public recreation or park facilities must be within 1,000 feet of the site.*

The Redland Local Park is located directly opposite the Subject Property and includes a walking trail, tennis courts, a pavilion, a playground and a rectangular ball field.

- v. *A grading plan must demonstrate that the post construction site will have a slope less than 5%.*

The submitted grading plan with the Application verifies that the maximum slope will be at or less than 5% post construction of the Subject Property.

- vi. *The minimum tract size is 2 acres.*

The tract area of the Subject Property is 2.00191 acres as surveyed by the Applicant.

- vii. *The density limitations and the development standards of the TMD zone under optional method (Section 4.4.12.C) apply in spite of any other limitation of this Chapter.*

As detailed in the discussion on page 15 and by Table 1 above, the application meets the density limitations and development standards of the TMD zone under Optional Method.

- viii. *Reducing the number of required parking spaces through a parking waiver under Section 6.2.10 is prohibited.*

The Applicant is not requesting a parking waiver and is providing more than the minimum parking for a townhouse dwelling.

- ix. *A minimum of one parking space for each dwelling unit must satisfy the dimensional standards for handicapped-accessible vehicle parking and a minimum 8-foot-wide access aisle required by the state.*

Each dwelling is providing for one handicapped-accessible parking space, including an 8-foot-wide access aisle in each units integrated garage.

- x. *As a condition of approval, any property owner of the conditional use project must be prohibited from seeking a tax credit under Section 52-18U or Section 52-93(e). This prohibition does not apply to additional accessibility features that are installed post-occupancy and for which a property tax credit is requested.*

As conditioned, the Applicant will be prohibited from seeking a tax credit under Section 52-18U or Section 52-93(e) of the Montgomery County Code.

- (iii) **Sec 7.3.1.E.1.c-** substantially conforms with the recommendations of the applicable master plan.

Staff Response- As discussed on page 16 of this report, the proposed Conditional Use substantially conforms to the recommendations of the Master Plan.

- (iv) **Sec. 7.3.1.E.1.d-** Is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan.

Staff Response- The Application is harmonious with and will not alter the character of the surrounding Neighborhood in a manner inconsistent with the Master Plan. The Application includes a total of 19 townhouses, in a Neighborhood that is predominantly but not exclusively one-family detached dwellings. The orientation of the townhouses and the proposed building massing will activate the two public roads with residential building fronts and the rear loaded parking on the units fronting on both roads will conceal the majority of parked vehicles which is consistent with the expectations of a residential area. The Applicant will also establish a sidewalk network and install street trees within the right-of-way of Redland Road and Garrett Road for the length of the Property frontage. This will enhance pedestrian mobility and provides additional tree canopy.

The proposed massing of the buildings with only three units per row creates multiple breaks in the building façade that provide visual relief and provide opportunities for landscaping and to provide pedestrian connections between the site's interior and the public sidewalks along Redland Road and Garrett Road. The ends of the units will have multiple windows and will have a side access door in addition to the front door, which will provide visual interest to the sides of the buildings. Compatibility with the immediate surrounding land uses is harmonious with the existing character and uses. The Property has unimproved state owned right-of-way to the north and to the east and the Applicant is providing landscaped screening consistent with the requirements of Section 59.6.5.3 for townhouses adjacent to unimproved land in a residential zone. On the opposite side of Redland Road is the Redland Road Local Park which has tennis courts and parking located closest to the road. The only residential dwellings in the immediate vicinity of the site are three one-family detached homes on the south side of Garrett Road. One of these dwellings has its side facing Garrett and fronts on Redland Road, the other two dwellings front on Garrett, but have their front doors and driveways just east of where the subject property stops, and are actually directly opposite the state owned right-of-way located east of the Application.

The Application itself only generates nine new peak-hour trips during the morning peak and 16 new peak-hour trips during the evening peak, which is expected to have minimal impacts to the existing road network.

The existing neighborhood contains existing townhomes on the west side of Redland Road just north of the Inter-County Connector, and townhomes on the east side of Redland Road prior to Muncaster Mill Road. These dwellings however are the only townhomes currently proposed in the Neighborhood that are being constructed to meet or exceed the Level II Accessibility Standards established by Section 52-18T and detailed in Section 52-18U. From the exterior most of the accessibility features will be nearly undetectable as most of the design requirements apply to the interior of the dwellings.

- (v) **Sec. 7.3.1.E.1.e-** Will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity or scope of conditional uses sufficiently to affect the area adversely or alter the predominately residential nature of the area; a conditional use application that conforms with the recommendations of a master plan does not alter the nature of the area.

Staff Response- Approving the Application will not increase the number, intensity or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. There are three approved conditional uses within the defined Neighborhood; S-809 approved in 1981 to expand an existing swim center, S-1441 approved in 1987 for a child day care, and S-1868 approved in 1991 for an accessory apartment. Only S-1441 is also located along Redland Road, the other two are within separate subdivisions. The nature of the existing special exceptions in the Neighborhood are residential in character as a home operating child care facility and an accessory apartment, and are not located in immediate proximity to the subject property.

The Application is a conditional use that is also residential in character, at a density higher than the underlying zoning generally allows as part of standard development. This request for a residential use will be a continuation of the predominantly residential Neighborhood, and the design and massing of the buildings as described on page 11 helps minimize the visual impacts of the increased density.

- (vi) **Sec. 7.3.1.E.1.f-** will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the Conditional Use is equal or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:
- i. If a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, or storm drainage; or
 - ii. If a preliminary plan of subdivision is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage.

Staff Response – If the Conditional Use is approved, a Preliminary Plan will be required in order to record the proposed lots on a record plat. The Planning Board will review the preliminary plan to determine that the development will be served by adequacy of public facilities, including schools, police, fire protection, water, sanitary sewer, public roads and storm drains. The Hearing Examiner is not required to make a finding on the adequacy of public facilities as part of this Application. However, staff's preliminary assessment of the proposed development indicated that the Property will be served by adequate public facilities.

- (vii) **Sec. 7.3.1.E.1.g**—will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:
- i. The use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;
 - ii. Traffic, noise, odors, dust, illumination or lack of parking; or
 - iii. The health, safety or welfare of neighboring residents, visitors or employees.

Staff Response- The Application will not cause undue harm to the Neighborhood as a result of a non-inherent adverse effects alone or in combination of inherent and non-inherent adverse effects. When reviewing the Application for Townhouse Living as a conditional use in the RE-1 zone staff identified a list of adverse effects that are inherent to this request which are similar to any adverse impacts associated with any increase in density: Increase in traffic, increase in impervious surface, increase in population density, and increase in light glare. Staff did not identify any potential non-inherent adverse effects. There is nothing unique about the road access, environment, or physical geography of the property that would create a non-inherent effect for constructing townhouse dwelling units. The surrounding properties to the north and east in State ownership, and to the west in County ownership serve to minimize impacts to the existing residential dwellings in the Neighborhood. The proposed Conditional use will not create a situation that will disrupt the use, peaceful enjoyment, or negatively affect the economic value or development potential of abutting and confronting properties or in the neighborhood. Building massing with only three to four units per townhouse row, architecture including building elements traditionally used on detached dwellings, and landscaping all help minimize any adverse changes in views for motorists driving on Redland Road. There are no aspects of the proposed development that will affect the health, safety or welfare of the neighboring residents, as the proposed development is a residential use.

CONCLUSION

Conditional Use Application CU2016-11 complies with general requirements for a conditional use and the conditional use standards of Section 59-3.3.1.D.b. The Application is consistent with the recommendations of the *2004 Upper Rock Creek Area Master Plan* and will not alter the character of the Neighborhood.

Attachment:

- A. Traffic Statement

Trip Generation Rates

Townhouse Units (Montgomery County, <100 Units)

Morning Trips = (0.48 x Units)
 Evening Trips = (0.83 x Units)

Trip Distribution (In/Cut)

17/83
 67/33

Trip Generation Totals

Mont. Co. Rates	Townhouse Units (Montgomery County, <100 Units)	19 units	AM Peak			PM Peak		
			In	Cut	Total	In	Cut	Total
		2	2	7	9	11	5	16
Total:		2	2	7	9	11	5	16

NOTES:

The Montgomery County Growth Policy states that projects with fewer than 30 peak hour trips are exempt from LATR.

Traffic Impact Analysis	Trip Generation for Site	
Lenhart Traffic Consulting, Inc.		
Traffic Engineering & Transportation Planning	Exhibit 2	