

Montgomery Planning

7501 STANDISH PLACE

LOCAL MAP AMENDMENT H-156

FOREST CONSERVATION PLAN NO. F20250010



Request to rezone the Property from IM-2.5, H-50' to CRNF-1.25, C-0.0, R-1.25, H-60', to allow the replacement of an aging office complex and surface parking lot with up to 210 dwelling units.

LMA No. H-156
FCP No. F20250010
Completed: 12-6-2024

MCPB
Item No. 5
12-19-2024

Montgomery County
Planning Board
2425 Reedie Drive, Floor 14
Wheaton, MD 20902

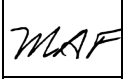
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Exhibit 27
H-156

Planning Staff



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LOCATION/ADDRESS

7501 Standish Place, Derwood, MD; 500 feet north of the East Gude Drive and Crabbs Branch Way intersection

MASTER PLAN

2021 *Shady Grove Minor Master Plan Amendment*

ZONE

Existing zone: IM-2.5, H-50'

Proposed zone: CRNF-1.25, C-0.0, R-1.25, H-60'

PROPERTY SIZE

13.86 acres

APPLICANT

Tri Pointe Homes DC Metro Inc.

ACCEPTANCE DATE

August 8, 2024

REVIEW BASIS

Chapters 22A & 59

Summary:

- Staff recommends: (1) approval of Local Map Amendment No. H-156 and Floating Zone Plan, with binding elements and transmittal of comments to the Hearing Examiner for a February 6, 2025, public hearing; and (2) approval with conditions of Preliminary Forest Conservation Plan (PFCP) No. F20250010.
- The proposed rezoning would convert the Property from the IM-2.5, H-50' zone to the CRNF-1.25, C-0.0, R-1.25, H-60' zone.
- The proposed rezoning would allow up to 210 dwelling units on the Property, including 15% MPDUs.
- Subsequent Preliminary and Site Plans will be required per Chapter 59.7.2.1.G.2.
- The Preliminary Forest Conservation Plan is in compliance with Chapter 22A and the Montgomery County Environmental Guidelines and is recommended for approval.
- Staff has not received any correspondence regarding this Application.

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SECTION 1: RECOMMENDATIONS AND BINDING ELEMENTS/CONDITIONS

LOCAL MAP AMENDMENT NO. H-156

Staff recommends approval of Local Map Amendment (LMA) H-156, 7501 Standish Place, with the associated Floating Zone Plan, to rezone the Property to CRNF-1.25, C-0.0, R-1.25, H-60' to allow the construction of up to 210 dwelling units, subject to the following binding elements¹:

1. The development must provide a minimum of 15 percent (15%) Moderately Priced Dwelling Units (MPDUs) as approved by the Montgomery County Department of Housing and Community Affairs (MCDHCA), consistent with the requirements of Chapter 25A.
2. The development must provide at least 10 percent (10%) of the site area as open space, allocated proportionally by use (townhouse and multifamily) between Common and Public Open Space.
3. The Central Park open space, identified illustratively on the Floating Zone Plan, must be made accessible to the public. The final size, design, and programming of the Central Park will be determined at time of Site Plan.
4. Vehicular access to the Site will be limited to Standish Place.

At the time of Preliminary Plan and/or Site Plan approval, the Applicant must address the following:

1. The final design and amenities of the Central Park and open spaces throughout the site, consistent with the Open Space Exhibit included in the Floating Zone Plan.
2. The distribution of the MPDUs across unit types, as approved by MCDHCA.
3. The Crabbs Branch Way street design, in compliance with the *Complete Streets Design Guide*.
4. The alignment and location of site access points on Standish Place.
5. The delivery of a noise study due to proximity to Crabbs Branch Way and the rail line to the west of the Subject Property.

¹ For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor(s) in interest to the terms of this approval.

PRELIMINARY FOREST CONSERVATION PLAN NO. F20250010

Staff recommends approval of Preliminary Forest Conservation Plan No. F20250010 with the following conditions:

1. Applicant must submit a Final Forest Conservation Plan (“FFCP”) for review and approval at time of site plan and before obtaining a Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property. No demolition, clearing, or grading is permitted on the Subject Property prior to approval of the FFCP.
2. The FFCP must be consistent with the approved Preliminary Forest Conservation Plan.
3. The FFCP must include:
 - a. Limits of Disturbance consistent with the Sediment and Erosion Control Permit.
 - b. Variance tree mitigation plantings on the Subject Property with a minimum size of three (3) caliper inch trees totaling forty-eight (48) caliper inches.

SECTION 2: SITE DESCRIPTION

VICINITY/NEIGHBORHOOD

The Subject Property is located at 7501-7515, 7519, 7529, 7609-7623 Standish Place in Derwood, Maryland within the Metro Park – Standish Place office complex. The Property is bounded by Standish Place, a private road, along the northern, southern, and western site frontages, and by Crabbs Branch Way, a public road, to the east. The Property is approximately 500 feet north of the intersection of Crabbs Branch Way and East Gude Drive and is surrounded by a diversity of uses and building types, which are generally characterized as moderate density industrial and residential uses, described in more detail below.

North: Directly north of the Site, across Crabbs Branch Way, is the American National Red Cross building (zoned IM-2.5, H-50'). To the north, across Standish Place, are additional moderate density industrial office parks, with tenants such as a software company, a medical equipment supplier, a cleaning service, and engineering consultants. Further north along Crabbs Branch Way are industrial office parks up to Indianola Drive and part of the Derwood Station single-family residential neighborhood (zoned R-90). The Shady Grove Metro Station and associated mixed-use development in the CR zone are approximately one mile northwest of the Subject Property.

East: To the east of the Property, along Crabbs Branch Way, is the American Society of Plant Physiology building (zoned IM-2.5, H-50') and an office building (zoned CRT-2.5, C-2.0, R-0.5, H-80') with tenants such as a fingerprinting service, a real estate office, and a house cleaning service. Further east is a continuation of the Derwood Station single-family neighborhood (zoned R-90 and R-200).

South: Immediately south of the Property, along Standish Place, are industrial uses (zoned IM-2.5, H-50' and IM-2.5, H-70'), such as an FDA office, a publisher, and a media office.

West: Directly west of the Property across Standish Place are additional industrial uses (zoned IM-2.5, H-50') with tenants such as a media company, telehealth services, and an engineering consultant. One block west of the Property is the rail line for WMATA Metro.

The boundaries of a Neighborhood are defined by the properties that will experience the direct impacts of the proposed zone and use. The Staff-defined Neighborhood (Neighborhood) is bordered by Indianola Drive and the homes that front onto Indianola Drive to the north and east, East Gude Drive to the south, and the Metro Rail Line to the west (Figure 1). The Neighborhood contains predominantly moderate industrial (zoned IM-2.5, H-50' and IM-2.5, H-70') and single-family detached residential (zoned R-90 and R-200) uses (Figure 2).

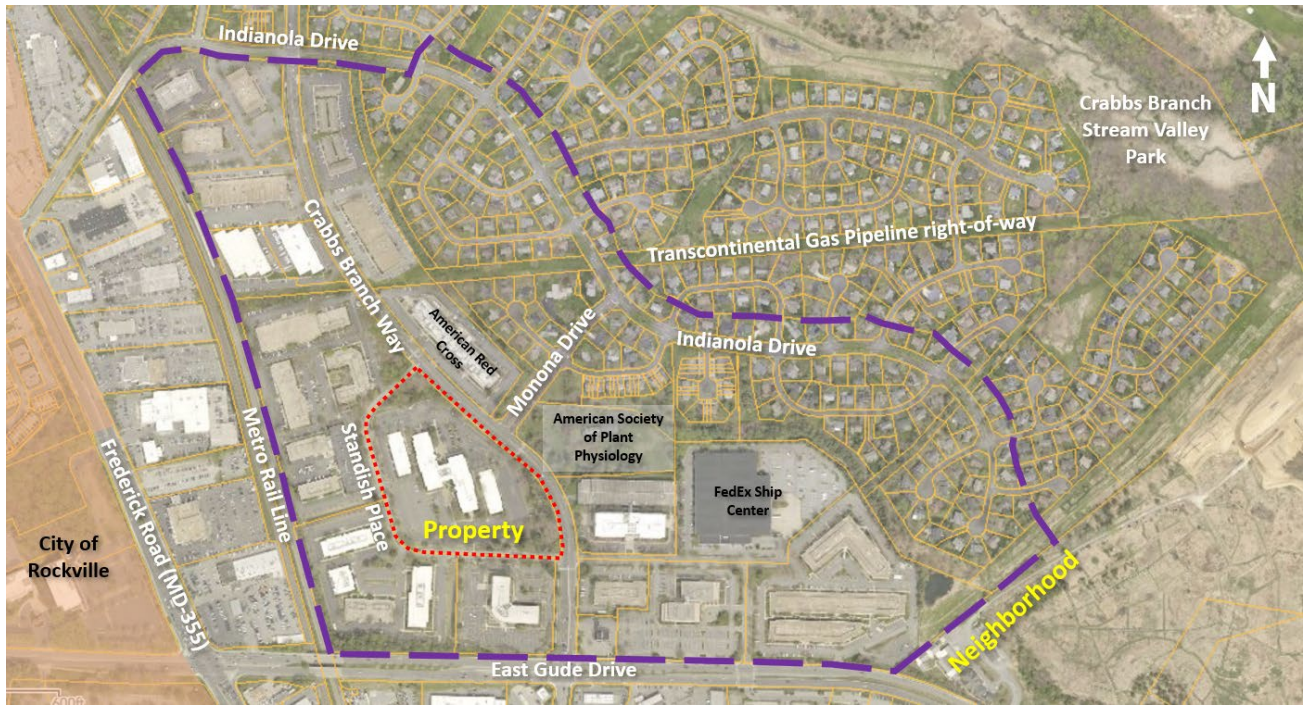


Figure 1: Vicinity/Staff-Defined Neighborhood



Figure 2: Zoning Vicinity Map

PROPERTY DESCRIPTION

The Property is comprised of approximately 12.73 acres (554,435 square feet) and recorded as Parcel D in the “Gude North” Subdivision among the Land Records of Montgomery County, Maryland (the “Land Records”) at Plat No. 13905. The current zoning is IM-2.5, H-50’, and the Applicant is requesting to change the zone to CRNF-1.25, C-0.0, R-1.25, H-60’.

The eastern portion of the Property is located along Crabbs Branch Way, approximately 500 feet north of its intersection with East Gude Drive. The Property is bounded by private road Standish Place to the north, west, and south. The site is irregularly shaped – rounded along the three sides that border Standish Place, with right-angle intersections where Standish Place meets Crabbs Branch Way on the eastern side of the Property.



Figure 3: Aerial view of the Property



Figure 4: Zoning Property Map

The topography of the site rises from approximately 442 feet above sea level at its lowest point at the southwest corner of Standish Place to 462 feet above sea level at the highest point along the Crabbs Branch Way frontage. The land is generally flat around the center of the site where much of the existing and proposed development is located, with topography ranging from 446 to 448 feet above sea level. However, there are substantial grade differentials located along the Crabbs Branch Way frontage with elevations ranging from 10 feet in height at the mid-block, 3-foot elevations towards the northern end and 5-foot elevations towards the southern end of Crabbs Branch Way. Figures 5 and 6 demonstrate the significant grade off Crabbs Branch Way. Pedestrian access with stairs and ramps will be provided for improved connectivity with the surrounding neighborhood and established pedestrian crosswalk.

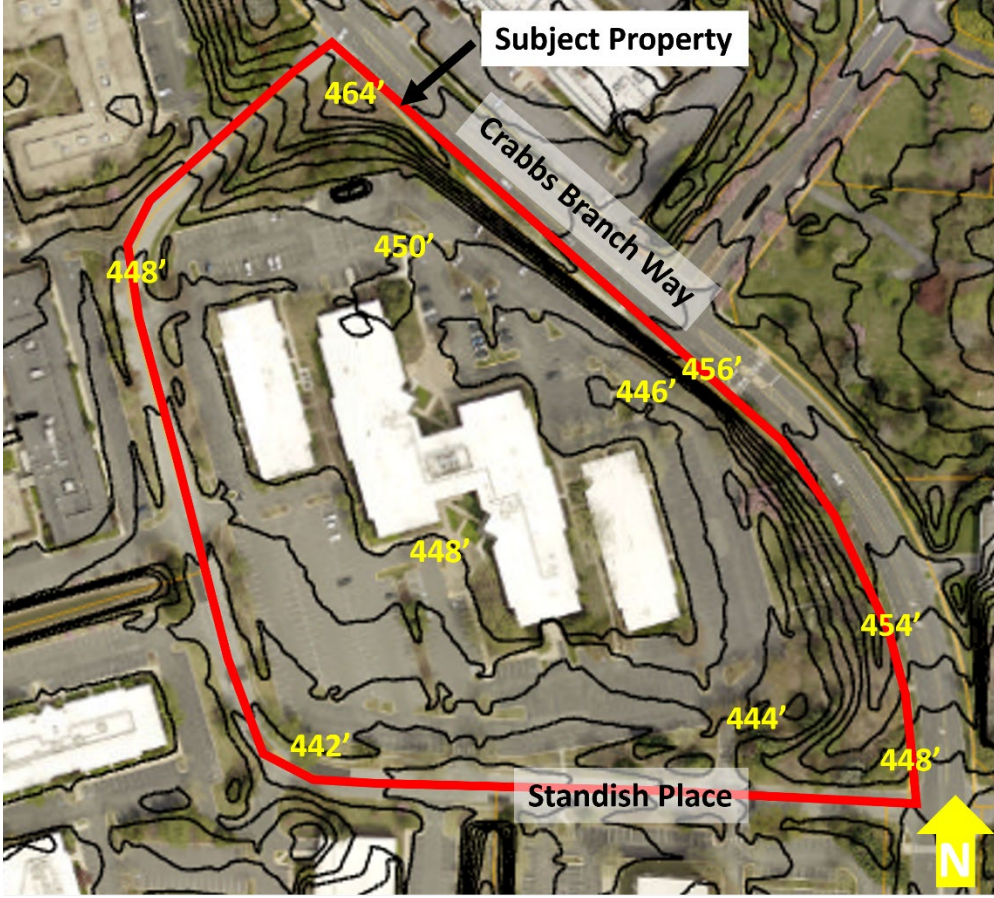


Figure 5: Topographic map with spot elevations of the Subject Property



Figure 6: Subject Property existing conditions, looking northeast towards Crabbs Branch Way



Figure 7: Subject Property existing conditions, looking northwest towards Standish Place



Figure 8: Key map of existing Site conditions photos

The Property is currently developed with four office buildings that range from one- to three-stories in height and an associated surface parking lot with 649 spaces. The existing offices are occupied by tenants such as FedEx, an electrical equipment supplier, a data center, an engineering firm, an insurance agency, among others. According to the Maryland State Department of Assessments and Taxation (“SDAT”) records, the existing office complex was built in 1984 and has approximately 177,126 square feet of above grade floor area. The existing buildings are angled away and setback

from the roadways (Crabbs Branch Way and Standish Place), with the surface parking located between the buildings and the street on all sides. The Property's current vehicular access is provided via four curb cuts off Standish Place.

ZONING/REGULATORY HISTORY

The Property was rezoned from Light Industrial (I-1) to Moderate Industrial (IM-2.5, H-50') in accordance with the countywide 2014 District Map Amendment to enact the 2014 Zoning Ordinance, known as the Zoning Rewrite. The Moderate Industrial rezoning was applied to all properties in the Crabbs Branch Office Park area, bordered by Gude Drive to the south, the Derwood Station single-family residential neighborhood to the east, Indianola Drive to the north, and the Metro Rail Line to the west (Figure 9).

The 2021 *Shady Grove Minor Master Plan Amendment* rezoned the office property at 7361 Calhoun Place to the CRT-2.5, C-2.0, R-0.5, H-80' zone to permit a conforming building. The rest of the properties in the Crabbs Branch Office Park have remained Moderate Industrial.

There is no regulatory history on the site.

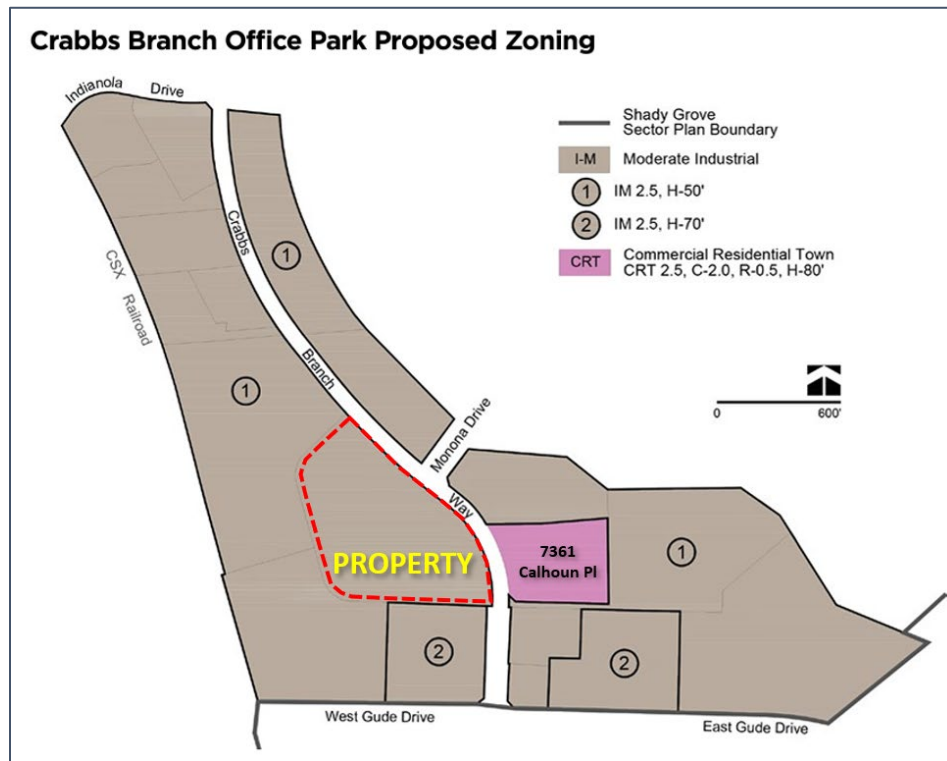


Figure 9: Crabbs Branch Office Park Zoning, as adopted in the 2021 Shady Grove Minor Master Plan Amendment

SECTION 3: PROJECT DESCRIPTION

PROPOSAL

The Applicant proposes to rezone approximately 13.86 acres of land from the Moderate Industrial (IM-2.5, H-50') Zone to the Commercial Residential Neighborhood Floating (CRNF-1.25, C-0.0, R-1.25, H-60') Zone to accommodate the redevelopment of the existing suburban office complex and surface parking lot to a new residential community with up to 210 dwelling units, constructed within a single phase. At this time, the dwelling unit types are anticipated to be two-over-twos and rear-loaded townhouses², with the final unit mix determined at time of Site Plan. As currently proposed, the two-over-twos are dispersed along the northern and southern portions of the Property along Standish Place, and the townhouses are interior to the site.

The Applicant will provide 15% of the units as MPDUs – which exceeds the required 12.5% – and will work with Planning and MCDHCA Staff at the time of Preliminary and Site Plan to ensure the distribution of units is appropriate between unit types across the Property. The additional 2.5% MPDUs help address the 2021 *Shady Grove Minor Master Plan Amendment* recommendation to provide affordable housing as the highest priority amenity to the area. All proposed buildings are a maximum of 60 feet in height for up to four floors, not to exceed the 1.25 FAR permitted in the new zone.

The Project is organized around a grid of private streets and alleys that create small blocks, with residences positioned close to the streets. The exact location of the access points will be based on sight distance and finalized at the time of Site and Preliminary Plan. Vehicular access will be restricted to Standish Place, but the Project will be accessible via Crabbs Branch Way to pedestrians. The Applicant is proposing to consolidate the current four access points into three access points, maintaining two of the existing and adding one on the northern boundary of Standish Place. An activated one-acre central park space is located directly off Crabbs Branch Way. A pedestrian promenade³ frames the western side of the central park.

² Two-over-twos are categorized as “apartments,” or “multifamily” based on Section 59.4.1.3.D. of the Montgomery County Code.

³ The pedestrian promenade has been incorporated in the site’s Fire Department Access plan and will also serve as a fire access lane in times of emergency.

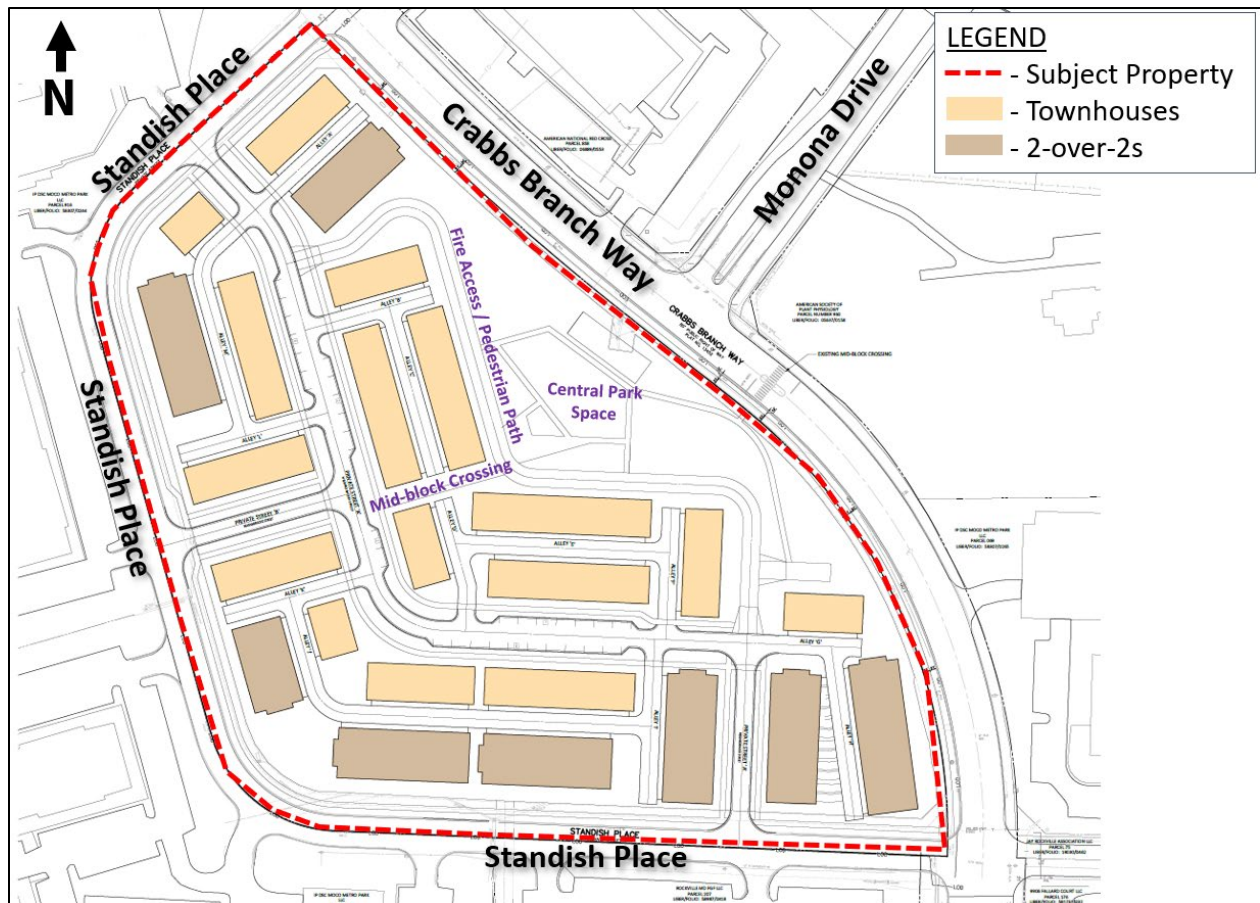


Figure 10: Floating Zone Plan

DESIGN

Given the site's proximity to major roadways such as Frederick Road and East Gude Drive, this development creates more housing opportunities by starting to transform the large, underutilized, auto-centric office park site into a mixed-use development within the 2021 *Shady Grove Minor Master Plan Amendment* area. The proposed development will further expand the residential neighborhood along the main roadway and will work with the established grades at each edge of the site to create more activated spaces.

This development provides smaller, rear-loaded blocks of different housing types in this community and provides an opportunity to create a more grid-like street network within the site. Integrating this proposed residential area and its tree-lined, walkable streets and public open spaces to the greater community will provide a public benefit by increasing housing supply and the types of housing available in the area.

The architecture of the proposed townhouses and two-over-two condominiums work in tandem with the proposed site design to foster compatibility with the surrounding area while simultaneously creating harmonious relationships between the proposed mix of housing types within the project.

Each proposed housing type is four stories and will be a maximum of 60 feet in height. At this time, the two-over-twos are proposed along the perimeter of the community, particularly along the Standish Place frontage. The varied townhouse types are interspersed in building groups throughout the interior of the community and line the proposed internal street grid to create consistent street walls that define private streets and foster an engaging pedestrian environment.



Figure 11: Illustrative Architectural Elevations for the Townhouses (top) and Two-Over-Twos (bottom)

The project features a high-quality, varied open space that provides accessible passive and active recreation opportunities for future residents. The proposed open space, environmental, and recreation areas are generally organized along the primary pedestrian promenade that leads to a central park area where proposed pedestrian amenities are located. The promenade includes a dedicated fire lane that provides additional space for a pedestrian pathway. The tree-lined pedestrian promenade runs perpendicular to the primary internal road and may include landscaping and seating areas outside the fire lane.

The central park – which will function as a Privately Owned Public Space (POPS) – features an open lawn park, amenity structure, picnic seating areas, and combined play areas for children ages two to twelve. The central park space is located adjacent to the intersection of Crabbs Branch Way and Monona Drive. It is framed by the frontages of townhomes that provide "eyes on the park," with seating areas and children's play areas around the perimeter of the park area.



Figure 12: Illustrative Site Plan Rendering

OPEN SPACE

The Applicant is proposing a minimum of 55,444 square feet (10% of the site area) of open space, in compliance with the Zoning Ordinance requirement. The open space will be proportionally allocated between Common Open Space and Public Open Space to serve the townhomes and two-over-two condominiums (multifamily), respectively. The primary open space is an approximately one-acre (48,679 square feet) central park area fronting along Crabbs Branch Way. The proposed central park will function as a Privately Owned Public Space (POPS) and is planned to be activated with a children’s playground, pedestrian pathways and seating areas, shade structures, and open lawn, as shown in Figure 14. Additional open space will be provided via a pedestrian-only mid-block crossing in the center of the site, along with smaller green spaces/pocket parks co-located with planned stormwater facilities on the western side of the Property along Standish Place that will offer recreation areas with seating for residents interior to the site.

In order to meet the Zoning Ordinance requirements for Open Space, the central park area will technically be divided between Common and Public Open Space. However, once constructed, the space will feel cohesive and integrated, intended to be used by both residents of the future development and the surrounding neighborhoods. A binding condition has been added ensuring that the central park will be accessible to the public, despite its division between Common and Public Open Space.

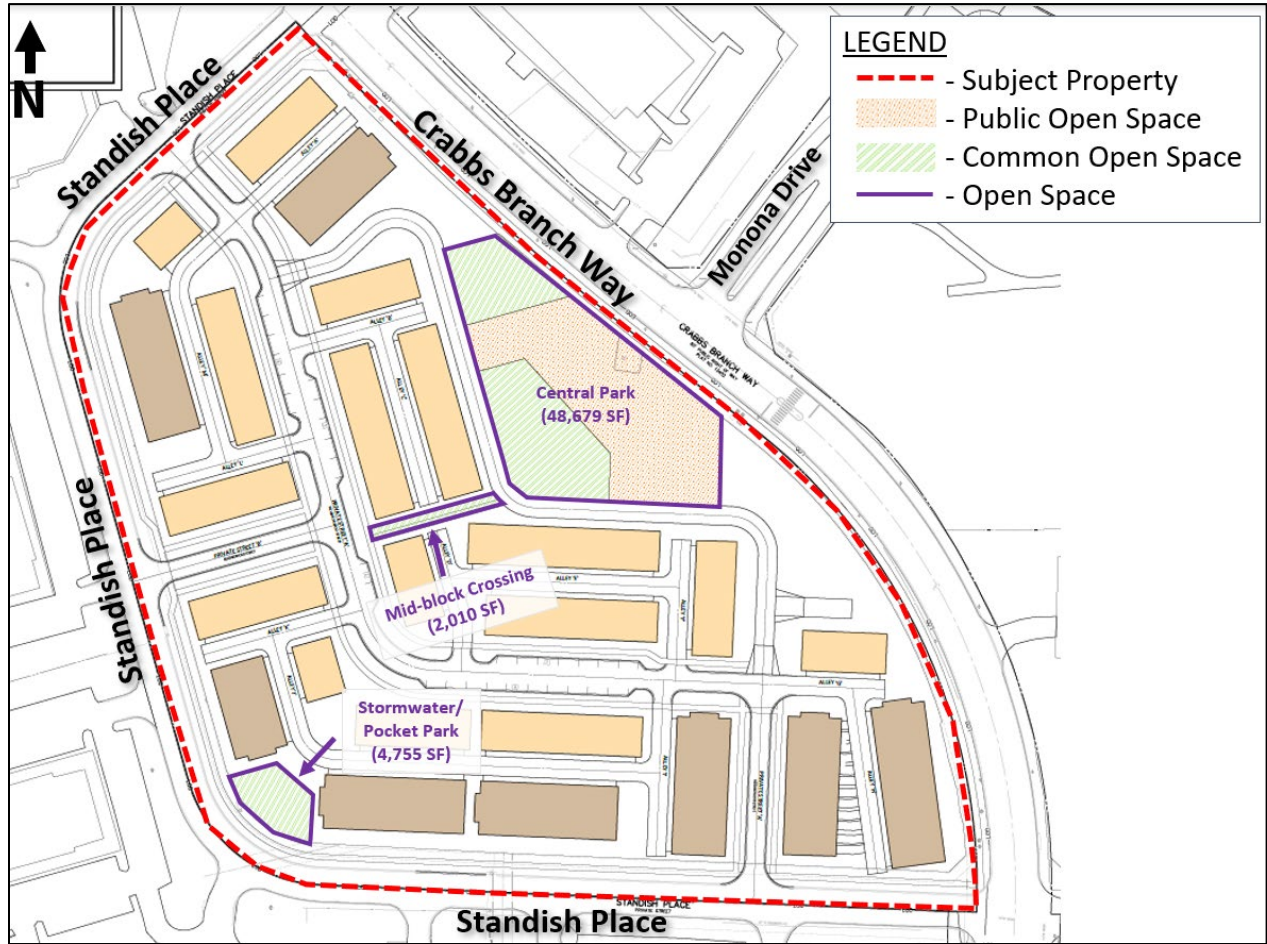


Figure 13: Illustrative Open Space Plan



Figure 14: Proposed Central Park Area Park Precedents

TRANSPORTATION

Vehicular access to the Site is provided via Standish Place, a private, two-lane road that connects to Crabbs Branch Way on both ends and surrounding the Subject Property. Standish Place serves the Site and several adjacent properties. As currently proposed, three access points will connect to Standish Place. Private Street A will replace an existing access along the south side of the Property and create a new access connection on the north side of the Property. This street provides both north to south and east to west circulation within the Property. Several private alleys will also connect to Private Street A and provide access to parking for the proposed residences. Private Street B, which runs east to west between Standish Place and Private Street A, will replace an existing driveway access on the west side of the Property.

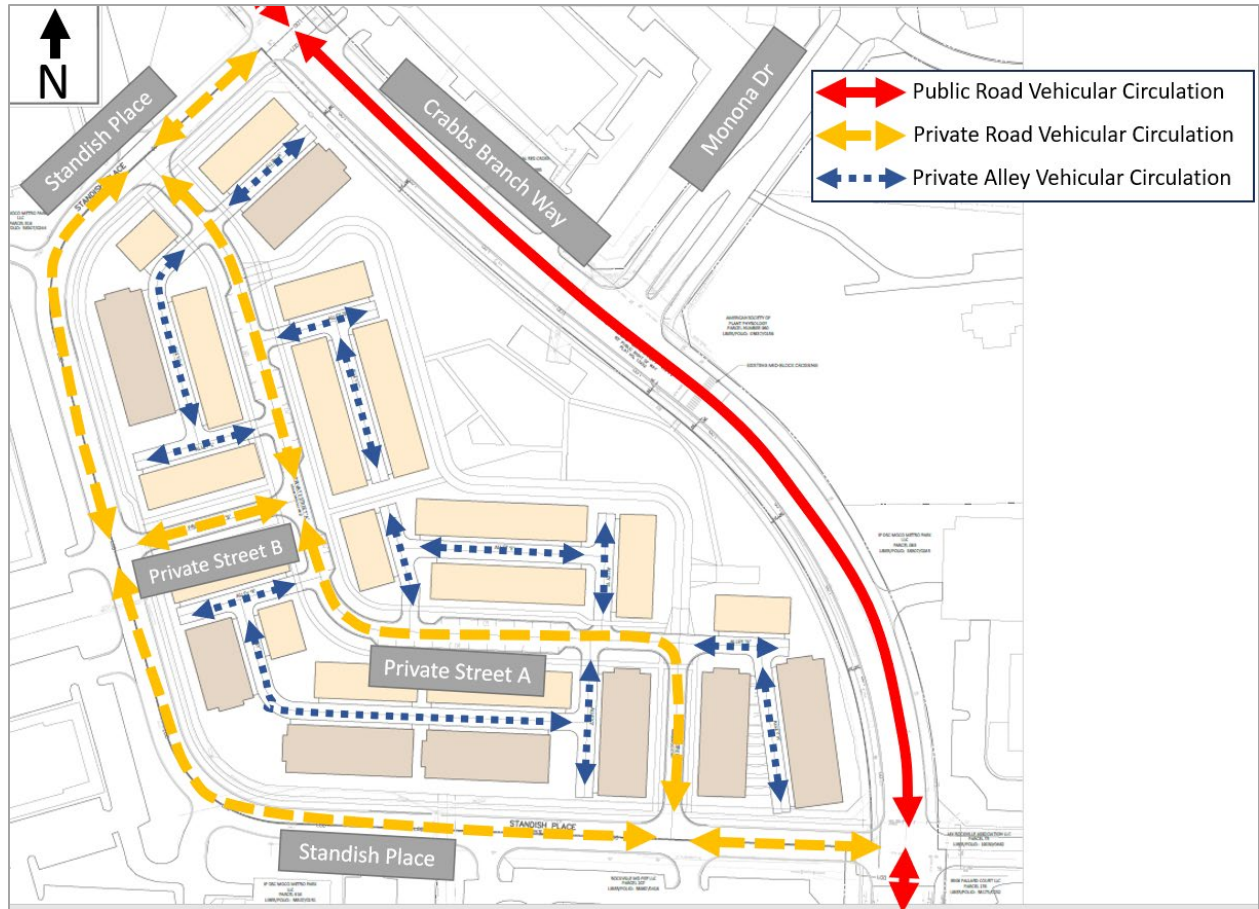


Figure 15: Vehicular Circulation

Pedestrian and bicycle access to the Site is provided via improved frontages along Crabbs Branch Way on the east side of the Property and Standish Place. As currently proposed, the Crabbs Branch Way improvements will include a sidepath and street buffer and Standish Place will include a sidewalk and street buffer. Both internal private roads will include sidewalks on both sides and appropriate buffers separating the sidewalks from the travel lanes. The final design and dimensions of these improvements will be determined at the time of the Preliminary and Site Plan and will be consistent with the *Complete Streets Design Guide*.

There is an existing mid-block crosswalk on Crabbs Branch Way on the Subject Property frontage. This crosswalk will connect to the new sidepath as well as an internal path system that provides access to the Site including the open space fronting Crabbs Branch Road. A pedestrian pathway, which also operates as emergency vehicle access through the Site, will provide additional pedestrian and bicycle circulation within the Site.

There are three existing bus stops along Crabbs Branch Way – two along the Subject Property frontage and one on the north side of the street – that are served by the Ride On Route 59. These bus stops will be maintained, and any necessary improvements to mitigate the impact of additional riders

generated by the proposed development will be determined at the time of the future Preliminary Plan review.

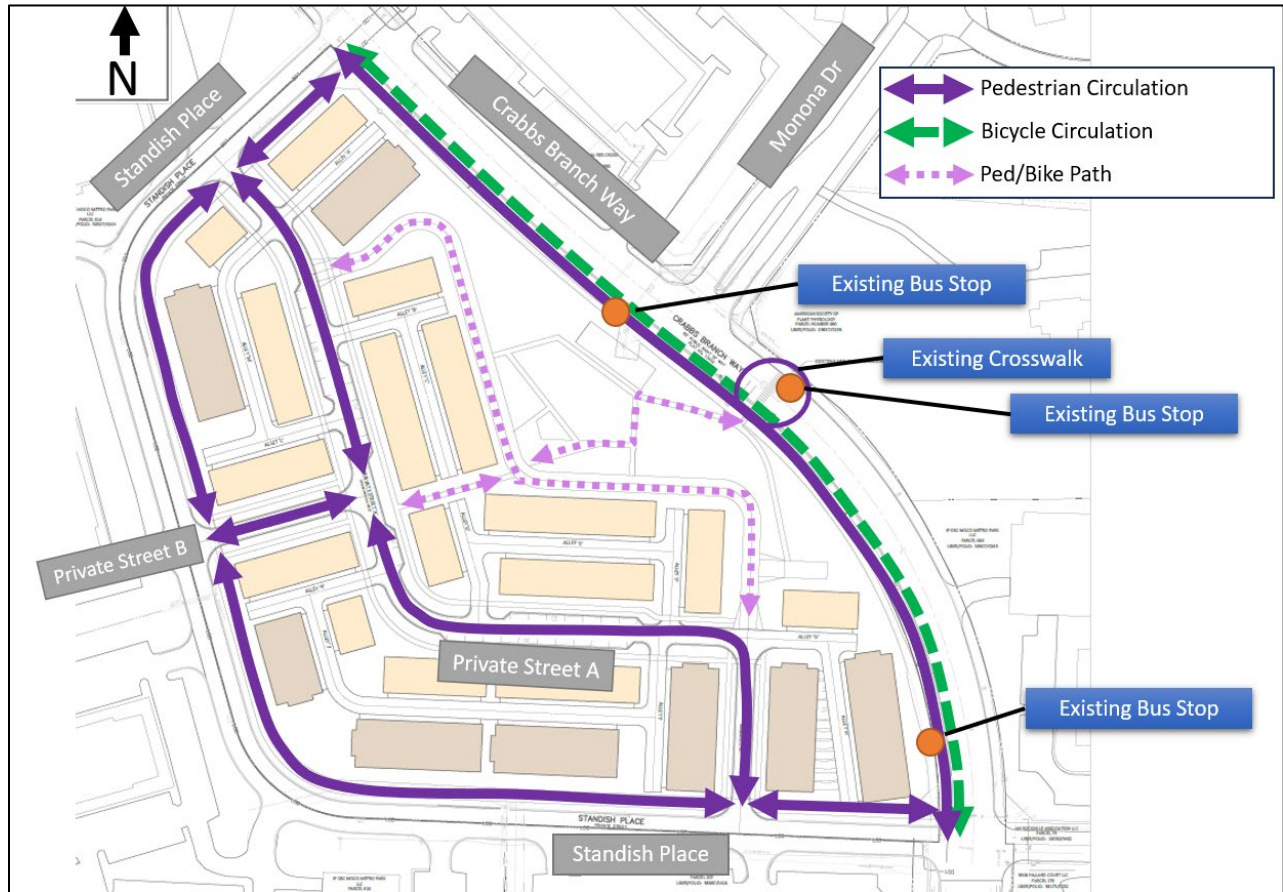


Figure 16: Non-Motorized Circulation

ENVIRONMENT

The Site is currently developed as an office park with surface parking. The Subject Property is located in the Rock Creek Watershed, a Use Class IV Stream. The Site contains no streams, forests, stream buffers, wetlands, or other environmental features. Redevelopment of the Property will include open space and increased tree canopy cover, providing environmental benefits such as increased shade and increased rainwater absorption.

Preliminary Forest Conservation Plan (PFCP) No. F20250010 was filed concurrently with the Local Map Amendment application. Further details of the Project's Chapter 22A compliance can be found below in the Preliminary Forest Conservation Plan Findings section. At the time of Site and Preliminary Plan, the Applicant will need to submit a noise study due to proximity to Crabbs Branch Way and the rail line to the west.

The Applicant proposes to address stormwater management by utilizing environmental site design features such as biofiltration swales and micro-bioretenion facilities. The stormwater management strategy will be further refined during subsequent regulatory review.

SECTION 4: COMMUNITY OUTREACH

The Applicant has met signage and noticing requirements for the submitted Application. Staff has not received correspondence about the Subject Application. Per Section 59.7.5.1, the Applicant is not required to hold a pre-application community meeting for a Local Map Amendment application.

SECTION 5: LOCAL MAP AMENDMENT FINDINGS AND ANALYSIS

The Subject Application complies with the general requirements and development standards of Chapter 59, the Zoning Ordinance, Chapter 22A, the Forest Conservation Law, and substantially conforms with the goals and recommendations of the 2021 *Shady Grove Minor Master Plan Amendment* and *Thrive Montgomery 2050*.

Per Section 59-7.2.1.E.2 of the Zoning Ordinance, for a Floating zone application, 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;***

The Application substantially conforms with the 2021 *Shady Grove Minor Master Plan Amendment* (Master Plan) and *Thrive Montgomery 2050*, the County's General Plan (General Plan), as described below.

Master Plan

The office park property at 7501 Standish Place is in the Crabbs Branch Office Park district in the 2021 *Shady Grove Minor Master Plan Amendment* (Master Plan) area. The Master Plan notes that the Crabbs Branch Office Park is an “office park with a broad array of technology, biotechnology, industrial/flex, and office development uses in the 100-acre area” (p. 64). The Master Plan confirmed the Moderate Industrial (IM 2.5, H-50') Zone or similar IM zones for several properties in the office park.

Residential development was not specifically recommended or addressed for properties in the office park. The proposed rezoning seeks to change the Property's zone from the Moderate Industrial (IM 2.5, H-50') to the Commercial Residential Neighborhood Floating (CRNF 1.25, C-0.0, R-1.25, H-60'). Although the Master Plan does not provide property-specific

recommendations, the Project advances the Master Plan’s broader vision for the Shady Grove area as a mixed-use and pedestrian-oriented environment with attractive streetscapes, distinctive architecture, and a sense of place that is complemented with amenities and mobility options (p. 1). This vision is achieved by the redevelopment’s proposed varying housing typologies, internal network of private streets and alleys creating a smaller and more compact development pattern, and the new central park area that will serve as an amenity for the future residents and surrounding community members.

Density and Building Height

The proposed development’s residential density of 1.25 FAR is consistent with the existing overall 2.5 FAR for the Property. The proposed maximum height for the Property, up to 60 feet, is 10 feet higher than the existing building height of 50 feet. In context, the office building to the east at 7361 Calhoun Place is 80 feet in height, and the office property to the south is 70 feet in height. Thus, the proposed height and density are consistent with the surrounding area.

Land Use

The Master Plan envisions the future of the Shady Grove Metro Station area as a mixed-use and pedestrian-oriented environment with “attractive streetscapes, distinctive architecture, and a sense of place that is complemented by public facilities and amenities, and new mobility options” (p. 1). The Project conforms with the Master Plan’s overall vision of creating a mix of residential uses within a walkable neighborhood format.

Affordable Housing

The Master Plan requires 15% MPDUs as the highest priority public benefit for new Optional Method residential development (p. 69). The proposed redevelopment is following the Standard Method of Development and therefore requires no public benefit points; however, the project will still provide up to 32 MPDUs, which is 15 percent of the proposed 210 residential units, and this will be included as a binding element. This is 2.5% more MPDUs than is technically required and helps achieve the Master Plan’s priorities for the Shady Grove area.

Transportation

Crabbs Branch Way, between Redland Road and East Gude Drive, is classified as a Boulevard per the *Master Plan of Highways and Transitways* with an 80-foot right-of-way. The Master Plan identified the roadway as (A-262) for the segment between East Gude Drive and Redland Road.

Regarding bikeways, the Master Plan recommends a “sidepath on the eastern side of Crabbs Branch Way” (p.126) which is beyond the Subject Property boundaries.

The Master Plan recommends for this segment of Crabbs Branch Way to “explore traffic calming engineering treatments to slow speeds on Crabbs Branch Way, including but not limited to the removal of left-turn lanes, bump-outs, curb extensions, and curb radii reductions” (p. 111). If the proposed rezoning is approved, these recommendations should be explored during the Preliminary Plan review of this development.

The Master Plan notes Crabbs Branch Way, between Redland Road and Indianola Drive, is included in the county’s Vision Zero High Injury Network (HIN). The future regulatory review of this development should examine how the Property’s Crabbs Branch Way frontage would advance Vision Zero principles and comply with the *Complete Streets Design Guidelines*.

Environmental Sustainability

The Master Plan provides overall sustainability recommendations for the Plan area, when it says, “restoration of tree canopy in the Master Plan area will help improve air quality, reduce storm runoff, contribute to keeping the area cooler in summer, and sequester carbon to ameliorate climate change. Trees planted along sidewalks and bikeways will make them more comfortable and attractive to pedestrians and cyclists, inspiring more people to get around Shady Grove without driving” (p. 79).

The Plan makes no specific environmental recommendations for the Crabbs Branch Office Park; however, it does contain general sustainability recommendations for the Master Plan area:

- Plant native shade trees that produce large canopies, spaced a maximum of 30 feet apart on center.
- Encourage green features (softscaping) in required open space areas and the public realm.
- Promote site and building design for energy conservation and LEED certification or a comparable rating system.
- Increase forest and tree cover.
- Provide opportunities for exercise, recreation, and mental well-being: parks and open spaces, trails, sidewalks, and bicycle networks (p. 82-87).

The proposed redevelopment aligns with the overall sustainability recommendations of the Master Plan, providing a centralized and activated park area and tree-lined pedestrian paths. If the rezoning is approved, further details about the sustainability should be incorporated at Preliminary and Site Plan.

Urban Design

The Project advances the Master Plan’s key Urban Design recommendation to “promote walkability with enhanced streetscapes to define the public realm,” (p. 18) with a site layout that creates compact street blocks that is organized by a central promenade leading to a neighborhood green space that is framed with play areas for children and seating areas for future residents.

General Plan

Thrive Montgomery 2050 is the County’s General Plan, a long-range planning guide for the development and growth of the community. The proposed rezoning is strongly aligned with two of the General Plan’s overarching objectives – promoting compact growth along corridors (p. 70) and diversifying and adding to the housing stock for the county (p. 121).

Compact Growth: Corridor-Focused Development

The map on page 71 of the General Plan identifies Shady Grove (where the Subject Property is located) as a “large activity center,” meaning it is envisioned as the highest intensity area generally characterized by significant residential and/or commercial density, either existing or planned, and typically close to high-quality transit. This suggests that the Shady Grove area generally has the infrastructure to support additional development to “maximize the efficiency of land use and public investment” (p. 73). This project in particular proposes infill residential development on a property where the existing suburban office space has been largely vacant over a significant period of time.

Specific policies from the *Compact Growth* chapter addressed by the Application include:

- Improve 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.
- Limit growth beyond corridors to compact, infill development and redevelopment in Complete Communities to prevent sprawl (p. 73).

Housing for All

Page 131 of the General Plan states:

Montgomery County has an insufficient supply of housing. The current supply does not meet the needs of current or future households. A significant mismatch of supply and

demand exists, where demand exceeds supply, raising the price of housing for both renters and those who want to own their home.

The proposed redevelopment would provide up to 210 additional dwelling units to Montgomery County residents, helping to address the insufficient supply of housing. One of the primary recommendations of the Housing chapter is to encourage the production of more housing to better match supply with demand (p. 132). Another key recommendation is to diversify the housing stock across incomes, building types, and geography, which this development achieves through its diversity of unit types (townhouses and two-over-twos) and will achieve through its unit sizes, which will be refined during subsequent regulatory reviews.

Specific policies the Application addresses from the *Housing for All* chapter include:

- Expand opportunities to increase residential density, especially along major corridors and in locations where additional housing can assist in the development of Complete Communities.
- Facilitate the development of a variety of housing types in every part of the county but especially in areas near transit, employment, and educational opportunities (p. 132).

b) further the public interest;

The Project will further the public interest by providing more housing within the county, yielding up to 210 additional residential units, at a convenient, transit-accessible location along a compact growth corridor. In addition, the Project will provide government regulated units (a minimum of 15% MPDUs) where none currently exist. The Property is adjacent to many industrial employment establishments, creating a central and desirable location for housing approximately one mile south of the Shady Grove Metro Station.

Additionally, the integration of housing into the existing underutilized office and surface parking complex supports the Master Plan’s vision for a mixed-use and pedestrian-oriented community with “attractive streetscapes, distinctive architecture, and a sense of place that is complemented by public facilities and amenities, and new mobility options” (p. 1).

c) satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;

Applicability

Section 59.5.1.3.C of the Zoning Ordinance sets forth specific requirements and prerequisites for local map amendment applications that propose the CRNF-1.25, C-0.0, R-1.25, H-60’ Zone and are not recommended in a master plan. The proposed rezoning is not recommended in the Master Plan, and thus the following apply:

C. If a Floating zone is not recommended in a master plan, the following apply:

- 1. 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 FAR of the zone requested;**

No density bonus (MPDU or otherwise) is proposed as part of the Project. The Project is proposed at 1.25 FAR and 60-feet in height, which is within the maximum density for the current IM-2.5, H-50' zone, excluding the height. The Project will comply with (1) the maximum allowable residential density of 1.25 FAR and (2) the maximum 60-foot height of the requested CRNF 1.25, C-0.0, R-1.25, H-60' Floating Zone.

- 3. Non-Residential Base Zone – When requesting a Floating zone for a property with a non-Residential base zone there are no prerequisites for an application.**

The Property is currently located in a Moderate Industrial (IM) zone, which is a non-residential base zone. Accordingly, there are no prerequisites for this Application.

Per Section 59.5.3.5.A.2. of the Zoning Ordinance:

- 2. If a Floating zone is not recommended in a master plan, the following density limits apply:**

As shown in Table 1, the proposed rezoning complies with the Zoning Ordinance requirements.

Table 1: CR Floating Zones Development Standards (Density Allowed)

Pre-Existing Euclidean Zone	Maximum Density Allowed in FAR Based on Size of Tract in Acres			
	Greater than 3 acres			
	Total Density (Permitted)	C or R Density (Permitted)	Total Density (Proposed)	C or R Density (Proposed)
IL, IM	1.5	1.25	1.25	1.25

Per Section 59.5.3.5.B.2-3 of the Zoning Ordinance:

B. Setback and Height

- 2. Setbacks from the site boundary and maximum height are established by the floating zone plan. All other setbacks are established by the site plan approval process under Section 7.3.4.**

The proposed setback from the Crabbs Branch Way site boundary is 10 feet. The proposed setback from Standish Place is 30 feet. The proposed maximum height is 60

feet. The proposed setbacks and height comply with the Zoning Ordinance requirements.

3. *Height must satisfy the compatibility standards for the applicable building type under Section 4.1.8.B.*

The proposed 60 feet height meets the compatibility standards under Section 4.1.8.B for any building type in a Floating Zone. At the time of Site Plan, the project must take its height measurement from the average grade along the building facing the applicable abutting or confronting property, per Section 59.4.1.8.B.3. of the Zoning Ordinance.

Intent of Floating Zones

Per Section 59-5.1.2. of the Zoning Ordinance, the intent of the Floating zones is to:

A. *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; and***

The Project furthers the goals of the Master Plan and General Plan as described above in the Section 59-7.2.1.E.2.a. findings. The proposed development capitalizes on the Project's convenient and transit-accessible location to increase the amount of housing available in an area with the infrastructure to support it. The Project represents efficient and sustainable land use by redeveloping an underutilized site that will connect future residents to the surrounding community and regional destinations.

B. *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, including open space standards and environmental protection and mitigation; and*

The Project supports the County's objective of providing a range of housing types, including affordable housing, near a major transit facility that will improve the environment and will not overburden public facilities with vehicle trips. The proposed residential uses are in balance with and are supported by the existing and planned infrastructure with flexible applicability to changing economic, demographic, and planning trends as supported by Thrive 2050, which was approved after the Master Plan.

The Project meets the intent of the CRNF Floating Zone to serve a diverse and evolving population with multiple unit types and a neighborhood design that is built on compact street blocks to encourage pedestrian activity. Proposed building groups are sited orthogonal to the street and modulated so not to exceed eight dwelling units in length in order to maintain appropriate pedestrian scale.

The Project proposes tree-lined compact street blocks featuring continuous sidewalks, strategically sited around a central park area and pedestrian promenades that promote walkability and healthy living. Modern stormwater management will be implemented on-site through environmental site design to advance sustainability on-site and within the surrounding neighborhood.

C. *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 Project achieves compatibility with its surrounding context through deliberate building placement (lot size, setbacks, overall density) and appropriate siting of proposed residential uses. The maximum FAR of 1.25 is consistent with the current zone's FAR, and the proposed height increase of 10 feet (from 50 to 60 feet) is consistent with the surrounding buildings – the office property directly east is 80 feet, and the office property immediately south is 70 feet.

Massing is strategically located orthogonal to the street to foster a consistent neighborhood character and provide direct and primary access to each dwelling unit. Redevelopment of the Property replaces four aging, low-rise office buildings—

featuring significant setbacks evocative of 1980s era office parks and expanses of surface parking located between the buildings and streetscape—with a compatible, walkable residential community. Density is regulated by applicable zoning limitations on contiguous dwelling units in a building group and required vehicular circulation and access. The development standards, discussed below, will produce a compatible site design and layout that is harmonious with the character of the existing context. The addition of residential uses to the area will not cause a negative impact on the surrounding neighborhood.

Development Standards

The design of the development will be finalized and reviewed by the Montgomery County Planning Board at the time of subsequent Preliminary Plan and Site Plan review. The Project will meet the Development Standards for the CRNF-1.25, C-0.0, R-1.25, H-60’ Zone as illustrated in the table below.

Table 2: Development Standards and Parking Requirements for the CRNF-1.25, C-0.0, R-1.25, H-60’ Zone

	Site	
	Required/Permitted	Proposed
Tract Area	N/A	12.73 ac (554,435 sf)
Previous ROW Dedications	N/A	1.13 ac (49,420 sf)
Proposed ROW Dedications	N/A	0.0 ac
Lot Area	N/A	13.86 ac (603,855 sf)
Density (max.)		
Total	1.25 FAR (754,819 sf)	1.25 FAR (754,819 sf)
Commercial	0.0 FAR (0 sf)	0.0 FAR (0 sf)
Residential	1.25 FAR (754,819 sf)	1.25 FAR (754,819 sf)
Open Space	10% (55,444 sf) ⁴	10% (55,444 sf) ⁵
Lot Coverage (max.)	Set at Site Plan	To be determined at Site Plan
Building Height (max.)	60 feet	60 feet

⁴ Open Space requirement determined by Section 59.5.3.5.D.2.a. of the Zoning Code.

⁵ Per Section 59.4.5.3.C., Open Space for townhouses is “Common Open Space” and for other building types (the proposed multifamily/two-over-twos) is “Public Open Space” but will be combined and appropriately allocated at time of Site Plan.

Principal Building Setbacks (min.)

	Required/ Permitted (Apartment/Two- Over-Two)	Proposed (Apartment/Two- Over-Two)	Required/ Permitted (Townhouse⁶)	Proposed (Townhouse)
Front setbacks from public street	Set at Site Plan	To be determined at Site Plan	5 feet	To be determined at Site Plan
Side street setback	Set at Site Plan	To be determined at Site Plan	5 feet	To be determined at Site Plan
Side setback, end unit	Set at Site Plan	To be determined at Site Plan	2 feet	To be determined at Site Plan
Rear setback, alley	Set at Site Plan	To be determined at Site Plan	4 feet	To be determined at Site Plan
Rear setback between lot and site boundary	Set at Site Plan	To be determined at Site Plan	5 feet	To be determined at Site Plan

d) be compatible with existing and approved adjacent development;

The Project will transform this aging office park and expanses of surface parking on-site into a high-quality residential community organized around a series of smaller compact, tree-lined street blocks. The new street grid, proposed perimeter landscaping, and strategically sited dwelling units fronting along Standish Place will promote compatibility and appropriately transition the Site into the surrounding community. As explained in a previous finding, the office heights directly surrounding the Subject Property are between 50 and 80 feet, making the proposed 60 feet compatible with the surrounding uses. Furthermore, the residential use would be appropriately integrated with the Derwood Station residential neighborhood just east of Crabbs Branch Way.

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 demonstrates an ability to mitigate such adverse impacts; and

⁶ Townhouse setback requirements per Section 59.4.5.3.C.1.

The 2020-2024 *Growth and Infrastructure Policy* requires mode-specific adequacy tests for any project estimated to generate 50 or more net new peak hour person trips.

The previous use on the Site was a 180,058 square foot office building. The proposed 120 single-family attached units and 90 multifamily housing units (two-over-twos) are estimated to generate a net decrease of 199 person trips in the morning peak hour and a net decrease of 161 person trips in the evening peak hour. Therefore, the LATR review is satisfied. A summary of the trip generation analysis is provided in Table 3 below.

Table 3: Trip Generation Analysis

		ITE Trip Generation Vehicle Rates		Adjusted Vehicle Rates Derwood Policy Area		Total Person Trips	
		AM	PM	AM	PM	AM	PM
Existing	Office (180,058 square feet)	278	225	261	255	366	357
Proposed	Single Family Attached Housing (120 units)	57	68	54	64	88	105
	Low Rise Multifamily Housing (90 units)	51	59	48	55	79	91
Net Change						-199	-161

Source: *Transportation Exemption Statement from Lenhart Traffic Consulting, Inc., October 28, 2024, modified by staff*

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 Subject Property was not previously zoned Residential Detached; therefore, this subsection is not applicable.

SECTION 6: PRELIMINARY FOREST CONSERVATION PLAN FINDINGS & ANALYSIS

The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines.

ENVIRONMENTAL GUIDELINES

A Natural Resources Inventory/Forest Stand Delineation No. 420241620 was approved on April 9, 2024. The Site includes no streams, stream buffers, wetlands, forests, or other environmental features. The Property is in the Rock Creek Watershed, a Use Class IV Stream. The NRI/FSD identifies areas of steep slopes 25% and greater located primarily on the northern and eastern boundaries. The Property contains several specimen trees. There are no known occurrences of rare, threatened, or endangered species on the Property.

The Application is in conformance with the Environmental Guidelines as there is no disturbance proposed within any environmental features. The Subject Property is currently developed and contains no forest, streams, stream buffer, or other environmental features.

PRELIMINARY FOREST CONSERVATION PLAN

Preliminary Forest Conservation Plan No. F20250010 has been submitted concurrently with Local Map Amendment Application H-156, 7501 Standish Place.

The Subject Property is proposed to be zoned CRNF-1.25, C-0.0, R-1.25, H-60', which is classified as Mixed-Use Development Area as defined in Section 22A-3 of Chapter 22A of the Montgomery County Forest Conservation Law (FCL) and specified in the Trees Technical Manual. The afforestation requirement is 15% of the net tract area and the conservation threshold is 20%. With the addition of 0.46 acres of off-site disturbance, the Net Tract Area is 13.19 acres. There is no forest on the Property and the forest conservation requirement is 1.98 acres, which will be met off-site or by payment of fee-in-lieu.

VARIANCE

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone ("CRZ") requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise, such resources must be left in an undisturbed condition. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The Law requires no impact to trees that: measure 30 inches or greater DBH;

are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The Applicant submitted a variance request in a letter dated November 4, 2024 (Attachment C). This request is to remove six (6) trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Removal of these trees removes a total of 189 inches.

Table 4: Variance Trees

Tree #	Species (Common Name)	Species (Scientific Name)	D.B.H. (inches)	Impact (%)	Tree Condition	Status
6	Willow Oak	<i>Quercos phellos</i>	30.5	100%	Good	Remove
13	Willow Oak	<i>Quercos phellos</i>	31	100%	Fair	Remove
14	Willow Oak	<i>Quercos phellos</i>	30.5	100%	Good/Fair	Remove
28	American Beech	<i>Fagus grandifolia</i>	35.5	100%	Good/Fair	Remove
33	Northern Red Oak	<i>Quercos rubra</i>	31	100%	Good	Remove
36	Willow Oak	<i>Quercos phellos</i>	30	100%	Good/Fair	Remove

Unwarranted Hardship for Variance Tree Impacts

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state will result in unwarranted hardship. The requested variance is necessary due to the need to accommodate construction, utilities, stormwater, and removal of existing infrastructure. In accordance with Section 22A-21(a), the Applicant requested a Variance (Attachment C). Staff agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use for the redevelopment of the Subject Property in accordance with the recommendations of the Master Plan and Zoning Ordinance without the Variance.

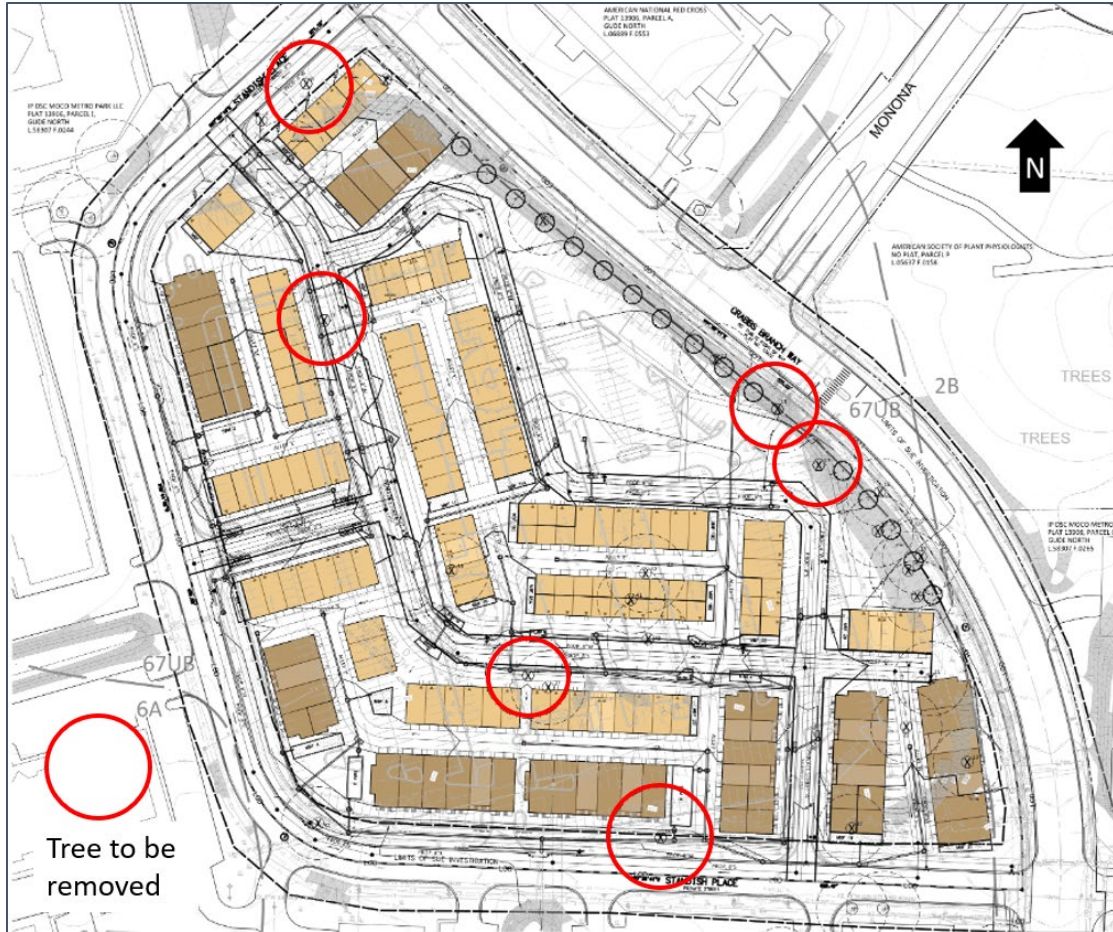


Figure 17: Variance Trees

Variance Findings

To approve the Variance, the Planning Board must find that the Variance:

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

Granting the variance will not confer a special privilege on the Applicant as the disturbance is unavoidable to develop the Property to meet the needs of the residential project. The Property is developed with buildings and parking lots covering almost the entire Property. Preparing the Property for redevelopment will require demolishing the existing buildings, removing the parking lot, and regrading the Site. The variance trees being removed are within the limits of disturbance needed to prepare the Site and construct the new development. If the Applicant were not able to impact the variance trees, the Applicant would not be able to demolish the existing improvements or redevelop the Property. This would not grant a special privilege to the Applicant.

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

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant but is based upon the existing site conditions and the locations of the Protected Trees. The six (6) trees to be removed are located throughout the site. In order to remove existing infrastructure and build the new development, these trees will be removed, with 100% impact to the critical root zones.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the location of trees and the proposed construction and not a result of land or building use on a neighboring property.

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

The variance request will not violate State water quality standards or cause measurable degradation in water quality. The Applicant will implement updated stormwater management practices. Additionally, sixteen (16) new 3-inch caliper native trees will be planted in mitigation for the removal of the six (6) variance sized trees to replace the water quality functions of the trees being removed.

Mitigation

The trees proposed for removal will be mitigated at a rate that approximates the form and function of trees being removed. Variance trees will be replaced at a ratio of approximately 1-inch caliper for every 4 inches removed using trees that are a minimum of 3-inch caliper in size. This results in a mitigation of forty-eight (48) inches, with a minimum at installation of sixteen (16) 3-inch caliper trees.

SECTION 7: CONCLUSION

Staff recommends approval of the Local Map Amendment H-156 and Floating Zone Plan with the recommended binding elements, and Preliminary Forest Conservation Plan F20250010 with conditions. The Applications satisfy the applicable findings and requirements of the Zoning Ordinance and the Forest Conservation Law.

ATTACHMENTS

Attachment A: Floating Zone Plan

Attachment B: Preliminary Forest Conservation Plan

Attachment C: Variance Request

ATTACHMENT C

VIKA Maryland, LLC
20251 Century Blvd.
Suite 400
Germantown, MD 20874
301.916.4100
vika.com

Date: November 4, 2024
~~July 10, 2024~~

Environmental Reviewer
Midcounty Area Team
Montgomery County Planning Department
2425 Reedie Drive, 14th floor
Wheaton, MD 20902

**Re: Forest Conservation Tree Variance Request
7501 Standish Place
Preliminary Forest Conservation Plan F20250010
VIKA #VM50602**

Dear Halley Johnson,

On behalf of our clients, TriPointe Homes (the “Applicant”), we are submitting this Tree Variance Request to comply with the Natural Resources, Title 5, Section 5-1607 of the Maryland Code that requires the Applicant to file for a variance to remove or impact any tree greater than 30” in diameter-at-breast-height (DBH), any tree with a DBH equal to or greater than 75% of the current state champion, trees that are part of an historic site or associated with an historic structure, any tree designated as the county champion tree, any tree, shrub or plant identified on the rare, threatened or endangered list of the U.S. Fish and Wildlife Service of the Maryland Department of Natural Resources, if a project did not receive Preliminary Forest Conservation Plan Approval prior to October 1, 2009.

The subject property (the “Property”) is located at 7501 Standish Place in Derwood, Montgomery County, Maryland. The approximately 12.72-acre site is currently improved with four (4) office buildings ranging from one to three stories and associated surface parking. The Property is bounded by Standish Place along the north, west, south and frontage, and by Crabbs Branch Way along the east frontage. The Property is 470 feet north of East Gude Drive. There are no significant environmental features or buffers located on or near the Property. The Property will be redeveloped with a combination of two-unit condominiums and townhomes on a compact tree-lined street block system supporting a pedestrian promenade, open recreation space, children’s play area, and a dog park (the “Project”).

This Tree Variance Request is accompanying the submission of Preliminary Final Forest Conservation Plan F20250010 which is associated with the Floating Zone Plan/Local Map Amendment H-156. Prior approvals include NRI 420241620, approved April 9, 2024.

As part of the proposed Project, the Applicant seeks a variance for removal of six (6) specimen trees on the Property. The following table lists the 6 specimen trees for which



ATTACHMENT C

Variance Request PFCP F20250010
7501 Standish Place
April 2, 2025

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Applicant seeks a variance to remove:

Table 1

Tree No.	Botanical Name	Common Name	D.B.H.* (in.)	CONDITION	CRZ IMPACT	RECOMMENDATION
6	<i>Quercus phellos</i>	Willow Oak	30.5	Good	100%	Remove
13	<i>Quercus phellos</i>	Willow Oak	31	Fair	100%	Remove
14	<i>Quercus phellos</i>	Willow Oak	30.5	Good/Fair	100%	Remove
28	<i>Fagus grandifolia</i>	American Beech	35.5	Good/Fair	100%	Remove
33	<i>Quercus rubra</i>	Northern Red Oak	31	Good	100%	Remove
36	<i>Quercus phellos</i>	Willow Oak	30	Good/Fair	100%	Remove

* Diameter at Breast Height

Justification of Variance

Section 22A-21 of the County Ordinance authorizes the County to approve variances to the Forest Conservation Law allowing disturbances to certain trees, including specimen trees. An applicant seeking a variance must present a request in writing and the applicable approving authority must make certain findings and descriptions prior to approval. Applicant's variance request satisfies the required findings as follows:

- (1) *Describe the special conditions prior to the property which would cause the unwarranted Hardship;*

The site is dominated by impervious cover (office buildings and associated parking), the existing landscaping and mature trees are constrained to existing landscape areas within the office park, or along the perimeter of Crabbs Branch Way. Where trees are located within landscaped areas on portions of the Property that are currently improved, such as within the vicinity of existing parking lots, or in landscaped areas that will require grading. Removal of existing improvements alone would cause impacts to these trees. Grading and other design considerations impacting the trees were minimized to the extent practicable. Denial of the variance would cause unwarranted hardship by significantly reducing the area of the Property that could be redeveloped. This would preclude implementation of the Project, considerably undermine the economic viability of any redevelopment of the Property and prevent achievement of the County's adopted planning goals.

The Project will require the removal of six (6) specimen trees. Impacts to the specimen trees are as follows:

Trees 6, 13, 14, 28, 33, & 36

- **CRZ Impact: Severe, 100% impact**
- **Tree Condition: Good, Fair, and Good/Fair**
- **Waiver Request: Approve for removal.**



ATTACHMENT C

These trees are proposed for removal as they are located within the proposed Limits of Disturbance (L.O.D.). Trees 13 and 14 are located on the landscaped edge along Crabbs Branch Way, which has a substantial grade differential ranging from 10 feet in height at the midblock, 3 feet in height at the northern end and 5 feet in height at the southern end of Crabbs Branch Way. To implement any redevelopment, significant demolition to remove existing parking areas is needed. Further, new utility connections, pedestrian facility upgrades, and streetscape design compliance all necessitate significant impacts to these trees. Any effort to save these trees would require a significant reduction in useable building area to create required sidewalks, remove existing asphalt and curb, and implement compliant utility infrastructure. Thus, avoidance of the critical root zones is not reasonably feasible within the scope of the Project's design and the allowances of the existing or proposed zoning.

Trees 6, 28, 33, and 36 are in areas for proposed streets and streetscape. These streets are designed to create a walkable grid with safe and efficient vehicular, pedestrian, and bicyclist access. To improve connectivity and break down the existing "superblock" this street grid is necessary to promote walkability in a comfortable, shaded environment. Finally, simply demolishing the existing buildings and parking lots will cause significant CRZ impacts. Any effort to save these trees would require a significant reduction in usable building space to clear the critical root zones and would not be reasonably feasible within the scope of the Project's design.

- (2) *Describe how enforcement of this Chapter will deprive the Applicant of rights commonly enjoyed by others in similar areas;*

Denial of the variance would deprive Applicant of rights commonly enjoyed by others in similar areas with industrial or mixed-use zoning. Avoiding any impacts to trees would significantly impact the ability to create compatible redevelopment with a mix of housing types needed to bolster the remaining office uses in the area, which are already difficult to lease under the current office market conditions. Therefore, strict enforcement of the County Code would unfairly prevent the redevelopment of the Property.

Approval of the variance would allow the Applicant to create a residential area that provides a range of housing types, including up to 32 moderately priced dwelling units (MPDUs) that would increase the stock of affordable housing units for County residents and open space amenities that would benefit both the residents and surrounding community.

- (3) *Verify that State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of the granting*



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of the variance;

The granting of Applicant's variance request will not result in a violation of State water quality standards, nor will a measurable degradation in water quality occur as a result. On the contrary, the Project will implement measures to improve water quality by integrating state-of-the-art stormwater management practices which will improve upon the Property's previous stormwater management system and enhance water quality. Further, overall impervious area will be increased, as will tree canopy both improving water quality. Sixteen new 3" caliper trees will be planted in mitigation for the removals ensuring that the important ecological services provided by these trees is replaced.

(4) *Provide any other information appropriate to support the request.*

The proposed Project supports the County's long-term planning goals for the area through the development of a mix of townhouses and 2-unit condominium housing near Shady Grove Station, a major transit center. The open space is organized along a pedestrian promenade that is aligned to the mid-block entrance of Standish Place which could form an organizing feature for future development of the neighboring office parks. Furthermore, the variance does not arise from a condition related to land or building use, either permitted or nonconforming, or a neighboring property.

Thank you for your consideration of the Applicant's tree variance request. The supporting information provided in this letter establishes that the denial of the variance request would result in unwarranted hardship or practical difficulty, as well as demonstrates Applicant's extensive efforts to minimize impacts. Please contact me with any questions, or if you require any further information.

VIKA Maryland, LLC

Joshua C. Sloan, ASLA, PLA, AICP

Director of Planning and Landscape Architecture/Vice President

