



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 21-043  
Site Plan No. 820210050  
4010 Randolph Road  
Date of Hearing: May 27, 2021

**JUN 15 2021**

**RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on January 19, 2021, AHC Inc. ("Applicant") filed an application for approval of a standard method site plan for 265,100 square feet of development, including up to 200 dwelling units and up to 3,500 square feet of commercial uses on eight (8) lots on 6.89 acres of CRN-1.0, C-0.5, R-1.0, H-65 zoned-land, located at the southeast quadrant of Randolph Road and Colie Drive, 900 feet northeast of the intersection of Randolph Road and Veirs Mill Road ("Subject Property"), in the Kensington/Wheaton Policy Area and 2019 *Veirs Mill Corridor Master Plan* ("Master Plan") area, and waivers for the Build-to-Area front setback for Building 2A from Colie Drive Extended (Section 59.4.5.3.C.3.b), the Transparency requirement for the north façade of Building 1 (Section 59.4.5.3.C.5), and the Bicycle Parking Location, Access, and Security requirements (Section 59.6.2.6.B.1.c)

WHEREAS, Applicant's site plan application, with waivers, was designated Site Plan No. 820210050, 4010 Randolph Road ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 14, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 27, 2021, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

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Approved as to

Legal Sufficiency: /s/ Emily Vaias  
M-NCPPC Legal Department

WHEREAS, at the hearing, the Planning Board voted to approve the Application, including waivers, subject to certain conditions, by motion of Commissioner Verma, seconded by Commissioner Cichy, with a vote of 4-0; Commissioners Anderson, Cichy, Patterson and Verma voting in favor with Commissioner Fani-Gonzalez being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820200120, including waivers, for 265,100 square feet of development, including up to 200 dwelling units, including a minimum of 25% MPDUs, and up to 3,500 square feet of commercial development on eight (8) lots, the Subject Property, subject to the following conditions:<sup>1</sup>

### **Density, Height & Housing**

1. Density

The Site Plan is limited to a maximum of 265,100 square feet of total development on the Subject Property, including up to 261,600 square feet of residential uses, for up to 200 units, including a minimum of 25% MPDUs, and up to 3,500 square feet of commercial uses.

2. Height

The development is limited to a maximum height of 60 feet, as measured from the building height measuring point(s), as illustrated on the Certified Site Plan. Each building will have its own building height measuring point.

3. Moderately Priced Dwelling Units (MPDUs)

- a) The development must provide a minimum of 25 percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the 2020-2024 Growth and Infrastructure Policy, Section AP2.
- b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

### **Open Space, Facilities and Amenities**

4. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 22,000 square feet of public open space (11% of the Site Area) on-site.

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<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- b) Prior to the issuance of the final use and occupancy certificate for the last quadplex residential building on site (Buildings 2A-2F), all public use space areas on the Subject Property must be completed.

5. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to paths, benches, and other landscape elements.

**Site Plan**

6. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A3, A1-200, A1-201, A2-200, A2-201, A2-202, A3-200, A3-201, and A3-202 of the submitted architectural drawings, as determined by M-NCPPC Staff.
- b) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.
- c) A minimum of 5% of the units must be ANSI Type A accessible, to accommodate seniors and persons with physical challenges.

7. Lighting

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

**Environment**

8. Forest Conservation

The development must comply with the Final Forest Conservation Plan.

- a) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b) The Limits of Disturbance (LOD) on the Final Forest Conservation Plan must be consistent with the LOD on the Sediment and Erosion Control Plan.
- c) No clearing or grading may occur prior to receiving approval of the Sediment and Erosion Control Plan.
- d) Prior to the start of any clearing or grading occurring on the Property, the Applicant must receive approval of a Certificate of Compliance to use an off-site forest mitigation bank for mitigation credit as shown on the Final Forest Conservation Plan submitted with the Certified Preliminary Plan or by making a fee in lieu payment if no mitigation credits are available.
- e) If a forest conservation bank is used, the Certificate of Compliance must be recorded in the Montgomery County Land Records prior to any clearing or grading occurring on the Property.
- f) The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3 caliper inches totaling ninety-six caliper inches as shown on the approved Final Forest Conservation Plan. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
- g) Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings as shown on the approved Final Forest Conservation Plan.
- h) Prior to any clearing or grading occurring on the Property, the Applicant must enter into a five-year maintenance and management agreement with MNCPPC. In addition, the Applicant must obtain a financial security instrument, in a form approved by the M-NCPPC Office of the General Counsel Office, for the mitigation trees specified on the Final Forest Conservation Plan.

9. Noise Attenuation

- a) Before issuance of any above-grade building permit, the Applicant must provide certification to M-NCPPC Staff from an expert who specializes in acoustical treatment that the building shell for residential dwelling units facing Randolph Road will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

**Transportation & Circulation**

10. Pedestrian & Bicycle Circulation



- a) The Applicant must provide 95 long-term and 30 short-term bicycle parking spaces.
- b) The long-term spaces must be in secured, well-lit, bicycle rooms in a parking garage/residential building and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c) The Applicant must provide one bicycle repair station, located adjacent to long term bicycle parking.
- d) As shown on the Certified Site Plan, the Applicant will upgrade and construct pedestrian connections along Randolph Road, Bushey Drive, and the Gannon Road extension. Along the Randolph Road Property frontage, the Applicant will construct a new sidewalk with a wider furnishing zone.
- e) As shown on the Certified Site Plan, the Applicant will upgrade the Property's frontage with Bushey Drive, proposing to construct a new, wider sidewalk with a green panel to support the preservation of existing mature canopy trees and space for the plantings of new ones.

**11. Fire and Rescue**

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated April 12, 2021, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of this Site Plan approval.

**12. Department of Permitting Services-Right-of-Way**

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated May 13, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in that agency's memorandum, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

**13. Site Plan Surety and Maintenance Agreement**

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate (excluding the demolition permit), the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section

59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

#### 14. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

#### 15. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, agency approval letters, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d) Correct the north arrow orientations on each plan.
- e) Add the detail and location of the bicycle repair station.
- f) Update the short-term bicycle parking counts.
- g) Modify data table to reflect development standards approved by the Planning Board.
- h) Ensure consistency of all details and layout between Site and Landscape plans.
- i) Reference the approved waivers in the charts and notes.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 4010 Randolph Road, 820210050, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The development satisfies any previous approval that applies to the site.*

The Property was previously the subject of Mandatory Referral No. MR2020021 for the disposition of County-owned property. The Planning Board approved the disposition of the Subject Property and confirmed that it is not needed for a park use on April 2, 2020. The development is consistent with Preliminary Plan No. 120210080, which is being reviewed concurrently with this Site Plan.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable; the Property was not associated with any development plan or schematic development plan in effect on October 29, 2014.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This section is not applicable; the zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Use Standards

All approved uses are permitted uses in the CRN Zone with no applicable use standards.

- b. Development Standards and Waivers

The Subject Property covers approximately 6.09 acres zoned CRN-1.0, C-0.5, R-1.0, H-65. The Application satisfies the applicable development standards as shown in the following data table:

**Data Table: CRN-1.0, C-0.5, R-1.0, H-65 Zone**

Chapter 59	Development Standard	Permitted/Required	Approved
	Tract Area (sf)	n/a	300,359 sq. ft.
	Previous Dedication	n/a	35,049 sq. ft.
	Dedication (Randolph Road)	n/a	6,228 sq. ft.
	Dedication (Colie Drive)	n/a	34,713 sq. ft.
	Site Area	n/a	224,369 sq. ft.
<b>4.5.3.C.1</b>	<b>Open Space<sup>2</sup></b>	10% (20,327 sq. ft.)	11% (22,000 sq. ft.)
<b>4.5.3.C.2</b>	<b>Lot and Density</b>		
	<b>Lot</b>		
	Lot area		
	Detached House	1,000 sq. ft.	6,221 sq. ft. (min.)
	Lot width at front building line		
	Detached House	25 ft.	75 ft.
	Lot width at front lot line		
	Detached House	10 ft.	75 ft.
	Lot coverage		
	Detached House	90%	26% (max.)
	<b>Density</b>		
	Commercial	C-0.5 FAR (150,180 sq. ft.)	C-0.01 FAR (3,500 sq. ft.)
	Residential	R-1.0 FAR (300,359 sq. ft.)	R-0.87 FAR (261,600 sq. ft.)
	Total Density	1.0 FAR (300,359 sq. ft.)	0.88 FAR (265,100 sq. ft.)
<b>4.5.3.C.3</b>	<b>Placement</b>		
	Front setback		
	Detached House	5 ft'	20 ft.
	Side Setback		
	Apartment <sup>3</sup>	12 ft'	20 ft.
	Detached House	6 ft.	6 ft. (min.)
	Rear Setback		
	Detached House	15 ft.	20 ft. (min.)
	Front Street Build-to Area		
	Apartment (30 ft max setback) <sup>4</sup>	70%	100%

<sup>2</sup> In a development with townhouse, apartment, multi use, or general building types, open space is calculated on the area of the site minus any area for detached house and duplex lots.

<sup>3</sup> Per 4.1.8.A, when an apartment abuts a residential detached zone, the minimum side setback is equal to 1.5 times the minimum side setback required for a detached house on the abutting property. Adjacent property is zone R-60, with a side setback of 8', so the minimum side setback for an apartment building in the CRN zone is 12'

<sup>4</sup> The Applicant is requesting a waiver from meeting the front build-to area requirement for Building 2A to be setback 53 feet instead of 30 feet.



	Multi-Use (15 ft max setback)	70%	100%
	Side Street Build-to Area		
	Apartment (30 ft max setback)	70%	100%
	Multi-Use (15 ft max setback)	70%	100%
4.5.3.C.4	Height	65 ft.	60 ft.
4.5.4.C.5	Form		
	Transparency <sup>5</sup>		
	Apartment	20%	25% (min.)
	Multi-Use	30%	5% (min.)

(i) Build-To Area Waiver

The Applicant is requesting a waiver from meeting the Build-to Area for Building 2A per Section 59.4.5.3.C.3.b.

“The Build-to Area requirements may be modified by the Planning Board during site plan review under Section 59.7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.”

Building 2A is classified as an apartment building, with a requirement that 70% of the façade be located within 30 feet of the front street Build-to Area. The Applicant is seeking Planning Board approval of a modification to allow a front street Build-to-Area of 53 feet for Building 2A. The orientation of Building 2A was purposefully established to create the space for the entry plaza and green area and serve as a focal point as residents and visitors enter the community from Randolph Road. Additionally, the location of Building 2A is driven, in part, by the substantial grade changes on-site and the desire for symmetry and alignment amongst Buildings 2A-2F (which is important to help define and activate the three components within the Public Open Space). There is an approximately 2.5 story grade change from north-to-south and a one-story grade change running east-to-west across the Linear Park. Therefore, to provide ADA accessibility, it was imperative that the buildings be oriented parallel to the top of the internal drive aisles, to provide a common point of entry off the drive aisle.

<sup>5</sup> The Applicant is requesting a waiver for meeting the transparency requirement for the north façade of Building 1 to have 5% transparency instead of 30%.

Building 2A is setback the minimum amount necessary to accommodate the Entry Plaza and associated green space, which serves as an important focal point for residents and visitors entering the community from Randolph Road.

(ii) Transparency Waiver

The Applicant is also requesting a waiver from the minimum transparency requirements in Section 59.4.5.3.C.5 for the northern façade (along Randolph Road) for Building 1. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks. Along Building 1 the grade falls approximately two-stories from north to south. As a result, the parking garage for Building 1 is partially above-grade along Randolph Road, with the residential units located above. Given this grade change and the operational requirements for structured parking, additional transparency cannot be provided along the “ground level” of this façade. The Applicant has provided high-quality building materials (e.g. brick masonry) and landscaping to improve the pedestrian environment and engage the street.

c. General Requirements

*Site Access*

As conditioned, the Project provides safe, adequate, and efficient circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists and integrates the Project into the surrounding area. Colie Drive and Gannon Road will be extended and connected and help integrate the development into the community. Site access is provided from this new road for Building 1 and Buildings 4, 5, and 6, the three single-family homes. The parking lots serving Building 3 and Buildings 2A-2F have entrances on Bushey Drive and Colie Drive extended, increasing the porosity of the development. The Applicant has worked with the grades to make sure pedestrian access and safety have been prioritized and spaces are universally accessible.

*Parking, Queuing, and Loading*

Parking, queuing, and loading will be provided in an adequate, safe, and efficient manner. As demonstrated in the table below, the Application

provides an adequate number of parking, queuing, and loading spaces for the approved uses.

Parking	Spaces Required	Spaces Provided
<b>Residential Vehicle Parking</b> 1 bedroom (30) 2 bedrooms (52) +3 bedrooms (63)  MPDU 1 bedroom (12) MPDU 2 bedrooms (21) MPDU +3 bedrooms (19)	30 min/38 max 52 min/78 max 63 min/126 max  6 min/15 max 11 min/32 max 10 min/38 max	
<b>Total Residential</b>	<b>172 min/327 max</b>	
<b>Commercial Vehicle Parking</b> Day Care Center or Medical Clinic (3,500 sq. ft.)	9 min/14 max	
<b>Total</b>	<b>181 min/341 max</b>	<b>194 spaces</b>
<b>Residential Bicycle Parking (197 units)</b>	99 min/100 max	94 long term <sup>6</sup> ; 29 short term
<b>Commercial Bicycle Parking (3,500 sq. ft.)</b>	1 min/5 max	1 long term; 1 short term
<b>Total</b>	<b>100 min/105 max</b>	<b>125 (30 short term; 95 long term)</b>

The parking is provided as a combination of structured parking and surface parking lots. Building 3 has 17 spaces under the building overhang on the south façade, with a half floor of common space that includes bicycle parking. A surface parking lot provides additional parking adjacent to Building 3. Building 1 has two separate flat plate parking decks, providing 70 parking spaces. The internal parking deck design takes advantage of the topography changes on the site. Two surface parking lots provide convenient parking for units 2A-2F.

#### Bicycle Parking Waiver

Long term bicycle parking for the development is provided in Building 1 and Building 3. The Applicant requested a waiver from

<sup>6</sup> The Applicant is requesting a waiver from the Bicycle Parking Location, Access, and Security requirements (Section 59.6 2.6.B.1.c)

Section 59.6.2.6.B.1.c, requiring bicycle parking to be distributed proportionately throughout the Project. This section provides that:

“c. When a development project includes multiple buildings, the total number of parking spaces required will be calculated for the entire project and distributed proportionally to each building based on its share of the total parking space requirement. When the long-term bicycle parking for multiple buildings is co-located, it must be within 200 feet of an entrance to each of the participating buildings.”

Buildings 2A and 2B are located within 200 feet of Building 3 and Building 2D is located within 200 feet of Building 2D, meeting this requirement. However, Buildings 2C, 2E, and 2F are not within 200 feet of an entrance to either Building 1 or Building 3. The requested waiver is appropriate because there is no common space within Buildings 2A-2F that would allow for more convenient long-term bicycle storage. All units will have access to the bicycle facilities in Building 1 and Building 3 and the Applicant has added short term bicycle parking adjacent to Buildings 2B, 2C, 2E, and 2F to reduce the impact on the residents. A waiver can be granted pursuant to Section 6.2.10 if the alternative design satisfies Section 6.2.1, requiring that adequate parking is provided in a safe and efficient manner. Providing long-term bicycle storage in Building 1 and 3 provides safe and efficient bicycle storage for this Project.

#### *Open Space and Recreation*

All other elements of the Project unless previously stated, provide adequate landscaping and lighting, as well as other site amenities, to ensure that these facilities will be safe, adequate, and efficient for adjacent residents and visitors. The Project includes streetscaping improvements, with street trees, open space with amenities, and lighting, as well as landscape buffers separating single-family residences from surface parking lots.

As shown in the Development Standards table and findings above, the Site Plan meets all the general requirements and development standards of Division 59.4.5 of the Zoning Ordinance, and the general development requirements of Article 59.6 of the Zoning Ordinance, except for Section 59.4.5.3.C.3 (Build-To-Area), 59.4.5.3.C.5 (Transparency) and Section 59.6.2.6.B.1.c (Long term bicycle parking locations).



5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

The Applicant received approval of their stormwater management concept from the Montgomery County Department of Permitting Services, Water Resources Section on April 13, 2021. The concept meets required stormwater management goals using a combination of ESD approaches including rain gardens, permeable paving, and microbioretention areas. The Property is not subject to a water quality plan, and there are no floodplain requirements. The requirements of Chapter 19 for stormwater management are satisfied.

b. Chapter 22A, Forest Conservation

Environmental Guidelines

Staff approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) No. 420200300 on September 4, 2020. The approximately 6.09-acre Property is currently developed with an office building and associated asphalt surface parking lots and grass lawns with scattered trees. There are no forest or streams but there are large and specimen trees on-site. The approved plan is in conformance with the *Environmental Guidelines*.

Final Forest Conservation Plan

The Applicant has submitted a Final Forest Conservation Plan (FFCP) with the Preliminary Plan and Site Plan. While there is no forest on the Subject Property, there is a forest conservation requirement based on the Property area and land use. The forest conservation requirements of 1.01 acres will be met in an off-site mitigation bank or by fee-in-lieu payment if no banks are available. The FFCP shows the approved development and all disturbance necessary for development. As submitted, and including approval of the accompanying variance request, the plan complies with Chapter 22A, Forest Conservation.

Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires

no impact to trees that: measure 30 inches or greater, DBH; are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The Applicant submitted a variance request on March 3, 2021 to remove 10 trees that are considered a high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

#### Unwarranted Hardship

The development is in accordance with both the intent and recommendations of the 2019 Veirs Mill Corridor Master Plan and the CRN zoning. The Subject Property is located directly adjacent to Randolph Road and serves as a transition between the commercial area and single-family neighborhood. The Site Plan responds to the existing transportation network and expands the connections through the Subject Property. The Property has significant topographic challenges, sloping 30 feet from the Randolph Road frontage to Bushey Drive. The variance trees are spread all over the Property and it is not possible for the Applicant to demolish the existing development and provide the density of housing, while meeting the topographic challenges of the site without impacting the requested trees. The proposed development of housing and commercial area is a use of the Property that is significant and reasonable based on the zoning and Master Plan and cannot be accomplished elsewhere on the Property without a variance. For these reasons, the Applicant has demonstrated a sufficient unwarranted hardship to grant the variance request.

#### **Variance Tree Removals**

ID	Species	Size DBH	Condition	Notes
17	Acer saccharinum / Silver Maple	46"	Fair	Demolition, grading, and site development.
19	Pinus strobus / White Pine	36"	Good	Demolition, grading, and site development.
22	Cedrus deodara / Deodar Cedar	30"	Good	Demolition, grading, and site development.
24	Leyland Cypress	30"	Good	Demolition, grading, and site development.
29	Quercus palustris / Pin Oak	30"	Good	Demolition, grading, and site development.
48	Acer rubrum / Red Maple	34"	Good	Grading and site development.
59	Acer rubrum / Red Maple	36"	Fair	Grading and site development.

64	Platanus occidentalis / American Sycamore	35"	Good	Demolition, grading, and site development.
65	Liriodendron tulipifera / Tulip Poplar	40"	Good	Grading and site development.
66	Acer saccharinum / Silver Maple	66"	Good	Grading and site development.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted.

Variance Findings

*1. Will not confer on the applicant a special privilege that would be denied to other applicants.*

The Applicant cannot demolish the existing building and circulation without disturbing six of the variance trees and cannot meet the grading challenges of the Property without removing the other four trees. Thus, granting the variance will not confer a special privilege on the Applicant.

*2. Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is based on the locations of the trees, the necessity of demolishing the existing development, and meeting the grading challenges of the Property while redeveloping. The variance is not based on conditions or circumstances which are the result of actions by the Applicant.

*3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the need to demolish the existing development and redevelop the Property and not a result of land or building use on a neighboring property.

*4. Will not violate State water quality standards or cause measurable degradation in water quality.*

Mitigation must be provided for removal of these trees by planting 3 native shade trees of at least three inches caliper, each, within the new development.

This is based on Planning Department policy that requires replacement of variance trees at a rate of 1" replaced for every 4" removed, using replacement trees of no less than 3" caliper, to replace lost environmental functions performed by the trees removed. These mitigation plantings will provide sufficient tree canopy in a few years to replace the lost water quality benefits of the variance trees being removed. The Applicant will plant thirty-two (32) three (3)-inch caliper native shade trees to replace the form and function of the variance trees slated for removal. Therefore, the Project will not violate State water quality standards or cause measurable degradation in water quality.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

#### Parking and Circulation

The Project provides safe and adequate parking and circulation patterns. Parking is located in the two multifamily buildings, and in two surface parking lots along the outside of the quadplexes, which are served with two-way circulation drive aisles.

#### Building Massing

The buildings have been massed and oriented in order to fit the context of the site between the busy commercial center and Randolph Road corridor to the west and north, and the existing single-family neighborhood to the east. The larger of the buildings are closest to the busy commercial areas, and the quadplexes and single-family homes help to transition the development closer to the existing neighborhood.

#### Open Spaces and Site Amenities

The Project will provide 22,000 square feet of open space, or 11% of the site area, exceeding the requirement of 10%. The amenities shown on the Site Plan are community scale spaces that are designed as an amenity to the surrounding residential neighborhood. The Application provides a central Linear Park that includes walking trails, lawns, benches, and useable open space. These spaces significantly improve the streetscape and pedestrian experience on the Property.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Property is subject to the 2019 *Veirs Mill Corridor Master Plan*. The Subject Property falls within the Master Plan's Connecticut/Randolph District, which is referred to as "the center of the plan area, both in geography and in activity."



The Project is in substantial conformance with both the general goals and recommendations of the Master Plan, as well as those that are specific to the Property.

#### General Recommendations

General recommendations of the Master Plan are met as follows:

*The purpose of the Veirs Mill Corridor Master Plan is to safely connect community members to transit, neighborhood uses and community facilities through improved pedestrian and bicycle infrastructure.*

As shown on the Site Plan and discussed herein, the Project significantly improves connectivity through enhanced and additional pedestrian infrastructure and promotes the County's Vision Zero goals. The Project provides streetscape improvements on all internal and external streets, and a series of internal pathways and open spaces, all of which are designed to promote connections within the Project and to the larger neighborhood. Furthermore, the buildings define and activate the public realm in order to enhance the pedestrian environment and encourage pedestrian mobility. The Project substantially promotes the County's Vision Zero goals.

*Encourage a variety of housing options, compatible in scale to the existing character, to capitalize on proximity to transit and enhance walkability. (p. 13)*

The Project is located within walking distance of the Commercial Center situated around the intersection of Veirs Mill and Randolph Roads. As such, the approved mixed-use, predominantly residential development will support the existing commercial establishments. Furthermore, the Site Plan provides substantial community amenities and public spaces on-site that will support the Project and surrounding community.

*On properties designated by the master plan, introduce housing typologies that expand residential choices such as small lot bungalows, bungalow courts, duplexes, smaller townhouses, stacked flats or small-scale multifamily buildings. (p. 13)*

As noted below, the Property is designated as a site for expanding housing typologies. In furtherance of this goal, the Project includes, small-scale multifamily buildings or "quadplexes" as well as more traditional multifamily buildings and single-family housing. As such, the Project provides a diversity of housing opportunities, both in terms of product type, unit size, and ownership opportunities.

*Design proposed streets as pedestrian-friendly connections that link the corridor with surrounding communities and include facilities for bicyclists. Include landscape elements, seating, and illumination. (p. 22)*

As shown on the site plan, the Project provides pedestrian-friendly connections both through the site via the Linear Park and along all internal and external street frontages. As such, the Project makes a significant investment toward pedestrian infrastructure within the Corridor to improve mobility and connectivity. These connections will promote pedestrian safety and the County's Vision Zero goals.

*This plan also recognizes the potential for intensifying residential uses at targeted locations to provide local open spaces appropriate for the density being considered. (p. 22)*

In accordance with the recommendations of the Master Plan and the Property's zoning, the Project will provide affordable housing at a moderate density. The Site Plan has been strategically designed to promote a compatible transition to the abutting/confronting single family homes along Bushey Drive and provides a substantial amount of open space. The central, Linear Park provides approximately a half-acre of open space with diverse offerings for active/passive recreation and social gatherings.

*Provide a range of unit types for a diversity of households, including families, seniors, and persons with physical challenges. (p. 28)*

The Project contributes to the diversity of households by providing a variety of affordable residential offerings, including missing-middle style housing and a wide range of unit sizes (from one and two bedrooms, to hard-to-find, family sized three and four bedrooms), to accommodate both individuals and families. Additionally, a minimum of 5% of the units will be ANSI Type A accessible, to accommodate seniors and persons with physical challenges.

*Enhance connectivity by improving safety and prioritizing improvements for pedestrians, bicyclists and transit users. (p. 31)*

The Project provides significant infrastructure improvements to promote pedestrian and bicycle safety and connections to and through the Property, in accordance with the County's Vision Zero goals.

*Provide adequate landscape buffers between the sidewalk and curb with the installation of all new sidewalks on Veirs Mill Road and intersecting streets. (p. 9)*

*In addition, the 2017 Parks, Recreation, and Open Space (PROS) Plan recommends the following hierarchy for each neighborhood, block, building and residence that experiences change due to land assembly or development:*

- *For each neighborhood, provide neighborhood green, buffer park, or community use recreational park.*
- *For each block, provide a square, plaza, or green area.*
- *For each building, provide an outdoor recreation space.*
- *For each residence, provide a private outdoor space.*

The Project includes an approximately half-acre Linear Park, bookended by two entry plazas. The Linear Park includes a series of diverse opportunities for active and passive recreation, including a large multi-purpose field and interactive play equipment. Private outdoor space is provided through individual balconies, where feasible.

### **Property Specific Recommendations**

*As the site is located near the commercial core and existing and future transit, the plan envisions an opportunity to introduce diverse housing prototypes at this location. This housing, including designs inspired by the “missing middle” concept, could provide a transition in density from the transit-oriented development recommended at Stonemill Square to the existing single-family residential community east of the site. (p. 83)*

The Project provides a diverse array of affordable housing units at a density that provides a compatible transition between the Commercial Center and the existing single-family residential community to the east of the site. Specifically, the Project proposes a range of units to include “missing-middle” quadplexes, multifamily buildings, and single-family homes.

*Rezone the Department of Recreation administrative offices site (4010 Randolph Road and the vacant parcel) from R-60 to CRN 1.0, C-0.5, R-1.0, H-65 to allow the construction of medium density residential uses and neighborhood-serving commercial uses near the commercial center. (p. 83)*

As recommended by the Master Plan, the Property was rezoned as recommended, pursuant to Sectional Map Amendment No. H-132. The conformance with the Property’s zoning, the Project will provide medium density residential uses along with neighborhood-serving commercial uses (potentially a childcare center and/or small medical clinic). The commercial uses will be

located in the southwestern portion of the site, adjacent to the existing commercial area.

*Concentrate development intensity along major roads and higher density uses. (p. 83)*

The Project proposes to locate the higher density multifamily units along the Property's Randolph Road frontage and adjacent to the commercial area to the west. Missing middle-style units will be located along the Linear Park, in the approximate center of the site, and single-family houses have been located in the southern portion of the site, to provide a gradual transition across the site.

*Consider street-oriented development patterns that create architectural variety along new and existing streets. (p. 83)*

All approved buildings will be oriented towards the streets on which they front or towards the Linear Park. In addition to the development layout, the building architecture has been designed to further activate the street through transparency, ground floor balconies, building entrances etc.

*Consolidate open spaces for public use and locate in areas accessible to existing residential properties and higher-density residential housing. (p. 83)*

The Project includes a large, approximately half-acre Linear Park on which the multiplexes will front. The Linear Park will provide a central open space for future residents and the surrounding community. The Linear Park runs between Colie Drive and Bushey Drive and has been designed to promote compatibility between the Commercial Center and existing residential neighborhoods.

*For the Department of Recreation administrative Offices, this plan recommends: Create a public open space of a half-acre at minimum, similar to a neighborhood green urban park at the Bushey Drive property when the Montgomery County Department of Recreation Administrative Offices are redeveloped. The park should include neighborhood amenities, including play structures, shaded seating, and a flexible lawn area.*

As discussed above, the Project accommodates this through the provision of the Linear Park. The Linear Park will include several active and passive elements, including a multi-use lawn, an outdoor grill station and picnic area, and an all-age play area. The park will be bookended by two plazas, with seating and a potential water feature at the entry plaza on Colie Drive.

*If the Montgomery County Department of Recreation's administrative office site on Bushey Drive is redeveloped, extend Gannon Road northwest as a business district street, as shown in Figure 14, from its current terminus west of Bushey Drive to provide a connection between Gannon Road and Colie Drive. Montgomery County should consider funding the extension of Gannon Road to maximize the potential for development of affordable housing on the site. (p. 37)*

As shown on the Site Plan, the Project includes the extension of Gannon Road and Colie Drive to connect Randolph Road and Bushey Drive.

#### Sector/Master-Planned Roadway and Bikeway

Randolph Road is classified as a Major Highway, M-17, by the 2019 *Veirs Mill Master Plan*, with a recommended 120-foot right-of-way. The Applicant provided the required ten feet of dedication along Randolph Road. The 2018 *Bicycle Master Plan* recommends a separated bikeway along the north side of Randolph Road, opposite the subject property.

The Preliminary Plan substantially conforms to the 2019 *Veirs Mill Master Plan*, the 2018 *Bicycle Master Plan*, and the 2018 *Master Plan of Highways and Transitways*.

8. *The development 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.*

### **Transportation**

#### Vehicular Circulation and Access Points

Pedestrian access to the Site will be from the established sidewalk network along Randolph Road and Bushey Drive, which will be enhanced by streetscape improvements along each of the Property frontages, consistent with recommended streetscape standards within the 2019 *Veirs Mill Corridor Master Plan*. The Applicant is constructing the planned extension of the Gannon Road identified within the *Master Plan of Highways and Transitways*, from its existing terminus to the Colie Drive and Randolph Road intersection.

Out of the three existing vehicular access points into the site from Bushey Drive, two will be removed, with a new curb cut to the north of the adjacent single-family home, addressed 12202 Bushey Drive. The existing curb cut on Bushey Drive currently providing access to the former office surface parking area, to the south of the single-family residence at 12218 Bushey Drive, will remain. These two driveways will provide direct access to the surface parking areas adjacent to the six quadplex structures, the mid-rise multifamily building fronting along



Randolph Road, and connecting to the Gannon Road and Colie Drive extensions. The extended Business streets serve as the community's backbone, providing access to the three single family residential driveways, as well as the structured, multi-grade parking garage within the mixed-use building. The existing driveway with access to Randolph Road and Colie Drive to the north, will be maintained, tying into the existing signalized intersection.

Trash pick-up is accommodated through the vehicular access located off the internal drive aisle, where trash will be wheeled out of the building for pick-up, with an expected frequency of twice per week. The six-story mixed-use structure features its own loading entrance and two garage entrances, each providing ingress and egress to each respective garage level. While the majority of loading access will occur internally to the site from the private drive aisles, loading access is provided from the front of the mixed-use building, from the Gannon Road public right-of-way. The loading space will primarily serve residents moving in and out of the building. Commercial truck deliveries are limited to access through the Randolph Road-Gannon Road and Bushey Drive-Gannon Road intersections. Vehicular and loading turning movements are displayed on the submitted circulation and truck turning exhibits.

#### Existing Transit Service

The immediate area is well served by transit that includes Ride-On, Metrobus, and the future Veirs Mill and Randolph Road Bus Rapid Transit routes are planned to have a station at the intersection of Veirs Mill Road and Randolph Road. The Ride-On 10 and 48 routes provide service between the Twinbrook, Wheaton, Rockville, and Glenmont metro stations; the Pike District; White Oak; downtown Rockville; and Aspen Hill via Randolph Road and Veirs Mill Road.

The Metrobus C2, C4, Q1, Q2, Q4, Q5, Q6, and C8 routes provide service between the Silver Spring CBD, Wheaton, Rockville, Shady Grove, and Friendship Heights via Randolph Road and Veirs Mill Road. Westbound service is provided by a bus stop on the opposite side of Randolph Road, adjacent to the Randolph Hills Nursing Center at the northeast corner of the Randolph Road and Colie Drive intersection, as well as on the opposite side of Veirs Mill Road, to the southwest of the Veirs Mill Road and Bushey Drive intersection.

The diverse and affordable housing development meets the intent of the Northeast Quadrant of Veirs Mill Road and Randolph Road identified in the *Veirs Mill Corridor Master Plan*, furthering the vision for walkable communities in close proximity to the Veirs Mill and Randolph Road Bus Rapid Transit networks. Once completed, both high frequency services will provide reliable and robust connectivity existing Metrorail and MARC stations, as well as the



existing and planned Bus Rapid Transit routes along US29, New Hampshire Avenue, Georgia Avenue, and MD355.

#### Pedestrian and Bicycle Facilities

The Applicant is upgrading and constructing pedestrian connections along Randolph Road, Bushey Drive, and the Gannon Road extension. Along the Randolph Road Property frontage, the Applicant will construct a new sidewalk with a wider furnishing zone, consistent with guidance within the Sector Plan and the draft Complete Streets Design Guidelines, which would foster a more comfortable space for people walking parallel to high speed multimodal traffic along the major highway.

Likewise, the Applicant will upgrade the Property's frontage with Bushey Drive by constructing a new sidewalk with a wider green panel to support the preservation of existing mature canopy trees and space for the plantings of new ones.

Furthermore, the Applicant is constructing new sidewalks along the entirety of both sides of the Gannon Road extension, ensuring safe and comfortable space for people walking, from Bushey Drive to Randolph Road. A new crosswalk will be built together with the Colie Drive extension, providing a high visibility crossing between the mixed-use building lobby and the central green space. New crosswalks and ADA-compliant curb ramps will also be built at the Randolph Road-Colie Drive and Bushey Drive-Gannon Road intersections, that would tie directly with the new sidewalk connections along the new Gannon Road and Colie Drive public streets. No bicycle facilities are planned on either of the Property's frontages on Randolph Road or Bushey Drive. A bidirectional separated bikeway is planned along the opposite frontage of Randolph Road.

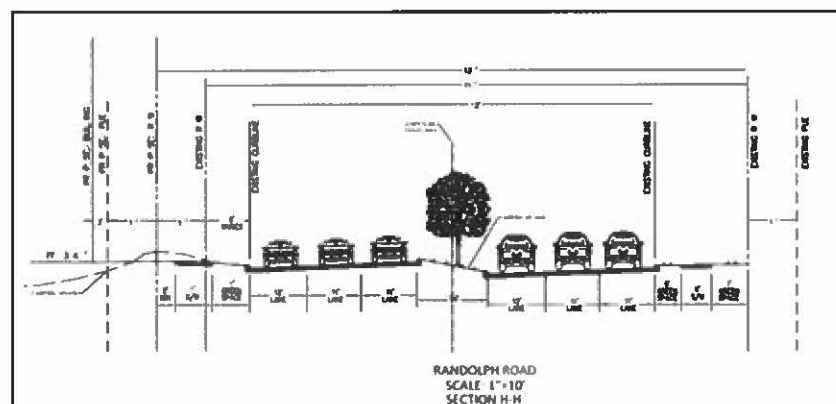
#### Bike Parking

In accordance with Section of 6.2.1. of the Zoning Ordinance, long-term bicycle parking rooms are located in both Building 1 and Building 3. However, in an attempt to provide "missing middle" diverse housing stock as part of this development, the code requirement to provide long-term bicycle parking either proportionately throughout the community or co-located within 200-feet of participating buildings is not conducive to the construction of the quadplexes. As previously discussed, the Applicant has requested a waiver from Section 59.6.2.6.B.1.c and proposes to install 30 short-term bicycle parking spaces near the entrances to each quadplex. Residents will have access to each short- and long-term bicycle parking space regardless of which unit or building they reside.

#### Master-Planned Roadways, Bikeways, and Transitways

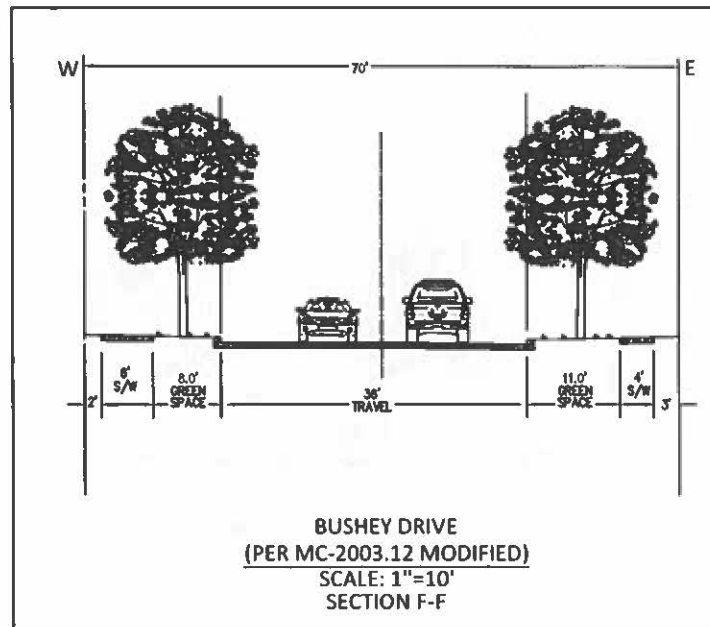
The segment of Randolph Road between Veirs Mill Road and Bushey Drive is classified as M-17, a major highway with planned Bus Rapid Transit service. The segment is currently 100-feet wide and planned to be 120 feet wide with six (6) divided travel lanes. The Applicant is proposing a public right-of-way dedication of ten feet to meet this requirement. The Randolph Bus Rapid Transit service is planned to travel in mixed traffic along this portion of its overall route. The Randolph Road Property frontage will be enhanced with an 8-foot sidewalk and 8-foot green panel in accordance with the Town Center Boulevard streetscape requirements in the draft *Complete Street Design Guidelines*.

An existing 14-foot median will be retained as part of this development request. The roadway slopes downwards from south to north, making a new protected crossing for people crossing Randolph Road along the eastern leg of the Randolph Road and Colie Drive intersection challenging to implement. Instead new curb ramps will be installed at the existing crosswalk at the western leg, providing a similar function.



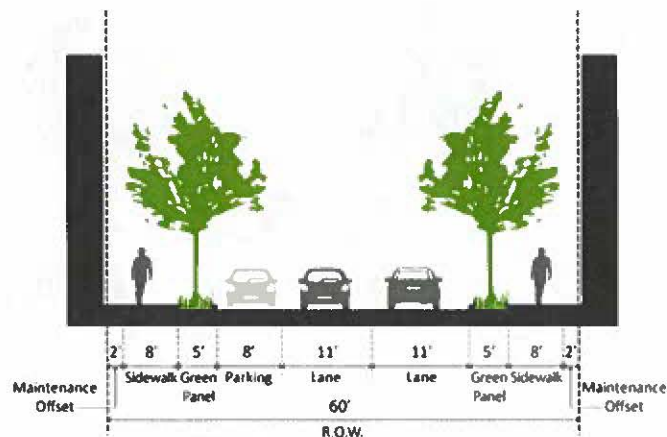
**Figure 1: Randolph Road Section**

Bushey Drive is designated as a P-24, Primary Residential street between Randolph Road and Veirs Mill Road. The roadway is 70-feet wide, which meets the right-of-way requirement outlined in the Master Plan of Highways and Transitways. In light of the current condition, the Applicant proposes to construct a new six-foot sidewalk and 8-foot green panel that meets the requirement of the Neighborhood Connector standard per the draft *Complete Street Design Guidelines*.



*Figure 2: Bushey Drive Section*

As previously stated, Colie Drive and Gannon Road are planned Business Streets as identified in the Master Plan of Highways and Transitways. The 2019 *Veirs Mill Corridor Plan* shows an ultimate 60-foot right-of-way standard cross section for Business Streets throughout the study area, 8-foot wide sidewalks and more narrow travel lanes (Figure 18).



*Figure 3: Business Street Section in 2019 Veirs Mill Corridor Plan*

While the approved street designs deviate from the Business Street cross sections in the 2019 *Veirs Mill Corridor Plan* in alternating locations, staff concurs with the Applicant's approach to provide wider space for the planting of canopy trees and street parking to provide access to the community facilities, clinic, and daycares.

Every effort has been made to establish a narrow continuous street to facilitate safe and comfortable movements by foot or bicycle through and across the new public streets.

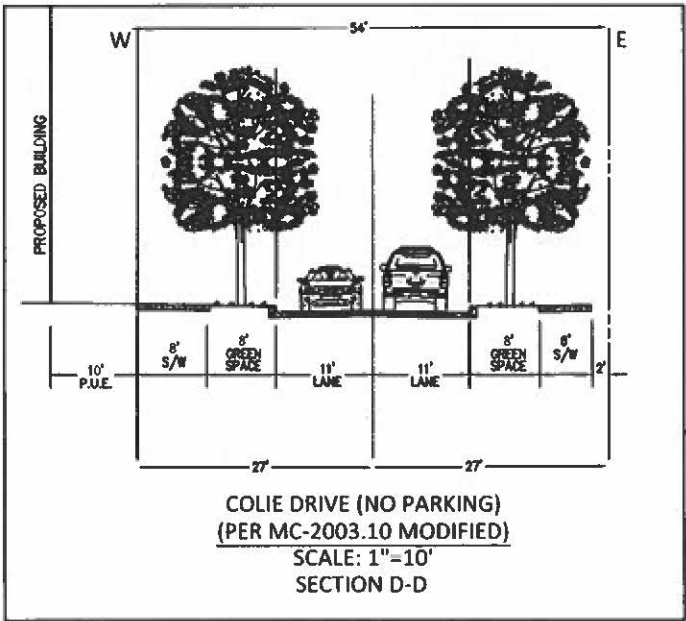


Figure 4: Colie Drive Section

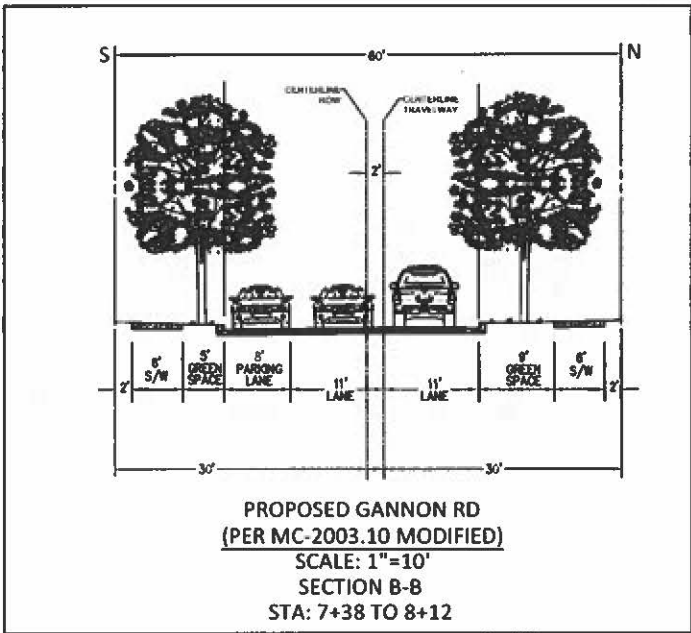


Figure 5: Gannon Road Section



A portion of the Gannon Road southern frontage along the southwestern corner of the development will have a five-foot sidewalk at the back of the curb and gutter, as a result of the irregular shape of the adjacent property line. Nevertheless, the remained of the southern frontage along Gannon Road will provide a consistent six-foot sidewalk with a five-foot furnishing zone. Sidewalks will be built through the entirety of the Colie Drive and Gannon Road extensions.

## Schools

### Overview and Applicable School Test

This application was accepted on January 19, 2021 and is composed of 100% affordable units. The transition clause of the 2020-2024 Growth and Infrastructure Policy allows applications accepted before February 26, 2021 that include 25% or more affordable units as defined in Sections 52-41(g)(1) through 52-41(g)(4) or 52-54(d)(1) through 52-54(d)(4) of the County Code, to be tested for school adequacy under the rules of the 2016-2020 Subdivision Staging Policy. Therefore, the rules of the 2016-2020 Subdivision Staging Policy and FY2021 Annual School Test were used. This project proposes 197 multifamily low-rise dwelling units and 3 single family detached units, for a total of 200 units.

### Calculation of Student Generation

To calculate the number of students generated by the development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The subject Property is located in the East Region of the County and generates students according to the table below.

#### **Per Unit Student Generation Rates – East Region**

	<b>Elementary School</b>	<b>Middle School</b>	<b>High School</b>
<b>SF Detached</b>	0.203	0.103	0.144
<b>SF Attached</b>	0.219	0.115	0.160
<b>MF Low-Rise</b>	0.253	0.112	0.148
<b>MF High-Rise</b>	0.088	0.036	0.047

With a net of 197 multifamily low-rise units and 3 single family detached units, the project is estimated to generate the number of students in the Estimated Student Generation table below.

#### **Estimated Student Generation**

<b>Type of Unit</b>	<b>Net Number of Units</b>	<b>ES Generation Rates</b>	<b>ES Students Generated</b>	<b>MS Generation Rates</b>	<b>MS Students Generated</b>	<b>HS Generation Rates</b>	<b>HS Students Generated</b>
SF Detached	3	0.203	0.609	0.103	0.309	0.144	0.432

MF Attached	197	0.253	49.841	0.112	22.064	0.148	29.156
<b>TOTAL</b>	<b>200</b>		<b>50</b>		<b>22</b>		<b>29</b>

This Project is estimated to generate 50 new elementary school students, 22 new middle school students, and 29 new high school students.

#### Cluster Adequacy Test

The Project is located in the Wheaton High School Cluster. The student enrollment and capacity projections from the FY21 Annual School Test for the cluster are noted below.

#### Cluster Adequacy

School Level	Projected Cluster Totals, September 2025			Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	3,100	3,454	89.8%	1,045	50
Middle	1,645	1,701	96.7%	396	22
High <sup>7</sup>	2,047	2,234	91.6%	633	29

The Moratorium Threshold is the number of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and therefore trigger a cluster-wide residential development moratorium. As indicated in the last column, the estimated enrollment impacts of this application fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle, and high school cluster levels to accommodate the estimated number of students generated by this project.

#### Individual School Adequacy Test

The applicable elementary and middle schools for this project are Sargent Shriver ES and Loiederman MS, respectively. Based on the FY21 Annual School Test results, the student enrollment and capacity projections for these schools are noted below.

#### Individual School Adequacy

School	Projected School Totals, September 2025				Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit		
Sargent Shriver ES	732	660	110.9%	-72	61	50
A. Mario Loiederman MS	983	1,003	98.0%	+20	221	22

<sup>7</sup> The projected Wheaton HS enrollment has been modified to estimate the impact of redistricting students among the Downcounty Consortium high schools and to Woodward HS in September 2025.



Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and the school seat deficit meets or exceeds 110 seats for an elementary school or 180 seats for a middle school. If a school's projected enrollment exceeds both thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds are the numbers of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and the seat deficit threshold. As indicated in the last column, the estimated enrollment impacts of this application fall below the moratorium thresholds for both Sargent Shriver ES and Loiederman MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this Project.

#### Analysis Conclusion

Based on the school cluster and individual school capacity analysis performed, using the FY2021 Annual School Test under the 2016-2020 Subdivision Staging Policy, there is adequate school capacity for the amount and type of development approved with this Application.

#### **Other Public Facilities**

The development will be served by public water and sewer systems. Fire and Rescue has reviewed the Application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations and health care will continue to be sufficient following the construction of the Project. Electric, gas and telecommunications services will also be available.

#### *9. The development is compatible with the character of the residential neighborhood.*

Not applicable as the Property is not located in a Rural Residential or Residential Zone.

#### *10. The development is compatible with existing and approved or pending adjacent development.*

The Site Plan is compatible with existing adjacent developments. The Project adheres to the height and density of the Property's zone and with the recommendations contained in the Master Plan. The Project will help to address housing affordability issues in the County and in this neighborhood. The building's architecture and design are sensitive to the transitional context of the Property between dense commercial areas and single-family residential areas

and provide an appropriate scale that complements the existing and permitted density/heights of the surrounding properties.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 15 2021 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Verma, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Cichy, Patterson, and Verma voting in favor of the motion, and Vice Chair Fani-González abstaining at its regular meeting held on Thursday, June 3, 2021, in Wheaton, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board