



**CASHELL ESTATES DESIGN FOR LIFE COMMUNITY**  
**Conditional Use Application Submission**  
**Land Use Report**

Prepared for:

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December 2015

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## Introduction

This is a request for approval of a nineteen (19) unit “Design for Life” townhouse community as a Conditional Use in the RE-1 Zone. The two acre property upon which the Design for Life community is proposed is located at 7009 Garrett Road, Derwood, Maryland 20855 (the "Subject Property"). The Subject Property is described as “Part of Lot Number 5 Block B” in the subdivision identified as “Lots 5 to 12 Block B, A Resubdivision of Lots 1, 2 & 3 Block B Cashell Estates Subdivision”. The Subject Property is the same property described in a Deed dated December 19, 2014 recorded in Liber 49677 at Folio 284, among the Land Records of Montgomery County, Maryland.

## Site Description

The Subject Property is classified in the RE-1 Zone pursuant to the 2014 Zoning Ordinance and it is identified as “the west two acres of Lot 5, Block B Cashell Estates Subdivision.” Lot 5 was established as a recorded lot by a certain plat recorded in Plat Book 32 at Plat 2038. The Subject Property and the adjacent portion of Lot 5 to the east were surveyed in 1960 by the then County Surveyor, R.K Maddox. It is our understanding that the division of Lot 5 into the West 2 Acres and the East 3 acres was accomplished by deed.

The subject Property is currently developed with a one family detached dwelling that will be demolished upon approval of this Conditional Use application. Access is provided via a driveway from Garrett Road adjacent to the Garrett Road/Redland Road intersection. The Subject Property is generally flat, with no forest or other environmental features that require special attention. The Subject Property has frontage along Redland Road, on the west and Garrett Road on the south. The Subject Property is bounded on the north and east by vacant land acquired by the State Highway Administration for Maryland Route 200, the Inter-county Connector (the “ICC”). The ICC effectively serves as the eastern neighborhood boundary, separating the western portion of Cashell Estates from the eastern segment of the Cashell Estates community.

There are no streams, stream buffers, floodplain or wetlands on the Subject Property. As shown on the approved Natural Resources Inventory/Forest Stand Delineation (“NRI/FSD”), there are only five (5) specimen trees and no forest on the Subject Property. There are no historical or culturally significant features on the Subject Property and there was no visible habitat or endangered species evident when the NRI/FSD was prepared.

## Surrounding Neighborhood

The surrounding area or “zoning neighborhood” for purposes of evaluating the proposed development is bounded by the SHA right of way for the ICC and retained property under SHA control to the north and east. The Subject Property is across Redland Road from the Redland Local Park on the west. The southern boundary is the point at which the ICC crosses “Parcel K” south of Catalpa Court.

In order to approve a Conditional Use application the Hearing Examiner must find that the proposed development “is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the (applicable master) plan” (Zoning Ordinance Section 59-7.3.1.E.1.d. For analysis purposes, the surrounding neighborhood is bounded on the east by, and to a great extent defined by, the SHA Right of way for the Inter-County Connector, Maryland State Route 200 (the “ICC”).

The recent construction and opening of the ICC significantly altered the character of Cashell Estates, isolating the Subject Property and other properties fronting on Redland Road from the rest of Cashell Estates. Garrett Road, now terminating in a cul de sac previously served as a connector road between Redland Road and the Cashell Estates neighborhood. As a result of the opening of the ICC, Cashell Estates was functionally divided into two separate neighborhoods. The neighborhood east of the ICC remains as it was, a developed RE-1 residential community while the neighborhood west of the ICC, containing vacant land in public ownership, scattered RE-1 housing, a local park and previously developed R-200 zoned communities is no longer characteristically an RE-1 neighborhood.

The boundaries of the surrounding neighborhood also include the SHA and Mid County rights-of-way and State owned properties on the north and the western boundary of the Redland Local Park on the west. Continuing southward, the surrounding neighborhood is defined by the rear property lines of the R-200 Copperwood community that includes the townhouse development along Catalopa Court. Redland Road provides access to both the R-200 and RE-1 zoned portions of the surrounding neighborhood and to Redland Park that confronts the Subject Property on the west side of Redland Road.

## Conditional Use Summary

The Montgomery County Council established what is now known as the Design for Life tax credit program through legislation effective on July 1, 2014. The tax credit was intended to incentivize the development of new communities, designed to be fully accessible for everyone, regardless of mobility or other physical limitations. However, the availability of the tax credit proved insufficient as an incentive for the development of these types of inclusive communities and in recognition of this failed policy, the County Council enacted ZTA 15-02, effective May 11, 2015, as follows:

“to allow a conditional use for Design for Life projects with increased density under certain circumstances. ZTA 15-02 would create a new conditional use for Design for Life communities that include features to make access easier for visitors and residents. The approval of the conditional use would increase the number of dwelling units per acre over a site’s base zoning and require Level II accommodations.”

In addition to this ZTA, two levels of accessibility standards were established for Design for Life projects in Section 52-18U of the Montgomery County Code (the “County Code”). As such, in order to qualify for Conditional Use approval a proposed Townhouse Living project must meet or exceed the higher, level II accessibility standards which 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.

- an accessible circulation path that connects the accessible entrance to an accessible kitchen, a full bath, and at least one accessible bedroom.

Compliance with these requirements is evident from the Conditional Use Plan and conceptual floor plans for the proposed nineteen (19) unit townhouse community. The site design includes community use passive recreation areas, paths and other amenities that are fully accessible for use and enjoyment, regardless of a person's mobility status. Also, as evident from the architectural elevations and floor plans, each dwelling unit will be designed to include a no-step or "zero-entry" entrance to the house, through the attached two car garage. The zero entry entrance is connected to a ground floor family room with elevator access to the first (main) floor living room, dining room and kitchen. The open area interior design provides an accessible circulation path connecting the elevator from the zero entry entrance to fully accessible living areas on the main level and an accessible powder room located on the main level. All interior doorways, on every level, will be constructed with a 32-inch nominal clear width.

All of the bedrooms will be located on the third or upper level of each dwelling unit. The upper level is accessible by elevator that access a wide square shaped hallway with a minimum clear width of four (4) feet at its narrowest point. Two full, accessible bathrooms are located on the upper level of each dwelling unit.

In further compliance with these requirements, the Applicant proposes that the Conditional Use approval be subject to the following specific binding elements governing accessibility.

- A. Amenity Space. All active and passive amenity or recreational areas must be barrier-free and fully accessible to all persons regardless of ability or disability.
- B. Parking. Van accessible parking and "handicapped" parking spaces shall be available at a ratio of two spaces per unit. All driveways shall be van accessible and shall provide a no-step access to at least one exterior entryway. Per the use standards found in Section 3.3.1.D.2.b.ix of the Zoning Ordinance we are also required to have one handicap parking space with an 8' access aisle.
- C. Exterior Dwelling Unit Features including:  
  
A no-step entrance with a threshold that does not exceed ½ inch in depth with tapered advance and return surfaces that provides access to the main living space of the residence that is connected to an accessible route to a the entry level, including a usable powder room or bathroom.
- D. All interior doorways must provide a 32-inch wide or wider clear opening.
- E. At least one accessibility-enhanced bathroom that includes either a walk-in or roll-in shower or tub. Walls around at least one toilet, reinforced to allow for the proper installation of grab bars with grab bars installed in accordance with the Americans with Disabilities Act Standards for Accessible Design.

- F. Maneuvering space of at least 30 inches by 48 inches in bathrooms and kitchens so that a person using a mobility aid may enter the room, open and close the door, and operate each fixture or appliance.
- G. At least one bedroom must be connected to an accessible route to the entry level.
- H. A warning device structurally integrated into the dwelling unit designed to assist an individual with a sensory disability.
- I. All dwelling units must include an electrically pre-wired elevator shaft servicing all constructed to accommodate an elevator, installed at the purchaser's option.

As shown on the Conditional Use plans, the proposed landscaping consists of a number of deciduous, conifer, ornamental trees and shrubs. The intent is to enhance the aesthetics of each individual lot, as limited by space and useable yard area. Open space planting to buffer the common areas between unit blocks will be provided and additional landscaping will also help to buffer between adjoining properties. Standard street trees will be provided per the County standards for type and spacing. A total of six streetlights are proposed, mounted on posts 12 feet in height with LED lighting inside a traditional style fixture as shown on the Conditional Use plans.

Site amenities for the proposed project will include a fully handicap accessible 4' wide circulation pathway, providing access to the individual lots, access to the interior drive aisle, access to the existing bus stop and for passive recreation around the open space area. The pathway will be green design, constructed of pervious pavement, except at the driveway aprons. A gazebo structure with seating will also be provided as an additional amenity.

All landscaping will be subject to county review for canopy coverage compliance at the time of permitting and with the M-NCPPC at subdivision approval. Additional landscaping will be designed and proposed at permit to comply with county standards at final design and location of the stormwater management facilities.

## **Public Facilities**

The area is served by public utilities, including electricity, telephone, water and sewer. The Subject Property is in Water Category W-3 and Sewer Category S-3 pursuant to the current Comprehensive Water Supply and Sewerage Service Systems Plan. An existing 16" water main is located in the Redland Road right of way and an 8" water tee stub is located adjacent to the Subject Property in the Garrett Road right of way. The Applicant will extend the existing 8" tee stub in Garrett Road to serve the proposed Design for life Community. Public sewer, located in the Redland Road right of way is available to serve the Subject Property and adequate transmission and treatment capacity exists to serve the proposed nineteen unit development. The existing sewer main in Redland Road terminates approximately 300' south of the Subject Property and will be extended by the Applicant to provide public sewer service for the proposed Design for life Community.

Stormwater runoff is currently uncontrolled from the Property and all runoff sheet flows southward from the property and from Garrett Road and Redland Road to inlets on Redland Road and in the Redland Park property. These inlets flow to a storm drain system in Copperwood Court, which crosses Founders Mill Road, into a stream. Under this development proposal stormwater runoff will be controlled and managed by an Environmental Site Design storm drainage system that will direct storm water from the Subject Property, Garrett and Redland Roads, into a swale on the Redland Park property then downstream into an existing storm drain system.

Stormwater management utilizing Environmental Site Design to the Maximum Extent Possible (“ESD to the MEP”) will be provided onsite with one micro-bioretenion and two landscape infiltration facilities. The two landscape infiltration facilities will collect runoff from the eastern part of the site and infiltrate the first 1.8” of rainfall and overflow the excess runoff onto adjoining state property. The micro-retention facility collects water from the remainder of the site, infiltrate the first 1.8” of rainfall and overflow the excess runoff into the proposed storm drain system. Stormwater management for the improvements to Redland and Garrett Roads will utilize a proposed swale, running parallel to the southerly boundary of Redland Park, connecting overflow drains to the existing storm drain system.

An existing bus stop is located on the west side of Redland Road and will be available to residents and visitors via a proposed pedestrian crosswalk connected to the interior path system serving the community. The Shady Grove Metro Station is located within 2 miles of the proposed Design for Life Community.

## **Conformance with Master Plan**

The proposed Design for Life community is located in the Upper Rock Creek Planning Area. The applicable Master Plan is the 2004 Approved and Adopted Upper Rock Creek Master Plan (the “Master Plan”). The Upper Rock Creek Planning Area is located in the east central part of Montgomery County, adjacent to the City of Rockville to the south, the Olney Planning Area to the north and east, the Gaithersburg Vicinity Planning Area to the west, and the Town of Laytonsville to the north.

The Master Plan objectives recommend the reinforcement of the “the low-density residential character of the area north of Muncaster Mill Road in the Residential Wedge.” (Master Plan page 11. Emphasis added.) The proposed Design for Life community is located south of Muncaster Mill Road in an area along Redland Road in which residential development at R-200 densities followed the transformation of the area from large lot development utilizing septic sewage disposal systems to R-200 development using public sewer. (See Master Plan page 3.)

The Upper Rock Creek Master Plan recognizes that:

“The ability to offer housing of varying types and prices to residents in a wide range of socioeconomic strata is a key component in measuring Montgomery County’s overall quality of life.” The 1993 General Plan Refinement set out as its Housing Goal that the County “encourage and maintain a wide choice of housing types and neighborhoods for

people of all incomes, ages, lifestyles, and physical capabilities at appropriate densities and locations.”

“These goals and objectives are the foundation of the County’s Housing Policy, which guides implementation of housing programs and policies. In addition to those objectives articulated in the General Plan Refinement, the Housing Policy stresses the provision of affordable housing, of 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. This Plan endorses the County’s Housing Policy.” (Master Plan page 35. Emphasis added.)

The County’s housing policy aside, the Upper Rock Creek Master Plan affirmed the 1985 recommended RE-1 zoning for the Cashell Estates area, including that segment of Cashell Estates that boarded on Redland Road and was linked to the RE-1 zoned eastern segment of Cashell Estates by Garrett Road. Today, Garrett Road terminates in a cul-de-sac. Its prior connector function permanently disrupted by the alignment of the Inter-County Connector (the “ICC”, Maryland State Route 200). This government chosen alignment was not what the Master Plan originally recommended.

According to the Master Plan’s “Transportation Plan”

“The Master Plan alignments for the Intercounty Connector (ICC) traverse the Upper Rock Creek Planning Area. The feasibility of the ICC has been reviewed through both state and local transportation studies that have not yet been concluded. This Plan, therefore, does not recommend any changes to the ICC rights-of-way already defined in the Master Plan of Highways and the 1985 Upper Rock Creek Master Plan.” (Master Plan page 63. Emphasis added.)

The land use and zoning recommendations in the Master Plan for that portion of Derwood in which the Subject Property is located placed significant reliance on the character of the then existing, contiguous residential wedge of RE-1 zoned and sparsely developed land, now severed by the chosen alignment of the ICC. The character of the area along Redland Road differs significantly from the character of the RE-1 area east of the ICC.

The surrounding neighborhood today is dominated by development densities consistent with R-200 zoning not RE-1 zoning. In fact, the Master Plan acknowledges that the Derwood section of the Upper Rock Creek is of a different character than “most of the Upper Rock Creek Planning Area (that) is within one of the County’s rural policy areas...” In the introduction to its Transportation Plan, the Master Plan distinguishes the neighborhood in which the Subject Property is located from the remainder of the Rock Creek Planning Area, stating that “only the Derwood section of the Planning Area is outside this rural classification.” (Master Plan page 63.)

Notwithstanding the recognition of the non-rural character of the area surrounding the Subject Property, the Master Plan, relying on the Master Plan Alignment of the ICC, continued to recommend RE-1 zoning all of Cashell Estates, including the “non-rural” area of Derwood along Redland Road where

the Subject Property is located. In 2004 the RE-1 zoned Cashell Estates extended eastward from Redland Road, along Garrett Road, all the way to Old Mill Run. That neighborhood no longer exists as a cohesive RE-1 residential wedge due to the governmental rejection of the Master Plan Alignment of the ICC and the construction of that limited access highway just east of the eastern boundary of the Subject Property. The ICC effectively split Cashell Estates into two separate areas with distinctly different characteristics.

We conclude that the proposed Design for Life Conditional Use complies with the purposes and intent of the Upper Rock Creek Master Plan, specifically the Master Plan Housing Policy objective that stresses the provision of providing for “those with diverse housing needs, such as the elderly, the physically disabled...” Further, the proposed Design for Life community is consistent with the Master Plan recommended RE-1 zoning as a result of the legislative recognition that townhouse living that meets or exceeds Design for Life standards is compatible with other existing and planned uses in the RE-1 Zone.

## Conditions of Approval

### Division 7.3. Regulatory Approvals

#### Section 7.3.1. Conditional Use

##### E. Necessary Findings

*1. To approve a conditional use application, the Hearing Examiner must find that the proposed development:*

*a. satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;*

There are no previous approvals for a special exception or conditional use on the Property. As such, this provision does not apply.

*b. satisfies the requirements of the zone, use standards under Article [59-3](#), and applicable general requirements under Article [59-6](#);*

The conditional use will also satisfy all of the applicable use standards under Article [59-3](#) and general requirements under Article [59-6](#) as demonstrated further below. These include...

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

The proposed Design for Life Conditional Use complies with the purposes and intent of the Upper Rock Creek Master Plan, specifically the Master Plan embraced Housing Policy objective that stresses the provision of providing for “those with diverse housing needs, such as the elderly, the physically disabled...” Further, the proposed Design for Life community is consistent with the Master Plan recommended RE-1 zoning as a result of the legislative recognition that townhouse living that meets or exceeds Design for Life standards is compatible with other existing and planned uses in the RE-1 Zone.

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

Proposed landscaping and screening will ensure that the use will be harmonious and will not alter the character of the surrounding neighborhood. As shown on the Conditional Use plans, the landscaping proposed consists of a number of deciduous, conifer, ornamental trees and shrubs. The intent is to enhance the appearance of each individual residence with additional buffering within the common areas and between adjoining 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;*

The conditional use will substantially conform to the recommendations of the Master Plan and therefore does not adversely alter the character of the area.

*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:*

The area is served by public utilities, including electricity, telephone, water and sewer. The Subject Property is in Water Category W-3 and Sewer Category S-3. An existing 16" water main is located in the Redland Road right of way and an 8" tee stub is located adjacent to the Subject Property in the Garrett Road right of way. Public sewer, located in the Redland Road right of way, is available to serve the Subject Property and adequate transmission or treatment capacity exists to serve the proposed nineteen unit development. The Subject Property is located within the Magruder High School cluster. Police and fire services are available and deemed adequate.

*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*

The Property is comprised of multiple lots and as such a preliminary subdivision plan will be required.

*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*

|SO1)Acknowledged.

*g. will not cause undue harm to the neighborhood as a result of a 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;*

The conditional use will not be disruptive to the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties in the general neighborhood. There are seven commonly held characteristics to consider when analyzing the inherent and non-inherent effects of a conditional use: size, scale, scope, light, noise, traffic and environment. As applied to a Design for Life community, the inherent physical and operational characteristics are 1) residential dwellings; 2) parking facilities to accommodate residents and visitors; 3) lighting of walkways and parking for safety and security; and 4) traffic to and from the property by residents and visitors. The physical and operational characteristics of the proposed Design for Life community will be typical of similarly sized residential projects. There are no non-inherent adverse effects that alone or in combination with an inherent adverse effect, would cause undue harm to the neighborhood.

*ii. traffic, noise, odors, dust, illumination, or a lack of parking; or*

The conditional use will not have an adverse effect due to traffic, noise, odors, dust, illumination, or a lack of parking. Traffic will be accommodated by the adjacent roadway system, with direct access from Garrett Road and Redland Road. Any noise associated with the use will be minimal and will be attenuated by the residences which effectively serve as a sound barrier because of their massing and height. The use will not generate any particular odors or dust. As shown on the lighting plan, illumination will rely upon pole mounted fixtures typical of many residential developments and will be shielded to ensure that only the walkways and parking areas are illuminated.

*iii. the health, safety, or welfare of neighboring residents, visitors, or employees.*

The health, safety and welfare of the neighboring residents, visitors and employees will not be adversely affected.

2. Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.

Not applicable.

### **Section 3.3.1. Household Living**

#### **D. Townhouse Living**

##### **1. Defined**

*Townhouse Living means 3 or more dwelling units in a townhouse building type.*

##### **2. Use Standards**

*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 52-18T and detailed in Section 52-18U.*

Every proposed residential dwelling unit will meet or exceed the Level II Accessibility Standards established by the County Code. All dwellings will be accessible via a no-step entrance connected to an accessible route to the unit's entry level at which an accessible powder room or bathroom will be located. All interior doorways will have a 32-inch nominal clear width. In addition, every unit will feature an accessible circulation path that connects the accessible entrance to an accessible kitchen, a full bath, and at least one accessible bedroom on the second level. Also as detailed above, and as depicted on the Conditional Use Plan, common areas, and public open spaces, community use passive recreation areas, paths and other amenities are designed to be fully accessible for use and enjoyment, regardless of an individual's mobility status.

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

An existing bus stop is located on the west side of Redland Road and will be available to residents and visitors via a proposed pedestrian crosswalk connected to the interior path system serving the community.

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

The Shady Grove Metro Station is located within 2 miles of the proposed Design for Life Community.

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

Redland Park is located directly opposite the proposed community on the west side of Redland Park and is easily accessible via the proposed pedestrian crosswalk connected to the interior path system serving the community.

*v. A grading plan must demonstrate that the post construction site will have a slope less than five percent (5%).*

As shown on the grading plan submitted with the application the site will have a slope of less than 5%. Also, as shown on the approved NRI/FSD, the Subject Property is relatively flat and will not require extensive land disturbing activities in order to comply with the five percent grade restriction.

*vi. The minimum site size is 2 acres.*

The Subject Property was surveyed in 1960 by the then County Surveyor, R.K Maddox who determined that the property contained 2 acres of land. The Subject Property remains the same size now as it was in 1960.

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.

The chart below identifies compliance with the applicable Section 4.4.12.C standards.

viii. Reducing the number of required parking spaces through alternative compliance under Division 6.8 is prohibited.

No parking reduction has been requested.

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 townhouse will be provided with a garage, 24' minimum in width that will accommodate a handicapped-accessible vehicle parking and a minimum 8' side access aisle.

x. As a condition of approval, any property owner of the conditional use project must be prohibited from seeking a tax credit under Section 52-18U or Section 52-93(e). This prohibition does not apply to additional accessibility features that are installed post-occupancy and for which a property tax credit is requested.

The intent of this provision is to “pass on” the tax credit to the ultimate purchaser by prohibiting the Conditional Use project owner/developer from benefiting from the tax credit.

<b>TMD Zone, Optional Method Development Standards</b>	<i>REQUIRED</i>	<i>PROPOSED</i>
<b>Site - Dimensions</b>		
Usable area	20,000 SF	75,768 SF
(Amended) Density (max) Density (units/acre of usable area)	15.25	10.92
Open Space (min) Common open space (% of usable area)	20% (amended)	34.8%
Site Coverage (max)	40% (amended)	24.7%

<b>Lot and Density - 59-4.4.12.B</b>		
Lot area	800 SF	1,872 SF
Lot width at front building line	Determined at site plan	24' min
Lot width at front lot line	14'	24' min
Frontage on street or open space		
<b>Coverage (max)</b>		
Lot	N/A (amended)	

<b>Placement - Principal Building Setbacks - 59-4.4.12.B</b>		
Front setback from public street	10'	12' min
Front setback from private street or open space	4' (amended)	20' min
Side street setback	5' (amended)	5' min
Side or rear setback	Determined at site plan	5' min / 12' min
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	10' min / 40' min
Rear setback, alley	4' (amended)	20' min

<b>Height (maximum) - 59-4.4.12</b>		
Principal building	40'	40'

<b>Parking - 59-6.2.4B</b>		
Parking required for a Townhome is as follows: Automobile spaces: 2.00 spaces per unit.	38 spaces	38 spaces

### **Section 59.6.2.5.K. Facilities for Conditional Uses in Residential Detached Zones**

*Any off-street parking facility for a conditional use that is located in a Residential Detached zone where 3 or more parking spaces are provided must satisfy the following standards:*

#### **1. Location**

*Each parking facility must be located to maintain a residential character and a pedestrian-friendly street.*

Parking is provided within driveways and garages consistent with the residential character and design of the street and the architecture of the dwelling units

#### **2. Setbacks**

*a. The minimum rear parking setback equals the minimum rear setback required for the detached house.*

Not applicable.

*b. The minimum side parking setback equals 2 times the minimum side setback required for the detached house.*

Not applicable.

c. *In addition to the required setbacks for each parking facility:*

i. *the required side and rear parking setbacks must be increased by 5 feet for a parking facility with 150 to 199 parking spaces; and*

Not applicable.

ii. *the required side and rear parking setbacks must be increased by 10 feet for a parking facility with more than 199 parking spaces.*

Not applicable.

## **Section 6.4.4. General Outdoor Lighting Requirements**

### **E. Conditional Uses**

*Outdoor lighting for a conditional use must be directed, shielded, or screened to ensure that the illumination is 0.1 footcandles or less at any lot line that abuts a lot with a detached house building type, not located in a Commercial/Residential or Employment zone.*

As shown on the Conditional Use Plan a total of six streetlights are proposed, mounted on posts 12 feet in height with LED lighting utilizing traditional post tops. The Conditional Use photometric plan confirms that this outdoor lighting will be directed, shielded and screened such that illumination will not exceed 0.1 footcandles at any lot line abutting a lot with a detached house not located in a Commercial/Residential or Employment zone. No glare or illumination will be projected beyond the property line.

## **Section 6.5.2. Applicability of Screening Requirements**

### **C. Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, and Industrial Zones**

2. *Any use in a townhouse, apartment, multi-use, or general building type must provide screening under Section 6.5.3 as indicated in the following table if the subject lot abuts property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use:*

Not applicable.

## **Section 6.5.3. Screening Requirements**

### **C. Screening Requirements by Building Type**

1. *Screening is determined by the proposed building type, unless otherwise stated. The minimum screening requirements for each building type are in Section 6.5.3.C.4 through Section 6.5.3.C.8.*

As shown on the Conditional Use plans, the proposed landscaping consists of a number of deciduous, conifer, ornamental trees and shrubs. The intent is to enhance each individual lot, as limited by space and useable yard area. Open space planting to screen the common areas between unit blocks will be provided and additional landscaping will help to screen between adjoining properties.

## Summary

The proposed Design for Life Conditional Use will comply with all of the applicable standards for medium density townhouse living, under the optional method, and is a permissible conditional use in the RE-1 Zone. The use will implement the housing policies found in the Upper Rock Creek Area Master Plan and is consistent with the Master Plan recommended RE-1 Zone classification. Finally, the use will meet each of the applicable general and Design for Life standards found in the Zoning Ordinance; that it will be served by adequate public facilities; and that it is compatible with existing and proposed land uses in the defined Surrounding Neighborhood.