

OPPOSITION TO H-159 NOTLEY ROAD

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Party of Record

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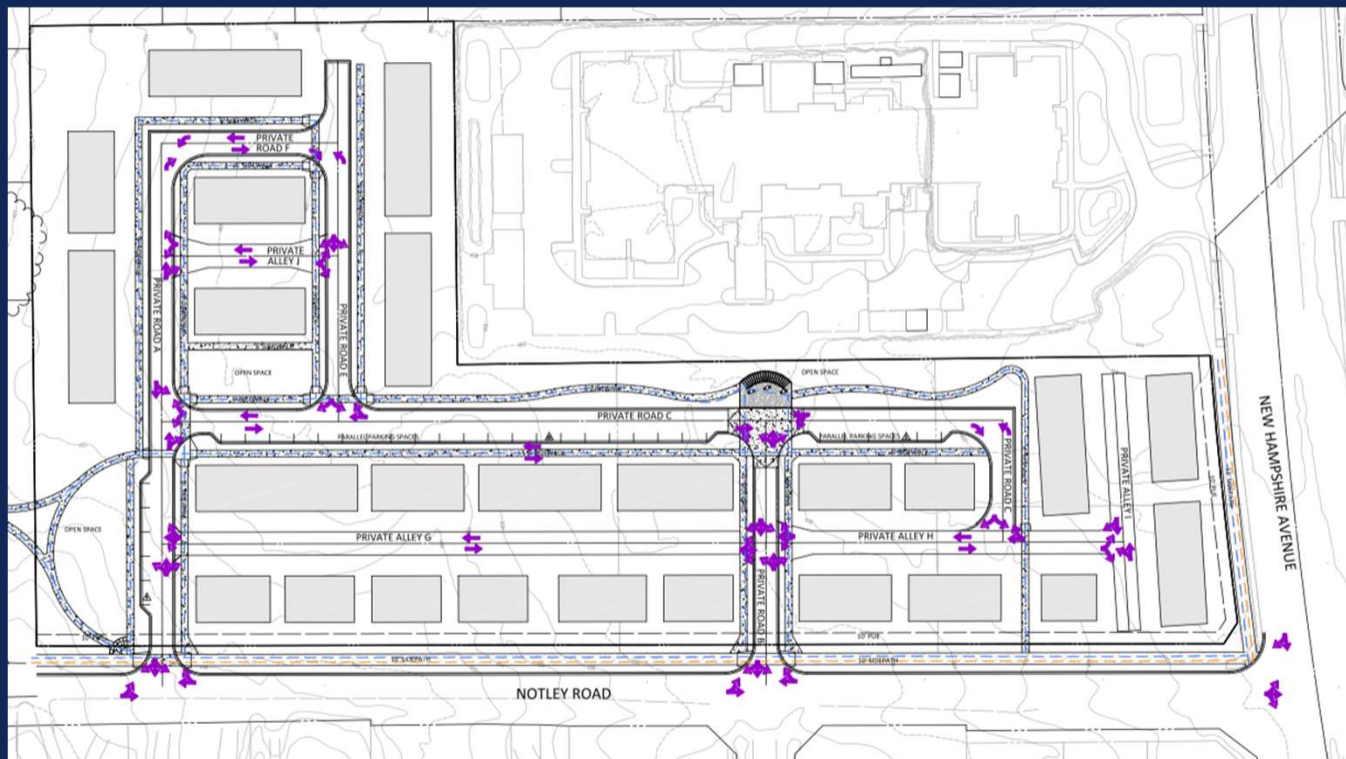


FLOATING ZONE PLAN REQUIREMENTS

SECTION 5.1.3.C.2

- b. When requesting a Townhouse Floating (TF) zone, Apartment Floating (AF) zone, or Commercial Residential Neighborhood Floating (CRNF) zone for a property with a Residential base zone:
- i. The property must **front on a nonresidential street** or must confront or abut a property that is in a Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone; and
 - ii. The application must satisfy a minimum of 2 prerequisites for each of the categories under Section [5.1.3.D](#).

CIRCULATION PLAN



FRONT OF PROPERTY

Principal Building Setbacks (min.)		
	Required/Permitted	Proposed
5.3.5.B - Bldg. Setbacks (minimum) from the site boundary	Established by Floating Zone Plan	From Notley Road (south): Front: 20'
Side street setback	Set at Site Plan	From New Hampshire Avenue (east): Front 15'

SECTION 5.1.3

b. When requesting a Townhouse Floating (TF) zone, Apartment Floating (AF) zone, or Commercial Residential Neighborhood Floating (CRNF) zone for a property with a Residential base zone:

i. The property must front on a nonresidential street or must confront or abut a property that is in a Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone; and

ii. The application must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.3.D.

- Categories of Section 5.1.3.D
 - Transit & Infrastructure
 - Vicinity & Facilities
 - Environment & Resources

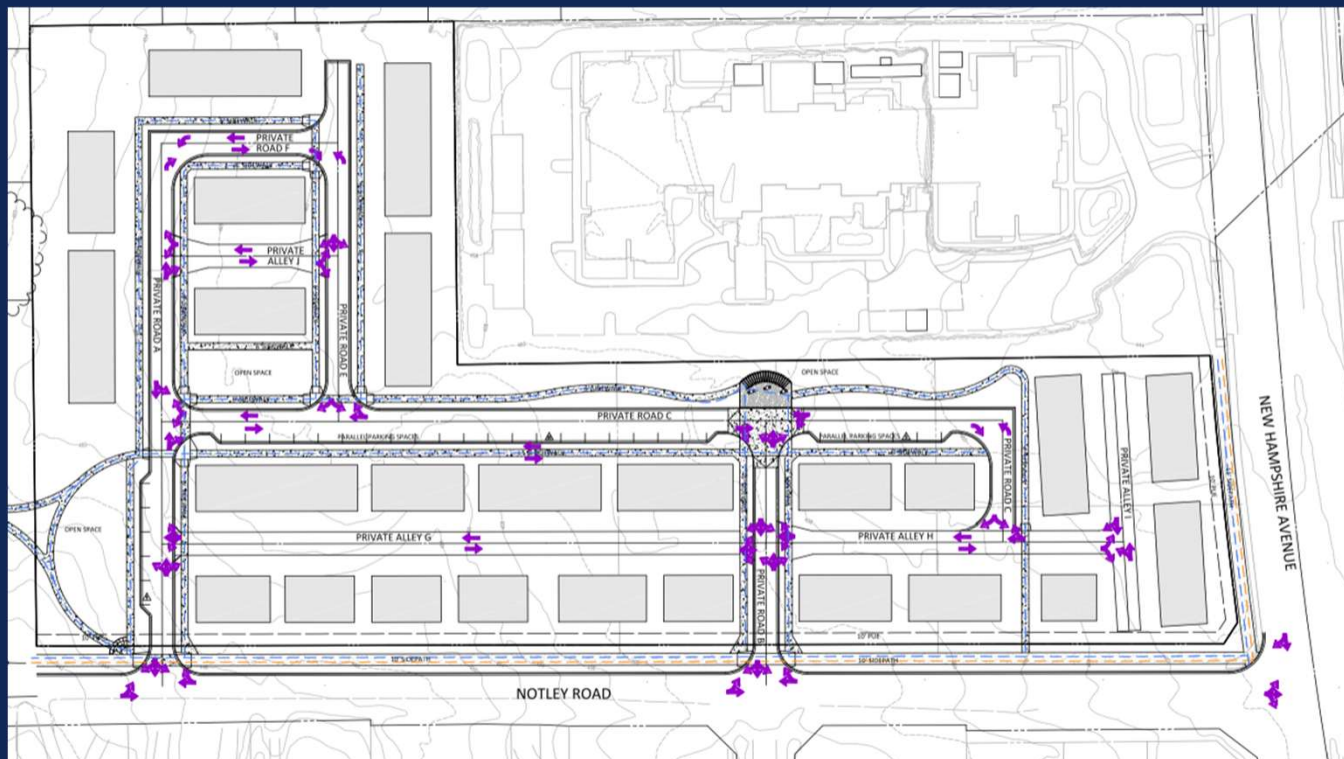
TRANSIT AND INFRASTRUCTURE

5. Transit & Infrastructure

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

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

CIRCULATION PLAN



VICINITY AND FACILITIES

- ii. *The site is adjacent to a pedestrian route that provides access to an existing public park and recreation facilities that satisfy a minimum of 30% of the recreation demand under the Planning Board's Recreation Guidelines, as amended, within ¾ mile.*

The Property abuts Colesville Neighborhood Park. Additionally, Colesville Local Park and Sherwood Forest Park are both within a ¾ mile radius of the Project. These parks fulfill at least 30% of the recreation demand for the Project.

VICINITY AND FACILITIES

The Project is adjacent to Colesville Manor Neighborhood Park, which is well within the 3/4-mile requirement. Colesville Local Park is also within a 3/4-mile radius of the Site. These parks satisfy 30% of the recreation demand for the Project.

RADIUS MAP

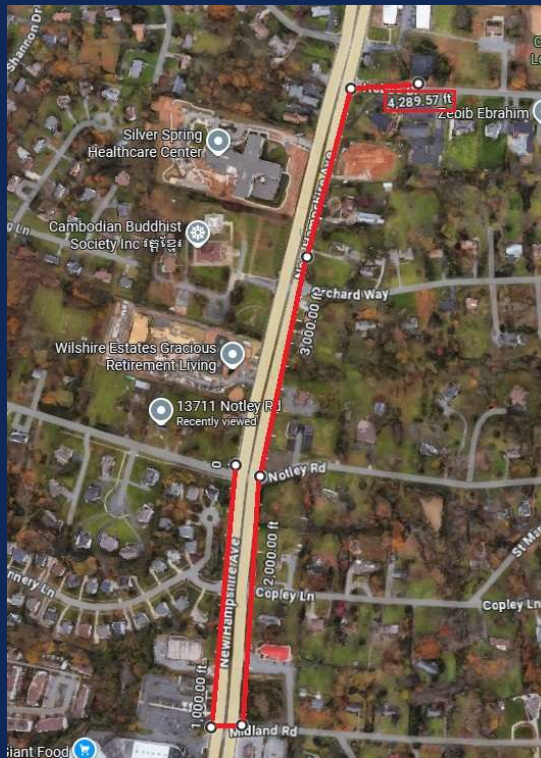


1587 feet = .3 miles

VICINITY AND FACILITIES

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

PEDESTRIAN ACCESS MAP



4289 feet = .81 miles

VICINITY AND FACILITIES

- iii. *The site is adjacent to a pedestrian route that provides access to an existing grocery store or County farmer's market within ¼ mile.*

The Property is adjacent to a pedestrian route along New Hampshire Avenue that provides access to the Giant Food in the Colesville Center, which is within a ¼ mile walkshed of the Property.

VICINITY AND FACILITIES

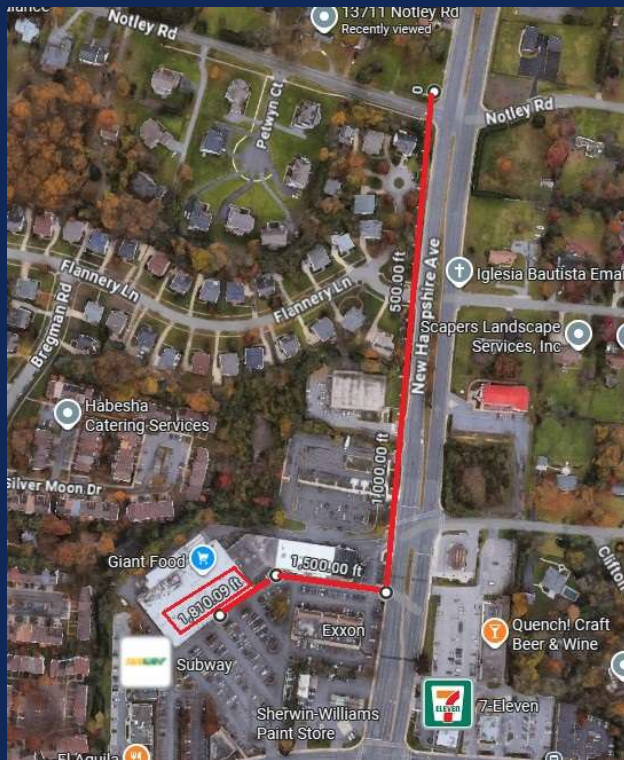
The Property fronts on New Hampshire Avenue with an existing sidewalk that connects to the Colesville Center, a strip shopping center, located just under ¼ mile from the Site. Within the Colesville Center is a Giant Food grocery store and other neighborhood retail stores and restaurants.

RADIUS MAP



1487 feet = .28 miles

PEDESTRIAN ACCESS MAP



1810 feet = .34 miles

SECTION 5.1.3 PREREQUISITES NOT MET

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

Vicinity & Facilities	The site is in a transitional location between property in an existing Residential Multi-Unit, Residential Townhouse, or non-Residential zone and property in a Residential Multi-Unit, Residential Townhouse, or Residential Detached zone.	
	The site is adjacent to a bicyclist route that provides access to commercial services within 3 miles.	✓
	The site is adjacent to a route that provides access to an existing or master-planned school within 1/2 mile.	
	The site is adjacent to a pedestrian route that provides access to existing public park and recreation facilities that satisfy a minimum of existing public park and recreation facilities that satisfy a minimum of 30% of the recreation demand under the Planning Board's Recreation Guidelines, as amended, within 3/4 mile.	✓
	The site is adjacent to a pedestrian route that provides access to an existing grocery store or County-permitted farmer's market within 1/4 mile.	✓

SECTION 5.1.3

- Categories of Section 5.1.3.D
 - Transit & Infrastructure - 2 satisfied
 - Vicinity & Facilities – 1 satisfied
 - Environment & Resources – 2 satisfied

FLOATING
ZONE
REQUIREMENTS
TEST

FAILED



CRNF REQUIREMENTS

SECTION 5.3.2

Section 5.3.2. Purpose

The purpose of the Commercial/Residential Floating zones is to:

- A. allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings;
- B. allow flexibility in uses for a site; and
- C. provide mixed-use development that is compatible with adjacent development.

MIXED USE DEFINITION (ICSC, NAIOP, BOMA, NMHC)

Though mixed-use is commonly defined as a project that features the mixing of at least three significant revenue-producing uses, i.e. retail, residential and commercial, today the definition represents a collection of components working together simultaneously—and the project may include a non-revenue-producing—though traffic-generating—element. Thus, as a result of the survey, the new working definition for mixed-use development for these four associations is:

A mixed-use development is a real estate project with planned integration of some combination of retail, office, residential, hotel, recreation or other functions. It is pedestrian-oriented and contains elements of a live-work-play environment. It maximizes space usage, has amenities and architectural expression and tends to mitigate traffic and sprawl.

MIXED USE DEFINITION (MONTGOMERY PLANNING DEPARTMENT)

How do we define mixed-use? Typically, a project that provides more than one use or purpose within a shared building - housing, office, retail, commercial, recreational, or another use - is considered “mixed-use.” **Traditional mixed-use projects typically have a single primary use paired with ground floor retail.**

Emerging mixed-use typologies differ from the primary use/ground floor retail model, often **pairing a typical primary use with a non-retail co-primary, secondary or tertiary use.** Examples of atypical mixed-use include office buildings paired with industrial makerspaces, senior living communities with assisted living services, live-work developments, urban agriculture on building rooftops, and gallery spaces with attached studios.

APPLICANT'S ARGUMENT

C. Section 5.3.2. - Purpose of the CRNF Zone

The CRNF Zone is an appropriate zoning classification for the Property. The intent of the CRNF Zone is to allow mixed-use development at a range of densities and heights flexible enough to respond to various settings. The CRNF Zone does not require a mix of uses on any individual property, but rather allows flexibility in uses for a site. Here, the Property is proposing a residential development to promote compatibility with the Surrounding Neighborhood (which is another purpose of the CRNF Zone). The County in approving prior Floating Zones has recognized that the CRNF Zone is appropriate for all-residential developments (*e.g.* H-156).

CRNF LAND USE

Section 5.3.3. Land Uses

A. The following land uses are allowed in the Commercial/Residential Floating zones:

1. In the CRNF zones, only the uses allowed in the CRN zone are allowed.
2. In the CRTF zones, only the uses allowed in the CRT zone are allowed.
3. In the CRF zones, only the uses allowed in the CR zone are allowed.

CRN GENERAL INTENT

A. In General

The CRN, CRT, and CR zones permit a mix of residential and nonresidential uses at varying densities and heights. The zones promote economically, environmentally, and socially sustainable development patterns where people can live, work, recreate, and access services and amenities. The application of the CRN, CRT, and CR zones is appropriate where impacts can be mitigated by co-locating housing, jobs, and services.

CRN GENERAL INTENT

The intent of the CRN, CRT, and CR zones is to:

1. implement the recommendations of applicable master plans;
2. target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses;
3. encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street;
4. allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods;
5. integrate an appropriate balance of employment and housing opportunities; and
6. standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.

CRN SPECIFIC INTENT

B. Commercial Residential Neighborhood (CRN)

The CRN zone is intended for pedestrian-scale, neighborhood-serving mixed-use centers and transitional edges. Retail tenant ground floor footprints are limited to preserve community scale.



SUMMARY

CRNF AS PROPOSED FAILS

- Application cannot satisfy the standards of the proposed zone as required by Section 59.7.2.1.E.2.c
 - Fail to Satisfy the Necessary Prerequisites
 - CRNF Requires Mixed-Use Development