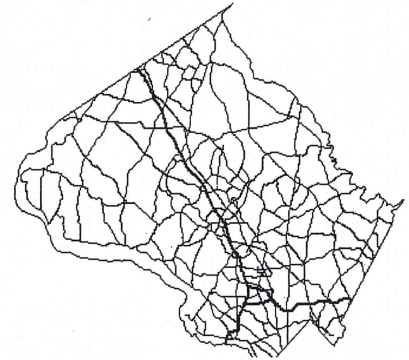




MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #
2/5/09



MEMORANDUM

DATE: January 23, 2009

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Subdivision Supervisor *CC*
Development Review Division

FROM: Richard Weaver, Coordinator (301-495-4544) *RAW*
Development Review Division

REVIEW TYPE: Pre-Preliminary Plan Review per Section 50-33 for Planning Board advice only

APPLYING FOR: Subdivision of 51 lots using optional method under the MPDU provisions

PROJECT NAME: Anselmo Property

CASE #: 720080240

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RE-1 with MPDU's

LOCATION: Located at the southern terminus of Rainbow Drive on the north side of Briggs Chaney Road

MASTER PLAN: Cloverly

APPLICANT: RAM Investing, Ltd.

ENGINEER: Site Solutions, Inc.

ATTORNEY: Miles and Stockbridge, P.C.

FILING DATE: May 7, 2008

HEARING DATE: February 5, 2009

RECOMMENDATION: No objection to the submission of a preliminary plan that addresses the staff issues outlined in this report.

SITE DESCRIPTION (Attachment A)

The subject property "Subject Property" or "Property" is identified as unplatted parcel, P183 on Tax Map JS 61. It is 42.28 acres in size and is zoned RE-1. It is located in the Cloverly Planning Area and is in the Upper Paint Branch Environmental Overlay Zone where imperviousness for new development is limited to 8%. The Property fronts onto Briggs Chaney Road, a two-lane arterial with a minimum right-of-way width of 80 feet. It is located immediately east and north of the MNCPPC's Cloverly Park. The Cloverly Elementary School lies to the west of the Park and the Cloverly Shopping Center is to the west of the school at the intersection with New Hampshire Avenue. One-family detached residential uses surround the Property to the north, west and south.

A Use III-P stream originates on, and bisects the Property and is a headwater stream to the Paint Branch stream system. There is forest on the Property generally located in the southern portion of the site within the stream valley buffer. There is also another patch of forest in the western portion of the Property at the terminus of Olive Street. The remainder of the property is in open field, and there is an existing one-family residential structure in the center of the site with a driveway out to Briggs Chaney Road.

Three roads currently terminate at the property boundary. Rainbow Drive, a master planned primary residential street with a 70 foot right-of-way, stubs at the northern boundary. Olive Drive, a secondary residential street with a 60 foot right-of-way, terminates at the western boundary of the Property. Colesberg Street is also a secondary street, and it terminates along the eastern boundary. It is apparent that all three roads were planned to extend onto the Subject Property and perhaps intersect.

PROJECT DESCRIPTION (Attachment B)

The application proposes 51 residential units including 36 one-family detached and 15 one-family attached (townhomes). Because the application proposes twenty or more units, MPDU's must be provided. The applicant proposes to take advantage of the density bonus allowed under the MPDU law. Since the base density that can be achieved under the RE-1 zoning is 46 dwelling units, the application proposes an 11% density bonus. To receive this bonus, 13.6% of the 51 total proposed units must be MPDUs. This amounts to 7 dwelling units.

Figure 1. Density Calculations

Gross Tract Area:	42.28ac
RE-1 zone	1.089du/ac (40,000 s.f. lots)
Base Density:	46.04 or 46 dwelling units
Max MPDU Bonus:	56 dwelling units (46 x 1.22)
MPDUs req'd for max:	8.4 or 9 MPDUs
Proposed Density:	51 dwelling units (46 x 1.11)
MPDUs req'd:	7 MPDUs (51 x 13.6% = 6.936)

The application proposes to take advantage of the smaller lot sizes allowed by the MPDU standards and cluster the lots, thereby preserving additional open space. The current submittal shows the 36 detached lots located in the northern portions of the site with access to Rainbow Drive and the 15 one-family attached units in the southern portion of the site with access to Briggs Chaney Road.

DISCUSSION OF ISSUES

This pre-preliminary plan has been submitted under the provisions of Section 50-33 of the Subdivision Regulations so the applicant can receive non-binding advice from the Planning Board. The applicant has provided a letter dated January 13, 2009 (Attachment C) that clarifies the issues they wish to have the Planning Board address. The applicant has ranked the issues in order of significance. The staff report addresses each issue in the order that the applicant has proposed but this does not necessarily reflect staff's priorities.

Applicant Concern #1 – Extension of Rainbow Drive

As previously described, three existing public roads currently end at the boundaries of the Subject Property and could be extended to provide access to the proposed lots on the north side of the stream valley. These roads include Olive Drive from the east, Colesberg Street from the west, and Rainbow Drive from the north. The current application proposes the extension of Rainbow Drive as an over-length cul-de-sac and the only means of access for the proposed units. Conversely, staff is recommending that both Rainbow Drive and Colesberg Street be extended into the property to provide at least two points of access and avoid the over-length cul-de-sac.

Applicant's Position

In the applicant's opinion, the impacts on the proposed development of extending Rainbow Drive to connect to Colesberg Street are not warranted, given that such a connection is

not what the master plan contemplated. The applicant also argues that it is not required for traffic capacity or circulation and is contrary to what representatives of the surrounding community told the applicant they preferred at the pre-application community meeting held on March 4, 2008.

Staff's Response

The submitted plan proposes to extend Rainbow Drive for a short distance onto the Subject Property, where it will then split into two cul-de-sacs. The right-of-way for the road would also be down-graded from a 60-foot primary road to a 50' tertiary road. Thus, Rainbow Drive will essentially become one long, overlength cul-de-sac. In staff's opinion, such a road configuration should not be permitted because there is a logical alternative that provides interconnection with another existing road and another point of access for the proposed units.

Section 50-26(b) of the Subdivision Regulations discusses cul-de-sacs and reads as follows:

Cul-de-sacs and turnarounds. The Board may approve the installation of cul-de-sacs or turnarounds when their use would produce an improved street layout because of the unusual shape, size or topography of the subdivision. The Board must not approve any other cul-de-sac or turnaround. A cul-de-sac or a street that would end in a turnaround must not be longer than 500 feet, measured on its centerline, unless, because of property shape, size, topography, large lot size, or improved street alignment, the Board approves a greater length.

In this instance, staff cannot make a finding that this property is of unusual shape, size or topography and that a cul-de-sac would produce an improved street layout. The Property is relatively flat and is not of such small size as to prohibit a second street connection. Nor is it so large that a through street would result in unnecessary pavement. Because of the cluster nature of the lots that both staff and the applicant support, a double loaded, through-street appears not only feasible, but also efficient. Staff finds that the existing conditions of the Property do not warrant a Planning Board finding to approve a cul-de-sac of more than 500 feet for the Property.

With respect to the most appropriate road configuration, staff continues to firmly support opportunities to provide residential street connections that promote more evenly distributed traffic and that reduce congestion along major roadways and intersections. In addition, connections that provide safer and shorter paths for bicyclists and pedestrians to reach parks, shopping and schools are also supported. When the opportunity presents itself through subdivision, staff considers the interconnection of residential streets to be a priority provided the connection can be made without creating significant non-local traffic impacts on secondary, tertiary or substandard residential streets, and where the connection would provide safe and reasonable vehicular and pedestrian movements without significant impacts to properties.

Rainbow Drive is a master planned primary residential street completed from Good Hope Road to the Subject Property with a pavement width of 36 feet that allows parking on both sides of the street with two unobstructed through-lanes. Rainbow Drive currently terminates at the northern boundary of the Subject Property as a stub, or what staff would consider a temporary termination that allows for a future extension. Offsite, Rainbow Drive is partially constructed on the west side of Good Hope Road but is classified as a secondary street terminating in a temporary dead end at the Briggs Chaney Middle School. However, the Cloverly Master Plan recommends that it be connected to Thompson Road along the front of the school, which would create a complete road connection from the Subject Property to Peach Orchard Road. Traffic would be expected to increase on this road connection and understandably raises concern among residents in the Cloverly area.

At first glance it would appear very reasonable to expect that Rainbow Drive should be completed through the Subject Property to a destination at Briggs Chaney Road as part of this application. However, the County Council amended the final version of the Cloverly Master Plan revision in 1997 to specifically recommend that the connection not be made (see page 48, Cloverly MP). While staff can surmise that the Council responded to opposition from citizens opposed to the connection and possibly to potential stream crossing impacts, staff continues to see merits in this connection and believes that it would provide additional options for vehicles using Good Hope Road as the major north-south road between New Hampshire Avenue and Peach Orchard Road. Additionally, the connection of Rainbow Drive to Briggs Chaney would benefit the overall ease of movement for local residents who wish to access Cloverly Park, Cloverly Elementary School and the recently constructed commercial center at Cloverly. From a transportation perspective, staff believes that it is regrettable to forever lose the ability to connect public streets, especially situations as presented here where a primary street has been substantially completed in close proximity to a park, schools and a commercial shopping area. Should the Planning Board wish to investigate the possibility of pursuing this connection, the Subdivision Regulations, Section 50-35(l) provides the following guidance:

Relation to Master Plan. In determining the acceptability of a preliminary plan submitted under this Chapter the Planning Board must consider the applicable master plan, sector plan, or urban renewal plan. A preliminary plan must substantially conform to the applicable master plan, sector plan, or urban renewal plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant master plan, sector plan, or urban renewal plan recommendations no longer appropriate.

As part of this pre-preliminary plan review staff has not evaluated the current conditions to determine if events may have occurred that could make the Master Plan recommendation against the connection of Rainbow Drive to Briggs Chaney Road inappropriate. Staff would do so only at the request of the Planning Board, perhaps as part of a future plan submittal for this Property.

Since the possibility of connecting Rainbow Drive to Briggs Chaney is not supported by the master plan, staff believes that Rainbow Drive will need to be completed as a secondary residential street from its current terminus at the northern boundary of the property to the existing Colesberg Street stub on the eastern boundary of the Property. (See attachment D) The applicant points out that this is not a master planned road connection; however, the Planning Board has the authority to coordinate roads within subdivisions with other existing, planned or platted roads. The existing street alignment of Colesberg Street where it terminates at the site leaves no doubt in staff's mind that it was always intended to extend onto the Subject Property. This connection will not provide the same benefit that a connection to Briggs Chaney would, but it will provide two points of access to the proposed subdivision as well as complete Rainbow Drive as a through street.. Staff places considerable weight on this recommendation; providing more than one vehicular access point to subdivisions of this size for safety and efficiency of movement is very important. As one can conclude, the applicant's proposal for two cul-de-sacs would provide no such access.

The connection to Colesberg Street will involve obtaining right-of-way from one existing property owner at the terminus of Colesberg Street (Parcel 279) so that the right-of-way can be complete. Staff believes that the Applicant must make a good faith offer to acquire the required right-of-way from that property owner. Staff understands that the deed for the parcel on which this house sits was worded to indicate the intention that Colesberg Street would one day be connected through the parcel; the deed for the parcel establishes a public utility easement in the exact location where it would be established on a record plat if this dedication is completed. Staff also understands that the owner of this intervening property is the daughter of the owner of the Subject property.

Staff does not recommend that Rainbow Drive connect to Olive Street on the western side of this site. This recommendation is consistent with the Planning Board's opinion for the Snider Lane Estates subdivision to the north of the Subject Property in which the Board determined that a connection of that road to allow vehicles to travel from Good Hope Road to New Hampshire Avenue via Rainbow Drive and Snider Lane, would not be consistent with the Cloverly Master Plan. Olive Street is similar to Snider Lane in that they are both substandard roads but have the potential to provide access to New Hampshire Avenue from Rainbow Drive. Staff is of the opinion that the connection of Olive Street to Rainbow Drive would mirror the Snider Lane case, and, therefore, it is not recommended by staff.

Applicant Concern #2 - Layout of Project

The application proposes to cluster the one-family detached lots in the northern portion of the property and to locate the one-family attached units along Briggs Chaney Road in the southern portion of the site. Given the surrounding land uses and the opportunity to maximize contiguous green space by clustering development, staff is recommending that all of the dwelling units be located north of the stream valley that bisects the site.

Applicant's Position

The applicant requests that the Planning Board address the proposed layout with particular attention to the location of the attached units, the benefits derived from locating that element (all of the MPDU's will be located here) of the proposed subdivision closest to public transportation, parks, shopping and a school and the reduced grading that results from the currently proposed location of the stormwater management facility.

Staff Response

The applicant contends that locating the townhomes within walking distance to mass transit, the park, school and shopping area is appropriate. Staff believes that the entire site is within walking distance of these local amenities and that with the construction of hiker/biker trails from the Briggs Chaney sidewalk to the newly constructed Rainbow Drive/Colesberg Street connection, this will be a walkable community. Therefore, from an accessibility standpoint, there is no significant advantage in locating units along Briggs Chaney Road. In staff's opinion, all proposed lots should be clustered together in the northern half of the Property served by the new roads. With such a layout, staff believes this option would actually be more advantageous from an impervious surface standpoint and would provide more contiguous open space. In staff's opinion, placement of townhomes along Briggs Chaney Road is also out of character with the current lot pattern which consists of large one-family detached residential lots. Therefore, staff recommends that all future development be located north of the existing onsite stream valley.

With respect to the location of stormwater management facilities, staff notes that the current plan shows no such facilities, however, it would be expected for any stormwater feature to be located on the north side of the stream valley adjacent to the streets and homesites. Staff would support minimizing grading for any stormwater management facility.

Applicant Concern #3 – The Bikeway Proposal

Although the Cloverly Master Plan removed the Rainbow Drive/Good Hope Road connection, it continues to recommend a bike path connection between the two streets. Staff and the applicant have differing opinions on the location of this bike path connection.

Applicant's Position

The applicant has proposed a bike path alignment that avoids their proposed townhouse development and directs the pathway from Rainbow Drive to the Cloverly Park. In the applicant's opinion, this is the most likely destination for cyclists.

Staff Response

As shown in the Cloverly Master Plan, staff supports a bikepath connection from Rainbow Drive south to the bikepath on Briggs Chaney Road, where users can access public transportation, the Park, school and shopping. Staff suggests using the alignment of the existing driveway to the existing house on the property for this bikepath. A direct connection to Cloverly Park as proposed by the applicant and shown on the current pre-preliminary plan is not advisable since it terminates near an active ballfield in the Park and does not connect users to an existing sidewalk. The path alignment recommended by staff will serve as a better connection and be safer than the applicant's alternative.

Applicant Concern #4 – Pervious Surfaces

The applicant has proposed paving certain “appropriate” surfaces with pervious paving materials. The applicant believes that the use of pervious paving is appropriate for the Anselmo Property and that the Board should consider allowing it to be used and not counted as part of their impervious surface coverage.

As mentioned above, the Property is located in the Upper Paint Branch Environmental Overlay Zone where imperviousness limitations are set at 8% over the site. This is a restrictive cap for imperviousness with a goal of maintaining the good water quality that the Upper Paint Branch system currently exhibits. The applicant has proposed pervious surfaces for some of the sidewalks, paths and driveways and has asked the Planning Board, in light of their recent discussions with staff, to exclude the pervious pavement from their impervious limits.

Although porous pavement materials can be considered useful to fulfill certain stormwater management goals for water quality by MCDPS, staff and the Planning Board have historically not allowed them to be considered pervious because of their unknown long-term effectiveness. The Board has expressed interest in further research, but until a change in policy is recommended, staff recommends that the Board continue to calculate impervious coverage as they have historically done, i.e., no credit for porous pavements. If the applicant is concerned about meeting the 8% impervious cap with either their proposed layout or that proposed by staff, they should consider smaller house footprints and shorter and/or shared driveways.

Applicant Concern #5 - Sidewalk Waiver

The applicant has asked for a waiver of the requirement to provide sidewalks along the tertiary streets that have been proposed for this subdivision, noting that there are no sidewalks in the abutting Good Hope Estates neighborhood to the north. They believe that sidewalks will be out of character.

Staff Response

Sidewalks are important because, as staff has suggested, this is a walkable community in close proximity to a number of public and private amenities. Given the clear intent of the master plan to provide a bikepath through this site to connect to the bikepath on Briggs Chaney Road, staff recommends a 5 foot wide sidewalk on the north side only of the new street connection so that it can be connected to the existing sidewalk on the north side of Colesberg Street and to the recommended bikepath.

Other Staff Issues

Park Dedication

With the extensive open space created by the clustering of lots in this application, opportunities may present themselves to expand the usable area for Cloverly Park. Should the townhomes ultimately be located as staff recommends, the open space created by shifting these units would provide a desirable area for pervious surface park uses.

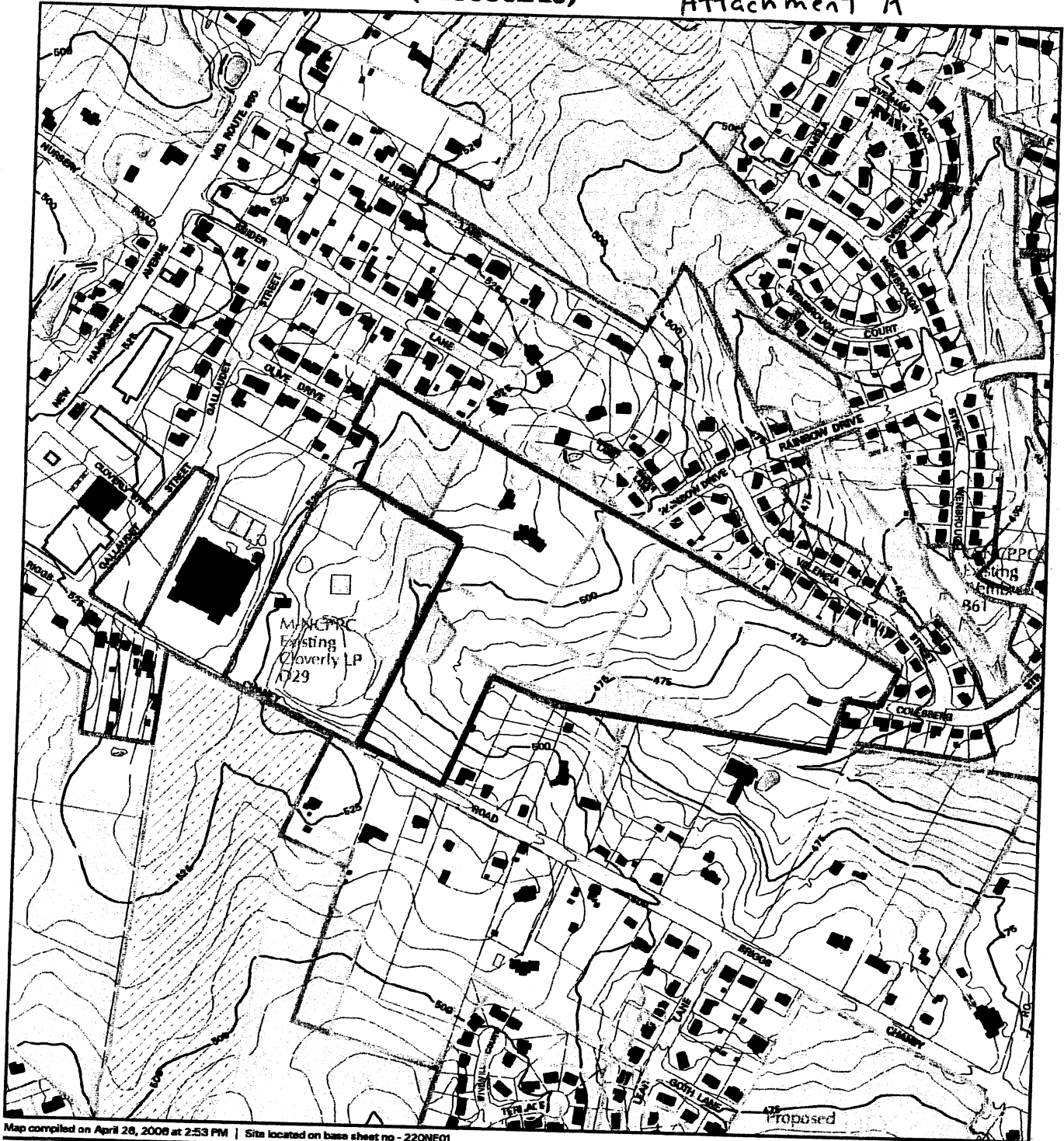
CITIZEN CORRESPONDENCE

The applicant held a pre-submission meeting and notified all adjacent and confronting property owners that the Anselmo Property Pre-Preliminary Plan had been filed with the M-NCPPC and was under review. The notice of the public hearing was also sent to the adjacent and confronting property owners and citizens associations in accordance with current procedures. Staff has not received any letters of concern regarding the application as of the date of this staff report.

Attachment A – Vicinity Map and Aerial Vicinity Map
Attachment B – Pre-preliminary Plan
Attachment C - January 13, 2009 letter
Attachment D – Staff rendering
Attachment E – Staff correspondence

ANSELMO PROPERTY (720080240)

Attachment "A"



Map compiled on April 26, 2006 at 2:53 PM | Site located on base sheet no - 22ONE01

NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14,400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



Research & Technology Center
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1 inch = 600 feet
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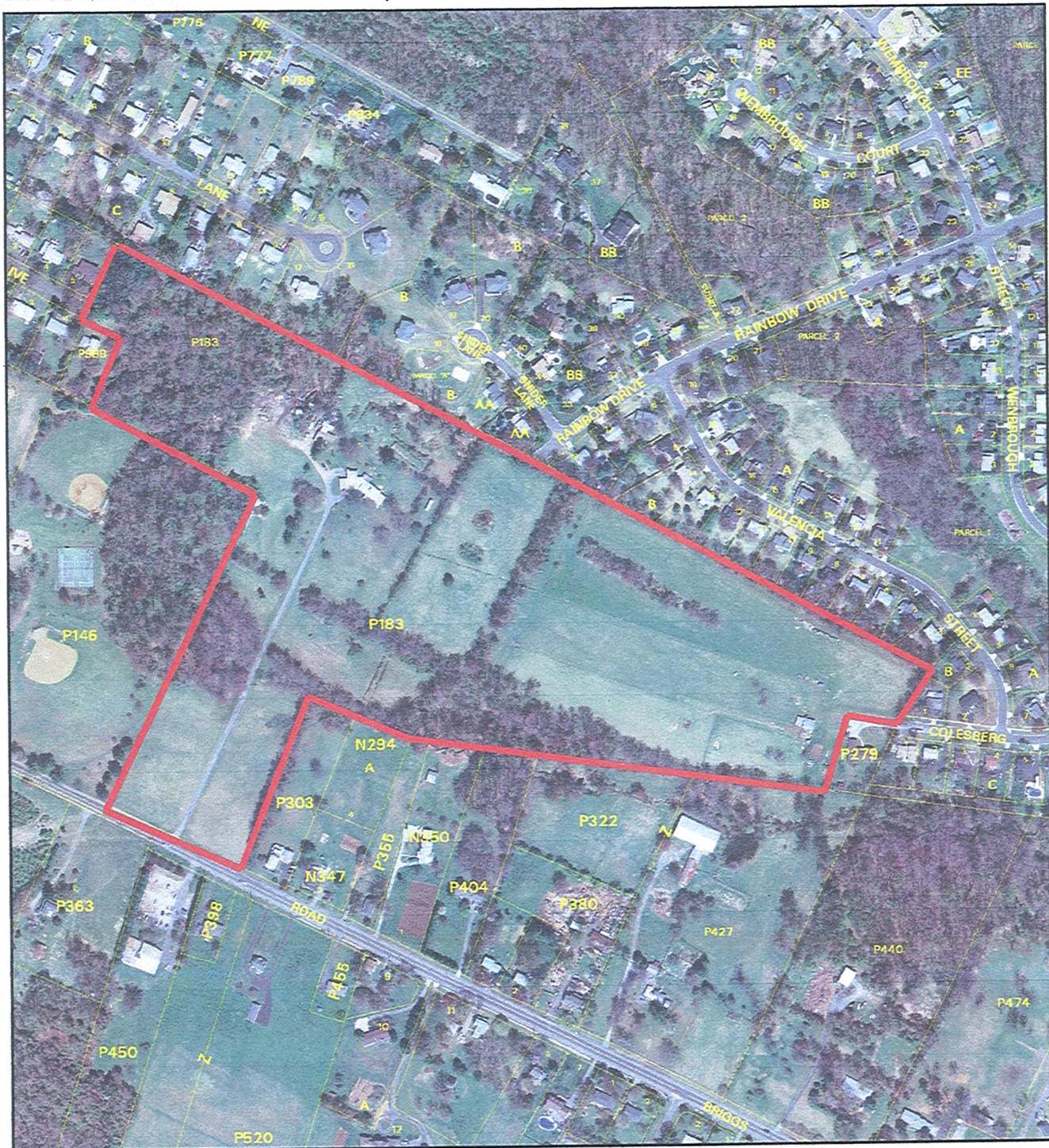
M-NCPPC

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

1201 Georgia Avenue - Silver Spring, Maryland 20910-3700

ANSELMO PROPERTY (720080240)

Attachment "A"



Map compiled on April 28, 2008 at 3:20 PM | Site located on base sheet no - 22ONE01 | Date of Orthophotos: April 2006 - Used with permission from Montgomery County Government

NOTICE

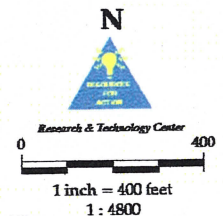
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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3700

Key Map

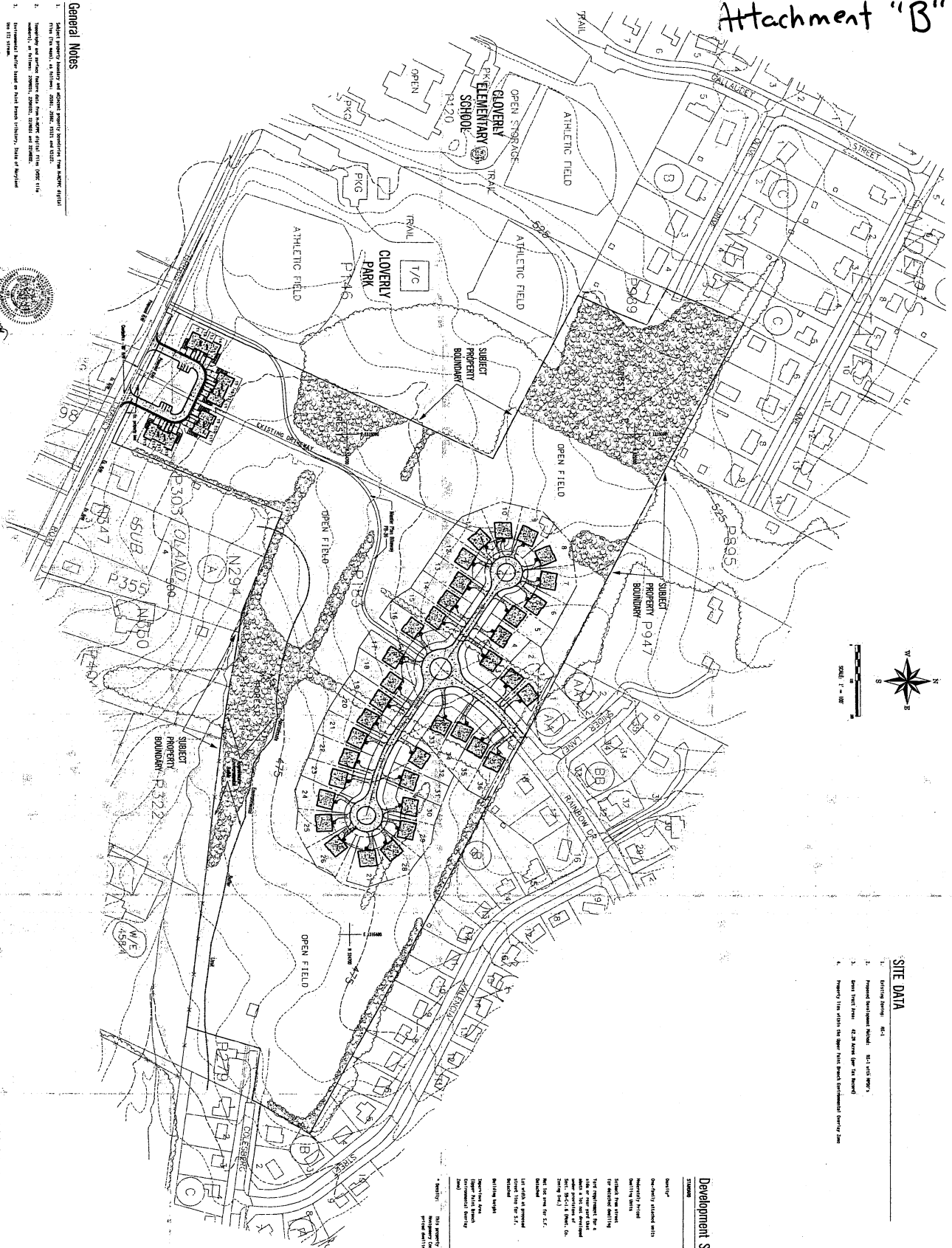


2. Proposed Development Method: 35-1 with 400' S
3. Gross Tract Acres: 42.28 Acres (per Tax Record)
4. Property lies within the Upper Tule River Environmental Overlay Zone.

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[illegible]

	Easting Contour - 5' interval
	Subject Property Boundary
	Environmental Buffer Limit
	Wooded Area - Forest and / or Wetlands
	Existing Tree Canopy Edge
	Proposed Single Family Detached House Footprint - Schematic
	Proposed Single Family Attached House Footprint - Schematic



1. Subject property boundary and adjacent property boundaries from historic flight data (1930, 1940, 1950, 1960, 1970, 1980, 1990, 2000, 2010, 2020).
2. Topographic and surface features data from historic flight data (1930, 1940, 1950, 1960, 1970, 1980, 1990, 2000, 2010, 2020).
3. Environmental buffer based on Point Source Inventory, State of Maryland Department of the Environment.
4. Subject property is within the Tripartite Planning Area.



SSI SITE SOLUTIONS, INC.
 8010 Observation Drive Suite 208
 Germantown, Maryland 20878-4000
 (301) 840-7280 Fax (301) 840-7391
 Planning Engineering Landscape Architecture

1	Answer per 1st NCIC: Serial numbers listed 4/28/05	4/28/05
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APPLICANT:
R.A.M. Investing, Ltd.
Jackson Place South
832 Hungerford Drive / Suite 3
Rockville, Md. 20850

PRE-APPLICATION CONCEPT PLAN
ANSELMO PROPERTY
 COLEVILLE ELECTRON DISTRICT #5
 MONTGOMERY COUNTY, MARYLAND

Plan No. 720080240

DATE	5/17/08	SCALE	1" = 100'
PROJECT	100	DATE	5/17/08
PROJECT	100	DATE	5/17/08

MILES & STOCKBRIDGE P.C.

Stephen J. Orens
301-517-4828
sorens@milesstockbridge.com

January 13, 2009

VIA ELECTRONIC AND REGULAR MAIL

Mr. Richard Weaver
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Anselmo Property (42.28 acres on Briggs Chaney Road)
Pre-Preliminary Application No. 720080240


Dear Mr. Weaver:

Per your request, we are submitting this letter to specify those issues that we request be presented to the Planning Board when the Board considers the pre-application plan for the Anselmo Property.

In order of significance, the issues are as follows:

- (1) Rainbow Drive.
 - a. The Plan as submitted depicts Rainbow Drive extended into the Property, terminating at two cul-de-sacs extending east and west from the terminus of Rainbow Drive.
 - b. Rainbow Drive and the two cul-de-sacs are proposed for tertiary road status.
 - c. The detached one-family dwellings proposed for the Anselmo Property will front on the two cul-de-sacs.
 - d. The staff has proposed that existing Rainbow Drive, a primary roadway, be extended through the Anselmo Property to connect to Colesberg Road.
 - e. The Planning Board needs to address the future status of Rainbow Drive considering the master plan recommendation and the practical implications of extending Rainbow Drive to connect to Colesberg Road when such connection is not what the master plan contemplated, nor required for traffic capacity or circulation, and is contrary to what representatives of the surrounding community told us at the pre application community meeting that we held on March 4, 2008.
- (2) The layout of the project.
 - a. The attached and detached elements of the proposed Anselmo subdivision are separated by a small stream and its associated stream valley buffer. The attached townhome units, including the MPDU's that are dispersed throughout the attached

unit element of the project, are proposed to be located in the area that is most proximate to Briggs Chaney Road, within walking distance to the Cloverly Park, Cloverly Elementary School, and the Cloverly Shopping Center. A future "U" shaped private road is intended to provide access to the attached townhome element of the subdivision from Briggs Chaney Road.

- b. The detached dwelling unit element of the proposed Anselmo Subdivision will have direct access to Rainbow Drive.
- c. The stormwater management facility for the detached dwelling unit portion of the subdivision will be located in the undeveloped area between the eastern cul-de-sac and Colesberg Road taking advantage of the natural terrain of the Property.
- d. The Planning Board needs to address the proposed layout with particular attention to the location of the attached units, the benefits derived from locating that element of the proposed subdivision closest to public transportation, parks, shopping and a school and the reduced grading that results from the proposed location of the stormwater management facility.

(3) The bikeway proposal.

- a. The Cloverly Master Plan proposes a bikeway from Briggs Chaney Road through the Anselmo Property, along the Rainbow Drive right of way to and beyond Good Hope Road (PB-36). Since the Master Plan recommends against the extension of Rainbow Drive through the Anselmo Property to connect to Briggs Chaney Road, the proposed Anselmo Subdivision Plan depicts a realignment of that the bikeway that avoids an incursion into the attached residential element of the proposed subdivision by redirecting the bike path into the Cloverly Local Park, the most logical destination for cyclists.
- b. The Planning Board needs to address the appropriate bike path location as part of the proposed layout.

(4) Pervious surfaces.

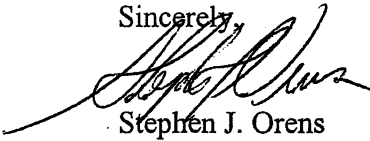
- a. The Planning Board needs to address the project's compliance with the 8% impervious surface area limitation currently imposed in the Environmental Overlay Zone for the Upper Paint Branch Special Protection Area. The proposed subdivision Plan proposes the use of the current generation of pervious paving materials for walkways, the bike path and driveways where appropriate, consistent with the requirement that 92% of the tract remain pervious.
- b. Notably the Board recently heard a presentation from the Environmental Planning Division on current County practices in evaluating impervious and pervious surfaces. We believe that the proposed Anselmo subdivision plan is acceptable under the current methodology.
- c. The Planning Board needs to address the proposed use of pervious surfaces for driveways, the bike path and walkways and determine that such surfaces, coupled with binding maintenance requirements, would be excluded from the property's overall impervious percentage.

(5) Sidewalk waiver.

- a. A waiver of the requirement that sidewalks be installed along subdivision streets within this subdivision has been requested based on the existing character of the neighborhood and the concern regarding impervious surfaces within this Special Protection Area. There are no sidewalks in the abutting Good Hope Estates neighborhood.
- b. The Planning Board needs to address the appropriateness of granting that waiver.

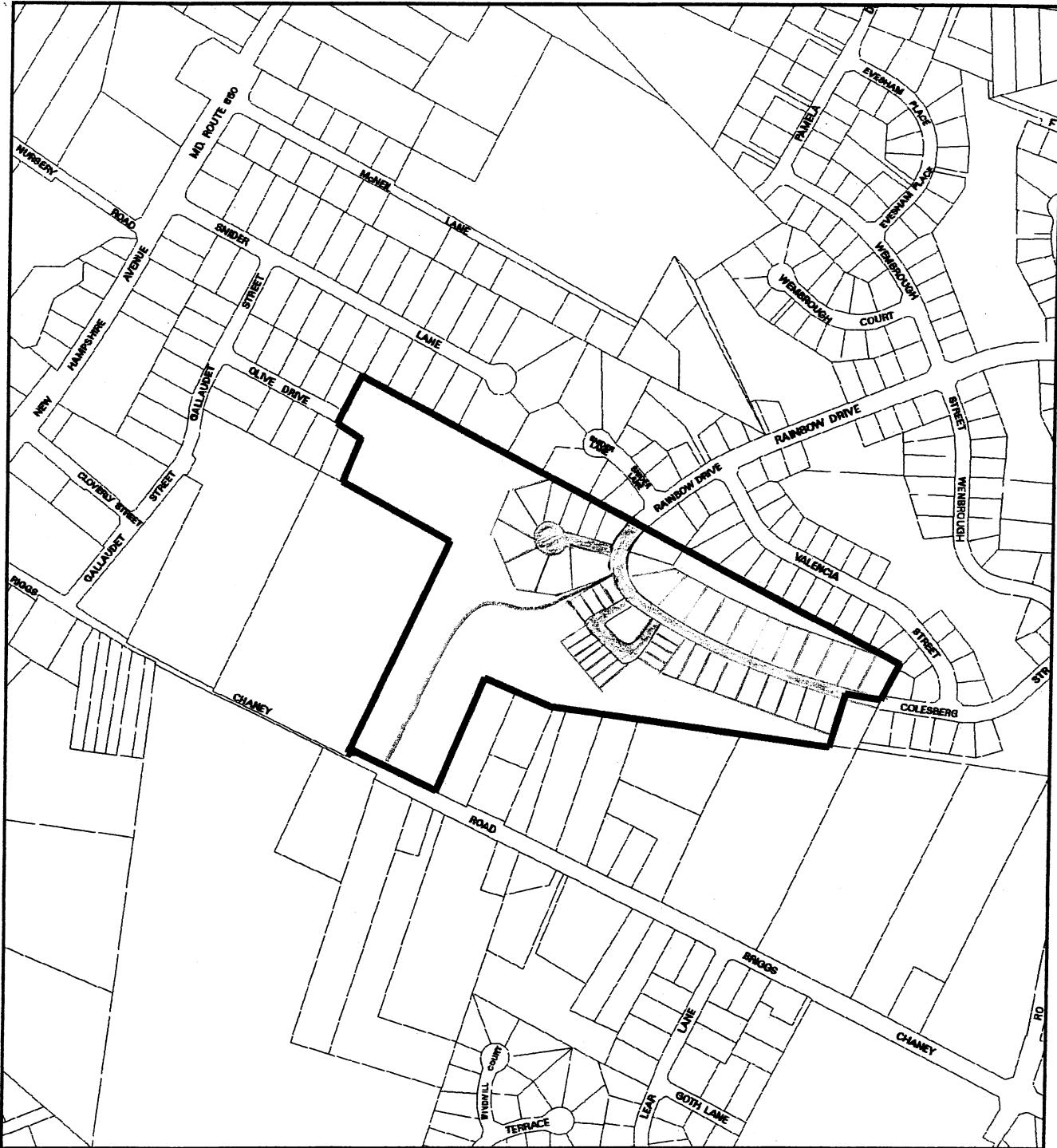
Thank you in advance for the opportunity to present these issues to be addressed in the Staff Report and by the Planning Board. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Stephen J. Orens

cc: Ralph DeSena, R.A.M. Investing Ltd.
Alfred S. Blumberg, II, Site Solutions Inc.
Rebecca D. Walker, Esquire

ANSELMO PROPERTY (720080240) * Illustrative Only

Map compiled on April 28, 2006 at 2:57 PM | Site located on base sheet no - 220NE01

NOTICE

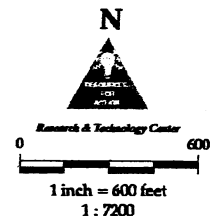
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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
2287 Georgia Avenue - Silver Spring, Maryland 20910-3708

Key Map





MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Attachment "E"

January 21, 2009

MEMORANDUM

TO: Cathy Conlon, Supervisor
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning Division

FROM: Cherian Eapen, Planner/Coordinator
Transportation Planning Division
301-495-4525

SUBJECT: Pre-preliminary Plan No. 720080240
Anselmo Property
RAM Investing, Ltd. ("Applicant")
Rainbow Drive, to the north of Briggs Chaney Road
Cloverly Policy Area

This memorandum presents Transportation Planning staff's review of the subject Anselmo Property pre-preliminary plan submitted by RAM Investing, Ltd. to build a 51-unit residential development on approximately 42.0 acres of RE-1 zoned land located to the north of Briggs Chaney Road in Cloverly. The property is located within the Cloverly Policy Area and lies within the Upper Paint Branch Environmental Overlay Zone.

DISCUSSION

The pre-preliminary plan submitted by the Applicant proposes 51 residential units on the property. The above consist of 36 single-family residential units to the northern section of the site along an extension of Rainbow Drive into the property (a master-planned primary residential street), and two cul-de-sacs extending to the east and west from the terminus of Rainbow Drive. The remaining 15 units are proposed as single-family attached, just to the east of existing Cloverly Elementary School and Cloverly Park, with access off Briggs Chaney Road via a U-shaped private drive.

In the vicinity of the property, Briggs Chaney Road is a two-lane arterial with a minimum right-of-way width of 80 feet (A-86 in the Cloverly Master Plan that extends between New Hampshire Avenue (MD 650) to the west and Prince George's County to the east). A shared-use path exists along the north side of the roadway (along the property frontage), which extends approximately 2,150 feet to the east from New Hampshire Avenue up to a driveway for the property.

Additionally, Rainbow Drive is a two-lane primary residential street (P-8 in the Cloverly Master Plan) to the north/northeast of the property extending up to Briggs Chaney Middle School. The roadway has a minimum right-of-way width of 70 feet and a shared-road bikeway (PB-36; Class III). A sidewalk exists along the south side of Rainbow Drive between Good Hope Road and Briggs Chaney Middle School. The Cloverly Master Plan recommend against connecting Rainbow Drive to Briggs Chaney Road.

Land use to the north, northeast, and east of the proposed development is predominantly residential. The commercial/retail area in Cloverly along New Hampshire Avenue, the Cloverly Elementary School, and the Cloverly Park are located to the west of the proposed development.

RECOMMENDATION

Typically, Transportation Planning staff would recommend that a property such as Anselmo property be developed with an extension of Rainbow Drive to Briggs Chaney Road. This connection would also seem appropriate given the location of existing commercial/retail uses, an elementary school, and a local park in Cloverly that could easily be accessed by not just residents of the development, but also by many residents who live to the north, northeast, and east of the property. These road connections provide distribution of local traffic over an enhanced roadway network and help reduce overall traffic congestion along roadways and intersections in the area. In addition, these connections provide safer and shorter paths for bicyclists and pedestrians to reach area parks, shopping, and school, and facilitate shorter response time for emergency vehicles.

However, the Cloverly Master Plan recommends against this connection of Rainbow Drive to Briggs Chaney Road. Given the master plan recommendation, staff recommends that the Applicant consider limiting development on the property (both detached and attached single-family units) to only the northern and northeastern sections of the property. The residential units can be provided along an extension of Rainbow Drive into the property as a primary road and along an extension of Colesberg Road into the property as a secondary street, both streets connecting within the property for internal site circulation purposes. No roadway access shall be permitted into the property from Briggs Chaney Road.

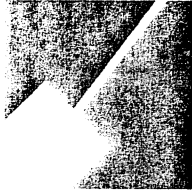
Staff recommends that the Applicant locate the proposed bike path/trail entirely within the property (i.e., outside of Cloverly Park), preferably over the existing driveway off Briggs Chaney Road into the property. This will minimize new impervious areas on the property. The Applicant must also reconstruct the bike path that partially exists along Briggs Chaney Road site frontage along the entire of site frontage.

Staff also considered Applicant's request to waive construction of sidewalks along internal roads. Given that a sidewalk currently exists along the north side of Colesberg Road between the property and Good Hope Road, we recommend limiting construction of sidewalk along only one side of the proposed internal streets. This is consistent with the goal to minimize new impervious areas on the property, which is within the Upper Paint Branch Special Protection Area. We also recommend that the Applicant pay into the Montgomery County Department of Transportation's Annual Sidewalk Program for any sidewalk sections that will be waived.

SE:CE:tc

cc: Corren Giles
Greg Leck
Khalid Afzal
Candy Bunnag
Doug Powell
Steve Orens, Esq.

mmo to RW re Anselmo Property.doc




**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
COMMISSION**

Planning Department, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Richard Weaver, Development Review Division

VIA: Stephen D. Federline, Master Planner, Environmental Planning Division 

FROM: ^{CB} Candy Bunnag, Planning Coordinator, Environmental Planning Division

DATE: January 22, 2009

SUBJECT: Pre-Preliminary Plan 720080240, Anselmo Property

STAFF RECOMMENDATION: Object to plan as submitted.

1. Do not support a waiver of the 8 percent imperviousness limit set by the Upper Paint Branch Environmental Overlay Zone.
2. Do not support the applicant's proposal to assign a 50 percent reduction of impervious surfaces to those features in the subdivision that are proposed to be constructed with porous pavement.

BACKGROUND

The 42.28-acre site is located in the Upper Paint Branch Special Protection Area (SPA). The Paint Branch watershed is classified as a Use III stream system.

A house and outbuilding exist on the site. A long driveway connects the house to Briggs Chaney Road. A headwater stream that is part of the Left Fork Tributary of Paint Branch begins on adjacent parkland to the west of the subject site. The stream flows down through the subject site, crossing the existing driveway. Wetlands exist near and upstream of the driveway. Environmental buffers associated with the stream and wetlands also lie on the site. Onsite vegetation includes forest stands, individual trees, tree rows, and open fields.

Upper Paint Branch Special Protection Area Environmental Overlay Zone

This site is within the Upper Paint Branch SPA Environmental Overlay Zone. Section 59-C-18.152 of the Environmental Overlay Zone applies restrictions for limiting impervious surfaces for development applications in the SPA:

- Section 59-C-18.152(a)(1) states:

“Any development must not result in more than 8 percent impervious surface of the total area under application for development.

- The overlay zone also includes a waiver provision. Section 59-C-18.152(a)(2) states:

“The Director may grant a waiver from the 8 percent impervious surface restriction subject to the following standards and procedures:

(A) Written Request. An applicant may apply for a waiver from the 8 percent impervious surface restriction if enforcement would result in undue hardship to the applicant. The request must be in writing to the Director.

(B) Review and action. The Director may grant a waiver from the 8 percent impervious surface restriction if the applicant shows by clear and convincing evidence that :

- (i) the 8 percent impervious limitation would result in undue hardship to the applicant because of events or circumstances not caused or facilitated by the applicant;
- (ii) the applicant complies with all applicable federal, state, and county water quality standards; and
- (iii) the relief sought is the minimum needed to prevent the hardship and the Director must consider alternative techniques.”

The overlay zone states that the Director acts on a request for a waiver from the zone’s impervious surface restrictions. The zoning ordinance defines the “Director” as the Director of the Department of Permitting Services (DPS). However, in practice, the authority that acts on a waiver request is dependent on whether the proposed project is reviewed by the Planning Board or DPS. If a proposed development is reviewed by the Planning Board (preliminary plan, site plan, special exception, zoning case, mandatory referral), then the Board acts on an applicant’s waiver request. If the development is not reviewed by the Planning Board (e.g., house construction on a residential lot created before the SPA law was established), then the DPS Director handles the waiver request.

APPLICANT’S PROPOSAL

The applicant proposes to use porous pavement for residential driveways, townhouse street and parking pavement, and townhouse sidewalks. The applicant proposes to count each square foot of porous pavement as equivalent to 0.50 square foot of impervious surface . That is, porous pavement would be counted as only 50% impervious.

Based on the applicant’s layout for the subdivision, the imperviousness is roughly 7.88%, if porous pavement is counted as 50% impervious, or 8.6%, if porous pavement is counted as 100% impervious.

STAFF ANALYSIS AND REVIEW

In the review of imperviousness limits, staff uses the following definition:

An impervious surface is a land cover type that prevents or significantly impedes infiltration into the underlying soil. Such a surface also completely or significantly disrupts natural pollutant treatment through the removal of vegetation and altered soil ecological processes due to soil removal and compaction. Impervious surfaces include such areas as roofs, roads, and parking lots, regardless of the materials that are used in their construction.

As part of a Planning Board roundtable discussion on November 20, 2008, Environmental Planning staff presented its position for continuing its method of defining impervious surfaces when reviewing plans and projects that are subject to impervious surface limits¹. The Planning Board accepted staff's current working definition and review methodology of imperviousness.

For this subdivision project, staff would apply the same definition and review methodology for impervious surfaces as it has used with other land development projects. Therefore, staff does not support the applicant's proposal to count porous pavement as only 50% impervious.

In addition, staff does not support a waiver of the 8% imperviousness limit. Staff believes the proposed subdivision can and should be reconfigured to meet the imperviousness limit of the Environmental Overlay Zone.

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¹ Regulatory imperviousness are found in the Environmental Overlay Zones for the SPAs of Upper Paint Branch and Upper Rock Creek. Imperviousness limits are also recommended in the Planning Board's "Environmental Guidelines" for projects in most of the Patuxent River watershed. Some master plans also recommend imperviousness limits for land development projects in specific watersheds.