



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB

Item No.:

Date: 12-05-19

Local Map Amendment H-131 Kingsview Station

Elsabett Tesfaye, Planner Coordinator

Frederick V. Boyd, Supervisor, Area 3

Richard Weaver, Chief, Area 3

Elsabett.Tesfaye@montgomeryplanning.org

Fred.Boyd@montgomeryplanning.org

Richard.Weaver@montgomeryplanning.org

301 495-1301

301-495-4654

301-495-4544

Completed: 11/22/2019

Description

Local Map Amendment H-131: Kingsview Station

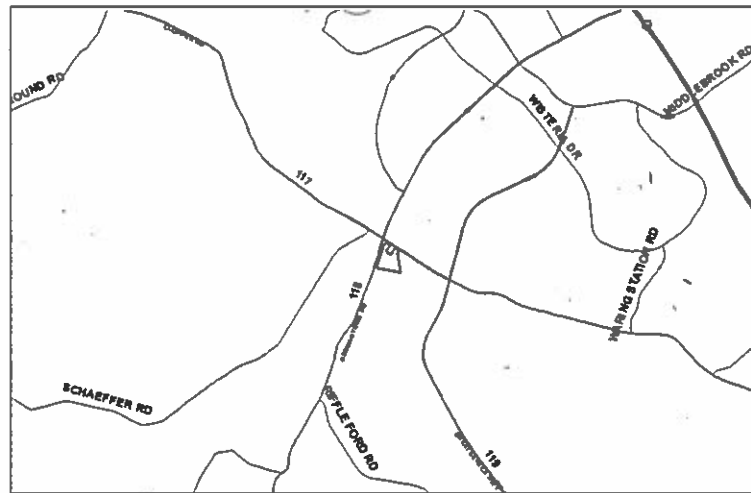
B. Request for a reclassification of 6 parcels (N210, P220, P 274, Pt p322, PT P 330, P.536 and Liberty Mill road R.O.W) with a combined total of 10.27 acres of land from R-200 and R-200/TDR 6.0 Zones to the CRNF-1.0, C-0.25, R-0.75, H-55' Zone for a proposed development of 61 townhouse living units and 12,000 square feet of commercial use; located at the Southeast corner of the intersection of Clopper Road (MD Route 117) and Germantown Road (MD Route 118) in Germantown. *1989 Germantown Master Plan*

Applicant: Kingsview Station Joint Venture

Application Filed: March 6, 2019

Planning Board Hearing: December 5, 2019

OZAH Public Hearing: December 16, 2019



Staff Recommendation: Approval

Summary

1. Key Aspects of the Proposal and Major Issues:

- The Site will be developed with up to 61 single-family attached homes and 12,000 square feet of commercial building. The project will provide 12.5 percent (Eight) Moderately Priced Units (MPDUs).
- The proposed development meets all applicable standards of the Commercial Residential Neighborhood Zone (CRNF), complies with the purpose clause of the zone, and furthers the goals of the *1989 Germantown Master Plan*.
- The development satisfies the intent statement and necessary findings for a rezoning to the CRNF Zone.
- This Application complies with the Montgomery County Environmental Guidelines. The application will comply with forest conservation requirements under Chapter 22A.
- No correspondence has been received from the community regarding the proposed rezoning.

2. Proposed Floating Zone Plan and Rezoning Request

- a. The submitted Floating Zone Plan is in substantial compliance with the 1989 Germantown Master Plan.
- b. The Floating Zone Plan complies with the purposes, standards, and regulations of the CRNF Zone and provides for a form of development that will be compatible with adjacent developments.
- c. The Floating Zone Plan proposes internal vehicular and pedestrian circulation systems and points of external access that will be safe, adequate and efficient.
- d. By its design, and through the implementation of a comprehensive Stormwater Management Plan, the proposed development can minimize erosion of the soil and preserve natural vegetation and other natural features of the site.
- e. The application will comply with forest conservation requirements under Chapter 22A.
- f. Plans and general layout are illustrative.
- g. The proposed development will be subject to review and approval of a Preliminary Plan of Subdivision and a Site Plan by the Planning Board. Detailed design, transportation elements, maximum number of units, and Final Forest Conservation Plan are to be addressed at Preliminary Plan and Site Plan.

3. Binding Elements

- a. The maximum number of townhouses on the Subject Property will not exceed 61.
- b. The maximum total floor area of the commercial buildings will not exceed 12,000 square feet.
- c. The maximum building height for the project will not exceed 50 feet.

4. Issues to be addressed at Preliminary Plan and Site Plan reviews

a. Environment

- Exact details regarding location of stormwater management, stream valley buffers, and forest conservation as well as potential environmental mitigation will be determined at preliminary and site plan with the review of the Final Forest Conservation Plan.
- The Floating Zone Plan, as currently submitted, shows portions of the stormwater management facilities within applicable stream buffers. The encroachment into the stream valley buffer may result in some changes to the Floating Zone Plan at the time of preliminary plan to minimize potential impact to the stream valley buffer.

b. Transportation

The Applicant must satisfy the transportation Adequate Public Facilities Review test for the development at preliminary plan.

c. Moderately Priced Dwelling Units (MPDUs)

The final number and location of the MPDUs will be decided at the time of site plan review.

d. General Design and Site Layout

The issue of the electric transmission lines traversing the Property from north to south should be addressed for potential esthetic and safety impacts on the development and in particular, on the dwellings that would be in close proximity to the power lines.

I. RECOMMENDATION

Staff recommends APPROVAL of LMA H-131 for the following reasons:

1. Application of the CRNF Zone at the proposed location is proper for the comprehensive and systematic development of the County because the proposed development, as shown on the proposed Floating Zone Plan:
 - is generally consistent with all applicable standards of the CRNF zone and applicable requirements of the Zoning Ordinance;
 - will be in substantial compliance with the land use recommendations of the *1989 Germantown Master Plan*, zoning and transportation recommendations.
2. The Floating Zone Plan is consistent with the purposes of the CRNF Zone.
3. The Floating Zone Plan is consistent with the development standards of the zone.
5. The Floating Zone Plan proposes internal vehicular and pedestrian circulation systems and points of external access that will be safe, adequate and efficient.
6. The Floating Zone Plan and the requested reclassification of the Property from the R-200 and R-200/TDR 6.0 Zones to the CRNF-1.0, C-0.25, R-0.75, H-55' Zone is appropriate for the location and proposes a development that will be compatible with existing and future land uses in the surrounding area.

II. PROPERTY DESCRIPTION

This Subject Property is located at the Southeastern corner of the intersection of Clopper Road (MD Route 117) and Germantown Road (MD Route 118) in Germantown. The Property is irregularly shaped with varying topographic features and is currently undeveloped. It contains an existing Forest Conservation Easement that covers approximately 0.54 acres. Several electric transmission lines traverse the Property from north to south, passing through the center of the Property.

The Property is bounded by Clopper Road (MD 117) to the north, a Park and Ride lot, gas station and service uses to the east Germantown Road (MD 118) to the west, and Leaman Farm Road to the south. A partial extension of Liberty Mill Road runs through the center of the northern portion of the site from Clopper Road. A parcel located in the southwest corner of the intersection of Liberty Mill Road and Clopper Road, Parcel P168, is owned by Potomac Electric Power Co. and is not part of this application.



Figure 1: The Subject Property and the adjoining PEPCO parcel

III. Zoning History

The 1989 Germantown Master Plan retains the existing R-200 and R-200/TDR zoning as the base zones with a recommendation of a PD-11 development for the Property and adjacent properties.

Figure 2-Existing Zoning



IV. SURROUNDING AREA

Staff defines the neighborhood as the area bounded by Shaeffer Road, Kingsview Road, and MD 117 to the west; Dawson Farm Road to the north; MD 119 to the east; and Richter Farm Road to the south. Although primarily residential, the neighborhood consists of a mixture of uses including commercial and institutional uses as well as public facilities and local parks. The residential developments are also diverse with a mixture of townhouses, multi-family buildings and single-family detached dwellings.

Montgomery County Fire Station 22, Kingsview Park and Ride, Germantown Elementary School, Kingsview Middle School, Germantown Community Center, and Northwest High School along with three places of worship are located within the defined neighborhood. Commercial uses within the neighborhood include convenience stores and neighborhood shopping centers, including a Giant Food store. The commercial uses are generally located along Clopper Road (MD-117) between Liberty Road and Great Seneca Highway (MD-119).

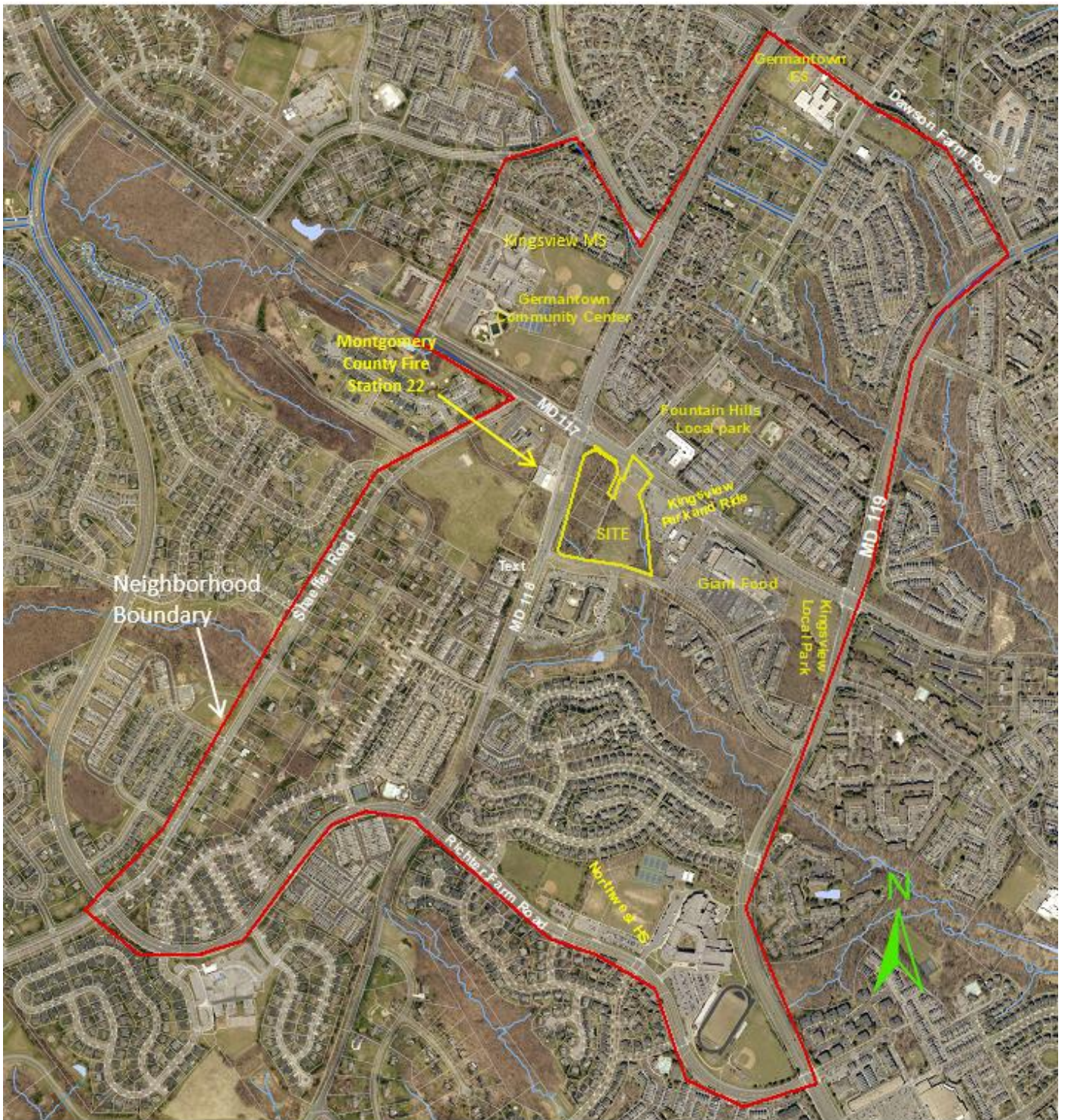


Figure 3: Surrounding Neighborhood

V. PROPOSED DEVELOPMENT

Proposal

The subject application proposes to develop the 10.27-acre Property with a mixed-use, development consisting of 61 townhouse units and 12,000 square feet of commercial space contained in two building of 6,000 square feet. The residential portion of the project includes 12.5 percent moderately priced dwelling units ("MPDUs") which requires Eight MPDUs), with associated parking, open space, and amenities.

The Floating Zone Plan (FZP) and the Applicant's Statement of Justification indicates that the two commercial buildings will be located along the Property's frontage on Clopper Road (MD-117), near its intersection with Germantown Road (MD-118) and Liberty Mill Road. The Statement of Justification explained that the location of the buildings adjacent to Clopper Road will help define the street character and engage the pedestrian environment. The Statement further stated that the location of the buildings also incorporates the suggestion by Staff to move the building (Building A-1) in the southwest corner of the intersection to create an identifiable entrance to the project at this intersection.

The majority of the proposed townhouses (See Figure 3) are rear loaded and oriented with their front doors facing the public area with individual lead walks. The rear loaded garages are accessed from internal alleyways. The project includes 0.3 acres of open space that is located in the central portion of the development. The project will provide for eight MPDU units. The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the proposed rezoning and associated Floating Zone Plan and found that the proposal meets the requirements of Chapter 25A. The final number and location of the MPDUs will be determined at site plan review.

In addition to the Local Map Amendment review, this Property is subject to other development approval requirements, including approval of a Preliminary Plan of Subdivision, a Final Forest Conservation Plan, and Site Plan review by the Montgomery County Planning Board. Adequate Public Facilities analysis will be conducted at the time of Preliminary Plan of Subdivision review. The design, architecture, number of units and landscaping details of the project will be further developed and refined at the time of Site Plan.

The proposed project will be constructed in a single phase.

Binding Elements

The Applicant offers the following binding elements:

- The maximum number of townhouses on the Subject Property will not exceed 61.
- The maximum total floor area of the commercial buildings will not exceed 12,000 square feet.
- The maximum building height for the project will not exceed 50 feet.

KINGSVIEW STATION FLOATING ZONE PLAN

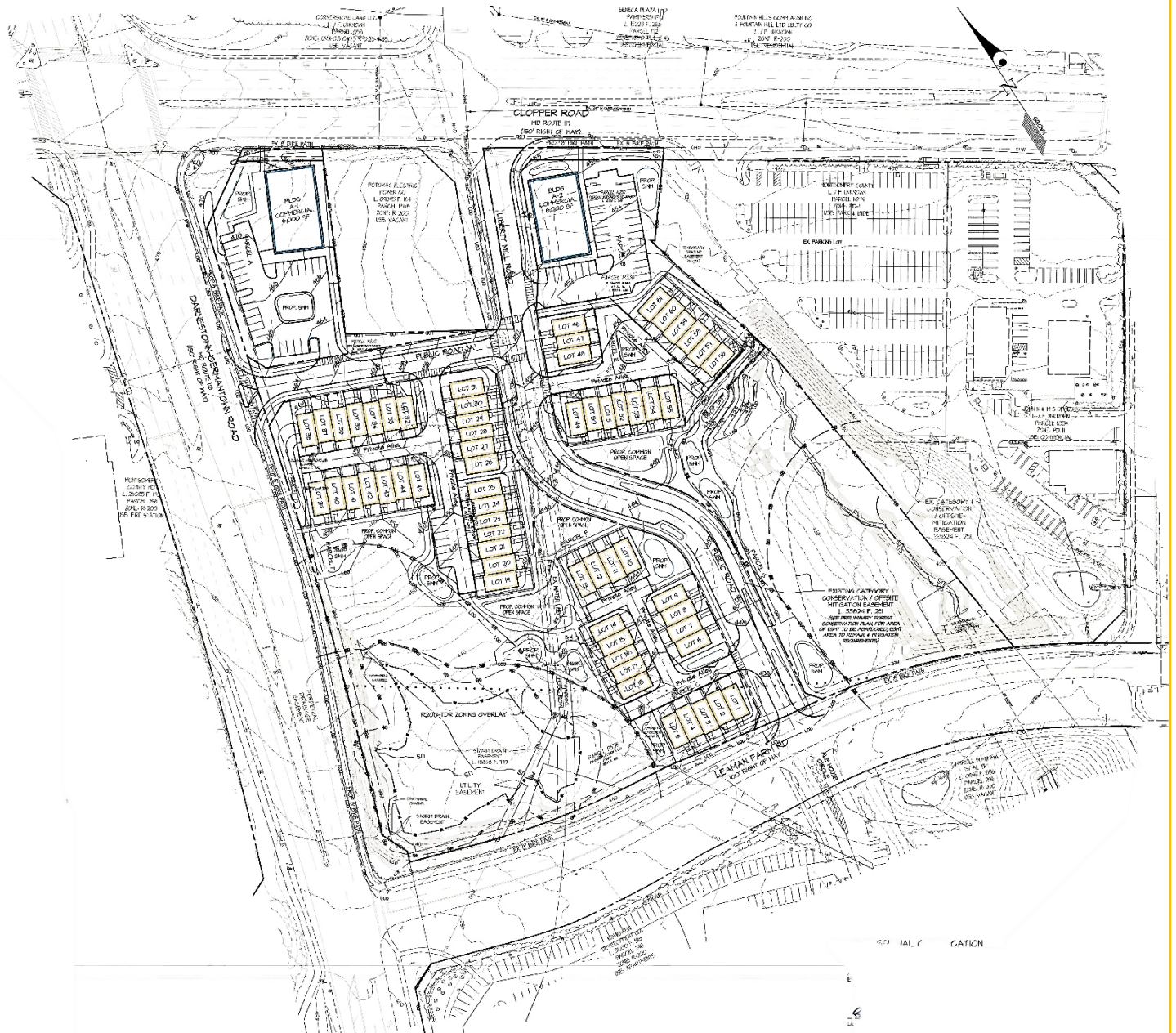


Figure 4. Proposed Floating Zone Plan

GENERAL NOTES

1. Owner/ Applicant: Kingsview Station, A Joint Venture
c/o Pleasants Development
24012 Frederick Road Suite 200
Clarksburg, MD 20871
2. Boundary survey by: Charles P. Johnson & Associates, May 2018
3. Topography by: Charles P. Johnson & Associates, May 2018
4. Master Plan: Germantown Master Plan
5. NRI/FSD by: GLW, P.A.
NRI/FSD Plan No. 420182510
Approved: August 7, 2018
6. Watershed & Use Class: Middle Great Seneca Creek (IV-P)
7. There are no known Special Protection Areas (SPA) or PMA Areas on site.
8. There is no floodplain on site per FEMA Map #24031C0170D.
9. Wetlands were flagged by Wetland Studies and Solutions, INC on May 10, 2018.
10. There are no known Rare, Threatened or Endangered Species on site.
11. The property is not listed on the Locational Atlas and Index of Historic Sites.
12. Parcel 274, 322, 330, 536, & N210
Existing Water Category: W-3
Existing Sewer Category: S-3
13. Parcel 220 & 274
Existing Water Category: W-5
Existing Sewer Category: S-5
Proposed Water Category: W-1 (Pending)
Proposed Sewer Category: S-3 (Pending)
14. Utility Companies: Gas - Washington Gas
Electric - PEPCO
Water & Sewer - WSSC
Telephone - Verizon
Cable -

Figure 4.1: Proposed Floating Zone Plan General Notes

SITE DATA

Existing Site Area: 10.28 Ac. (Includes existing R.O.W Area)
 Parcel - 220 0.71 Ac.
 Parcel - 274 1.00 Ac.
 Parcel - 322 2.86 Ac.
 Parcel - 330 4.92 Ac.
 Parcel - 536 0.17 Ac.
 Parcel - N210 0.42 Ac.
 ROW Parcels 0.20 Ac.

Existing Zoning:..... R-200 & R-200 TDR/6

Existing Use:..... Vacant

Proposed Zone:..... CRNF (Commercial Residential Neighborhood - Floating)
 (CRNF-1.00, C-0.25, R-0.75, H-55')

Proposed Use:..... Commercial & Residential Townhouses

Development Program:..... Single Phase
 Commercial Uses:..... 12,000 SF
 Residential Townhouses: 61 DU
 MPDUs Provided (12.5%) 8 DU

DEVELOPMENT STANDARDS - CRNF ZONE

<u>FAR (Floor Area Ratio)</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Commercial:	Per Master Plan Village Center 170,000 SF Max.	0.25 FAR (±111,950 SF)
Residential:	Per Master Plan 11 Du/Ac	0.75 FAR (±335,850 SF)
TOTAL FAR:	N/A	1.0 FAR (±447,800 SF)
Building Height:	Per Master Plan recommendation	55' Max. Ht.
Open Space:	10% min.	10% Public Open Space - Commercial Area 10% Common Open Space - Townhouse Area

PARKING PROVIDED:

All Parking Shall Conform To Zoning Code Standards.

BINDING ELEMENTS:

1. No more than 12,000 sf of commercial building area.
2. No more than 61 townhouse dwelling units.
3. A maximum building height of 50'

Figure 4.2: Proposed Floating Zone Plan Development Data

VI. ANALYSIS

A. Conformance with the Master Plan

The proposed Kingsview Station development is located in the Clopper Village section of Germantown. The 1989 Germantown Master Plan included it in analysis area CL-6, and the Master Plan provides detailed recommendations for this and adjacent properties, all of which are in the vicinity of the intersection of the relocated Germantown Road (MD 118) and Clopper Road (MD 117). It should be noted that, for the purposes of the 1989 Plan, Germantown Road is oriented from east to west, and Clopper Road is oriented from north to south. The Master Plan delineates an eastern and western portion of the analysis area, and the property proposed for reclassification is in the eastern part of the analysis area. It is “adjacent to Clopper Road and extends from Great Seneca Highway to existing MD 118.”

The Master Plan recommends that most of the analysis area include a village center for Kingsview Village, planned to be located adjacent to Clopper Village, but lacking suitable space for a center within the its designated boundaries. “The portion of the eastern section of the Analysis Area not developed as the Village Center is recommended for garden apartments at a density of 11 units per acre.” (p 65)

This proposal includes a mix of commercial and residential development in the CRNF Zone. It proposes an overall density of 1.0 FAR, with 0.75 FAR of that total devoted to single-family attached units. The applicant has agreed to limit commercial development to 12,000 square feet and residential development as many as 61 units, fewer than the 11 dwelling units to the acre recommended in the Master Plan. While the proposal does not include garden apartments, as originally recommended, the attached units proposed will contribute to an overall mix of attached and garden apartment units in the analysis area, which is consistent with the Master Plan recommendation and desirable.

B. Adequate Public Facilities

The subject application will be adequately served by public facilities:

1. Transportation

Site Access, Parking, and Public Transportation

The site is located in Germantown, bounded by Clopper Road (MD 117) to the north, the Montgomery DOT Kingsview Park and Ride to the east, Leaman Farm Road to the south, and Germantown Road (MD 118) to the west. A partial extension of Liberty Mill Road runs through the center of the Property from the north. The Applicant has submitted a Transportation Study as part of this application.

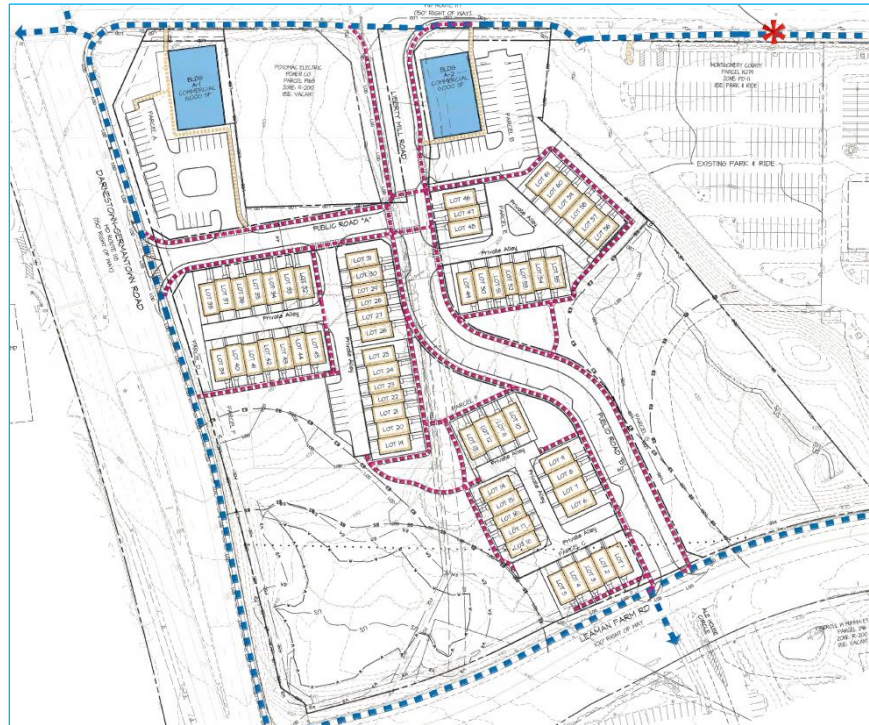


Figure 5: Site Circulation

Clopper Rd (MD 117) is classified as a major highway with a 150 ft. right-of-way, according to the Master Plan of Highways and Transitways. Germantown Rd (MD 118) is classified as a major highway with a 120 ft. right-of-way. Leaman Farm Rd. is classified as an arterial road with a 100 ft. right-of-way. The applicant proposes to provide full dedication as part of a subsequent regulatory review.

The Subject Property is adjacent to the MCDOT Kingsview Park and Ride facility, serviced by the 61, 71, 74, 78, and 98 Ride-On routes. Staff will work with the applicant to provide improved pedestrian connectivity from the Subject Property to this facility as well as to the Kingsview Village local retail center as part of the subsequent Preliminary Plan Review.

Adequate vehicle parking is provided. Bicycle parking requirements for the commercial uses will be met as part of subsequent applications.

Master Plan Transportation Facilities

The 2018 Bicycle Master Plan recommends a shared use side-path to run along the south side of Clopper Road (MD 117) and along the east side of Germantown Road (MD 118). Final designs of these paths will be determined as part of subsequent development applications. A shared use path currently exists on Leaman Farm Rd.

Local Area Transportation Review (LATR)

The proposed 61 townhomes and 12,000 sf retail create 57 AM peak period person trips and 177 PM peak period person trips as calculated using the 2017 LATR guidelines, detailed in Table 1 below:

Table 1: Site Person Trip Generation

Use	Development	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Multifamily Housing, Low-Rise (ITE-220, Units)	61 Units	12	33	45	34	22	56
Shopping Center (ksf, ITE-820)	12,000 Sq. Ft.	9	6	15	76	81	157
<i>Pass-by (Credit)</i>		<i>(2)</i>	<i>(1)</i>	<i>(3)</i>	<i>(18)</i>	<i>(19)</i>	<i>(36)</i>
Net New Trips		19	38	57	92	84	177

*Trip generation rates are based on the 10th Edition *ITE Trip Generation Report*; townhouses are analyzed using the multifamily housing low-rise standards

The Applicant's Transportation Study prepared in August of 2018, analyzed 8 intersections:

1. MD 118 (Germantown Rd) & MD 117 (Clopper Road)
2. MD 117 / Liberty Mill Road (Site Access)
3. MD 117 / Kingsview Village Avenue / Village Fountain Drive
4. MD 119 (Great Seneca Highway) / MD 117
5. MD 118 / Proposed Site Access
6. MD 118 / Leaman Farm Road
7. Leaman Farm Road / Proposed Site Access / Driveway
8. Leaman Farm Road / Kingsview Village Avenue

Following LATR guidelines, all intersections were studied under the CLV analysis standard (Table 2). No intersections exceed the policy area CLV threshold; no mitigation is required.

Table 2: CLV Intersection Analysis

Intersection	CLV Standard	AM Peak Hour Delay			PM Peak Hour Delay		
		Existing	Back-ground	Total	Existing	Back-ground	Total
1. MD 118 (Germantown Rd) / MD 117 (Clopper Road)	1350	1026	1029	1031	1131	1141	1146
2. MD 117 / Liberty Mill Road (Site Access)	1350	620	663	644	550	567	586
3. MD 117 / Kingsview Village Avenue / Village Fountain Drive	1350	717	729	736	783	797	805
4. MD 119 (Great Seneca Highway) / MD 117	1350	1104	1109	1110	1076	1102	1116
5. MD 118 / Proposed Site Access	1350	N/A	N/A	519	N/A		351
6. MD 118 / Leaman Farm Road	1350	900	906	907	646	660	662
7. Leaman Farm Road / Proposed Site Access / Driveway	1350	219	219	223	292	292	306
8. Leaman Farm Road / Kingsview Village Avenue	1350	219	219	223	394	394	399

The proposed access to the site, as shown on the Floating Zone Plan, to be adequate to serve the traffic generated by the development. Staff supports the transportation elements of the application.

2. Water and Sewer Service

The Subject Property will be served through connections to the existing public water and sewer lines located in the adjacent rights-of-way.

3. Schools

The Subject Property is located within the Northwest Cluster and includes Germantown Elementary School, Roberto Clemente Middle School and Northwest High School attendance areas. The capacity is adequate in the Northwest Cluster.

The proposed development is expected to generate approximately 16 elementary school, seven (7) middle school, and 10 high school students. Enrollment at the high school, middle school and elementary school is currently within capacity and is projected to stay within capacity with the addition of these students.

4. Fire and Police

Montgomery County Fire Station No. 22 is located approximately 400 feet west of the Subject Property across MD 118 at 18910 Germantown Road. Montgomery County Police Department Fifth District is located about 2.4 miles (7 minutes) from the Subject Property on Aircraft Drive in Germantown. Local first responder service is adequate to serve the development.

The Applicant submitted a fire access plan to the MCDPS, Fire Department Access and Water Supply Office. The fire access plan was approved on September 16, 2019 (Figure 6)



A Natural Resource Inventory/Forest Stand Delineation No. 420182510 was approved for the Subject Property on July 24, 2018. The topography of the Property generally slopes down from north to south. There is notable presence of stream valleys on the southeast and southwestern boundaries of the Property. The NRI/FSD delineated 3.52 acres of forest within the tract area.



Figure 7: Wetland and Streams



Figure 7.1: Wetland and Streams

A large wetland is located in the northeastern quadrant of MD 118 and Leaman Farm Road. This wetland and associated streams are connected by storm drains to a stream system that originates on the side of MD 118 and continues south of Leaman Farm Road. The 1989 Germantown Master Plan identifies this stream system as important for protection (See Figure 7). This wetland, as well as the other sensitive areas and their buffers should be left in an undisturbed condition.

Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Preliminary Forest Conservation Plan has been submitted for review and is recommended for approval by the Planning Board as a separate action with this Local Map Amendment application.

By a letter dated October 7, 2019 addressed to the Montgomery County Planning Board and the Montgomery County Board of Appeals, the Montgomery County Forest Conservancy Board has requested that a champion black cherry tree proposed for removal as part of the project to be preserved. (Attachment C)

Note: *For a complete analysis of conformance with Chapter 22A, please refer to the Preliminary Forest Conservation Plan Staff report being considered concurrently with this Conditional Use review.*

VII. REQUIRED FINDINGS

1. Section 5.1.2. Intent Statement

To obtain a Floating zone, an applicant must obtain approval of a Local Map Amendment under Section 7.2.1. The intent of the Floating zones is to:

A. Implement comprehensive planning objectives by:

- 1. furthering the goals of the general plan, applicable master plan, and functional master plans;***
- 2. ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master plan, functional master plan staging, and applicable public facilities requirements; and***
- 3. allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property; and***

The requested reclassification to the CRNF Zone substantially complies with the 1989 Germantown Master Plan.

The proposed density is appropriate for the size of the Property and the character of the neighborhood. Application of the CRNF zone to the Property will increase the diversity of uses and will better serve the needs of the population. The proposal will have no negative impact upon any nearby residential neighborhood or commercial activities, as the Property is surrounded with residential and commercial uses similar in nature to the mixed commercial/residential uses proposed for the Subject Property.

The proposed development would provide safe and convenient roadway, and internal circulation systems including sidewalks and pathways. Staff's analysis of the Applicant's traffic report reveals that the existing network has the capacity to support the proposed development. As indicated in Table 2 under the transportation analysis section above, the calculated CLV values do not exceed the CLV standard for the Germantown West Policy Area, and, the Local Area Transportation Review (LATR) test is satisfied. Moreover, the Floating Zone Plan provides for ample open space, and the site is generally in conformance with all applicable environmental laws.

Staff has concerns regarding the notable presence of a row of telephone poles with several electric transmission lines traversing the Property from north to south along the center of the Property. The impact of the transmission lines in terms of design and safety, should be analyzed in more detail as the Floating Zone Plans progresses to the next levels of reviews. The Applicant was not receptive to Staff's recommendation to underground the transmission line sighting the high cost of such undertaking with the potential to derail the feasibility of the proposed project.

The development will be served by public water and public sewer.

B. Encourage the appropriate use of land by:

- 1. Providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;***
- 2. Allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and***
- 3. Ensuring that development satisfies basic sustainability requirements including:***
 - a. locational criteria,***
 - b. connections to circulation networks,***
 - c. density and use limitations,***
 - d. open space standards, and***
 - e. environmental protection and mitigation***

Placing a floating zone on the Subject Property would promote the intent and objectives of the CRNF Zone by introducing a mixed-use development responding to the changing nature of the area in terms of economics demography and planning trends and implementing the current.

The proposed density is appropriate for the size of the Property and the character of the neighborhood. Application of the CRNF zone to the Property will increase the diversity of uses and add residential housing within. The proposed mixed use project, with townhouses and commercial uses, will have no negative impact upon any nearby residential neighborhood or commercial activities, as the project's proposed scale and mix of development blends well with the existing developments and is in accord with the Master Plan's recommendations for the surrounding area.

The proposed layout of the project was revised from the original layout to incorporate a flexible design approach that blends suggestions offered by Staff and various County agencies with the developer's alternative design options. The revised plan offers mostly rear-loaded townhouses and offers a better design and framing of the centrally located, open spaces and a coordinated internal circulation system. However, the design and layout of the project may undergo further modifications at preliminary plan and site plan to address environmental and right-of-way issues as well as other design issues that will occur as the plans are more refined.

The proposed development will be served by safe and convenient roadways, and internal circulation systems including sidewalks. Staff's analysis of the Applicant's traffic report reveals that the existing network has the capacity to support the proposed development. As indicated in the transportation analysis, none of the eight

intersections that were studied under the CLV analysis standard exceed the policy area CLV threshold and therefore, no mitigation is required.

M-NCPPC and MCDOT Staff have reviewed the proposed access point and internal traffic/pedestrian circulation system and have made several suggestions that were incorporated into the Floating Zone Plan. The Floating Zone Plan is found to be generally adequate by both agencies.

The Floating Zone Plan provides for adequate open space, and the project is generally in conformance with applicable environmental laws although the issue of stream buffer encroachment, conservation easements, circulation, number of units, and other design issues will be further addressed at subsequent regulatory reviews. The project is designed to accommodate all infrastructure needed for the proposed development of the Property.



Figure 8: Open Space

- C. *Ensure protection of established neighborhoods by:***
- 1. *Establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;***
 - 2. *Providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and***
 - 3. *Allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.***

The proposed Floating Zone Plan meets the development standards of the CRNF Zone, and it will be compatible with the surrounding area. The adjacent properties as well as properties in the surrounding area are developed with a mixture of uses including single-family detached and attached dwellings, townhouses, multi-family buildings and commercial uses including a neighborhood shopping center, gas stations, public parking lots. The proposed project with 61 townhouses and two commercial buildings provides adequate on-site parking with adequate landscaping and tree conservation areas and it will be compatible with the existing character of the area. The Proposed project also contributes to the enhancement of the streetscape at this location. The proposed rezoning will not have a negative impact on existing or future developments in the surrounding area.

2. Section 5.1.3. Applicability

- A. A Floating zone must not be approved for property that is in an Agriculture or Rural Residential zone.**

Not Applicable. The Property is in the R-200 and R-200/TDR zones.

- B. If a Floating zone is recommended in a master plan, there are no prerequisites for an application.**

This Floating Zone is recommended in the Master Plan as PD-11. Although the PD-11 zone was eliminated with the adoption of the 2014 Zoning, the 2014 Zoning Code assigns the CRNF as an equivalent Floating zone to the PD zones. Therefore, no prerequisites are required for the subject application.

- C. If a Floating zone is not recommended in a master plan, the following apply:**

- 1. The maximum allowed density is based on the base zone and on the size of the tract as stated in Division 5.2 through Division 5.5. Any density bonus requested under Chapter 25A may be added to the density allowed under Division 5.2 through Division 5.5 and included in the units per acre or FAR of the zone requested**

Not Applicable.

2. Residential Base Zone

a. When requesting a Townhouse Floating (TF) zone, Apartment Floating (AF) zone, or Commercial Residential Neighborhood Floating (CRNF) zone for a property with a Residential base zone:

i. The property must front on a nonresidential street or must confront or abut a property that is in a Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone; and

ii. The application must satisfy a minimum of two prerequisites for each of the categories under Section 5.1.3.D.

The subject request is for CRNF zone. The property fronts on residential street and therefore adheres to the zoning requirement. Subsection 2.a.ii is not applicable.

3. Section 5.3.2. Purpose

The purpose of the Commercial Residential Floating Zones zone is to:

A. allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings;

B. allow flexibility in uses for a site; and

C. provide mixed-use development that is compatible with adjacent development

The Floating Zone Plan proposes a development that is consistent with the purpose of the CR zones including the proposed CRNF zone. It also allows for flexibility with the design and placement of the residential as well as the commercial components of the development in a manner that creates a sense of community in terms of orientation, accessibility, open space and compatibility with adjacent developments.

4. Section 5.3.5. Development Standards

The following table illustrates that the proposed project will satisfy the development standards for the CRNF Zone:

Table 3: Development Standards-CRNF Zone			
	Section	Required	Proposed
Maximum Residential Density	5.3.5.A.1	11 d.u./acre based on Master Plan recommendation 170000 SF maximum/ Master Plan Village Center	1.0 FAR Residential (or 447,800 square feet)
Maximum Commercial Density	5.3.5.A.1		0.25 Commercial FAR (or 111,950 square feet)
Setback and Height from site Boundary		Per Master Plan Village Center	50 feet (binding element)
• Minimum Setback • Maximum Height	4.1.8.B.2	Established by Floating Zone Plan	
Minimum Lot Size	5.2.5.C	Established by Floating Zone Plan	10. 07 Sq. ft
Minimum Open Space	5.2.5.D	10% Common open space	10 % public open space 10 % Common open space
Minimum Parking	5.3.5.D/6.2.4	Will be determined at site plan	Will be determined at site plan

A. Density

1. If a Floating zone is recommended in a master plan, density must not exceed that recommendation.
2. If a Floating zone is not recommended in a master plan, the following density limits apply.
3. An applicant may limit density below the maximum allowed by Section 5.3.5.A to support the necessary findings of approval under Section 7.2.1.

Table 4: Density Allowed						
Pre-Existing Euclidean Zone	Maximum Density Allowed in FAR Based on Size of Tract in Acres					
	Up to 0.5 acres		0.51 acres - 3.00 acres		Greater than 3 acres	
	Total Density	C or R Density	Total Density	C or R Density	Total Density	C or R Density
RE-2, RE-2c, RE-1, R-200	0.75 FAR	0.5 FAR	1.0 FAR	0.75 FAR	1.25 FAR	1.0 FAR

5. Section 7.2.1.E. Necessary Findings

The application satisfies the requirements of Article 59-5 and is sufficient to recommend approval of the proposed zone change to CRNF-1.0, C-0.25, R-0.75, H-55

1. For a floating zone application, the District Council must find that the Floating Zone Plan will:
 - a. substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans.

As noted in previous sections of this report, the proposal conforms to the recommendation, goals, intent and objectives of *the 1989 Germantown Master Plan*.

b. further the public interest.

The project will further the public interest by ensuring infill development in a manner that is compatible with the existing and future developments in the surrounding area while maintaining the preservation of environmental resources.

c. satisfy the intent, purposes, and standards of the proposed zone and requirements of Chapter 59.

The proposed Floating Zone Plan for LMA H-131 satisfies the intent, purposes and standards of the CRNF Zone, as stated under previous sections of this report.

d. be compatible with existing and approved adjacent development.

The proposed Floating Zone Plan is compatible with existing and approved adjacent developments. The proposed development will complement the existing mix of uses in the Kingsview Village area, where townhouses are located adjacent to other townhouses, single-family detached homes, multi-family buildings, and commercial uses.

The proposed mixed-use development will be compatible with adjacent developments in terms design, height, massing, and building materials.

e. generates traffic that does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrates an ability to mitigate such adverse impacts.

As noted in the transportation section of this report (Table 2), the proposed 61 townhomes and 12,000 sf retail create 57 AM peak period person trips and 177 PM peak period person trips as calculated using the 2017 LATR guidelines.

As noted in the transportation section (VI.B.1) of this report, the Applicant's transportation study published in August of 2018, analyzed 8 intersections: Following LATR guidelines, all intersections were studied under the CLV analysis standard. No intersections exceed the policy area CLV threshold; no mitigation is required.

- f. **when applying a nonresidential floating zone to a property previously under a residential detached zone, not adversely affect the character of the surrounding neighborhood.**

The northern portion of the Property adjacent to Clopper Road is a suitable location for the proposed commercial buildings to serve the neighborhood. The Property is at the intersection of two major highways, Clopper Road and Germantown Road. The proposed commercial buildings and uses that will be housed in them will blend with the existing pattern of development in the area and will provide services to the community with no adverse impact. The location and presence of the commercial uses as part of the project is consistent with the purpose of the CRNF Zone.

X. CONCLUSION

The proposed Local Map Amendment will be consistent with the intent and all applicable standards for the CRNF Zone and will be in accord with the land use recommendations of the 1989 Germantown Master Plan. Therefore, staff recommends approval of the requested rezoning from R-200 and R-200/TDR to CRNF-1.0, C-0.25, R-0.75, H-55' Zone.

Attachments:

- A. Plans and Drawings
- B. Forest Conservation Plan Recommendation
- C. Community Correspondence
- D. Supplemental Information
- E. Memoranda and Letters

LMAH-131/et/15/2019