

**Land Use Report**  
**Local Map Amendment No. H-159**  
**Notley Road**

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## **I. Overview**

Notley Assemblage LLC, an affiliate of Ryan Stuart Development, (the "Applicant") is submitting this Local Map Amendment ("LMA") application to rezone the property located in the northwestern corner of the intersection of Notley Road and New Hampshire Road in Silver Spring, Maryland (the "Property").<sup>1</sup> Specifically, the Applicant seeks to rezoned the Property from the R-200 Zone to the Commercial Residential Neighborhood Floating Zone ("CRNF") – CRNF-1.0, C-0.0, R-1.0, H-60'.

As discussed more fully below, the proposed rezoning will accommodate desired redevelopment of the Property with a townhouse community that will provide much-needed additional housing along a major corridor, to help address the County's housing needs. The Applicant is proposing to redevelop the Property with up to 150 Townhouse Living units (the "Project"). The Project layout has been designed to ensure compatibility with the surrounding neighborhood, and the proposed development will satisfy all applicable standards of the Montgomery County Zoning Ordinance (the "Zoning Ordinance") and substantially confirm to the goals and recommendations of the *1997 Approved and Adopted White Oak Master Plan* (the "Master Plan").

Subsequent to approval of the Local Map Amendment, the Applicant will seek Preliminary Plan and Site Plan approval from the Montgomery County Planning Board (the "Planning Board") to facilitate the redevelopment of the Property.

## **II. Property Description**

### **A. Site Location and Existing Conditions**

The Property is comprised of an assemblage of individual parcels, generally bounded by New Hampshire Avenue to the east, Colesville Manor Neighborhood Park to the west, the senior housing facility, known as the Wilshire Estates, to the north, and Notley Road to the south. Specifically, the Property is comprised of Part of Lot 1, Part of Lot 2, and Lots 3-5 in the "Price's Subdivision" as recorded among the Montgomery County Land Records at Plat No. 1767 and two unrecorded parcels in "Beall's Manor". As shown on the Floating Zone Plan (the "FZP"), the Property has a combined (net) Lot area of approximately 390,812 square feet (or 8.97 acres) and a (gross) Tract area, including prior right-of-way dedications, of approximately 435,254 square feet (or 9.99 acres).

The Property is currently improved with several single-family detached dwellings units and associated accessory structures. Access to the Property is currently provided through seven

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<sup>1</sup> The Property includes several parcels with the following addresses 13707, 13711, 13715, 13719, 13727, and 13733 Notley Road, and 13704 New Hampshire Avenue.

separate vehicular access points along Notley Road and one curb cut on New Hampshire Avenue. As thoroughly explained below, the proposed redevelopment will improve vehicular circulation by consolidating the numerous existing access points into two curb cuts along Notley Road, with no vehicular access (except for fire access) provided from New Hampshire Avenue.

The Property is located within a larger neighborhood bounded by Colesville Manor Road and Hobbs Drive to the North; Hollywood Branch, a tributary of the Paint Branch, and part of the Colesville Farm Estates to the east; East Randolph Road to the south, and the Middle Main Tributary of the Northwest Branch, Lehigh Road, Sherwood Forest Drive and Montvale Drive to the west (the "Surrounding Neighborhood"). This boundary defines the approximate pedestrian walk shed of 5-10 minutes where there are visual or physical connections and paths up to natural and human-made edges.

The Surrounding Neighborhood, as depicted in Attachment A, is characterized as a true mixed-use neighborhood, including several forms of residential uses (*e.g.* large senior living facilities, townhouses, and single-family detached homes), as well as commercial (*e.g.* the Colesville Center and a Park-and-Ride facility), institutional (*e.g.* the Cambodian Buddhist temple) uses, and a public park.

## **B. Zoning and Permitted Uses**

This Local Map Amendment requests approval for the application of a Floating Zone to the Property, to rezone the Property from the R-200 and to the CRNF-1.0, C-0.0, R-1.0, H-60' Zone. Sections 5.3.3.A.1 and 3.1.6 of the Montgomery County Zoning Ordinance (the "Zoning Ordinance") permit Townhouse Living uses by right in the CRNF Zone.

## **C. Surrounding Zoning and Land Uses**

The zoning and land uses of surrounding properties are described as follows:

- North: Abutting the Property to the north is the senior living facility known as the Wilshire Estates, which is zoned R-200. Farther to the north is the Cambodian Buddhist Society and an assisted living/ memory care facility known as the Silver Spring Healthcare Center, also located in the R-200 Zone.
- East: Confronting the Property directly across New Hampshire Avenue is the Eun Sam Evangelical Church of Washington, located in the RE-1 Zone. Farther beyond is a single-family detached neighborhood, also zoned RE-1.
- South: Confronting the Property to the south, across Notley Road, are single family detached homes located in the R-200 and R-90 Zones. Farther beyond is a

townhouse community located in the Planned Development (PD-7) Zone and the Colesville Center, a neighborhood shopping center, located in the Neighborhood Retail zone.

- West: Immediately adjacent to the Property to the west is a WSSC facility and the Colesville Manor Neighborhood Park, located in the R-200 zone. Farther beyond the park are single-family detached homes, also zoned R-200.

### **III. Proposed Development**

The Applicant is proposing to develop the Property with a residential townhouse community. The design and layout of the Project will be finalized with the subsequent Preliminary and Site Plan applications but is proposed to include up to 150 townhouse living units, including 12.5 percent moderately priced dwelling units ("MPDUs") (or up to 17 MPDUs), with associated parking, open space, and amenities.

The proposed townhomes have been strategically arranged to create a sense of community and encourage pedestrian activity. The townhomes along the Property's frontage on both Notley Road and New Hampshire Avenue have been oriented with their front doors facing the public realm, with individual lead walks to each unit and garage parking located in the rear, to help define and activate the pedestrian environment. Internally, the Project is organized around the proposed private streets and open spaces, which the units have been designed to front onto where feasible. The Project also includes substantial streetscape improvements along Notley Road (where no sidewalk currently exists) and New Hampshire Avenue (where there currently is only a 5-foot sidewalk with no pedestrian buffer). Collectively, the Project design will enhance the pedestrian environment, improve connectivity, and promote compatibility with the surrounding community.

#### **A. Architecture Design**

The building architecture will be finalized at the time of Site Plan. However, at this early stage, the architecture is intended to create a vibrant, elegant and traditional community, with special attention paid to details and design. The façades will include typical residential materials such as masonry and/or siding. The townhomes will feature a number of different elevations to provide visual interest and varied design. The majority of the townhomes will be four-story units. MPDU units will be provided in accordance with the County's requirements.

#### **B. Open Space**

In accordance with the requirements of Sections 5.3.5.D.2.a and 4.5.3.C of the Zoning Ordinance, the Project will include a minimum of 10% (or  $\pm$  39,081 square feet) of open space. As required by Section 6.3.2, this open space will be designed as common open space.

The Open Space will be provided through a series of spaces that provide diverse opportunities for residents to gather and recreate. In accordance with the requirements of Section 6.3.5.B of the Zoning Ordinance, the common open space will be located in a central position in the neighborhood and bordered by streets or building lots. The common open space will have a minimum width of 50 feet, the majority of which will be in a continuous area (only separated by a residential street) with one smaller open space (with a minimum size of 2,000 square feet) to be located on the northern edge of the site.

Specifically, the common open space is envisioned to include three main components: (1) a linear park that connects New Hampshire Avenue to the central open space, (2) a central park, and (3) a corner park, located on the northern edge of the Property. The Linear Park is envisioned to include a meandering path with various seating opportunities and shade, to provide opportunities for passive recreation and socialization. The Central Park is framed by streets on three side and is planned to include a playground structure, which will provide opportunities for children to gather and recreate in a safe and visible area of the community. Lastly, the Corner Park, located along the northern property boundary, is envisioned to as a dog park, providing opportunities for future residents with pets to convene in curated open space. Collectively, these open spaces will provide opportunities for recreation, socialization, and connection with nature while prioritizing sustainability and education. Stormwater management features near the playground will serve as interactive learning elements, demonstrating natural water filtration with native plantings. Pollinator gardens will be integrated throughout, offering hands-on educational experiences for children while supporting biodiversity. The landscape will emphasize native and adaptive species, ensuring ecological resilience, seasonal interest, and low-maintenance sustainability. Additionally, shaded seating areas will be provided near the playground, offering comfortable spaces for parents and caregivers to gather while enhancing the overall usability of the space. The final design and programming of these common open spaces will be determined at the time of Site Plan.

### **C. Parking and Circulation**

To ensure the Project will not have any adverse impacts on the surrounding neighborhood, the Project will provide adequate parking on-site to accommodate all users of the Property. Parking for the townhouse units will be provided through in-unit parking garages and/or driveways, and ample on-street parking will be provided for visitors.

Sections 5.3.5.D.1 and 6.2.4.B requires a minimum of two parking spaces/unit.<sup>2</sup> The Project will exceed the minimum requirements, with the final parking counts to be determined at the time of Site Plan approval.

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<sup>2</sup> The parking requirement is based on the proposed CRNF zoning, outside of a reduced parking area.

As discussed above, the Project will significantly improve vehicular access, as compared to the existing conditions. Currently, there are seven (7) curb cuts on Notley Road and one (1) curb cut on New Hampshire Avenue. The Project consolidates these vehicular access points into two curb cuts on Notley Road (with only emergency fire access permitted from New Hampshire Avenue). The Project will include several internal private streets and alleys, organized in a grid network to facilitate connectivity.

#### **D. Private Roads Justification**

The Project is proposing a series of private streets for the Project, chiefly to implement compliance with the Complete Streets Guide, where roadways are designed and operated to provide safe, accessible, and healthy travel for all users of our roadway system, including pedestrians, bicyclists, transit riders, and motorists. Proposing a public street for the Project is not feasible, as several elements of the site layout preclude public right-of-way maintenance. Specifically, these elements are anticipated to include, but are not limited to, “tabletop” intersections and centerline radius less than standard road code requirements.

The road design will be designed with sound engineering principles for safe use for the intended target speeds throughout the site. The pavement surface depth and structural design will be designed according to the corresponding public road construction specifications. Furthermore, Stormwater Management (SWM) can be more flexible within private roads to create a progressive application of Environmental Site Design (“ESD”) and will follow Montgomery County Department of Permitting Services’ (MCDPS) Technical Policy #8 for safe placement of SWM practices.

In accordance with Section 4.3.E.4.b of the Subdivision Regulations, the following lists design elements and justification of the proposed private roads that do not meet public road standards for a residential street. The *Montgomery County Complete Streets* manual, “Neighborhood Streets” best describes the proposed street type of all private streets. Neighborhood Streets serve predominantly residential areas with low volumes of motor vehicle traffic, focusing on slow speeds, pedestrian safety, healthy street trees and well-defined routes to nearby parks, transit, and schools.

In order to be considered for approval as a private street under Section 4.3.E.4.d. of the Subdivision Regulations, a proposed road must not:

- *Be needed to maintain area circulation.*

As described above, the proposed Private Streets are internal to the proposed development. They do not serve area circulation and are only needed for circulation within the Project.

- *Provide continuous corridors to serve the general public and quasi-public needs such as communication, utility, and future potential transportation or other systemic needs that serve the public on a long-term basis.*

The proposed Private Streets are not part of a continuous corridor and are not part of the network modeled for the area capacity.

- *Is not needed to be part of the network modeled for area capacity.*

The proposed Private Streets are not necessary to serve the general public needs for communication, utility, or future potential transportation and will not negatively affect development of other properties.

#### Private Streets – Neighborhood Street

Right of way width: 45' minimum, 53' maximum with parking

Travel Lanes: 10.5'

Parking Lane: 0' or 8' where provided

Street Buffer: 6'

Sidewalk: 6'

Maintenance buffer: 0'

## **E. Civil Engineering**

The Project complies with the following requirements and goals of the CRNF Zone.

### **1. Natural Resource Inventory/Forest Stand Delineation**

The Property is subject to the requirements of Chapter 22A of the Montgomery County Code (the "Forest Conservation Law"). A Simplified Natural Resources Inventory ("NRI") (No. 420251460) was approved for the Property in May 2025 which denotes existing trees and certain natural features on the Property. As shown on the NRI, the Property contains no existing forest. However, forty-two (42) specimen trees (30" DBH and larger), twenty-eight (28) on-site and fourteen (14) off-site, have been identified and survey-located on and adjacent to the subject property and are shown on the NRI. The Property contains no protected soils, endangered species, or other natural features that would impact development. The site is not located within a Special Protection Area.

A Preliminary Forest Conservation Plan ("PFCP") (No. is F20250680) has been prepared to accompany the proposed Local Map Amendment. The Project meets forest conservation requirements through 1.45 acres of afforestation to be satisfied through an off-site forest bank or fee-in-lieu payment. The plan proposes to remove all twenty-eight (28) of the existing specimen trees on-site and five (5) existing specimen trees off-site. Additionally, the plan proposes to impact

five (5) off-site specimen trees. For the removal of the existing specimen trees one hundred and two (102) three (3) inch caliper will be required for mitigation. Accordingly, the Project requests a variance from section 22A-12(b)(3) of the Montgomery County Code. The referenced section addresses the requirement to not disturb "any tree with a diameter, measured at 4.5 feet above the ground, of (i) 30 inches or more; or (ii) 75% or more of the diameter measured at 4.5 feet above ground of the current State champion tree of that species." As mentioned above, and shown on the Simplified Natural Resource Inventory, there are specimen trees inventoried on, or within 100' of the site boundary for the Project. Details regarding the location, species, size and condition of the specimen trees included in the tree variance request are provided on the PFCP. A tree variance request is also being submitted concurrently with this Land Use Report.

## **2. Stormwater Management Concept Plan**

The Project will comply with the requirements of Chapter 19 of the Montgomery County Code. Because the Project will result in more than 5,000 square feet of disturbance, the Applicant will submit a Stormwater Management Concept Plan prior to submitting the Preliminary Plan and Site Plan applications. There is no known stormwater management on the site today and as such, water currently sheet flows off the property uncontrolled into the Notley Road and New Hampshire Avenue right-of-ways and adjacent properties. As such, the Project will substantially improve the treatment of stormwater management on-site. In accordance with 2010 MDE Stormwater Management Regulations, the site will implement Environmental Site Design ("ESD") practices to the maximum extent practicable ("MEP").

In order to manage the required stormwater volume to the MEP, the Applicant proposes to utilize both graded and planter style micro-bioretention facilities. The SWM Strategy Plan included in this Application shows the approximate location, number, and size of stormwater management practices required to meet ESD to the MEP. The proposal will be further refined when the Concept Stormwater Management Plan is submitted for approval. However, as demonstrated by the SWM Strategy Plan, it is expected that the proposed layout of the Project will fully accommodate stormwater management facilities that meet/exceed applicable County and State requirements.

## **3. Sediment and Erosion Control**

A Sediment and Erosion Control Plan will be prepared and submitted to DPS for approval after Stormwater Management Concept approval and prior to commencement of construction on the Property.

## **4. Adequate Public Facilities**

The public facilities are adequate to support and service the proposed development. As discussed above, a Preliminary Plan will be filed subsequent to the LMA approval. 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 at the time of Preliminary Plan.

*i. Traffic*

The Property falls within the Yellow Policy Area in the current FY 2024-2028 Growth and Infrastructure Policy. An analysis of peak hour vehicular trips generated by the proposed development was performed in accordance with the 2025 update to the Maryland-National Capital Park and Planning Commission's (M-NCPPC) Local Area Transportation Review (LATR) Guidelines. A Traffic Impact Analysis (the "Traffic Analysis"), prepared by Gorove Slade, has been submitted in connection with this Application. Gorove Slade has concluded that existing delays at the New Hampshire Avenue (MD 650) intersections with Notley Road and Randolph Road exceed the 59 second delay per vehicle standard, without the inclusion of the site generated trips. To improve the existing conditions near the site, the following mitigations are proposed:

- New traffic signal at Notley Road and New Hampshire Avenue (MD 650)
- Signal timing adjustments at Randolph Road and New Hampshire Avenue (MD 650)

All study area intersections with the mitigation identified above will operate within the policy area's congestion standards for the total future condition with the proposed development.

*ii. Schools*

The Property is served by Westover Elementary School, White Oak Middle School, and Springbrook High School. The Property is located within the Turnover School Impact Area.

The current FY 2025 Annual Schools Test indicates that all three school levels are operating with adequate capacity. Based on projected student enrollment for 2028-2029, the individual school percent utilization will be 100.7% at the elementary school grade level (available capacity of 276 seats) and 87.2%, at the middle school grade level (available capacity of 971 seats), and 86.6% at the high school grade level (available capacity of 2,117 seats). As such, there is adequate school capacity to accommodate the Project and no Utilization Premium Payments are currently required.

*iii. Other Services*

The Property will be served by existing water and sewer mains. The Property is located within water and sewer categories W-1 & S-1. Water and sewer needs are expected be met by the Washington Suburban Sanitary Commission ("WSSC") through connections to the existing water

and sewer lines located in the abutting rights-of-way. Water service is proposed to be established by connecting to the existing 10" line along Notley Road and sewer service is proposed through connections to the existing 8" lines on Notley Road and New Hampshire Avenue. WSSC will evaluate the water and sewer capacity through a Hydraulic Planning Analysis.

Electric, gas and telecommunications services are also available to serve the Property. Other public facilities and services – including police stations, firehouses, and health care facilities – are currently available in the vicinity of the Project.

In conclusion, the public facilities will be more than adequate to support and service the Project.

#### **IV. Master Plan Conformance**

##### **A. White Oak Master Plan**

The Property is located within the boundaries of the *1997 Approved and Adopted White Oak Master Plan*. This Master Plan is almost 30 years old. The Master Plan specifically notes that “Master plans generally look ahead about 20 years from the date of adoption, although it is intended that they be updated and revised about every ten years.” (See Master Plan, page viii). In fact, the Master Plan recognizes “...that the original circumstances at the time of plan adoption will change over time, and that the specifics of a master plan may become less relevant as time goes on.” (See Master Plan, page viii). The Master Plan and its recommendations were shaped by the County General Plan in effect at the time (*i.e.* the Master Plan notes that it supports the “Land Use Goal and Wedges and Corridors Concept” of the previous General Plan (*see* Master Plan, Page 6)). Countywide land use policies and zoning changes have occurred in the years since the passage of the Master Plan. Of note, the County’s General Plan has since been updated with the adoption of *Thrive Montgomery 2050*. Regardless, the Project substantially conforms to the general and recommendations outlined in the Master Plan, in addition to also reflecting more current land use policies.

There are no site specific recommendations for this Property in the Master Plan. However, the Project promotes the following goals and recommendations:

##### **1. Housing**

The Master Plan seeks to “...ensure livable communities for the future by protecting and strengthening their positive attributes and encouraging development that will enhance the communities' function, sense of place, and identity.” (See Master Plan, Page 16). The Master Plan seeks to protect the existing residential communities (*see* Master Plan, Page 6). The proposed Project, which retains the residential use of the Property, promotes this objective. Given the Property’s location on the edge of the residential neighborhood, with direct frontage on New

Hampshire Avenue, and in close proximity to the commercial center, the Project will serve as a buffer and transition between New Hampshire Avenue (and the institutional uses that line this major highway), and the less dense residential development to the west. Furthermore, the proposed Project has been designed to promote compatibility with the surrounding residential homes through the proposed building layout and architecture, significant streetscape improvements, and environmental enhancements (e.g. providing stormwater management, where none exists today).

The Master Plan also seeks to “[m]aintain housing for people of varying incomes, ages, and lifestyles, and continue to provide a variety of housing types that will permit households with changing needs to find suitable accommodations within the White Oak Master Plan area.” (See Master Plan, Page 18). The redevelopment of the Property with a townhouse community accomplishes this by providing for additional, diverse housing opportunities in this area of the County.

## 2. Transportation

The Plan recommends streetscape improvements along the major highways. (See Master Plan, Page 53). Specifically, the Master Plan seeks to “[p]rovide streetscape improvements to strengthen the vitality of adjoining commercial areas, enhance community identity and pedestrian circulation, and improve the roadway experience in general.” (See Page 53). The Plan also seeks to “[e]nable pedestrians to safely and easily reach bus stops or community facilities and improve safety for pedestrians crossing main roads in the White Oak Master Plan area.” (See Master Plan, page 54).

The Project implements these objectives by enhancing pedestrian and bicycle connectivity while contributing to the overall character of the surrounding neighborhood. The Project provides significant streetscape improvements along both Notley Road and New Hampshire Avenue, which will improve pedestrian access to the adjacent Colesville Neighborhood Park, as well as the Colesville Shopping Center and the planned Bus Rapid Transit (BRT) station at the Colesville Park-and-Ride. The Property’s New Hampshire Avenue frontage currently is improved with a five (5) foot sidewalk directly adjacent to the travel lanes. The Project proposes to improve the Property’s New Hampshire Avenue frontage by providing an 11 foot shared use path (recommended by the County’s *Bicycle Master Plan*), separated from the street by an eight (8) foot buffer. The Project also provides significant streetscape improvements along Notley Road, where there currently is no sidewalk on the north side of the street. Along Notley Road, the Project will provide a 10 foot wide sidewalk, buffered by a 12 foot landscape panel, to provide additional connectivity to the adjacent park and New Hampshire Avenue. These improvements will support the Master Plan’s goal of providing a safe and convenient bikeway network promoting multi-modal connectivity.

Furthermore, the Project contributes to the Master Plan’s emphasis on improvements to the pedestrian realm by incorporating ample street trees along both the internal and external streets. These improvements will foster a more walkable and inviting community at a human scale. By integrating pedestrian and bicycle-friendly infrastructure and improving the streetscape, the Project aligns with the Master Plan’s vision for a safe, inviting, and connected multi-modal transportation network within the surrounding neighborhood.

### 3. Environmental Resources

The Master Plan “recommends protection and enhancement of the natural resources in the White Oak Master Plan area for the enjoyment of its residents and to sustain a stable and healthy environment for native plant and animal populations.” (See Master Plan, Page xviii). There is no forest or sensitive environmental features located on the Property. However, the Project provides several environmental benefits, as compared to the existing conditions. The Property currently has no stormwater management on-site, which results in uncontrolled stormwater runoff. The Project will introduce a comprehensive stormwater management system designed to capture, treat, and control the quantity and quality of runoff more effectively, thereby reducing negative environmental impacts. A key component of the Project’s stormwater management strategy will likely include the implementation of environmental site design, such as bioretention facilities and stormwater filtration systems to enhance water infiltration and pollutant removal. These improvements will help to reduce peak runoff flows, minimize localized flooding risks, and protect downstream water bodies. Additionally, the project will increase the overall tree canopy (as compared to existing conditions).

## B. Thrive 2050

The Project also promotes many of the goals and objectives in Thrive 2050. “The concept of corridor-focused growth is a fundamental organizing element for Thrive Montgomery 2050...” (Page 70). Thrive 2050 “...makes a new commitment to promoting growth along major transportation corridors to maximize the efficient use of land and create Complete Communities.” (See Thrive, Page 70). Thrive recognizes that the intensity of the development along the corridors should be aligned with their context and take into consideration planned transit infrastructure. (See Thrive, Page 70). This Property is located in a Corridor Focused Growth area (see Growth Map on page 71), which are areas that “should have the largest share of new growth” (see page 72). The proposed infill townhouse redevelopment on this Property, which fronts onto New Hampshire Avenue, a major corridor in the County, directly promotes these objectives.

Further, Thrive seeks to “[c]oncentrate growth in centers of activity and along corridors through compact, infill development and redevelopment to maximize efficient use of land.” (See Thrive, Page 73). In furtherance of this objective, Thrive seeks to “[i]mprove the environmental

sustainability of growth by encouraging infill and redevelopment to curb sprawl and bring areas built out in an era with little or no environmental regulations up to robust standards for stormwater management and other state-of-the-practice environmental standards.” (See Thrive, Page 73). The Project accomplishes this by providing sustainable, compact infill townhouse redevelopment which provides stormwater management, where none currently exists.

The transportation objectives of Thrive support those goals discussed in the Master Plan. Thrive seeks to “[d]evelop a safe, comfortable and appealing network for walking, biking, and rolling” (See Thrive, page 112). As discussed herein, the Project provides substantial streetscape improvements along both Notley Road and New Hampshire Avenue to promote safe and efficient pedestrian and cyclist activity.

Thrive also seeks to increase housing supply in the County. Thrive seeks to “[e]xpand opportunities to increase residential density, especially along major corridors and in locations where additional housing can assist in the development of Complete Communities.” (See Thrive, Page 132). Thrive also seeks to “[p]lan for a wide range of housing types and sizes to meet diverse needs.” In furtherance of this objective, Thrive seeks to “[f]acilitate the development of a variety of housing types in every part of the county but especially in areas near transit, employment, and educational opportunities.” As discussed above, the Project not only increases the housing supply, in support of the County’s housing targets, but contributes to the housing diversity in this area of the County. The Property is ideally situated for the proposed townhouse development, given its location along New Hampshire Avenue and in close proximity to commercial uses (*i.e.* just north of the Colesville Center).

## **V. Zoning Ordinance Conformance**

### **A. Section 5.1.2. - Intent**

Section 5.1.2 of the Zoning Ordinance states that Commercial/Residential Floating zones are intended to provide an alternative to development under the restrictions of the Euclidean zones mapped by Sectional Map Amendment. The Project embodies the following specific intentions of the Floating Zones:

- *Implement comprehensive planning objectives by:*
  1. *furthering the goals of the general plan, applicable master plan, and functional master plans;*
  2. *ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master*

*plan, functional master plan staging, and applicable public facilities requirements ; and*

3. *allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property;*

As discussed in detail in Section IV of this Report, the Project furthers the goals and recommendations of the Master Plan. The Project is supported by existing infrastructure and there is adequate public facilities to accommodate the proposed development. The Project will provide compatible in-fill redevelopment in furtherance of smart growth principles. The site is ideally situated for residential infill redevelopment, given its location between single-family homes (to the west), a senior living facility (to the north) and New Hampshire Avenue (to the east). The Project will serve as a transition from New Hampshire Avenue and the institutional uses that line it, to the surrounding residential neighborhood. Additionally, the proposed residential development will help support the commercial uses within the Collesville Center. The CRNF Zone will allow for necessary design flexibility to ensure that the proposed site layout and building design can be integrated into the existing land use patterns and circulation networks of the surrounding neighborhood.

- *Encourage the appropriate use of land by:*
  1. *providing flexible applicability to respond to changing economic, demographic and planning trends that occur between comprehensive District or Sectional Map Amendments;*
  2. *allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and*
  3. *ensuring that development satisfies basic sustainability requirements.*

The proposed Floating Zone facilitates the redevelopment of the Property with additional, diverse housing opportunities that will aid in meeting the County's housing targets. The Project promotes sustainability and smart growth principles through infill redevelopment of the Property, which is already served by existing infrastructure and near future public transportation (*i.e.* the BRT). As discussed in this Report, the Project has been designed to serve as a compatible transition to the surrounding residential neighborhood. The proposed streetscape improvements will encourage pedestrian and bicycle connectivity between the Commercial Center and the surrounding residential uses.

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

The Property is ideally situated for townhouse infill redevelopment, given its location along New Hampshire Avenue, adjacent to several institutional uses, and just north of the Colesville Center. The Project will serve as a transition between these more intense developments and the surrounding residential communities. The Project will also provide substantial open space on-site, in addition to the stormwater management, which will collectively promote the Master Plan's environmental recommendations.

### **B. Section 5.1.3. - Applicability**

4. A Floating zone must not be approved for property that is in an Agricultural or Rural Residential Zone;

The Property is zoned R-200 and is not in an Agricultural or Rural Residential Zone.

5. If a Floating zone is recommended in a master plan, there are no prerequisites for an application;

The Property is not recommended for a Floating Zone in the Master Plan and as such, must meet a minimum of two pre-requisites from each category (discussed below).

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

Based on the pre-existing Euclidean zone (R-200) and the tract size (9.99 acres), the Zoning Ordinance allows for a maximum density of 1.25 FAR with residential density limited to 1.0 FAR. The requested density of 1.0 FAR conforms with this requirement.

7. When requesting a Commercial Residential Neighborhood Floating zone for a property with a Residential base zone, the Property must front on a nonresidential street or must confront or abut property that is in a Commercial/Residential, Employment, or Industrial zone; and must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.3.D.

The Property fronts New Hampshire Avenue which is designated as a “Boulevard” (a non-residential street) in the County’s *Master Plan of Highways and Transitways*, and satisfies at least two pre-requisites in each of the categories as follows:

Category	Prerequisite Choices	Satisfied
Transit & Infrastructure	At least 75% of the site is within 1/4 mile of a Level 3, 1/2 mile of a Level 2, or 3/4 mile of a Level 1 transit station/stop.	
	The site has frontage on and vehicular, bicycle, and pedestrian access to at least 2 roads, at least one of which is nonresidential.	✓
	The site is served by existing water and sewer infrastructure that will not require either an upgrade to the service line or installation of a pump station due to the proposed development.	✓
	All signalized intersections within 1/4 mile of the site boundary are operating below the applicable congestion standard.	
	The project is age-restricted or senior housing, or if proposing development that may generate students, the site must not be in an area that is under moratorium due to school capacity or result in a school utilization rate greater than 120% because of the proposed development. For any site within 2 school clusters, only the portions of the site that satisfy this requirement can proceed.	✓

<b>Vicinity &amp; Facilities</b>	The site is in a transitional location between property in an existing Residential Multi-Unit, Residential Townhouse, or non-Residential zone and property in a Residential Multi-Unit, Residential Townhouse, or Residential Detached zone.	
	The site is adjacent to a bicyclist route that provides access to commercial services within 3 miles.	✓
	The site is adjacent to a route that provides access to an existing or master- planned school within 1/2 mile.	
	The site is adjacent to a pedestrian route that provides access to existing public park and recreation facilities that satisfy a minimum of existing public park and recreation facilities that satisfy a minimum of 30% of the recreation demand under the Planning Board's Recreation Guidelines, as amended, within 3/4 mile.	✓
	The site is adjacent to a pedestrian route that provides access to an existing grocery store or County-permitted farmer's market within 1/4 mile.	✓
<b>Environment &amp; Resources</b>	The limits of disturbance for the development will not overlap any stream, floodplain, wetland, or environmental buffer or any slopes greater than 25% or slopes greater than 15% where erodible soils are present.	✓
	The site does not contain any forest or, if forest is present, the limits of disturbance for the development will not reduce the forest cover to less than an area of 10,000 square feet and width of 35 feet at any point.	✓

	The site does not contain any rare, threatened, or endangered species or critical habitats listed by the Maryland Department of Natural Resources.	✓
	The site is on land containing contaminated soils and is developed in conjunction with an environmental Voluntary Cleanup Program under the Maryland Department of Environmental Protection.	
	The site is currently developed with more than 75% impermeable surfaces, including paving and roofed-structures, and does not currently provide stormwater management meeting the standards applicable on the date of filing.	

As shown in the table above, and described in more detail below, the Application satisfies a minimum of two (2) prerequisites under each of the three categories listed in Section 5.1.3.D.

## 8. Transit & Infrastructure

- i. *The site has frontage on and vehicular, bicycle, and pedestrian access to at least two roads, at least one of which is nonresidential.*

The site has frontage on, and vehicular, bicycle and pedestrian access to, both Notley Road (residential) and New Hampshire Avenue (non-residential).

- ii. *The site is served by existing water and sewer infrastructure that will not require either an upgrade to the service line or installation of a pump station due to the proposed development.*

It is anticipated that the existing water and sewer infrastructure will not require either an upgrade to the service line or installation of a pump station. Water service is proposed to be established by connecting to the existing 10" line along Notley Road and sewer service is proposed through connections to the existing 8" lines on Notley Road and New Hampshire Avenue.

- iii. *The project is age-restricted or senior housing, or if proposing development that may generate students, the site must not be in an area that is under moratorium due to school capacity or result in a school utilization rate greater than 120% because of the proposed development. For any site within 2 school clusters, only the portions of the site that satisfy this requirement can proceed.*

As discussed above, the schools serving the Property are currently operating below capacity at all three levels. Based on the FY 2025 Annual Schools Test and Projected 2028-2029 Utilization Rate, the utilization at all three schools will remain well below 120% capacity. There are currently 124 seats available at White Oak Middle School and 284 seats available at Springbrook High School before those schools will reach capacity. The Project will only add 18 middle school students and 25 high-school students, well within the current school capacity limits. Westover Elementary School only has two seats available before reaching capacity, however, there are 72 spaces available prior to reaching 105% utilization. The proposed Project will only add 33 elementary school students and as such, with the Project, Westover Elementary will remain below 105% utilization.

## 9. Vicinity & Facilities

- i. *The site is adjacent to a bicyclist route that provides access to commercial services within three miles.*

The site has frontage on New Hampshire Avenue, which is planned to have a shared-use path per the County's *Bicycle Master Plan*. The shared-use path will provide access to the Colesville Center, a commercial shopping center located within  $\frac{1}{4}$  mile of the Property.

- ii. *The site is adjacent to a pedestrian route that provides access to an existing public park and recreation facilities that satisfy a minimum of 30% of the recreation demand under the Planning Board's *Recreation Guidelines*, as amended, within  $\frac{3}{4}$  mile.*

The Property abuts Colesville Neighborhood Park. Additionally, Colesville Local Park and Sherwood Forest Park are both within a  $\frac{3}{4}$  mile radius of the Project. These parks fulfill at least 30% of the recreation demand for the Project.

- iii. *The site is adjacent to a pedestrian route that provides access to an existing grocery store or County farmer's market within  $\frac{1}{4}$  mile.*

The Property is adjacent to a pedestrian route along New Hampshire Avenue that provides access to the Giant Food in the Colesville Center, which is within a  $\frac{1}{4}$  mile walkshed of the Property.

10. Environment & Resources

*i. The limits of disturbance (LOD) will not overlap any stream, floodplain, wetland, or environmental buffer, or any slopes greater than 25% or slopes greater than 15% on highly erodible soils.*

There are no environmental features located with the presumed limits of disturbance (“LOD”). There are no slopes greater than 25% or slopes greater than 15% on highly erodible soil. Rather, the LOD overlaps 2B Glenelg Silt Loam, on 3-8% slopes soil series (which is not highly erodible).

*ii. The site does not contain any forest or, if forest is present, the LOD for the development will not reduce the amount of forest cover to less than area of 10,000 square feet and width of 35 feet at any point.*

There is no forest located on-site.

*iii. The site does not contain any rare, threatened, or endangered (RTE) species or critical habitats listed in the Maryland Department of Natural Resources.*

The site does not contain any Forest Interior Dwelling Species (FIDS), critical habitat or RTE species.

**C. Section 5.3.2. - Purpose of the CRNF Zone**

The CRNF Zone is an appropriate zoning classification for the Property. The intent of the CRNF Zone is to allow mixed-use development at a range of densities and heights flexible enough to respond to various settings. It also allows flexibility in uses, and seeks to provide mixed use development which is compatible with adjacent development. As described previously in this Report, the proposed CRNF Zone facilitates the construction of desirable, additional housing along this major corridor. Furthermore, the flexible design standards of the CRNF Zone allow for a Project layout that promotes compatibility with the surrounding neighborhood.

**D. Section 5.3.5. - Development Standards**

As the following table illustrates, the proposed Project will satisfy the development standards for standard method of development in the CRNF Zone:

		<b>Permitted/ Required</b>	<b>Provided</b>
5.3.5.A	Density of Development	Established by Floating Zone	Total Density: 1.0 FAR

	(a) Maximum Overall FAR  (b) Commercial or Residential Density		Residential Density: 1.0 FAR  Commercial Density: 0.0 FAR
5.3.5.B	Bldg. Height	Established by Floating Zone Plan	60'
5.3.5.B	Bldg. Setbacks (minimum) from the boundary	Established by Floating Zone Plan. (All others set by site plan)	From Notley Road (south): 17'  From New Hampshire Avenue (east): 20'  From Colesville Neighborhood Park (west): 20'  From North: 20'
5.3.5.C	Lot Size (minimum)	Established by site plan	
5.5.3.D	Open Space Provided Under Section 4.5.3.C	10% (35,997 sf)	10% (35,997 sf)

## **VI. Findings for Approval**

Pursuant to §59.7.2.1.A. a zoning map change to apply a Floating Zone to an individual property requires approval of a Local Map Amendment. Under §59.7.2.1.E., the District Council must find that the floating zone plan will:

**A. Substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans;**

As discussed in Section IV above, the Project substantially conforms to the recommendations of the Master Plan.

**B. Further the public interest;**

As described more fully in this Report, the Project will further the public interest by transforming this underutilized site, located along a major transportation corridor, into a pedestrian friendly, compatible residential community with significantly more housing, including 12.5% MPDUs, in support of the County's housing targets. The Project will contribute to the diversity of housing options in this area and serve as a transitional development to the existing residential communities.

**C. Satisfy the intent, purposes, and standards of the proposed zone and requirements of this Chapter;**

As described in section V of this Report, the Project will satisfy the intent, purpose and specific standards of the CRNF Floating Zone and the Zoning Ordinance. For all the reasons discussed in this Report, the requested Floating Zone is appropriate at this location.

**D. Be compatible with existing and approved adjacent development;**

The Project will be compatible with and will complement the adjacent development. As discussed in Section IV of this Report, the Project will contribute to the diversity of housing in the surrounding community, and will serve as a transitional development between the single-family detached neighborhoods and the institutional uses that line New Hampshire Avenue (a six-lane divided highway). Additionally, the Project provides significant streetscape improvements that will facilitate bicycle and pedestrian connectivity within the surrounding neighborhood and with the nearby commercial center and future BRT station.

**E. Generate traffic that does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts; and**

All intersections studied in the LATR with the exception of the New Hampshire Avenue (MD 650) and Randolph Road intersection will operate with critical lane volumes (CLVs) of less than 1350 with the proposed development. Signal timing adjustments were applied to the intersection of New Hampshire Avenue (MD 650) and Randolph Road to reduce the delay per vehicle standard to less than 59 seconds, meeting the motor vehicle adequacy requirement. Additionally, a new traffic signal would be required at the Notley Road and New Hampshire Avenue intersection to mitigate the delays in the total future. The traffic study (LATR) prepared by Gorove Slade demonstrates that the Project will not have any adverse impact on the surrounding intersections.

**F. When applying a non-Residential Floating zone to a property previously under a Residential Detached zone, not adversely affect the character of the surrounding neighborhood.**

The proposed Project will not adversely affect the character of the surrounding neighborhood. The property will continue to be used for residential use. Rather, the proposed townhomes will contribute to the diversity of residential uses. The project layout and building architecture will be designed to frame and activate the internal and external streets. This design, along with the substantial streetscape improvements proposed, will help to facilitate pedestrian and bicycle connectivity within the surrounding neighborhood.

**VII. Phasing**

The proposed development will be constructed in a single phase.

**VIII. Conclusion**

The Project conforms to the Intent and Purpose of the CRNF zone and complies with all Development Standards within the Zoning Ordinance. The Project substantially conforms to the Sector Plan's recommendation and promotes many important land use objectives of the County. The Local Map Amendment will facilitate the development of an underutilized, low-density site with a new, compatible townhouse community that will enhance the surrounding neighborhood, as well as advance the Master Plan's objectives, and the County's housing targets and policies of smart growth. For these reasons, we respectfully request approval of this Local Map Amendment.