
LAND USE REPORT

MUNCASTER MILL PROPERTY

Conditional Use Submission

Muncaster Mill Road

Rockville, MD

Prepared By:

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I. Introduction

The project site is located at 7100 and 7106 Muncaster Mill Road in Rockville, Maryland. The site is currently occupied by two single family residences. The remaining area of the site is mostly unimproved lawn areas with paved driveways. The Gross tract area of the site is 4.46 acres (194,216 Sq Ft).

The site is currently zoned R-200 (Residential 200 Zone), and can be developed using the R-200 Zone, Optional Method Development Standards.

Townhouse development is allowed under the MPDU Optional Development Method per Section 59-3.3.1.D.2.b of the Zoning Ordinance through Conditional Use approval. This application is requesting to develop 43 Design for Life Townhouse dwelling units on the site with associated site and roadway improvements.¹ Seven (7) of these units will be MPDUs.

The site falls within the Upper Rock Creek Master Plan which was approved by the County Council in 2004. Additionally, the development of the project is also guided by the applicable recommendations of the County's General Plan, Thrive 2050.

II. Description of property

The Property in its current form is approximately 4.46 acres of land and includes three lots.

¹ Section 59.3.3.1.D.2.b.i of the Zoning Ordinance provides that all buildings must meet or exceed the Level II Accessibility Standards established by Section 52-106 and detailed in Section 52-107 of the County Code. Section 52-107 of the Code provides as follows:

Level I Accessibility Standard means a permanent addition to a single family residence that include at least one no-step entrance located at any entry door to the house that is connected to an accessible route to a place to visit on the entry level, a usable powder room or bathroom, and a 32-inch nominal clear width interior door as further defined and described in Executive Regulations adopted under Method 2.

Level II Accessibility Standard means permanent additions to a single family residence that provide all of the Level I Accessibility Standards plus an accessible circulation path that connects the accessible entrance to an accessible kitchen, a full bath, and at least one accessible bedroom, as further defined and described in Executive Regulations adopted under Method 2.

<u>LOT / PARCEL NO.</u>	<u>TAX ACCT. NO.</u>	<u>LIBER & FOLIO</u>
LOT P13	00117601	L. 54414, F. 376
LOT P13	00117485	L. 23852, F. 760
LOT P14	00117496	L. 07589, F. 630

The site is bordered on the north by Muncaster Mill Road. This road is classified as an Intercounty Connector and has a master plan ROW width of 80 feet. To the west there is an existing townhouse development called Sabrina Terrace with approximately 40 units. Single family residences border the southern property line and a Gospel Baptist Church is located to the east.

The current zoning of the site is R-200. The single-family dwellings to the south and Church to the east are also zoned R-200. The townhouse development is zoned RT-12.5 and the properties across Muncaster Mill road are also zoned R-200.

The site contains two existing single family dwellings with driveways that access off of Muncaster Mill Road. There are numerous outbuildings and structures on the site. The property slopes from southwest to northeast with approximately twenty (20) feet of elevation change. The highest elevations on the property are adjacent to the single-family development to the south and the existing townhouse development to the west is approximately 6-8 feet above the subject property. Vehicle access to the site is provided by two existing driveways at the northern end of the property off Muncaster Mill Road.

The site is mostly maintained lawn, but there are several trees throughout the site with most of them located on the western property line. All the trees on the site are noted on the approved NRI #420221860. Any trees to be removed will be shown on the Forest Conservation Plan.

III. Surrounding Area

The surrounding area, identified for purposes of evaluating compatibility of the project, is defined by the boundaries of Horizon Terrace Road to the north, Redland Road to the south and west, and Applewood Lane to the east. This area is comprised of a variety of uses - mostly residential, two churches, a mix of townhomes, and commercial near the Redland core to the west. The existing structures range from 3-story townhomes and large church buildings to 1 to 2 story brick and wood framed residential construction.

IV. The Development Plan and Land Use Element

The Development Plan and Land Use Element for the proposed site is comprised of adding 43 Townhouse dwelling units that will meet the standards of "Design for Life." Seven (7) of the units will be affordable townhomes (MPDU). The two existing single-family homes and all outbuildings will be demolished to allow for the new development. The existing driveways to Muncaster Mill Road will be removed. The density and layout is comparable to the adjacent townhouse community.

Design for Life is a program in Montgomery County to help increase the building of accessible homes to allow residents to continue to live in their homes as they age. All homes will have a no-step front door entry and will meet the Design for Life Level II Accessibility Standards.

Site access will be provided by a new road entrance off Muncaster Mill Road which will align with Lisa Drive across the street. The main access drive into the site will be a 50'-wide private street which will be constructed to MCDOT standards. Parking will be provided for each unit in the attached garage and driveway.

The streetscape along Muncaster Mill Road will be improved with a 10' wide asphalt Shared Use path and street trees and will be re-graded to allow for a standard curb and gutter and to match the typical MCDOT street section.

The development will be serviced by public water and sewer in Muncaster Mill Road. The Subject Property is in sewer category S-1 and water category W-1.

Stormwater Management (SWM) is being met via micro-bioretenion and landscape infiltration facilities throughout the site. The goal of the SWM plan is to provide for no increase in runoff for a 10-year storm. The stormwater facilities will treat stormwater on site, and native plantings will provide valuable wildlife habitat.

V. Design For Life

The proposed development is requesting to develop Townhouse Living Units as a Conditional Use under the Design for Life program (Section 59-3.3.1.D). The intent of the Design for Life program is to increase the number and variety of dwelling units in Montgomery County that are integrated into existing communities and fully accessible to all, including the elderly, those with mobility issues, or physical disability, and will allow all occupants to the ability to age in place.

VI. Master Plan Compliance

The Property is included in the Upper Rock Creek Master Plan which was approved and adopted in 2004. The master plan does not make specific recommendations for the Subject Property, but as noted below, makes general land use and zoning recommendations for the area in which the Property is located.

The Master Plan focused on preserving environmental resources in the sensitive Upper Rock Creek watershed, maintaining the fabric of existing communities and enabling environmentally sensitive new development.

The Master Plan also endorsed the County’s Housing Policy in effect at that time, which “stresses the provision of affordable housing, or assistance to those with diverse housing needs, such as the elderly, the physically disabled and those with mental illness, and of equal opportunity in seeking housing.” (MP, p 35) which the proposed development helps to provide for the community.

This has been reiterated in the Thrive Montgomery 2050 plan released by Montgomery Planning in October 2022. It is noted that “the importance of healthy living for seniors and the

disabled will also remain a significant area of focus as our again population continues to grow.” (Thrive 2050, p 21) Moreover, Thrive 2050 emphasizes the need to provide housing for more people, a more diverse population and an aging population. (Thrive 2050, pp 46-48)

The project falls under the category of Townhouse Living which is listed as a limited or conditional use in the R-200 Zone. In general, conditional uses are considered appropriate once they have been subjected to additional layers of regulatory review. By providing additional accessible housing for a broad range of residents and affordable housing unit and conformance to the conditional use standards, this development is in conformance with the Upper Rock Creek Master Plan and Thrive Montgomery 2050.

VII. TMD Zone, Optional Method of Development

The Subject Property is zoned R-200, however, the density and development standards of the R-200 zone do not apply to Townhouse Living as a Conditional Use in the R-200 zone. Section 59-3.3.1.D.2.b.iiv states that “the density limitations and development standards of the TMD zone under the optional method (Section 4.4.12.C) apply despite any other limitation in this Chapter.” Therefore, the Application to be reviewed for compliance with the development standards of the TMD zone under the optional method of development.

C. TMD Zone, Optional Method Development Standards

1. Site	MPDU Development		
	Detached House	Duplex	Townhouse
Dimensions (min)			
Usable area	20,000 SF		
Density (max)			
Density (units/acre)	See Specification for Density		
Specification for Density	The density allowed for any application that includes more than 12.5% MPDUs, qualified under Chapter 25A and rounded up to the nearest whole number of units, equals the density allowed under Sec. 4.4.12.B.2 plus an increase of:		
a.	0.88% for each 0.1% increase in MPDUs above 12.5%, up to and including 15%;		
b.	22% plus 0.16% for each 0.1% increase in MPDUs above 15%, up to and including 20%; or		
c.	30% plus 0.1% for each 0.1% increase in MPDUs above 20%.		
Open Space (min)			
Common open space (% of usable area) (See Section 6.3.5)	20%		
Site Coverage (max)			
Site coverage	n/a	n/a	40%
Specification for Site Coverage	In development with a townhouse building type, site coverage is calculated based on the area of the site minus any area for detached house and duplex lots.		
a.			
2. Lot			
Dimensions (min)			
Lot area	2,000 SF	1,000 SF	800 SF
Lot width at front building line	Determined at site plan		
Lot width at front lot line	15'	15'	14'
Frontage on street or open space	Required		
Coverage (max)			
Lot	60%	60%	n/a

3. Placement	MPDU Development		
	Detached House	Duplex	Townhouse
Principal Building Setbacks (min)			
Front setback from public street	10'	10'	10'
Front setback from private street or open space	4'	4'	4'
Side street setback	10'	10'	5'
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'
Accessory Structure Setbacks (min)			
Front setback	5' behind front building line		
Side street setback	Side street setback of principal building		
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'
4. Height			
Height (max)			
Principal building	40'	40'	40'
Accessory structure	25'	25'	25'

(Legislative History: Ord. No. 18-08, § 9; Ord. No. 18-52, § 2.)

Section 59-4.4.12.C Townhouse Medium Density Zone (TMD) Optional Method Development Standards

- Site Usable Area (min): 20,000 SF
- Common Open Space (min.): 20%
- Site Coverage (max): 40%
- Lot Area (min): 800 SF
- Building Height(max): 40'

Note: In development with a townhouse building type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.

Common Open Space will be provided by a large lawn area development in the center of the site which will overlook two SWM facilities. Additionally, a multi-age play area will be developed toward the south of the property along with numerous sidewalks and seating areas for the whole community to enjoy. Seating areas are designed to allow users of all physical

abilities to interact and socialize. All the common open space areas will conform to Section 59-6.3.5.2.

The proposed development will meet all of the conditional use requirements as noted in Section 59-3.3.1.D.2.b. and review by the Hearing Examiner as noted below:

Section 59-3.3.1.D.2.b

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

i. All buildings and structures must meet or exceed the Level II Accessibility Standards established by Section [52-106](#) and detailed in Section [52-107](#).

All units will meet or exceed the Level II Accessibility Standards established by Section 52-18T, detailed in Section 52-18U, prior to the issuance of building permits. Verification of compliance will be provided to the Montgomery County Department of Permitting services inspectors prior to issuance of Use & Occupancy Permits.

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

Public bus service is provided along Muncaster Mill Road. Specifically, Montgomery County Ride-On Route 53 provides weekday rush hour service between the Shady Grove and Glenmont Metro Stations by way of Olney.

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

The Subject Property is located within two miles of the Shady Grove Metro Station and is accessible by both Ride-On bus and by private vehicle.

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

The on-site park, which includes a playground, will be available to the residents of the community and public through a Public Access Easement (“PAE”) that will be recorded by the Petitioner. The PAE will be in a form approved by the Montgomery County Planning Board prior to recordation.

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

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

vi. The minimum tract size is 2 acres.

The tract area of the Subject Property is 4.46 acres as surveyed by the Petitioner.

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

As detailed in Table 1 above, the Petition meets the density limitations and development standards of the TMD zone under the Optional Method.

viii. Reducing the number of required parking spaces through a parking waiver under Section [6.2.10](#) is prohibited.

The Petitioner is not requesting a parking waiver and is providing the required minimum parking for townhouse dwellings.

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

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

VIII. Findings of Approval

As detailed below, this Petition satisfies all of the requisite findings necessary for the Hearing Examiner to grant the proposed Design For Life townhouse community conditional use per Section 7.3.1.E.1:

- a. Satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended. §59.7.3.1.E.1.a, Zoning Ordinance.*

There are no prior approvals for the site that are applicable.

- b. Satisfies the requirements of the zone [Article 49-4], uses standards under Article 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6. §59.7.3.1.E.1.b, Zoning Ordinance.*

As discussed above, the proposed use complies with the applicable requirements of the TMD zone, including the requirements for Level II accessibility by utilizing Design for Life standards, and the general requirements of Article 59-6.

- c. substantially conforms with the recommendations of the applicable master plan;*

Although there are no direct recommendations for the site in the master plan, the project meets the desires for providing housing for diverse needs – in this case, those with disabilities and mobility issues.

- d. *is harmonious with and will not alter the character of the surrounding neighborhood in a manner*

As described above, the Conditional use design promotes compatibility with the Surrounding Neighborhood. The proposed townhouses are compatible with the residential character of the Surrounding Neighborhood, and the open space at the western end of the site provides an appropriate buffer to the adjacent single-family residential uses. Landscaping along Muncaster Mil will provide screening for the roadway, and building materials will be in keeping with the nearby residential properties.

- e. *will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;*

Although there are other Conditional Use approvals in the area, the intent of the Conditional Use for the property will not alter the residential nature of the area and will adhere to the recommendations of the master plan.

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

A Preliminary Plan of Subdivision will be filed subsequent to the approval of the Conditional Use plan to create the necessary record lots and parcels. As such, the Montgomery County Planning Board (“Planning Board”) will be responsible for

determining whether Adequate Public Facilities (“APF”) exist to support the proposed development of the Property.

Nonetheless, public facilities and services – including police stations, firehouses and health care facilities – are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following construction of the project. The nearest police station is... The nearest firehouse is... The Petitioner’s civil engineers have confirmed that the Project will be served by public water and sewer systems per an approved WSSC Hydraulic Planning Analysis. Electric, gas and telecommunication services are also available.

- g. Will not cause undue harm to the neighborhood as a result of the non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:*
- i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;*
 - ii. traffic, noise, odors, dust, illumination, or a lack of parking; or*
 - iii. the health, safety, or welfare of neighboring residents, visitors, or employees.*
§59.7.3.1.e.1.g, Montgomery County Zoning Ordinance.

The Zoning Ordinance defines inherent adverse effects, as adverse effects created by the physical or operational characteristics necessarily associated with the particular conditional use, irrespective of its physical size or the scale of its operations. The Zoning Ordinance is clear that inherent adverse effects alone do not constitute a sufficient basis for denial of a Conditional Use and must be evaluated in combination with non-inherent adverse effects. Non-inherent adverse effects are defined as adverse effects that arise from physical and operational characteristics that are not necessarily associated with the conditional use, or adverse effects that are created by unusual characteristics of the site.

This report finds that each of these inherent effects of the Conditional Use will be acceptable and appropriate for the proposed location:

- Outdoor amenity space for use by residents and visitors. As noted, the proposed townhome community includes an on-site park, which includes a playground and will be available to the public. Significant traffic to the proposed park is not anticipated due to the proximity to larger park facilities, including Redland Local Park, Mill Creek Towne Local Park, and Laytonia Recreational Park. Furthermore

the proposed park will be screened from adjacent single-family uses by the proposed Forest Conservation Area.

- Street lighting. As shown on the Photometric Plan, in conformance with the requirements of Section 6.4.4 of the Zoning Ordinance, lighting for the Project will fall to zero (0.0) footcandles well before approaching property lines abutting the residential uses. Special fixtures have been selected that eliminate glare to surrounding properties.
- Traffic to and from the site by residents. The Petitioner's traffic statement confirms that the Project is anticipated to result in 23 AM peak hour and 30 PM peak hour person trips – a minimal amount of traffic. Therefore, no Local Area Transportation Study is required per the GIP.
- Trash and delivery trucks. As stated above, only trash and recycling pick-up and deliveries to households, such as FedEx and UPS trucks, will occur on site. There are no communal or commercial-like facilities proposed requiring large, regular deliveries. Thus, the proposed use will be similar in nature to a typical residential community.

There are no additional inherent effects associated with townhouse living. Accordingly, as illustrated above, the Conditional Use will not result in adverse effects over and above the above-described inherent impacts.

In addition, there are no non-inherent adverse effects associated with the Conditional Use at the proposed location. This analysis, therefore, finds that the Conditional Use will not cause undue harm to the Neighborhood. There is no evidence that the Conditional Use will interfere with the use or enjoyment of the surrounding properties; result in undue traffic, noise, odors, dust, illumination, or a lack of parking; or interfere in any way with the health, safety, or welfare of neighboring residents, visitors, or employees. Rather, as discussed in detail above, the Conditional Use will be compatible with the Neighborhood. The proposed Project, which is residential in nature, will complement the surrounding uses and improve Muncaster Mill Road to current standards along its frontage.

IX. Conclusion

The Proposed development is in conformance with the Upper Rock Creek Master Plan as noted above. The Project is also in conformance with all standards set forth in the Zoning Ordinance for the Town House Living (TMD) Optional method development per the conditional use process.