

**CITY OF ROCKVILLE
COMMUNITY PLANNING & DEVELOPMENT SERVICES DEPARTMENT
STAFF REPORT**

TO: Planning Commission

FROM: Jim Wasilak, Chief of Planning
Bobby Ray, Principal Planner

PLANNER: Nicole Walters, Planner II

DATE: July 28, 2010:
Planning Commission Review

SUBJECT: Level 2 Site Plan Application
STP2010-00048, Chestnut Lodge Properties
500 W. Montgomery Avenue.



RECOMMENDATION: Approval, subject to the conditions noted on page 7.

REQUEST: The applicant has submitted an application for a Level 2 Site Plan pursuant to Section 25.07.05 of the Zoning Ordinance (Attachment 1). The proposal is to include reduced/modified home sizes and attached garages with optional breezeways.

Per Section 25.05.07.b.5 of the Zoning Ordinance when changes to approved development applications are determined not to be minor in nature by the Chief of Planning the application is referred to the Approving Authority for review, i.e. the Planning Commission. Based on this determination the Site Plan Application will be reviewed as a Level 2 Site Plan.

The primary changes proposed in this application include: house size/footprint, attached garages versus detached garages and architecture. Per Attachment 2 (Alternative Site Plan Sheet 2 & 3), the applicant proposes to build 22 of the remaining 31 homes. These homes will include reduced/modified footprints and attached garages with optional breezeways. The original plan included detached garages and large scale footprints.

The original developer, Chestnut Lodge Properties, maintains the right to exercise options to build on a total of nine (9) of the remaining buildable lots, including in particular Lot 13, also known as the Rose Hill Barn Lot. However, in the event Chestnut Lodge Properties is not able to build the number indicated, Michael Harris Homes would build approximately 30 homes. These homes will include reduced/modified footprints and attached garages with optional breezeways as indicated in Attachment 3.

Based on the proposed changes, the Historic District Commission (HDC) conducted a Courtesy Review with regard to compatibility with the adjacent historic district on May 20th 2010, and then the Planning Commission reviewed the architectural design of the proposed homes on June 23, 2010.

PROJECT / SITE INFORMATION:

Location:	500 W. Montgomery Avenue, Bullard Circle and 101-105 Thomas Street
Applicant:	Michael Harris Homes (a.k.a. Streetscape)
Land Use Designation:	Residential
Zoning District:	PD- Chestnut Lodge (PD-CL)
Parcel Area:	20.4 acres or (888,624 square feet)
Current Use:	Residential
Proposed Use:	Residential
Proposed Floor Area:	Range from approximately 1400-2100 (footprint)
Building Height:	35 feet in height
Parking:	2 Off-Street Parking Spaces to include garages w/ optional breezeways

Surrounding Land Use and Zoning			
Location	Zoning	Planned Land Use	Existing Use
North	R-90	Residential	Residential
South	PD- RH (Rose Hill)	Residential	Residential
East	R-90	Residential	Residential
West	PD-BU – Buckingham Property	Residential	Residential

PREVIOUS RELATED ACTIONS:

- Exploratory Application PRU2005-00022, for 36 new single family detached dwelling units with detached garages, 7 residential condominiums (in the Main Lodge) and two rehabilitated buildings (Little Lodge and Freida’s Cottage), the reconstruction of the Stable and the Icehouse and the rehabilitation of the Rose Hill Barn/Creamery. Approved by Mayor and Council on February 6, 2006.
- Detailed Application PRU2006-0022A, for approval of the site plan of the Chestnut Lodge development, the construction Phasing Plan and the Three-Year Maintenance Plan for the trees in the historic section. Approved by the Planning Commission on October 25, 2006.
- Detailed Application PRU2006-0022B, for the approval of the schedule of demolition for the Construction Phasing Plan. Approved by the Planning Commission on August 9, 2006.
- Detailed Application PRU2006-0022C, for the approval to widen the entrance at Bullard Circle from 36 feet to 38 feet. Approved by the Chief of Planning on November 10, 2008.
- HDC2010-00508, Historic District Commission Courtesy Review, for the revisions to the approved new home construction at Chestnut Lodge Development. Recommended approval to Planning Commission of the redesign including the use of attached garages with breezeways on May 20, 2010.

- Architectural Review, for the redesign of homes. Approved by the Planning Commission on June 23, 2010.

Application Milestones related to the Site Plan Application:

- May 13th 2010 – Area Meeting (not required by the Ordinance)
- May 20th. 2010 – Historic District Commission (HDC) Courtesy Review
- June 23, 2010 – Planning Commission Review of the Architectural Designs
- June 30, 2010 – Pre Application Area Meeting for Site Plan
- July 1, 2010 – Site Plan Application Submittal
- July 20, 2010 – Post Application Area Meeting

BACKGROUND:

The Chestnut Lodge development was approved by the Mayor and Council on February 6, 2006 for 36 new single family detached dwelling units with detached garages, 7 residential condominiums (in the Main Lodge building) and two rehabilitated buildings (Little Lodge and Frieda's Cottage), each to be used as single family homes. The development also included the reconstruction of the Stable and the Icehouse and the rehabilitation of the Rose Hill Barn/Creamery. Neither the Stable, nor the Icehouse reconstruction is complete but are underway. To date 5 single family homes have been built by the original developer, Chestnut Lodge Properties. The 5 homes that have been built consist of one (1) owner occupied home, one model home and 3 homes that are still under construction. In 2009, the Main Lodge that was to include the 7 condominiums was destroyed by fire.

ANAYLSIS:

Master Plan Compliance

Although, the new homes will include modified/reduced footprints with attached garages with optional breezeways, the homes still comply with the intent of the Master Plan. The Mayor and Council in its approval of PRU2005-00022 on February 6, 2006, determined that the proposed land use was consistent with the Master Plan. This Site Plan application is to incorporate the change in the original approval of single family homes with detached garages to single family homes with attached garages with optional breezeways. The proposed

homes will be smaller in scale and will continue to be comparable to the density of the surrounding neighborhoods. The attached garages will continue to blend well and are compatible with the surrounding properties and the adjacent historic districts.

Zoning Compliance

The proposed redesign is still guided by the requirements of the Exploratory Application PRU2005-00022 approved by Resolution 3-06, and the Detailed Applications PRU2006-0022A and PRU2006-0022B. (Attachments 4). The applicable Development Standards are included in Resolution 3-06 (p 9 & 10). The development generally follows the R-90 zone standards with some special provisions, which were given to detached garages for placement, and height. Development standards for attached garages follow the main dwelling standards of 35 feet in height. In addition, the attached garages must also maintain a minimum side yard setback requirement of 11 feet from the property line (measured from the closest point of the garage), the same as the main buildings. Since the development was approved prior to the adoption of the new ordinance, height for this development is measured from the level of approved street grade opposite the middle of the front of the building to the highest point of roof surface of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable hip or gambrel roof. As indicated in the proposed drawings in Attachment 3, the applicant will adhere to this requirement.

Forest and Tree Preservation/Landscaping (Attachment 5)

The proposed house type revisions will require minor adjustments to the tree locations shown on the approved Forest Conservation/Landscape Plan on at least three lots. These adjustments can be made in the field during the pre-planting meeting with the Forestry Inspector and an approval condition has been added to this effect.

During the Planning Commission's review of the new architectural designs, there was discussion on whether condition #46 of the Detailed Application (PRU2006-0022A) had been satisfied. This condition required the applicant to "work with the City Forester to determine if landscaping can be installed below the retaining walls on lots 17 through 19." If a determination was made that this

could be done, the planting was to occur within the first planting season after completion of the walls. The retaining walls have been constructed; however, according to a representative from Chestnut Lodge Properties the walls need to be reconstructed in order to meet code requirements. A determination cannot be made as to whether additional plants can be installed until the walls are re-built and the landscaping is completed per the approved plans. In the meantime, non-native and invasive plant removal and debris removal shall be done for this area.

Forestry staff has inspected a number of the trees on the site and found that routine tree maintenance is needed. The approved Forest Conservation Plan provides recommendations for tree care on all trees being retained; however, the applicant will need to provide an updated list with new recommendations and priorities. Forestry staff is also requesting that the applicant provide information on what tree work has been done so far.

In addition to complying with condition #46 of the Detailed Application approval letter, condition #4, which requires approval of the three-year tree maintenance plan, must be done as well as condition #8, non-native and invasive plant removal.

Stormwater Management

The applicant must still comply with the Stormwater Management Concept approval dated October 15, 2004 (as indicated in page 44 of Resolution 3-06).

Roads and Public Transportation

Based on the Mayor and Council approval on February 6, 2006, it was determined that the various on site and off site improvements, and other traffic mitigations, will help minimize the traffic impact of the proposed development. Alternative modes of transportation are continued to be promoted, pedestrian access and connectivity will continue to be improved as the development is built out. The application is expected to have no impact on transportation.

Water and Sewer

Based on the original approval (February 6, 2006), it was determined that the development would be adequately served by City water and sewer service. The proposed changes would continue to allow this determination to remain.

Publicly Accessible Art in Private Development

The applicant is required to adhere to this requirement as indicated in Resolution 3-06 (page 28), subject to the rates in effect at the time of Permit Application.

RECOMMENDED CONDITIONS:

1. Conditions of approval listed in Resolution 3096 and the approval letters for PRU2006-0022A and PRU2006-0022B continue to apply unless superseded below.
2. Proposed site improvements must be constructed in accordance with site development and building plans submitted by Michael Harris Homes (a.k.a. Streetscape) and/ or as may be modified by the Planning Commission. Submit, for the approval of the Chief of Planning, twelve (12) copies of the site plan.
3. Revised Landscape Plan should be signed stamped and sealed by Kimley-Horn and Associates, Inc, clearly indicating by a Legend that that this plan is associated with Site Plan Application STP2010-00048.
4. Comply with the City's Publicly Accessible Art in Private Development Ordinance using current rates.
5. Alternative Site Plans should be signed stamped and sealed by Kimley-Horn and Associates, clearly indicating by a Legend, which homes are being built by the applicant and which homes are being built the owner.
6. The applicant shall sign and return the approval letter prior to the release of any permits.

REQUIRED FINDINGS:

Pursuant to Section 25.07.01.a.3 of the Zoning Ordinance, a site plan may be approved only if the applicable Approving Authority finds the application will not:

(a) Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed development;

The proposed single family homes with attached garages with optional breezeway will continue to be comparable to the density of the surrounding neighborhoods. The footprints of the homes will be smaller in scale but will continue to provide architectural designs similar to what was approved by the Mayor and Council on February 6, 2006. The proposed design(s) received courtesy review by the Historic District Commission on May 20, 2010 (Attachment 6), when the Commission recommended approval to the Planning Commission. On June 23, 2010 (Attachment 7), the Planning Commission reviewed and approved the proposed architectural designs of the proposed homes. The proposed attached garages with optional breezeways must meet the development standards as indicated in Resolution 3-06 (pages 9 & 10). There is no evidence that the proposed change will have any additional impacts on traffic. As previously indicated in the report, the alternative modes of transportation are continued to be promoted, pedestrian access and connectivity will continue to be improved as the development is built out. Based on the fact that that the original approval addressed this finding in its original approval, the modified/reduced homes with attached garages with optional breezeways will not adversely affect the health or safety of persons residing or working in the neighborhood.

(b) Be detrimental to the public welfare or injurious to property or improvements in the neighborhood;

The applicant is still guided by the previous approvals and the required setbacks. The biggest change will be the reduced footprints and attached garages with optional breezeways. Staff finds that the modified/reduced footprints and attached garages with optional breezeways still carry out the intent of the previous approval and will increase the separation between structures. Staff

finds that the proposal will not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

(c) Overburden existing and programmed public facilities as set forth in Article 20 of this Chapter and as provided in the adopted Adequate Public Facilities Standards;

The original exploratory application was filed on April 29, 2005, which exempted the project from having to meet the Adequate Public Facilities Ordinance (APFO) requirements. As stated in the Adequate Public Facilities Standards (AFPS, page 2), any development applications filed prior to the effective date of the Ordinance (November 1, 2005) will be reviewed based on the requirements in effect at the time.

As indicated in Resolution 3-06 (page 6), when the application was approved by the Mayor and Council on February 6, 2006, it was determined that the project would not overburden existing and programmed public facilities. With the proposal indicating reduced/modified homes with attached garages, it is still anticipated that this would continue to be the case.

(d) Adversely affect the natural resources or environment of the City or surrounding areas;

Reducing the footprints and adding attached garages will require shifting of proposed trees locations as indicated on the Forest Conservation Plan (FCP) and the Landscaping Plan. Staff finds that the proposed changes are minor in nature and will not alter the original finding that the development will not adversely affect the natural resources or environment of the City or surrounding areas.

(e) Be in conflict with the Plan;

The proposal continues to follow the recommendations indicated in the Master Plan such as: maintaining historic buildings and protecting trees within the Historic District. The attached garages will continue to follow the general standards of the R-90 zone. The change in footprint and the addition of the attached garages will not be in conflict with the Plan.

(f) Constitute a violation of any provision of this Chapter or other applicable law.

The proposed changes are still guided by the requirements of the Exploratory Application PRU-2005-00022 approved by Resolution 3-06, and the Detailed Applications PRU2006-0022A and PRU2006-0022B. Based on the alternative site plan submitted, the attached garages are maintaining the minimum the side yard setback of 11 feet. The homes as proposed in the elevations provided do not exceed the 35 foot height requirement.

The proposed changes to the single family homes do not cause the development to violate any provision of the Zoning Ordinance or other applicable law.

(g) Be incompatible with the surrounding uses or properties.

The subject property was approved by the Mayor and Council on February 6, 2006, and it was determined that proposed development, which included larger scale homes with detached garages, was compatible with the surrounding neighborhoods. The modified/reduced footprints with attached garages with optional breezeways will continue to be compatible with the surrounding uses or properties.

PUBLIC OUTREACH:

In accordance with the requirements of the Zoning Ordinance, the applicant held a Pre-application meeting on June 30, 2010, and a Post application meeting on July 20, 2010 to provide interested parties an opportunity to hear and ask questions about the proposal. Per Attachment 8, minutes from the June 23, 2010 meeting, as well as a list of attendees are included. Per Attachment 9, only the notification and affidavit of posting information is available due to fact that the Post Application hearing will not be held until July 20th, however, that information will be available in the application file. Notification letters were sent by the applicant to properties within 1,000 feet of the subject site area, per the requirements of the Zoning Ordinance. The applicant provided affidavits for both Area Meetings as well as the Planning Commission meeting. A sign has been posted on the property since the application filing which provides references to the up and coming meeting(s)/hearing. To date no written comments has been received.

CONCLUSION:

Based upon the findings, staff recommends approval of this Level 2 Site Plan, subject to the conditions noted.

Attachments:

1. STP2010-00048 Application
2. Alternative Site Plans (Sheets 2 & 3)
3. Alternative Building Plans/Elevations
4. Resolution No 3-06 (including Detailed Application PRU2006-0022A - Approval Letter & Detailed Application PRU2006-0022B – Approval Letter)
5. Revised Landscaping Plan
6. HDC Courtesy Review Memo Only dated 6/10/10
7. Architectural Review Approval Letter dated 7/14/2010
8. Pre-Application Area Meeting Notification packet & Summary of meeting
9. Post-Application Area Meeting Notice