

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MCPB  
July 8, 2004

Item # 5



**MEMORANDUM**

**DATE:** July 2, 2004  
**TO:** Montgomery County Planning Board  
**VIA:** Rick Hawthorne, Acting Chief *RCH*  
Michael Ma, Supervisor *Ma*  
Development Review Division  
**FROM:** Wynn E. Witthans, RLA, AICP *ww*  
Planning Department Staff  
(301) 495-4584

**REVIEW TYPE:** Site Plan Review  
**APPLYING FOR:** Approval of 102 Senior Multifamily including 21MPDU's on 2.75 acres  
**PROJECT NAME:** Clopper's Mill  
**CASE #:** 8-94012A  
**REVIEW BASIS:** Sec. 59-D-3, M. C. Zoning Ordinance  
Section 19-64 for Final Water Quality Plan  
**ZONE:** PD-4  
**LOCATION:** On Mateny Road, 1,000 feet north of Great Seneca Highway  
**MASTER PLAN:** Germantown and Vicinity  
**APPLICANT:** J. Kirby Development, Jeff Kirby, contact  
**FILING DATE:** May 12, 2004  
**HEARING DATE:** July 8, 2004

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**STAFF RECOMMENDATION:** Approval of 102 Senior Multifamily Housing including 21MPDU's on 2.75 acres; inclusive of a waiver for building setback adjacent to Seneca Creek State Park from 100 feet to approximately 60 feet and a parking waiver of 39 parking spaces to reduce the number of parking spaces from 105 spaces to 66 spaces, with the following conditions:

## 1. Landscape and Lighting and Site Plan

- a. Landscape Plan to include: landscape design and berm grading plan for the HOA Open Space Parcel that would eventually create a wooded buffer area with significant screening benefit to adjacent residents in the Single Family Detached Housing; any significant change to the composition and materials of the façade of the structure to be reviewed by staff to assure compatibility with adjacent residences; 7 foot tall evergreens on the east side of the parking lot (as required with the original site plan approval); landscape beds in front of the building to be widened to include additional planting to counterbalance the height of the building and add seasonal color and texture; additional shade trees to be located south of the outdoor sitting areas to the rear of the building. Site Plan to include 6-foot crosswalk from the front door to the street and a crosswalk across Mateny Road.
- b. Lighting Plan to include: detail of all security or other area lighting on all sides of the building to insure light levels are compatible with existing residential land uses: parking lot light photometrics to include analysis of light levels out to property lines; light fixture details that conform with IESNA light levels for multifamily housing and parking lots uses and that conform to 'Dark Sky' objects of reducing excessive light levels.

## 2. Environmental

- a. Outfall adjacent to Seneca Creek State Park to conform to comments by MDE prior to release of signature set.
- b. Forest Conservation

Applicant to comply with the previously approved final forest conservation plan and provide an amount of forest on the site equal to the amount previously approved under FCP 8-92005 for the Villages of Clopper Mill. The applicant is to determine if the planting area identified in 8-92005 that includes the subject property and adjoining parcel D has been planted. If parcel D has not been planted the applicant is to identify who and when this area will be planted.

## 3. Transportation

- a. Total development under this site plan is limited to 102 units of elderly housing.

## 4. Submit a Site Plan Enforcement Agreement and Development Review Program for review and approval prior to approval of the signature set as follows:

- a. Development Program to include a phasing schedule as follows:

## **ISSUES OF THE REVIEW PROCESS**

The project is authorized as a Green Tape project allowing for an expedited review process. This is specifically for projects where at least 20% of the total dwelling units will be made available to persons/families whose income is at or below the income level of moderately priced dwelling units.

### **1. Compatibility**

#### **Issue:**

The project proposes a 4 story multifamily building (with a fifth level as a walkout basement) adjacent to an HOA open space parcel beyond which there are 5 single family detached homes' rear yards oriented towards the proposed building. These homeowners have met with staff and the developer to indicate their concern for the concern for compatibility between the proposed multifamily housing and the existing single family detached.

The proposed building is 232 feet long and is 52 feet in height, per the Zoning Ordinance calculation. The measured dimension of the height of the side of the building at the east property line ranges from 49 to 63 feet above grade.

Although the difference in building mass is significant, the resident's views of the height and length of the structure would be tempered by the distance and effect of the berm and landscaping. The existing homes are set back 138 to 160 feet away from the proposed building. Their first floor elevations and outdoor deck areas are set approximately 10 feet above the first floor of the proposed building. In relation to the proposed building first floor, the berm creates a variable buffer from zero to 12 feet in one area and 16 feet in another area. The cross sections show that SFD first floor elevation is roughly level with the top of the berm, so the proposed building is still approximately 40 feet above the SFD homes. This is tempered by the existing landscaping extends the buffer by another 15 to 20 feet.

#### **Citizen Concerns:**

The adjacent homeowners have met with staff to indicate their concern for the difference in building sizes and disparity of mass from the proposed multifamily housing to the single family detached homes. Letters and emails from adjacent neighbors and neighbors in the vicinity asked that the height of the building be reduced to three stories and that four stories is inconsistent with neighborhood architecture. There was also a concern about limited noticing to citizens in the vicinity and traffic impacts.

#### **Developer Response:**

The developer has met with the adjacent homeowners on two occasions to present and refine the buffer concepts. The plans show a concept for increasing the berm height and adding landscaping. The developer has also responded to citizen emails.

**Staff Recommendation:**

In order to provide the extra screening/buffering staff believes is required to make the finding for compatibly, applicant must be able to utilize the off site HOA parcel for increasing the height of the berm and providing additional landscaping. The applicant has secured a potential approval, pending provision of final details, from the HOA president. Staff recommends that the applicant pledge to maintain the landscaping in this area for at least four years to maintain the compatibility between the projects. Further staff recommends that the applicant develop a grading and landscape plan for staff review to assure the height of the berm is effective and the landscaping will create a forest-like condition in the future for a well developed buffer area. A detailed landscape plan that reflects a consideration of drainage patterns and plant species and sizes is required.

**2. Conformance to the Development Plan**

**Issue:**

The site plan approval was preceded by a Development Plan G-650 to create the PD for the underlying subdivision. It was approved on October 9, 1990. In the intervening time, several site plans have been approved that varied from Development Plan, i.e. an increase to the number of townhouses and locations of uses. These changes were made in the context of earlier site plan reviews but no Development Plan Amendments have been filed. The plan is almost fully built out with the exception of the house of worship and elderly housing sites.

**Citizen Concerns:**

The letters remark that when they moved in the housing site was to have been a church and that a church would have less traffic impact than apartments.

**Developer Response:**

The developer's attorney has submitted a letter dated June 28, 2004 explaining this site's consistency with the Development Plan, attached. They make the case that the numbers of units are within the approved density for senior housing (120 were in the Development Plan, 102 are proposed) and the housing is "located adjacent to the commercial center." They go on to state they feel the multifamily apartments are compatible with SFD housing, that it is a less intense use than a church and that the style of architecture and the siting of the building is compatible to adjacent residential development.

**Staff Recommendation:**

Staff recommends that the Planning Board's approval find the location of the proposed senior housing to be in conformance with the Development Plan's direction that the senior housing be "located adjacent to the commercial center."

Staff recommends that the Planning Board review the subdivision's issues regarding the conformance to the Development Plan for the existing townhouses (and a proposed townhouse site plan currently under review) with future site plan applications. The developer for the pending townhouse application has submitted a history of earlier approvals for staff review in conjunction with their eventual site plan hearing.

### **3. Waiver Requests**

#### **Issue:**

The applicant has submitted a letter dated June 25, 2004 requesting a waiver for building setback adjacent to Seneca Creek State Park from 100 feet to approximately 60 feet and a parking waiver for 39 parking spaces to reduce the number of parking spaces from 105 spaces to 66 spaces.

#### **Citizen Concerns:**

None stated.

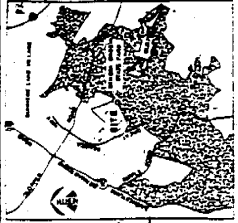
#### **Developer Response:**

The waiver for the building setback maintains the buffer setback to the Seneca Creek State Park would not conflict with the Master Plan recommendation that the maintains a recommendation for park use in the immediately adjacent area. Also the adjacent park is undeveloped wetland and the housing proposal would not impact its use.

In regards to the parking waiver, numbers of spaces are consistent with waivers granted in other senior projects within Montgomery County.

#### **Staff Recommendations:**

Staff recommends that the Planning Board find the waivers acceptable and incorporate them into the approval.



5 SINGLE FAMILY DETACHED

ELEMENTARY SCHOOL SITE  
 5.4 AC.

274 MULTI-FAMILY ATTACHED

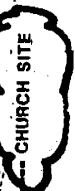
61 SINGLE FAMILY DETACHED

120 MULTI-FAMILY ATTACHED  
 (ELDERLY HOUSING)

CHILD CARE FACILITY

81 SINGLE FAMILY DETACHED

54 SINGLE FAMILY ATTACHED



CHURCH SITE

AUTOMOBILE FILLING STATION

STORMWATER MGMT. FACILITY

SHOPPING CENTER OFFICES

**61-650**  
 DEVELOPMENT PLAN

**SUMMARY**

Category	Count	Area (Ac.)	Notes
Single Family Detached	136	10.0	
Single Family Attached	54	4.0	
Multi-Family Attached	274	15.0	
Multi-Family Attached (Elderly Housing)	120	8.0	
Child Care Facility	1	0.5	
Church Site	1	0.5	
Elementary School Site	1	5.4	
Stormwater Mgmt. Facility	1	1.0	
Automobile Filling Station	1	0.5	
Shopping Center Offices	1	2.0	
<b>Total</b>	<b>598</b>	<b>46.9</b>	



**DEVELOPMENT PROGRAM**

Phase 1	100
Phase 2	100
Phase 3	100
Phase 4	100
Phase 5	100

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**PROJECT DESCRIPTION:** Surrounding Vicinity

The site is within a previously approved PD (Planned Development) subdivision known as Clopper's Mill, originally approved in October of 1990. The subdivision has been developed as a blend of retail and housing and open spaces. The attached Vicinity Map shows the arrangement of stores, townhouses, multifamily and single family detached housing.

The subject site is located between an existing gas station and car wash and an open space buffer area for a single-family detached neighborhood. The rear yards of the SFD homes adjoin the open space parcel and overlook the subject site. It is across Mateny Road from the town center retail area.

The Home Owners Association open space includes a berm that ranges from 0 to 8 foot as viewed from the residences. It includes scattered evergreen and deciduous trees throughout.

The southern end of the site adjoins R-200 land that is owned by MDSHA and is part of Seneca Creek State Park. The parkland is heavily forested adjacent to this site.

**PROJECT DESCRIPTION:** Site Description

The site is open and is lower in elevation than Mateny Road. There is an existing curb cut for the site from Mateny Road that will be utilized for the proposed development. The site includes a significant drainage swale along the western boundary (by the gas station) that contains a retaining wall and drainage channel. The drainage is oriented to the south.