

**MUNCASTER MILL PROPERTY PRELIMINARY PLAN NO.
120250130 AND FOREST CONSERVATION PLAN NO. F20230500**



Description

Request to subdivide the Subject Property into 43 lots for a proposed Townhouse Living project previously approved by the Hearing Examiner.

COMPLETED: 7/21/2025

PLANNING BOARD HEARING DATE: 7/31/2025

MCPB ITEM NO. 12

Planning Staff

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LOCATION/ADDRESS

7100 & 7106 Muncaster Mill Road,
Rockville, MD 20855

MASTER PLAN

2004 Upper Rock Creek Master Plan

ZONE

R-200

PROPERTY SIZE

4.46 Acres

APPLICANT

CM Muncaster Mill LLC

ACCEPTANCE DATE

April 2, 2025

REVIEW BASIS

Chapter 22A, 50 & 59



Summary:

- Staff recommends approval of the Preliminary Plan with conditions.
- Staff recommends approval of the associated Forest Conservation Plan with conditions.
- The Hearing Examiner approved Conditional Use CU202407 for a Townhouse Living use.
- Staff has not received any public correspondence as of the date of this Staff Report.

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SECTION 1: EXECUTIVE SUMMARY

The Applicant received approval for a Conditional Use for a Townhouse Living use for 43 “Design for Life” townhouses, seven (7) of which will be Moderately Priced Dwelling Units (MPDUs), under Zoning Ordinance Section 59.3.3.1.D.2.b, from the Hearing Examiner on November 11, 2024. A “Design for Life” subdivision means the buildings and structures must meet or exceed the Level II Accessibility Standards established by Section 52-106 and detailed in Section 52-107 of the County Code. Generally, this means the townhouses and site must meet certain ADA requirements. The project is being developed with Design for Life standards to create a community with accessibility standards “which make it easier and safer to accommodate a person living with a temporary or permanent impairment, accommodate friends or relatives who have mobility limitations or even bring in a baby stroller or move in large furniture.” The Planning Board approved a Preliminary Forest Conservation Plan at the time of the Conditional Use Application recommendation. This Application is for the Preliminary Plan 120250130 and Final Forest Conservation Plan F20250500.

SECTION 2: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 120250130

Staff recommends approval with conditions of the Preliminary Plan to construct a Townhouse Living Design for Life project description consisting of 43 townhouse units, of which seven (7) will be designated as MPDUs. All site development elements shown on the latest electronic version of Preliminary Plan No. 120250130, as of the date of this Staff Report, submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.

GENERAL APPROVAL

1. This Preliminary Plan is limited to 43 lots for 43 townhouse Design for Life use and associated open space and private road parcels.
2. The Preliminary Plan is required to comply with Section 59.3.3.1.D.2.b. This includes the Subdivision meeting or exceeding the Level II Accessibility Standards established by Section 52-106 and detailed in Section 52-107 of the County Code.

ADEQUATE PUBLIC FACILITIES

3. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

PLAN VALIDITY PERIOD

4. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

5. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 22, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which MCDOT may amend if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
6. Before recording a record plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
7. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MDOT SHA”) in its letter dated July 17, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which MDOT SHA may amend if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
8. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section, in its stormwater management concept letter dated November 11, 2023, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS – Water Resources Section may amend if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
10. 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 November 29, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
11. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated July 9, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not

conflict with other conditions of Preliminary Plan approval. The Applicant is required to provide 15% of MPDUs.

OTHER APPROVALS

12. The Applicant must comply with the conditions of the Hearing Examiner Resolution approving Conditional Use No. CU202407.
13. Before approval of a record plat or any demolition, clearing, or grading for the Subject Property, the Applicant must receive Staff certification of this Preliminary Plan.

TRANSPORTATION

Frontage Improvements on Existing Roads

14. Before the recordation of record plat(s), the Applicant must satisfy all necessary requirements of SHA to ensure the construction of an eleven-foot wide sidepath along the property frontage on Muncaster Mill Road.

Private Roads

15. The Applicant must provide Private Road A, Private Alley A, Private Alley B and Private Alley C. The Private Road and Alleys, including any sidewalks, bikeways, storm drainage facilities, street trees, streetlights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the “Private Roads”), are subject to the following conditions:
 - a) The record plat must show the Private Road in a separate parcel.
 - a) The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland, in Book 54062 at Page 338, and the terms and conditions in the Montgomery County Code § 50-4.3.E et seq regarding private roads. The Covenant includes, but is not limited to, the following requirements/conditions:
 - i) The Applicant, at its expense, shall design, construct and maintain the Private Road.
 - ii) The Applicant, at its sole cost and expense, shall properly and continually maintain (including ordinary and capital maintenance and removal of snow, ice, litter, and other obstructions and hazards as soon as conditions reasonably allow), repair, and replace any portion of the Private Road and all improvements located within the Private Road, in good condition and repair for safe use and operation of the Private Road. The Applicant must maintain a commercially reasonable budget (operating and capital, as applicable) to address both short-term and long-term maintenance, and reserves for capital repairs. The Applicant must provide certification of the reserves to the Planning Board or its Staff every

two (2) years (or every five (5) years in the event there are no below-ground parking structures in the Private Road). The reserves must be adequate to cover the costs of needed repairs.

- iii) The Applicant must post and retain signage to notify the public that the Private Road is not publicly maintained and to provide contact information to handle complaints, concerns or questions regarding the Private Road.
- iv) Approved sub-grade for private roads to be six-inch Graded Aggregate Base (GAB).
- b) Before issuance of the first building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.
- c) Before approval to release any portion of the performance bond or surety, the Applicant must deliver to the Planning Department and MCDPS inspector certification by a professional engineer licensed in the State of Maryland that the Private Road has been constructed in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on the Preliminary Plan or Site Plan, including in-place density testing of the roadway soil sub-grade, aggregate base, and asphalt, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshall.

SURETY

16. Before issuance of any building permit or sediment control permit, whichever comes first, the Applicant must enter into a 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 or other form of surety, 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 private streets and alleys, sidewalks, sidepaths, retaining walls, playground equipment, benches, fences, landscaping, lighting, and other similar items.
 - c) Completion of all improvements covered by the surety will be followed by an inspection and potential reduction of the surety.
 - d) The bond or surety for each item shall be clearly described within the Surety & Maintenance Agreement, including all relevant conditions and exhibits.
17. Before approval to release any portion of the performance bond, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan, or as amended.

RECORD PLATS

- 18. There shall be no clearing or grading of the site before recordation of plat(s).
- 19. Before record plat approval, the Applicant must abandon the existing well and septic system in accordance with MCDPS standards.
- 20. The record plat must show necessary easements.
- 21. The record plat must reflect common ingress/egress and utility easements overall shared driveways.
- 22. The record plat must reflect a common use and access covenant for the benefit of the public over all trails, sidewalks and paths not included in a public right-of-way or private street parcel. The covenant must be in a form approved by the M-NCPPC Office of the General Counsel and recorded among the Montgomery County Land Records.

Notes and Labels

- 23. The record plat must reflect all areas under common ownership.
- 24. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records in Book 28045 Page 578 ("Covenant").

SCHOOLS

- 25. Before issuance of each stick of building permits for a residential dwelling unit, the Applicant must obtain an assessment from the Montgomery County Department of Permitting Services for Utilization Premium Payments (UPPs) consistent with the County Code and the Growth and Infrastructure Policy, as follows:
 - a. 0.125 of a Tier 1 elementary school UPP required
 - b. No middle school UPP per unit

- c. No high school UPP per unit

Montgomery County may modify the per-unit UPP rates prior to payment of any required UPPs. The Applicant must pay the above UPPs to the Montgomery County Department of Finance based on the rates in effect at the time of payment.

CERTIFIED PRELIMINARY PLAN

26. The certified Preliminary Plan must contain the following notes:

- e) *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures, and hardscape will be determined at the time of issuance of building permit(s) and must be in compliance with the approved Conditional Use. Please refer to the zoning data table for development standards, such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
- f) *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times.*

27. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- g) Show resolutions and approval letters on the certified set.
- h) Show private roadway details and cross-sections on the certified set.
- a) Include the approved Fire Department Access Plan.

FOREST CONSERVATION PLAN F20230500

1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff, as per Section 22A.00.01.10 of the Code of Montgomery County Regulations (“COMCOR”), Forest Conservation Regulations.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan (FCP). The M-NCPPC Forest Conservation Inspection Staff may require tree save measures not specified on the Final Forest Conservation Plan.
3. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
4. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for this Preliminary Plan, the Applicant must:
 - a) Record a Category I Conservation Easement over all areas of forest retention and forest planting as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel. It must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
 - b) Install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - c) Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
 - d) Submit a cost estimate for the reforestation/afforestation and other FCP requirements, which includes but is not limited to trees and shrubs, variance mitigation trees, five years of maintenance including invasive species management controls, permanent easement posts and signage, natural surface trails, split rail fencing, mulching, staking, tree protection, and tree protection removal credited toward meeting the requirements as shown on the FCP. This cost estimate must be reviewed and approved by the M-NCPPC Planning Department Inspection Staff prior to the submission of financial surety to determine the amount of the financial surety.

- e) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the 0.28 acres of new forest planting, mitigation trees, and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.
 - f) Record an M-NCPPC approved Certificate of Compliance, in an M-NCPPC approved off-site forest bank within the Rock Creek watershed, or Priority Area to satisfy the reforestation requirement of 0.66 acres of mitigation credit. If no off-site forest banks exist within the Rock Creek watershed or Priority Area, then the off-site requirement may be met by purchasing 0.80 acres of mitigation credits from a mitigation bank within Montgomery County, outside of the Rock Creek watershed or Priority Area, subject to Staff approval. If forest mitigation bank credits are not available for purchase, a fee-in-lieu payment must be made to M-NCPPC for the appropriate mitigation credits outside of the same watershed or Priority Area.
5. 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 afforestation/reforestation plantings as shown on the approved FCP.
6. 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 on the Subject Property as shown on the approved FCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches, totaling 67 caliper inches, as shown on the approved FCP (20 3.5" caliper trees). Adjustments to the planting locations of these trees are permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

SECTION 3: SITE DESCRIPTION

VICINITY

The Subject Property, delineated in the thick dashed line in Figure 1 below, is located at 7100 and 7106 Muncaster Mill Road (MD 115), Rockville, MD 20855. The Property is in the 2004 *Upper Rock Creek Master Plan* area.

The vicinity is comprised of moderate-density residential development, high-density residential development, and a religious assembly use. The properties to the north, east, and south are zoned R-200, and the properties to the west are zoned RT-12.5. The properties to the north and south are single-family detached houses, the property to the east is a Religious Assembly use, and the properties to the west are townhouses.

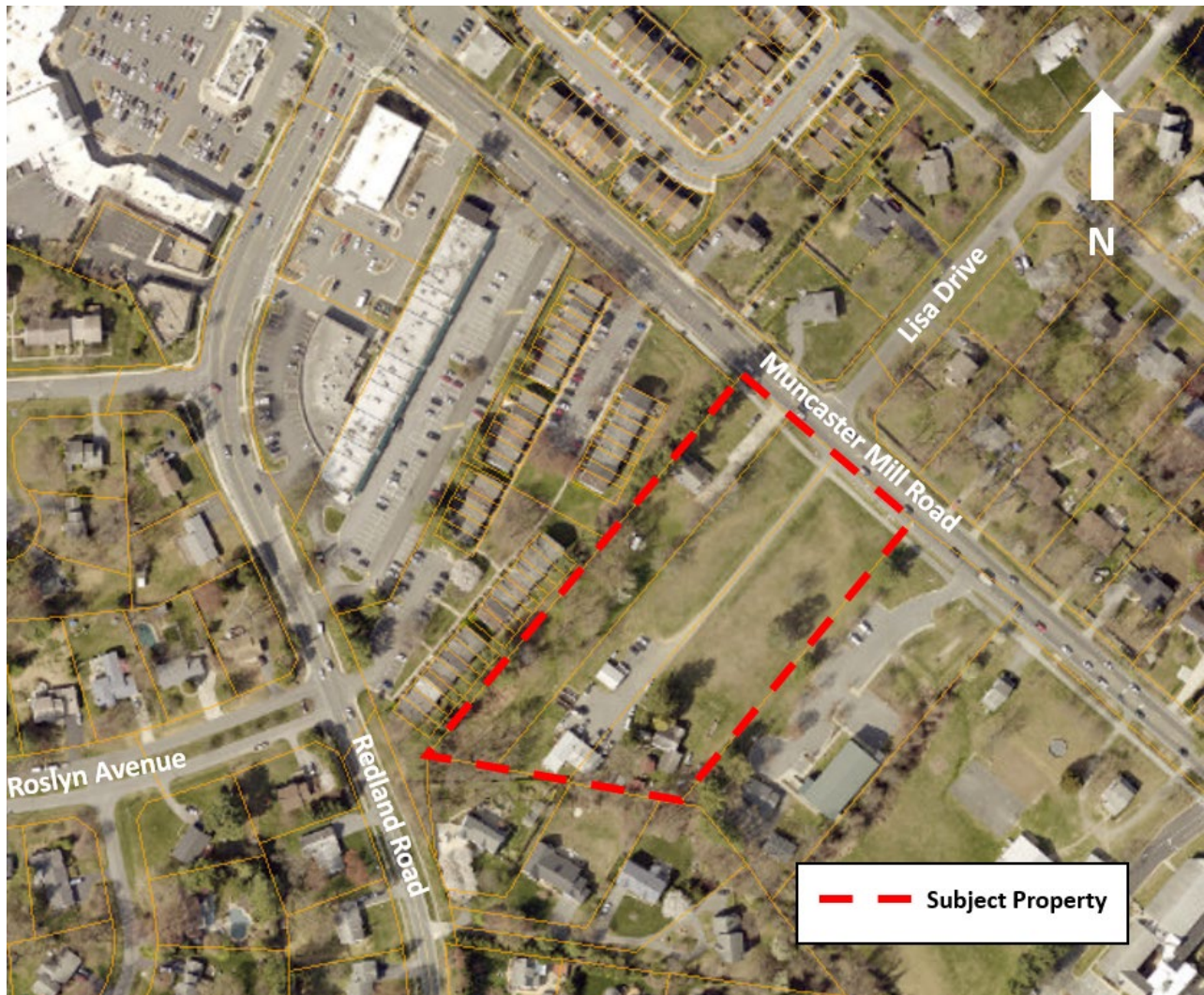


Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The Subject Property (outlined in a thick dashed red line, Figure 2), located at 7100 and 7106 Muncaster Mill Road, Rockville, consists of three unrecorded tax lots and is zoned R-200. The parts of lots are identified as P13 (Tax ID 00117601), P13 (Tax ID 00117485), and P14 (Tax ID 00117496).

The Property consists of two existing single-family detached houses, detached garages, and sheds. The Property has existing access from Muncaster Mill Road to the northeast from two existing driveways. The Property has a high point in elevation at the western corner and flows downhill towards the east corner of the Property. There are no streams, forests, or environmentally sensitive areas on the Property. The Property is mostly grass with sparse trees throughout.



Figure 2 – Subject Property

SECTION 4: PROJECT DESCRIPTION

PREVIOUS APPROVALS

On November 11, 2024, the Hearing Examiner approved a Conditional Use (CU202407), for 43 Design for Life residential townhouses, including MPDUs. (Attachment B).

PROPOSAL

The townhouses will meet the standards of “Design for Life,” which are consistent with the Conditional Use requirements. The existing single-family detached house, and all the outbuildings will be demolished as part of this application. The Applicant is proposing one point of access into the new development from Muncaster Mill Road, across from Lisa Drive. All townhouse units will feature a garage and driveway parking, as well as parallel parking spaces along the main entry street for guest parking. The Applicant is also proposing associated landscaping and lighting throughout the subdivision.

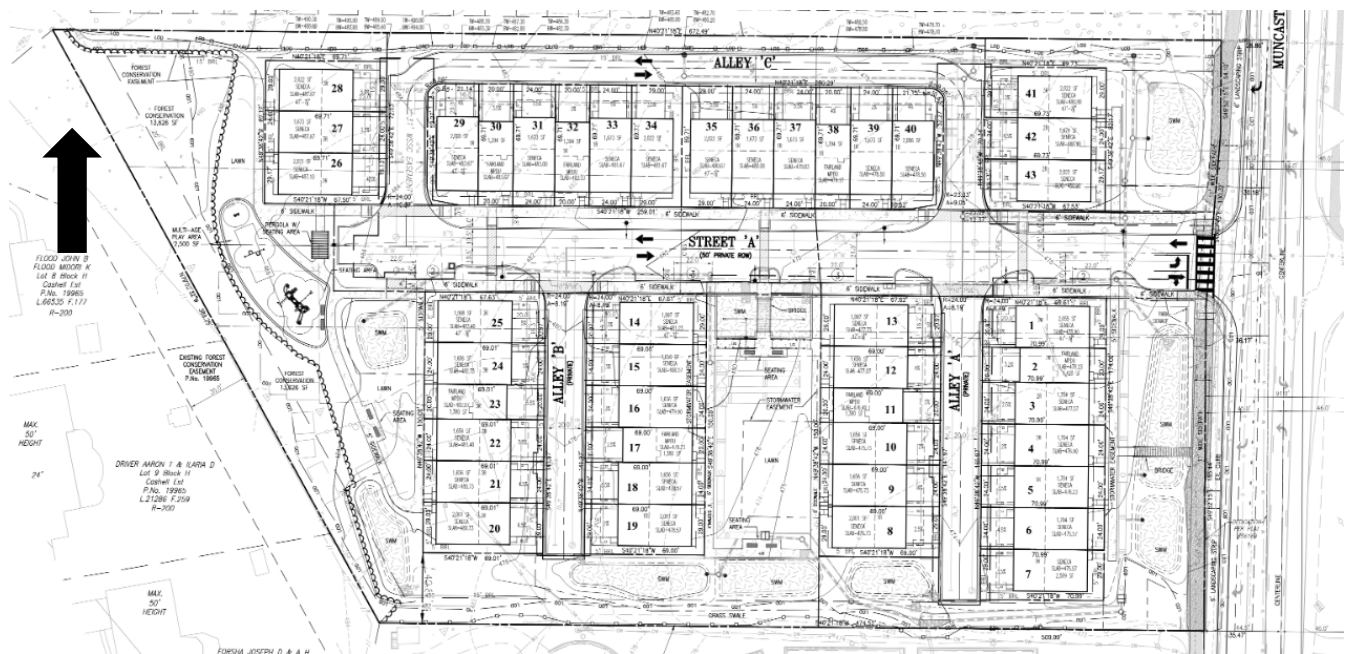


Figure 3 – Subject Property

BUILDING/ARCHITECTURE

The townhouses will be constructed utilizing commonly used materials in residential construction, including a combination of brick, siding, and stone facades (Figure 4).

Muncaster Mill Property,
Preliminary Plan No. 120250130 & Forest Conservation Plan No. F20230500



Figure 4 – Subject Property

OPEN SPACE

The proposed development will also include an open mews area between two of the rows of townhouses as well as a publicly accessible park to the rear of the Property, which includes seating areas and a multi-age playground. Overall, the development is proposing 65,000 square feet (33%) of Common Open Space (Figure 5).



FIGURE 5: PROPOSED OPEN SPACE

Muncaster Mill Property,
Preliminary Plan No. 120250130 & Forest Conservation Plan No. F20230500

TRANSPORTATION

There will be one vehicular access point to the Subject Property from Muncaster Mill Road (MD 115). The internal roadways will consist of one private street with six-foot sidewalks and three private alleys. The Applicant will upgrade the existing sidepath along Muncaster Mill Road frontage to an eleven-foot wide sidepath with a six-foot wide street buffer. The Applicant will relocate an existing bus stop currently located to the north of the Site to the Site's frontage on the southeast corner and install a bus shelter.

ENVIRONMENT

The site contains 0.29 acres of forest cover and is generally open and undeveloped land. There are no streams, wetlands, or environmental buffers onsite. The site slopes gradually from southwest to northeast, with the lowest elevations along Muncaster Mill Road. The site is located in the Rock Creek Watershed.

SECTION 5: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and a pre-submittal public meeting was held on February 25, 2025.

Prior to the acceptance of this application, staff received an inquiry email, inquiring about being noticed for the application, lot ownership, traffic concerns, onsite lighting and landscaping, ADA accessible sidewalk ramps, Forest Conservation, SWM, and development standards. Staff replied to the email addressing all issues and have not heard back from the requestor.

Since the acceptance of this application, no correspondence has been received.

SECTION 6: PRELIMINARY PLAN 120250130 FINDINGS AND ANALYSIS

The Preliminary Plan would create 43 lots, measuring approximately 1,300 square feet, for a maximum density of up to 10.4 dwelling units per acre of Townhouse Living uses. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State and County agencies.

1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.

a) The block design is appropriate for the development or use contemplated

b) The lot design is appropriate for the development or use contemplated

c) The Preliminary Plan provides for required public sites and adequate open areas

iii. Master Planned Sites

The Site is located within the 2004 *Upper Rock Creek Master Plan* area. There are no specific recommendations in the Master Plan for this site. The Master Plan expresses the need for additional housing, as well as affordable housing or assistance with diverse housing needs, including the elderly and physically disabled.

iv. Local Recreation

The Applicant is proposing open amenity spaces on separate parcels throughout the project, which include sidewalks, walking paths, benches, and a publicly accessible park with playground equipment.

v. Transportation and Utilities

Public water and public sewer, along with power and telephone in public utility easements, are included in this development. The Applicant is proposing private streets with access to Muncaster Mill Road through a new entrance across from Lisa Drive. The Private Road and Alleys will be on separate parcels.

d) The Lot(s) and Use comply with the basic requirements of Chapter 59

The lots and uses comply with the requirements of Chapter 59. The Hearing Examiner has approved the Conditional Use for Townhouse Living “Design for Life” for the subject property. The block design and layout for the subdivision are consistent with most townhouse communities in the area. The townhouse lots are deep enough to accommodate the townhouses with access from the rear and the units are organized in a block pattern. The Property is in the R-200 zone, which allows Townhouse Living as a Conditional Use. Per the Conditional Use requirements, the project complies with all the standards for townhouses in the TMD zone, Optional Method Section 59.4.4.12.C, as shown in the Development Standards Table below.

Table 1: Muncaster Mill Property Preliminary Plan Data Table for TMD Zone, Standard Method, Section 59.4.4.12.C

Development Standard	Permitted/ Required	Proposed
Tract Area	n/a	4.46 aces
Site Area	n/a	4.46 acres
Density	12.10 units/acre	10.4 units/acres
Minimum Lot Area	800 sq. ft.	1,300 sq. ft.
Minimum Lot Frontage	14 ft.	20 ft.
Minimum Lot width at B.R.L.	n/a	n/a
Maximum Lot Coverage	n/a	n/a
Principle Building setbacks		
Front	4 ft.	5 ft.
Side	n/a	5 ft.
Sum of Side	n/a	n/a
Rear	4 ft.	4 ft.
Maximum Height	40 ft.	40 ft.
Common Open Space	20%	33%
Vehicle Parking Requirement (Section 59.6.2.4.B)	2 spaces/dwelling unit (43x2=86 spaces)	86 spaces & 12 visitor parking spaces

2. The Preliminary Plan substantially conforms to the Master Plan.

- a) Land Use**
- b) Environment**
- c) Transportation**

The Site is located within the 2004 *Upper Rock Creek Master Plan* area. There are no specific recommendations in the Master Plan for this site. The Master Plan expresses the need for additional housing, as well as affordable housing or assistance with diverse housing needs, including the elderly and the physically disabled. The proposed use substantially complies with the Master Plan by providing 43 new townhomes, seven of which will be Moderately Priced Dwelling Units (MPDU's) . The proposal also conforms to the recommendations in the 2018 *Bicycle Master Plan* and the 2024 *Complete Street Design Guidelines* as described in finding 3a.

3. Public facilities will be adequate to support and service the area of the subdivision.

a) Roads and other Transportation Facilities

i. Existing Facilities

There is a sidepath with a small buffer currently on Muncaster Mill Road. There are no bus stops along the Subject Property's frontage, but there are nearby stops for the Ride On Route 53.

ii. Proposed public transportation infrastructure

Per the *Master Plan of Highways and Transitways*, Muncaster Mill Road (MD 115) is classified as a Town Center Street with an eighty-foot required right-of-way, which is already dedicated. Additionally, the Applicant will upgrade the existing sidepath to an eleven-foot-wide sidepath with a six-foot-wide street buffer along the Subject Property frontage on Muncaster Mill Road. There is a bus stop located just north of the Property, which the Applicant will relocate to the Site's frontage on the southeast corner. The Applicant will install a bus shelter at this location.

iii. Proposed private transportation infrastructure

The roadways within the Subject Property will consist of one private road and three private alleys. The private road will have ten-and-a-half foot-wide travel lanes with parallel parking that is eight feet wide on some sections of the street. Internally, the Project will have six-foot-wide sidewalks along the private street. The applicant will also construct a sidewalk to the northwest corner of the Property boundary to support a future connection to Redland Road. The internal sidewalks will connect to the sidepath along Muncaster Mill Road.

Local Area Transportation Review (LATR)

The Site has two existing single-family homes and outbuildings that will be demolished. The proposed 43 townhouse units are estimated to generate a net increase of 14 vehicle trips in the morning peak hour and a net increase of 18 vehicle trips in the evening peak hour. The 2024-2028 *Growth and Infrastructure Policy* (GIP) requires a transportation impact study for any project estimated to generate a net increase of 30 or more vehicle trips in either the morning or evening peak hours. Since this is not the case for this Application, the LATR review is satisfied with a transportation exemption statement. A summary of the trip generation analysis is provided in Table 2 below.

Table 2: Trip Generation Analysis

		ITE Trip Generation Vehicle Rates		Adjusted Vehicle Rates Derwood Policy Area	
		AM	PM	AM	PM
Existing	Single-Family Homes	2	3	2	3
Proposed	43 Townhouse Units (Single Family Attached)	17	22	16	21
Subtotal		15	19	14	18
Net Change				14	18

Source: Transportation Exemption Statement from The Traffic Group, January 27, 2025, modified by staff

b) Schools

School Impact Area Classification

The subject property is located within the Derwood Policy Area, which is categorized as a Turnover Impact Area by the 2024-2028 Growth and Infrastructure Policy.

Annual School Test Results

This application is scheduled for Planning Board review on July 31, 2025. Therefore, the results of the FY-2026 Annual School Test, approved by the Planning Board on June 26, 2025, and effective since July 1, 2025, are applicable.

The property is served by Sequoyah Elementary School, Redland Middle School, and Col. Zadok Magruder High School. The enrollment and capacity projections for these schools, as reflected in the FY2026 Annual School Test, which evaluates the 2028-2029 school year, and the resultant Utilization Premium Payment (UPP) tier placements are shown in Table 3.

Table 3. FY2026 Annual School Test Projections & UPP Tier Placements

	Program Capacity	Enrollment	Utilization Rate	Seat Surplus or Deficit	UPP Tier Placement
Sequoyah ES	434	501	115.4%	-67	No UPP
Redland MS	724	582	80.4%	+142	No UPP

Col. Zadok Magruder HS	1,885	1,679	89.1%	+206	No UPP
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Based on the FY2026 Annual School Test results above, the property is not subject to any UPP. However, if the project's enrollment impact estimate exceeds the adequacy ceiling shown in Table 4, a payment will be required.

Table 4. FY2026 Annual School Test Adequacy Ceilings

	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Sequoyah ES	7	25	85
Redland MS	262	292	396
Col. Zadok Magruder HS	366	583	866

Enrollment Impact Estimate

Based on the School Impact Area classification and net residential units proposed, this project's enrollment impact during an average year throughout its life is estimated to be eight elementary school students, four middle school students, and seven high school students, as shown in Table 5.

Table 5. Student Enrollment Impact Estimate (reflects FY2026-2027 Student Generation Rates)

Type of Unit	Net Number of Units	Turnover ES Student Generation Rate	ES Estimate	Turnover MS Student Generation Rate	MS Estimate	Turnover HS Student Generation Rate	HS Estimate
SF Attached	43	x 0.207	= 8.901	x 0.113	= 4.859	x 0.166	= 7.138
TOTAL (rounded down)			8		4		7

The elementary school enrollment impact exceeds the Tier 1 adequacy ceiling identified in Table 5 by one seat out of the eight total estimated. Therefore, a partial UPP will be triggered at one-eighth of the Tier 1 rate and distributed across all units.

Condition of Approval

Before issuance of each building permit for a residential dwelling unit, the Applicant must obtain an assessment from the Montgomery County Department of Permitting Services for Utilization Premium Payments (UPPs) consistent with the County Code and the Growth and Infrastructure Policy, as follows:

- a. 0.125 of a Tier 1 elementary school UPP required
- b. No middle school UPP per unit
- c. No high school UPP per unit

Montgomery County may modify the per-unit UPP rates prior to payment of any required UPPs. The Applicant must pay the above UPPs to the Montgomery County Department of Finance based on the rates in effect at the time of payment.

c) Other Public Facilities and Services

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision.

Dry utilities, including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities, and services, such as electric, telecommunications, police stations, firehouses, and health services, are currently operating within the standards set by the current Growth and Infrastructure Policy.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. It also complies with the Montgomery County Planning Department's Environmental Guidelines, as further discussed in the findings for Forest Conservation Plan F20230500.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

DPS approved a Stormwater Management Concept on November 28, 2023. The plan proposes to meet required stormwater management goals through landscape infiltration and bio retention.

- 6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.**

Not applicable to this Property.

Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.

No other provisions apply to the Subdivision.

SECTION 7: FOREST CONSERVATION PLAN F20230500 FINDINGS AND ANALYSIS

All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Subject Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code (“FCL”), and requires a Final Forest Conservation Plan. The Applicant has submitted a Final Forest Conservation Plan No. F20230500 (“FFCP”) for review and approval concurrent with the Preliminary Plan No. 120250130. The submitted FFCP complies with the Forest Conservation Law and the Montgomery County Environmental Guidelines, as conditioned and described below.

NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) No. 420221860 for this Property was approved on January 26, 2023. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The Subject Property is located within the Rock Creek watershed and is classified as a Use Class IV by the State of Maryland. The Subject Property has 0.29 acres of forest cover and contains numerous specimen and significant trees located both on-site and just off-site of the property. These trees are primarily located on the west side of the Property and in the southeast corner. The Subject Property does not contain any streams, stream buffers, wetlands, springs, seeps, or floodplains.

FINAL FOREST CONSERVATION PLAN

A Preliminary Forest Conservation Plan (PFCP) was approved with the Conditional Use application under the F20230500 and resolution (MCPB No. 24-007) on January 31, 2024.

The Applicant has submitted an FFCP (Attachment C) for concurrent review with the Preliminary Plan No. 120250130. This FFCP is consistent with the PFCP approval. As conditioned, the Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, and follows the Montgomery County Planning Department's approved Environmental Guidelines.

The Subject Property is zoned R-200 and is assigned a Land Use Category of High-Density Residential ("HDR"), as defined in Section 22A-3 of the Montgomery County Forest Conservation Law ("FCL"), and the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 15% and a conservation threshold of 20% of the Net Tract Area.

The Net Tract Area for forest conservation purposes is 4.46 acres. The Subject Property contains 0.29 acres of existing forest, of which 0.29 acres will be cleared resulting in an afforestation/reforestation requirement of 0.94 acres either within the same watershed or Forest Conservation Priority Area or 1.08 outside the watershed or priority area. The Applicant proposes to meet the afforestation requirement by planting 0.028 acres of forest onsite, purchasing forest mitigation bank credits from an offsite forest bank, or by paying a fee-in-lieu into the Forest Conservation Fund if no forest mitigation bank credits are available.

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 ("Protected Trees"). Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise, such resources must be left in an undisturbed condition. 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 FCL 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 National, State, or County champion trees; 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.

VARIANCE REQUEST

The Applicant submitted a new variance request on December 14, 2023 (Attachment E). This request has changed from the time of PFCP. The Applicant proposes to impact four (4) trees and remove five (5) trees that are 30 inches or greater DBH, which are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

Tree #	Common Name	Scientific Name	DBH	Condition	CRZ Impacted	Status
3	Canadian Hemlock	Tsuga canadensis	34.5"	Poor	100%	Removed
6	Norway Spruce	Picea abies	38.0"	Poor	100%	Removed
8	Red Maple	Acer rubrum	39.0"	Poor	100%	Removed
19	Red Maple	Acer rubrum	43.0"	Poor	100%	Removed
34	Tulip Poplar	Liriodendron tulipifera	33.5"	Poor	100%	Removed

Table 6: Variance Trees to be removed

Tree #	Common Name	Scientific Name	DBH	Condition	CRZ Impacted	Status
5	Eastern White Pine	Pinus strobus	35.0"	Fair	29%	Save
9	Black Cherry	Prunus serotina	33.0"	Poor	33%	Save
10	Northern Red Oak	Quercus rubra	36.0"	Poor	3%	Save
26	Eastern White Pine	Pinus strobus	31.0"	Fair	32%	Save

Table 7: Variance Trees Impacted but Retained

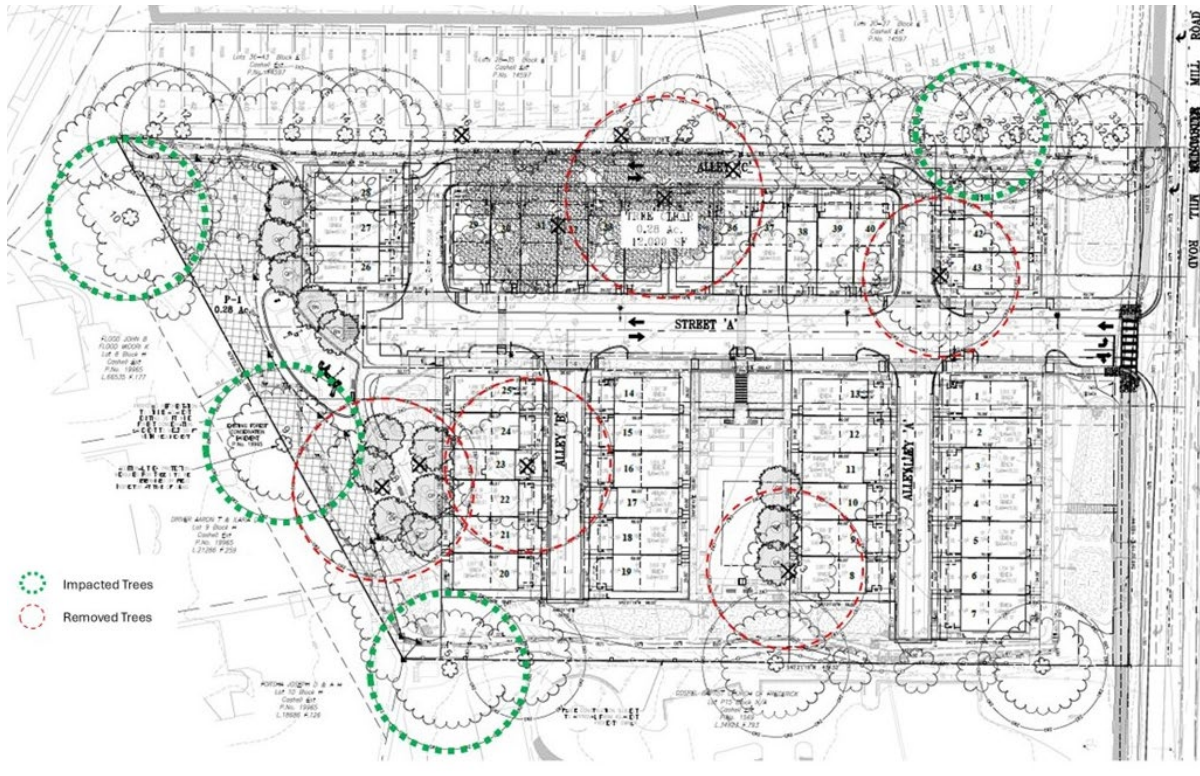


Figure 1: Variance Trees

UNWARRANTED HARDSHIP BASIS

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of their property.

The project is being developed with Design for Life standards to create a community with accessibility standards “which make it easier and safer to accommodate a person living with a temporary or permanent impairment, accommodate friends or relatives who have mobility limitations or even bring in a baby stroller or move in large furniture.” With the Design for Life accessibility standards, the entire site has been designed to meet ADA standards, including a zero front door threshold and sidewalks with a running slope of less than 5% and a cross slope of 2%. These additional ADA accessibility requirements limit the flexibility of layout design and grading. To accommodate traditional zoning standards and requirements, such as stormwater management and pedestrian circulation, along with Design for Life practices, specimen tree impacts are necessary.

To treat stormwater from the site, micro-bioretenion and landscape infiltration facilities are proposed for the lower elevations along the eastern portion of the site. The topography limits suitable locations for SWM facilities and necessitates impacts on offsite trees adjacent to this area.

If the requested Variance were denied, it would cause unwarranted hardship, and the Applicant would be precluded from developing the Subject Property for a reasonable and significant use of the property.

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, for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed Forest Conservation Plan:

VARIANCE FINDINGS

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

Granting the variance will not confer a special privilege on the Applicant as the impacts to the two Protected Trees are due to the development of the Property, the location of the trees in proximity to the LOD, and necessary site design requirements for this development. Granting a variance to allow disturbance within the developable portion of the site is not unique to this Applicant. Therefore, granting of this variance is not a special privilege granted only to this Applicant and denied to other applicants.

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

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions, development standards of the zone, necessary design requirements of this Application, and requirements of other governmental agencies. Disturbance has been minimized.

- iii. *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 existing conditions and the proposed site design and layout of the Subject Property, and not because of land or building use on a neighboring property.

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

The variance will not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being impacted or removed are not located within a stream buffer, wetland, or Special Protection Area. The trees being impacted but retained are fully expected to recover and to continue providing the ecological and water quality functions that the impacts of the Protected Trees may initially reduce. The trees to be removed are being mitigated for, and their removal will be offset by replacing any loss of water quality protection. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

MITIGATION FOR TREES SUBJECT TO THE VARIANCE PROVISIONS

Section 22A-21(e) of the FCL states that an Applicant is required to provide mitigation tree plantings for the removal of Protected Trees whether those trees are within or outside of a forest area. The Applicant will provide mitigation for the removal of specimen trees at a rate 1" caliper per 4" DBH being removed. A total of 188 inches DBH of specimen trees will be removed ($188" \times .25 = 47"$ Caliper). The Applicant will be utilizing 3.5" caliper trees.

RECOMMENDATION ON THE VARIANCE

Staff recommends approval of the variance request.

SECTION 8: CONCLUSION

As conditioned, the Preliminary Plan application substantially conforms to the recommendations of the 2004 *Upper Rock Creek Master Plan* and satisfies the applicable findings of the Subdivision Regulations. The Final Forest Conservation Plan substantially conforms to Chapter 22A. Therefore, Staff recommends approval of the Preliminary Plan and the Final Forest Conservation Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: FCP Plan

Attachment B: Preliminary Plan

Attachment C: Prior Approvals (Conditional Use)

Attachment D: Agency Letters

Attachment E: Affidavit Regarding Community Meeting and Meeting Minutes