

**MEMORANDUM—LOCAL MAP AMENDMENT**

DATE: May 28, 2004
TO: Montgomery County Planning Board

VIA: Carlton Gilbert, Zoning Supervisor *CG*
Development Review Division

FROM: Frederick Vernon Boyd, Community Planner *FVB*
Georgia Avenue Planning Team

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Georgia Avenue Planning Team

SUBJECT: Local Map Amendment G-818: Sarah and Mirali Mirtaghavi request the reclassification of 0.54 acres from the R-90 Zone to the RT-12.5 Zone for six units; 12129 Georgia Avenue; Kensington-Wheaton

FILING DATE: December 27, 2003
PUBLIC HEARING: June 11, 2004

RECOMMENDATION: Approval

SUMMARY

Sarah and Mirali Mirtaghavi seek reclassification of 0.54 acres at 12129 Georgia Avenue from the R-90 Zone to the RT-12.5 Zone. They propose to develop six townhouses on the property in two groups of three, using a single private driveway. Because the proposed project uses the optional method of development in the RT-12.5 Zone, Chapter 59-H-2.53 of the Montgomery County Code requires the submission of a Schematic Development Plan, which permits an applicant to restrict development standards, stage development or limit uses provided in the requested zone. The applicants have submitted the required schematic development plan; a drawing of the project is attached, and a draft Declaration of Covenants has been prepared that specifies density, amount of

green space, maximum building coverage, maximum building height and minimum building setback from the street.

DESCRIPTION

Description of Property

As noted above, the property is located at 12129 Georgia Avenue, about 1,200 feet south of its intersection with Randolph Road. It consists of a single, deeded parcel 0.54 acres, or 23,547 square feet, in size and generally rectangular in shape, with 117 feet of frontage along Georgia Avenue and a depth of 255 feet. The property is generally flat and largely open. There are three specimen trees on the site, as well as scattered rows of smaller trees, but no forest stands. There is currently one single-family detached house and an associated garage on the property. There are two driveways with access to Georgia Avenue.

Surrounding Area

Definition of the Surrounding Area—Floating zone applications require a delineation of the surrounding area. In general, the surrounding area consists of those places most directly affected by the application. The study area for this request is bounded by Shorefield Road on the south, Wheaton Regional Park on the east, Randolph Road on the north and Georgia Avenue on the west. Because the land use pattern in this area—multi-family housing and institutional uses in the R-20 and R-30 zones—is distinct from the mix of single-family detached houses and institutional uses across Georgia Avenue in the R-60 Zone, Georgia Avenue is a logical neighborhood boundary. Figure 1 shows the surrounding area.

Adjacent Uses—The property proposed for this reclassification is bounded on three sides by a series of garden apartment buildings. Further to the east, as noted above, is Wheaton Regional Park, which offers a wide range of recreational opportunities easily accessible to downcounty residents. To the north is St. Andrew's Lutheran Church, which offers social services and child care as well as religious activities. Kensington Fire Station 18 and the Wheaton-Glenmont Police Station are located at the intersection of Georgia Avenue and Randolph Road.

Intended Use and Approval Procedures

The applicant is proposing to build six townhouses on the property, as shown on the submitted Schematic Development Plan. The units will be in two groups of three, with the first group facing Georgia Avenue and the second to the rear of the property. All six townhouses will be connected to Georgia Avenue by a single, private driveway. Each will have a two-car garage and a driveway to offer additional off-street parking. The group of units facing Georgia Avenue will have

rear garages and parkways, which will create a more residential look from Georgia Avenue. The project is proposed to be built in a single phase. Because the project includes just six townhouses, there is no requirement for Moderately Priced Dwelling Units.

The Schematic Development Plan submitted with the reclassification request includes these binding elements:

Development Standard	Permitted/Required	Binding Element
Density	6 units	6 units
Building coverage	35 percent	25 percent
Green area	50 percent	50 percent
Building height	35 feet	35 feet
Building setbacks		
From public street	25 feet	25 feet
Side (end unit)	10 feet	10 feet
Rear	20 feet	20 feet

The applicants have indicated that the footprint of the buildings and the dimensions of the parking and circulation areas as shown on the schematic development plan are conceptual and are not included as binding elements. The applicants intend to include this information as a note on the Schematic Development Plan.

Following approval of a local map amendment for this property, the applicants intend simultaneously to file a preliminary plan of subdivision and a site plan. The property has a small property exemption from forest conservation regulations. The property is subject to a tree save plan as part of the forest conservation review. The applicants' are required to prepare such a plan, which will be reviewed as part of the regulatory process. As noted above and discussed in more detail below, there are specimen trees on this property that will be part of any tree save plan. Because building footprints, circulation areas and parking arrangements are conceptual, tree preservation may require revisions to those aspects of the Schematic Development Plan.

The Schematic Development Plan and the draft Declaration of Covenants are attached as Figures 2 and 3.

Zoning History

- 1. Comprehensive Zoning**
 - a. Sectional Map Amendment G-761: R-90 Zone confirmed; 7/14/98
 - b. Sectional Map Amendment G-642: R-90 Zone confirmed: 10/10/89
 - c. 1958 Countywide Comprehensive Zoning: R-90 Zone confirmed
 - d. 1954 Regional District Zoning: R-90 enacted and mapped

Public Facilities

1. Water and Sewer Service

- a. Service Categories: The property is in Category W-1 for water service and Category S-1 for sewer service.
- b. Service Lines: Water and sewer lines are located in Georgia Avenue, abutting the property.

2. Roads

- a. Georgia Avenue: This major highway consists of a six-lane divided section in this part of the Kensington-Wheaton Planning Area. The master plan recommends a 120-foot right-of-way in the area of the applicants' property.

3. Schools

The six townhouses proposed for this property are expected to generate two elementary students, one middle and one high school student, using Montgomery County Public Schools' average yield factors for this type of housing unit. With the beginning of the 2004-2005 school year, the elementary school for this area, Kemp Mill Elementary, will be reassigned to the Northwood High School base area. Enrollment at Kemp Mill Elementary School is expected to exceed capacity throughout the six-year forecast period. Enrollment at E. Brooke Lee Middle School is expected to remain within capacity, as is enrollment at Northwood High School. Under the new schools test for the Annual Growth Policy, which takes effect in July of this year, Montgomery County Public Schools projects adequate capacity for the Northwood Cluster, if the Requested fiscal year 2005-2010 Capital Improvements Program is fully funded.

ANALYSIS

Conformance with the Master Plan

The applicants' property is included in the Master Plan for the Communities of Kensington-Wheaton, which was approved in 1990. That Plan looked most closely at a series of "Critical Parcels and Areas" that had significant potential as "infill" development, with the objective of recommending land uses and zones that "would be consistent with the goals of land use stabilization and compatibility." The Plan focused on "sites where the pressure for land use and zoning changes would be greatest, or sites where an alternate land use or zoning category would provide greater land use stability and compatibility with the surrounding neighborhood." (p.41) The Plan limited its detailed analyses to properties larger than about 1.5 acres, unless a smaller property was contiguous

to other vacant or redevelopable properties or in a transitioning neighborhood. The applicants' property apparently did not meet these criteria.

The Plan looked at two properties near the applicants' parcel. For one, a collection of eight parcels on Georgia Avenue and Jones Lane just south of the applicants' property, the Plan recommended increasing density to 12 or 15 units to the acre and the use of transferable development rights. It recommended multi-family units for the resulting development, recognizing that the property, like the applicants', was surrounded by apartments in the R-20 Zone. For the second, a single 3.46-acre parcel on Shorefield Road in the R-90 Zone, the Plan recommended development in the RT-8 Zone, to provide a suitable transition from single-family development in the R-90 Zone to the east to more dense residential and commercial development nearer Georgia Avenue.

More generally, the Plan takes as an overall land use objective the maintenance of "the well-established low- to medium-density residential character which prevails over most of the planning area." (p. 40) It also establishes as a policy "that all infill residential development be similar in character and compatible in density with the immediate neighborhood within which it is contained." (p.50) The recommendations of the Plan for the two properties generally in the neighborhood of the applicants' property particularly reflect this policy: they recognize the medium density character of the area and they support zones and densities designed to reflect that character. Similarly, the density proposed by the applicants for their property reflects the prevailing medium density character of the neighborhood in a way that would be difficult to achieve with the two single-family houses that would be allowed in the R-90 Zone.

Requirements of the R-T Zones

Chapter 59 of the Montgomery County Code contains standards and requirements for development in the R-T zones. The following paragraphs evaluate relevant standards.

59-C 1.71 Land uses.

No use is allowed except as indicated in the use table.

The R-T Zone allows single-family attached dwelling units and townhouses.

59-C 1.72.1 Intent and purpose

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. The fact that an application for R-T zoning complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the resulting development would be compatible with surrounding land uses and, in itself shall not be sufficient to require the granting of the application.

The applicants' property is one of two remaining parcels in the R-90 Zone in its neighborhood. The character of this section of Georgia Avenue clearly has become medium density residential. Indeed, the property is surrounded by multi-family development in the R-20 Zone. The most recent master plan recommended development at 12 units to 15 units to the acre for the remaining large developable or redevelopable properties in the vicinity of the applicants' property. This property's size and shape make it less suitable for multi-family development, but character and compatibility issues strongly argue that the density on this property should be increased from the average of three units to the acre achieved in the R-90 Zone. Development at densities allowed in the R-T zones is appropriate at this location.

59-C-1.722. Row design.

- (a) Eight townhouses is the maximum number permitted in any one attached row.
- (b) Three continuous, attached townhouses is the maximum number permitted with the same front building line. The variations in building line must be at least 2 feet.

The schematic development plan shows two groups of three units. It also shows a varied building line for each group.

59-C-1.723. Combined tracts

The requirements of this section do not apply to this local map amendment.

59-C-1.73. Development standards

Development standard	Required/Permitted	Proposed
59-C-1.731(a) Tract Area	20,000 square feet	23,547 square feet (0.54 acre)
59-C-1.731(b) Maximum density	12.5 units per acre	11.1 units per acre
59-C-1.732(b) Building setback from public street	25 feet	25 feet
59-C-1.732(c) Building setback from adjoining lot		
Side	10 feet	10 feet
Rear	20 feet	20 feet
59-C-1.733 Building Height		
Main building	35 feet	35 feet
Accessory building	25 feet	
59-C-1.734(a) Coverage	35 percent	25 percent
59-C-1.734(b) Green area	50 percent	50 percent
59-C-1.735 Parking	2 spaces per unit	4 spaces per unit

Environment

Environmental Planning staff recommends **approval** of this application.

This site is located in an urbanized area along the Georgia Avenue corridor near Glenmont. While there are no forest stands on site, there are three specimen trees and two significant trees on site and one specimen tree off site. All trees are listed in fair condition on the Natural Resource Inventory/Forest Stand Delineation. On field inspection, however, Environmental Planning staff found tree #2--a 44-inch white oak--to be in good to very good condition, although surrounded by compacted earth. The site layout shown on the schematic development plan does not reflect development that would tend to preserve this tree or any of the specimen trees. This property is subject to a tree save plan, but Environmental Planning staff believe that revisions to the schematic development plan will increase the likelihood of saving the white oak. The applicant has added a note to the plan acknowledging that building footprints and circulation areas are conceptual elements of the schematic development plan, and indicating that the site layout will be subject to significant change during the development process to preserve significant and specimen trees. Staff believes changes to the site layout will include shifting units and reducing or realigning pavement.

Forest Conservation--Chapter 22A

A Natural Resources Inventory/Forest Stand Delineation has been approved for this application. This project is exempt from the requirements of the Forest Conservation Act, Chapter 22A because the property is less than one acre in size and because activity will not result in the clearing of more than 30,000 square feet of existing forest. Reforestation requirements would be less than 10,000 square feet. As noted above, a Tree Save Plan will be required.

Stormwater Management--Chapter 19

A Stormwater Management Concept Plan has not been approved by the Department of Permitting Services. A Stormwater Management Concept Plan is required at the time of preliminary plan approval. The final Stormwater Management Plan must be approved prior to issuance of sediment and erosion control permits. It appears that stormwater management requirements can be accommodated on the site.

Environmental Guidelines

This site is not located within a Special Protection Area or Primary Management Area. There are no streams, floodplains, steep slopes or environmental buffers associated with environmental features.

Water Quality

The site of this application is in the Wheaton Park Tributary subwatershed of the Northwest Branch watershed. Northwest Branch is considered a Use IV category stream by the Maryland Department of the Environment. This category is given to streams having water quality capable of holding or supporting adult trout for put-and-take fishing.

The *Countywide Stream Protection Strategy (CSPS)* assesses this tributary as having fair stream conditions and good habitat conditions. The subwatershed is designated as a Watershed Restoration Area, usually applied to older previously developed areas where the CSPS supports stopping further degradation and improvement made to streams in fair to poor condition.

Transportation

The Transportation Planning Unit has undertaken an Adequate Public Facilities review of the proposed project and recommends its **approval**. Transportation planning staff recommends no condition to support approval of this application as it meets the requirements of Local Area Transportation Review (LATR) and Policy Area Review. Staff finds that this action will have no adverse effect on the area roadway conditions.

Local Area Transportation Review

The six proposed townhouses are expected to generate three and four trips in the morning and evening peak hours of weekday peak period respectively. Therefore, it does not require a Local Area Transportation Review. There is currently a single-family home on the site that is within the walking distance of the Glenmont Metrorail station. Higher density proposed for six townhouses as compared to one single-family home is consistent with the overall transportation policy of providing higher density at Metrorail stations.

Site Access, Circulation and Pedestrian Facilities

Access to the site will be via a single driveway with a right-in, right-out requirement. There will be no negative impact on vehicular or pedestrian circulation in the area the result of this application. There are sidewalks along Georgia Avenue and a pedestrian-activated signal at the intersection of Georgia Avenue and Randolph Road provides easy access to the Metrorail station.

Policy Area Review/Staging Ceiling Analysis

The site is located within the Kensington/Wheaton policy area, which has a remaining capacity of 2530 housing units and 2770 jobs as of April 30, 2004. The application therefore passes the Policy Area Review test.

Subdivision

Should the rezoning reclassification be approved, the applicants' property requires submission of a preliminary plan of subdivision and a site plan.

Conclusion

Planning staff recommends approval of Local Map Amendment G-818. The proposal satisfies the intent and purpose of the R-T zone in that it is appropriate for development at densities allowed in the zone. The immediate neighborhood of the applicants' property is almost entirely multi-family residential in character, with allowable densities as high as 21 units to the acre. While the small size of the property makes it less suitable for multi-family development, the character of the community strongly suggests that it is suitable for the proposed townhouses. Although the Kensington-Wheaton Master Plan did not look specifically at this property, it made recommendations for development of nearby properties at densities equivalent to those proposed by this local map amendment.

The impact of this proposed project on traffic and schools is not substantial. Preservation of specimen and significant trees on the site is an important consideration. The applicants' acknowledgment, following the requirements of

Section 59-H-2.53(e), that the building footprints and circulation systems shown on its schematic development plan are conceptual and not binding will, along with the required tree save plan, address tree preservation concerns raised by Environmental Planning staff. The required site plan for the project provides the opportunity to revise the design of the project and its circulation systems in ways that will preserve specimen trees on the property.