



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MCPB
Item #2
12/6/01

MEMORANDUM

DATE: November 30, 2001
TO: Montgomery County Planning Board
VIA: John A. Carter, Chief, Community-Based Planning Division
FROM: Kathleen A. Reilly, AICP, Community-Based Planning
Khalid Afzal, Team Leader Georgia Avenue Corridor

REVIEW TYPE: Local Map Amendment
APPLYING FOR: Change in zoning from RE-2 (Residential One-Family) to
LDRCD (Low Density Rural Cluster Development)
APPLICANT: Wayne Lockwood
CASE NUMBER: G-794
REVIEW BASIS: Advisory to County Council Chapter 59

AREA: 28.48 acres
LOCATION: Approximately 360 feet south of the terminus of Westminster
Drive
MASTER PLAN: Olney

FILING DATE: September 12, 2001
PLANNING BOARD REVIEW: December 6, 2001
PUBLIC HEARING: December 19, 2001 at Hearing Examiner

STAFF RECOMMENDATION: APPROVAL, of the Low Density Rural Cluster Zone for a maximum of 5 single-family detached dwelling units and a minimum of 18 acres of open space for the following reasons:

1. The rezoning conforms with the Olney Master Plan.
2. The application complies with the purpose clause of the Low Density Rural Cluster Zone.
3. The Low Density Rural Cluster zone is compatible with the surrounding uses.

Project Summary:

The applicant, Wayne Lockwood, is requesting a reclassification from the Residential one-family (RE-2) Zone to the Low Density Rural Cluster Development (LDRC) Zone on 28.48 acres of land located approximately 360 feet south of the terminus for Westminister Drive in southeastern Olney. The proposed development would consist of 5 single-family detached dwelling units and approximately 18 acres of open space developed under the cluster method of the requested zone. Westminister Drive will be extended and terminate as a cul-de-sac on the adjoining property to the north. Driveways off the cul-de-sac will provide access to each proposed lot on this site.

A. Description of the Property

The subject property is located approximately 360 feet south of the terminus for Westminister Drive. The site is an irregularly shaped rectangle, undeveloped with steep slopes and completely wooded. Many of the large trees on site are specimen trees and the dominant species are tulip poplar, white and black oak. Environmental features found on the site include floodplain, wetlands, streams and their associated buffers. A tributary of the Northwest Branch bisects the property in a north to south direction. Currently, the site is landlocked. However, under this request, the applicant is proposing to provide access to each proposed lot via driveways from Westminister Drive extended. A more complete discussion of access is found under the Transportation text of this report.

B. Surrounding Area:

Definition: In a floating zone application, the surrounding area is less rigidly defined than in a Euclidean zone application. In general, definition of the surrounding area, takes into account those areas that are most directly affected by the proposed development. In the subject application, staff defines the surrounding area to be: extending from Georgia Avenue on the west to Batchellors Forest Road on the north and easterly through the Northwest Branch to Barn Ridge Road on the east and Norbeck Road on the south.

Uses: The surrounding area is classified and developed with low-density residential uses. Directly north of the site, the property is zoned LDRC and a pending plan of subdivision (1-02009) for 3 single-family residential units are proposed. The properties to the south, east, and west of the subject site, are zoned RE-2 and developed with low-density residential uses or are undeveloped. A cemetery, an institutional use, is located at the intersection of Georgia Avenue and Batchellors Forest Road, the western boundary of the surrounding area. The Trotters Glen Golf Course, a recreational use, is located east of the cemetery along Batchellors Forest Road. Both uses are zoned RE-2.

C. Intended Use and Approval Procedures:

This application seeks to rezone the subject site from the RE-2 zone to the LDRC zone. The applicant intends to subdivide the property into 5 lots for single-family dwelling units and designate 18 acres as open space. The subdivision and development of this property depends on the rezoning to the Low Density Rural Cluster Zone and the approval of extending public water and sewer to the property. The applicant has filed a request for a water and sewer category change that will be acted upon by the County Council. In addition to this rezoning application and approval of a water and sewer category change, other approval processes for this site will include a preliminary plan of subdivision, a site plan and a final plat of subdivision.

D. Zoning History:

1. Comprehensive Zoning:
 - a. SMA -G-256 RE-2 Zone confirmed.
 - b. SMA E-998 R-A Zone reconfirmed.
 - c. 1958 Countywide Comprehensive Zoning: -R-A Zone confirmed.
 - d. 1954 Countywide Comprehensive Zoning: R-A confirmed

E. Master Plan Recommendations:

1. Land Use: Residential One-family or Rural Residential Cluster
2. Zoning: RE-2

F. Public Facilities:

1. Water and Sewer Service
 - a. Service Categories: The subject property is in Water Category W-6 and Sewer Category S-6.
 - b. Water and Sewer Service: A category change request has been filed to serve the subject property. Sewer service will be located in the middle of site. Presently, a 10-inch and an 18-inch trunk sewer line transverse the middle of the site and southeastern edge of the site along a tributary of Northwest Branch. This will provide opportunities for connections, but five separate sewer connections through the wooded stream buffer could create unnecessary environmental damage. The applicant is strongly encouraged to either provide sewer connections into the adjoining Guzick property to the north where possible or cluster the sewer connections to the trunk mains to minimize any disturbance to wetlands, stream channel and stream buffers. Water

service would be required to extend from the adjacent Guzick property. Public water service to the Guzick property is under review at this time due to right-of-way access issues for the properties fronting on Barn Ridge Drive. Given the public water access issue, the proposed lots for the subject site could be developed initially using interim wells.

2. Schools: This development would generate approximately 1 elementary school student, 1 middle school student, and 1 high school student. Schools serving this site are: Sherwood Elementary, Farquhar Middle and three consortium High Schools: James Hubert Blake, Paint Branch and Spingbrook.

3. Roads

a. Georgia Avenue (MD 97): Georgia Avenue, is a five lane divided roadway with two northbound and three southbound lanes, with a 150-foot Master Plan recommended right-of-way. This recommendation includes the right-of-way needed for implementation of the Georgia Avenue Bus Way concept. This cross section includes curb, gutter and sidewalk. The posted speed limit is 50 miles per hour. Traffic signals are provided at Emory Church Road and Emory Lane. Left-turn lanes are provided at these intersections. Georgia Avenue, classified as a major highway provides northbound access to the site via the intersection of Batchellors Forest Road. Traffic desiring to go southbound must turn right on Georgia Avenue from Batchellors Forest Road and make a U-turn at either Emory Lane or Emory Church Road.

b. Doctor Bird Road: Doctor Bird Road is classified as a major highway providing access to the site via its intersection with Batchellors Forest Road. In the vicinity of the subject site, Doctor Bird Road has a 120-foot recommended Master Plan right-of-way. Doctor Bird Road is proposed under the *Olney Master Plan* to be improved, but retain its existing two lane cross section. This cross section includes curb and gutter, but no sidewalks. Doctor Bird Road provides east/west access from the site via its connection to Olney Sandy Spring Road. A left turn lane is provided at the intersection of Doctor Bird Road with Olney Sandy-Spring Road. The posted speed limit on Doctor Bird Road is 40 miles per hour.

c. Emory Lane: Emory Lane located southwest of the site provides western access to the site and a U-turn location for traffic entering Georgia Avenue from Batchellors Forest Road seeking to head south toward Silver Spring. West of Georgia Avenue, Emory Lane is classified as an arterial roadway with an 80-foot right-of-way. East of Georgia Avenue, Emory Lane provides access to Olney Manor Recreational Park terminating in the park. The posted speed limit is 15

miles per hour consistent with its use and narrow cross section. Emory Lane is proposed to be extended from its present terminus in the park to Norbeck Road as an unnamed primary roadway under the provisions of the *Olney Master Plan*. However, environmental constraints make much of this extension unlikely.

d. Batchellors Forest Road: Batchellors Forest Road is classified as a primary roadway and slated for improvements to eliminate sharp curves and provide a direct intersection with Olney-Sandy Spring Road under the *Olney Master Plan*. Since the adoption of the master plan in 1980, Batchellors Forest Road has been granted Interim Rustic Road status. This status is consistent with the current narrow winding roadway with large trees less than two feet off the pavement. A one-lane bridge exists approximately half way between Georgia Avenue and Olney-Sandy Spring Road. A 70-foot right-of-way is recommended in the *Olney Master Plan*. The intersection of Batchellors Forest Road and Georgia Avenue is limited to right-turns only. Batchellors Forest Road has a posted speed limit of 25 miles per hour for its entire length.

e. Westminster Drive: Westminster Drive is not a designated master plan roadway. This short segment of road connects to Batchellors Forest Road north and west of the site, terminating just west of the site. Access to the site is proposed via a short extension of Westminster Drive and tie private driveways proposed on the Guzick property located north of the subject site. Westminster Drive is a local county road with a 110-foot right-of-way with two 20-foot paved travel lanes. Westminster Drive has a posted speed limit of 25 miles per hour.

ANALYSIS

Purposes of the Zone: A floating zone requires an evaluation of the purpose clause of the zone. The purpose of the LDRC zone is as follows:

59-C-9.25. Purposes of the Low Density Rural Cluster Development Zone.

It is the purpose of the Low Density Rural Cluster Development Zone to implement the general plan for the Maryland -Washington Regional District and the local area master plan by permitting well designed development consistent with the density proposed by the local area master plan. It is also the purpose of the Low Density Rural Cluster Development Zone to provide suitable sites for low-density residential development which may be served by community sewer and water service at locations designated: a) for development at densities not more than one unit per five acres by an approved and adopted master plan; b) for a buffer or transitional use between agricultural areas and low-density one-family uses and between two higher density developments; c) for conservation of a

sensitive environmental area; d) for protection of scenic and sensitive environmental resources and the preservation of existing open space or agricultural areas. Under this zone, the general plan or area master plan can be implemented in a manner and to a degree more closely compatible with County plans and policies than otherwise possible.

The Low Density Rural Cluster Development Zone is intended to provide the maximum amount of freedom in lot size and design in order to permit the greatest amount of open space to be conserved, and to prevent detrimental effects on the environment. The open space should be appropriately located for agricultural preservation, environmental protection, and preservation of the rural character as viewed from areas visible to the community. Therefore, to meet this objective the optional standards, guidelines, and requirements of Section 59-C-9.5 apply in this zone. In addition, the lots developed under these provisions must be connected to a community water and sewerage system, unless it can be demonstrated that at the time of subdivision a limited number of lots on a private well and septic facility within the cluster will provide a more beneficial subdivision design because of environmental or compatibility reasons.

The subject property is located in a master plan that recommends the option of a density of one unit per five acres in a cluster form of development and the extension of water and sewer to allow this form of development. It is anticipated that this property will be served by these public facilities. Staff finds that the requested rezoning satisfies the purpose clause of the Low Density Rural Cluster zone.

Sec. 59-C-9.5. Cluster development-Option in Low Density Rural Cluster Zone.

59-C-9.51. Purpose.

The purpose of the cluster method of development is to provide greater flexibility in achieving a compatible mixture of agricultural and residential uses and to protect scenic and environmentally sensitive areas without jeopardizing farming or other agricultural use on a portion of the property or on adjacent or nearby properties.

59-C-9.52. Intent.

In order to accomplish the purpose of rural cluster development, the intent of this method is that at least 60 percent of the property must normally be reserved for open space. No more than 40 percent of the property can normally be used for residential cluster development, except that the Planning Board may approve a plan of subdivision for cluster development that includes a higher percentage of residential development if it can be demonstrated that such a plan would better accomplish the purposes of the zone than would strict adherence to the 40 percent standard. Such a plan must also be in accordance with the guidelines stated in section 59-C-9.53 below.

As stated previously, staff finds the requested rezoning satisfies the purpose clause of the LDRC zone. Because the applicant has chosen to develop the site utilizing the cluster method of development the purpose and intent of this method must also be met. The cluster form of development seeks to protect environmentally sensitive areas on a site and specifies that at least 60 percent of the site must be reserved for open space. The submitted plan shows all development occurring outside the environmentally sensitive areas. The stream, floodplain, associated buffers, wetlands and steep slopes will be protected and the plan proposes approximately 64% of the site for open space. Staff finds the purpose and intent under the cluster form of development has also been satisfied.

59-C-9.53. Guidelines.

The following guidelines are in addition to those provided in section 50-39 of the subdivision regulations and apply to all cluster development in this zone:

- (a) The plan of cluster development must locate and arrange the residential development so as to protect, to the maximum extent reasonable, that portion of the tract appropriate for open space, farming or other permissible uses listed in section 59-C-9.52, above.

The proposed residential development will be arranged near the top portion of the site and on either side of the stream valley buffer thereby, ensuring that the proposed open space remains wooded and protected from residential lotting patterns.

- (b) The plan of cluster development must indicate an arrangement of residential development so as to reduce as much as possible any nuisance, jeopardy, or conflict between the residential and the agricultural uses both within the tract and in relation to adjoining or nearby tracts and to demonstrate the compatibility of the proposed cluster plan with existing development.

Under this proposed development, open space is located at the rear and behind each lot, in the middle of the site and along the eastern property line. This arrangement of open space reduces the conflict between the proposed cluster development and the nearby existing residential development. Lots in the existing and surrounding residential areas are of a size similar to the 2.0 + acres proposed for this development. Staff finds the cluster development to be compatible with the surrounding area.

- (c) The residential portion of the plan of cluster development must be so laid out, and protected during construction, as to remain as harmonious as

possible with the natural environment, minimizing as much as possible the clearing of trees, grading of earth, disturbing of streams, and other similar dislocations of the natural environment.

From the submitted plan, the residential portion of this site will be developed in the top half of the property with minimal disturbance to the natural environment. All proposed development will be outside the stream valley buffer. However some clearing of trees and grading of earth will be necessary for the proposed lots. This disturbance should be minimal and permits for these actions will be reviewed and approved during the review of the subsequent preliminary plan and site plan.

- (d) The plan of cluster development must provide that, if any area is reserved for open space in accordance with the provisions of section 59-C-9.52, above, it may be recorded as either:
- (1) A parcel for common open space;
 - (2) An outlot; or
 - (3) An open space easement on a residential lot provided that the area is clearly delineated and its reservation as open space is clearly stated on the record plat in the land records of Montgomery County.

The applicant has proposed approximately 18 acres for open space or approximately 64% of the site. At the time of subdivision, the applicant will need to record this open space as a parcel or outlot.

- (e) The minimum size of a farm in the area reserved for farming or other uses, as provided in section 59-C-9.52 above, must be 25 acres unless the Planning Board finds that a smaller size would better implement the purposes of the zone and the guidelines of this section.

Not applicable.

- (f) The plan of cluster development must show how scenic vistas are being preserved or enhanced, and reflect an arrangement, which has considered the visual impact of the residential development on such vistas.

The site is completely wooded with many large specimen trees. The site's vistas are of the trees and woodland. The proposed cluster development arranges the open space in the middle of the site and behind each of the lots and along the eastern property line. This proposed lotting pattern seeks a minimal disturbance to the existing tree cover, thereby protecting the vista of the trees. The surrounding area is also wooded with large trees. Thus, the

proposed rezoning request will ensure that the site's vistas as well as the existing low-density character of the surrounding residential area has been maintained.

- (g) The Planning Board may refuse to approve the cluster method or a plan of cluster development if in its judgment:
 - (1) Significant agricultural, farming, or similar activity would be jeopardized unduly through development under the cluster method;
 - (2) The natural integrity of environmentally sensitive areas would be threatened due to the cluster development; or
 - (3) Significant scenic vistas would be lost, obliterated, or substantially diminished in value due to the cluster development.

By utilizing the cluster development method for this site, staff finds that the submitted rezoning application has preserved the environmentally sensitive areas of the subject property.

59-C-9.54. Development standards.

The density under the cluster development option must not exceed one unit per 5 acres.

	Required	Proposed
Minimum Lot Area.	40,000 sq. ft.	2.0 to 2.3 ac.
Maximum Lot Coverage	10 %	less than 10%
Yards		
Front	50 ft	50 ft
Side Sum/Minimum	35/17 ft	35/17 ft
Rear	35 ft	35 ft
Lot Width /Front Bldg Line	125ft	125 ft
Lot Width/ Front St. Line	25ft	25 ft
Building Height	50 ft	less than 50 ft

The proposed rezoning application and accompanying plan meet the development standards for the cluster method set forth in this section.

B. Master Plan - The site is located within the 1980 Olney Master Plan area. The plan recommends a rural cluster option to protect the open space and agricultural character of the area. The plan states..."although the southeast area is presently zoned and planned for 2 acre lot sizes, the rural cluster option would be consistent with land use goals and objectives." The plan recommends that public sewer and water be made available to implement the rural cluster concept in the southeast area. "To maintain the character of existing 2-acre lot subdivisions in the southeast area, the Plan recommends that any rural cluster development plan provide similar lot sizes where it abuts such a subdivision." The LDRC zone,

created in 1995, is intended to implement the master plan land use recommendations by providing a rural cluster alternative. This zone, a floating zone, specifically addresses instances where property owners missed the opportunity to request a rezoning at the time of the comprehensive zoning in 1980. Staff finds that the proposed rezoning from existing RE-2 to LDRC is in conformance with the 1980 Olney Master Plan and is consistent with the goals and objectives of the master plan.

C. Compatibility -The proposed rezoning will allow a density of one dwelling unit per five acres with a minimum lot size of 40,000 square feet. The submitted concept plan shows lot sizes ranging from 2.0 to 2.3 acres in size and development having a density of 1 du/5ac. The surrounding area is composed of similar sized lots and density ranges. The allowable residential development will be single-family detached residences on lots that will be reviewed through the subdivision process. Thus, staff finds that the proposed rezoning allows development that is compatible with surrounding area.

D. Public Facilities-The adequacy of public facilities for the subject property will be tested by the Planning Board at the time of subdivision. Currently, there is insufficient transportation capacity in Olney to support the queue of pending residential development. As of September 30, 2001, the Olney Policy had a deficit of 28 housing units in "net remaining capacity" under the Annual Growth Policy (AGP) transportation staging ceilings adopted by the County Council.

The staging ceiling in Olney can be increased when new transportation facilities are added to the County or State capital program. At this time, there is no timetable for this to occur, so there is no future date that staff can project when the stage ceiling will be increased. Under AGP rules, the Planning Board may approve residential development in Olney despite the lack of net remaining capacity. The AGP procedures that permit such approvals are: the Special Ceiling Allocation for Affordable Housing or restricting the total number of approved lots to four single-family detached units at the time of subdivision review (de minimis).

The Special Ceiling Allocation for Affordable Housing allows the Planning Board to approve a subdivision in an area where there is a deficit in residential transportation capacity if the developer agrees that a substantial share of his development project will consist of units affordable to households earning significantly less than the area's median income.

E. Transportation - The Transportation Planning staff has reviewed the subject rezoning application and offers the following comments with respect to its approval. If the subject property were developed under the existing RE-2 zoning it would yield approximately 14 single-family dwelling units. With 14 single-family dwelling units developed on the site, the following peak hour trips would result 7 trips in the a.m. peak hour and 9 trips in the pm peak hour. Under the requested

zoning LDRC utilizing the cluster method of this zone 5 single-family dwelling units would result in the following peak hour trips - 3 trips in the a.m. and 3 trips in the p.m. This small number of trips can be accommodated on the existing local area road network. Therefore a reduction of both morning (7:00 a.m. to 9:00 a.m.) and evening (4:00 p.m. to 6:00 p.m.) peak hour trips will result under the requested zoning change.

Finally, the Planning Board will test the adequacy of the policy area transportation facilities for the subject property at the time of subdivision. Currently, there is insufficient transportation capacity in the Olney Policy Area to support the queue of pending residential development. This means that the subject property can meet adequacy requirements at subdivision only through use of the FY 2002 Annual Growth Policy's alternative review procedures such as the *de minimis* provision, the "Special Ceiling Allocation for Affordable Housing" or to mitigate trips through some means acceptable to the Planning Board.

Access

Currently, the site is landlocked. The property immediately north of the subject site, known as the Guzick property is zoned LDRC and is owned by the applicant. As shown on the submitted concept plan for the subject rezoning request, Westminister Drive would be extended onto the Guzick property and then terminate in a cul-de-sac. Each proposed lot would have the required 25 foot lot width along Westminister Drive as required by the cluster development standards for the LDRC zone. Access to the lots proposed under the subject rezoning application would be provided via driveways created on the Guzick property. A preliminary plan of subdivision (1-02009) has been filed for the Guzick property and will be considered by the Planning Board at a future date. Development of the subject property cannot occur until the Planning Board approves the preliminary plan of subdivision for the Guzick property.

F. Environmental – The Environmental Planning staff has reviewed the requested rezoning application and offers the following comments. The site is located in the Batchellor's Forest tributary of the Northwest Branch watershed. The *Countywide Stream Protection Strategy* (CSPS) assesses the Batchellor's Forest Tributary Branch sub-watershed as having good stream conditions and good habitat conditions, labeling it as a Watershed Protection Area-remedial level. The stream channels, despite excellent and good biological community conditions, have been destabilized by past erosion and accelerated downcutting associated with land clearing activities without adequate best management practices, particularly the use of forested buffers. Many areas in these headwaters also have a combination of erodible soils and poor or marginal bank stability and will benefit greatly from remedial efforts to re-stabilize channel morphology and facilitate the system's return to a stable condition.

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD), #4-02035, has been submitted. The applicant shall be expected to comply with regulations in the *Technical Tree Manual* and the *Montgomery County Environmental Guidelines* at the time of preliminary plan of subdivision. The applicant will need to address the following issues at the time of subdivision review.

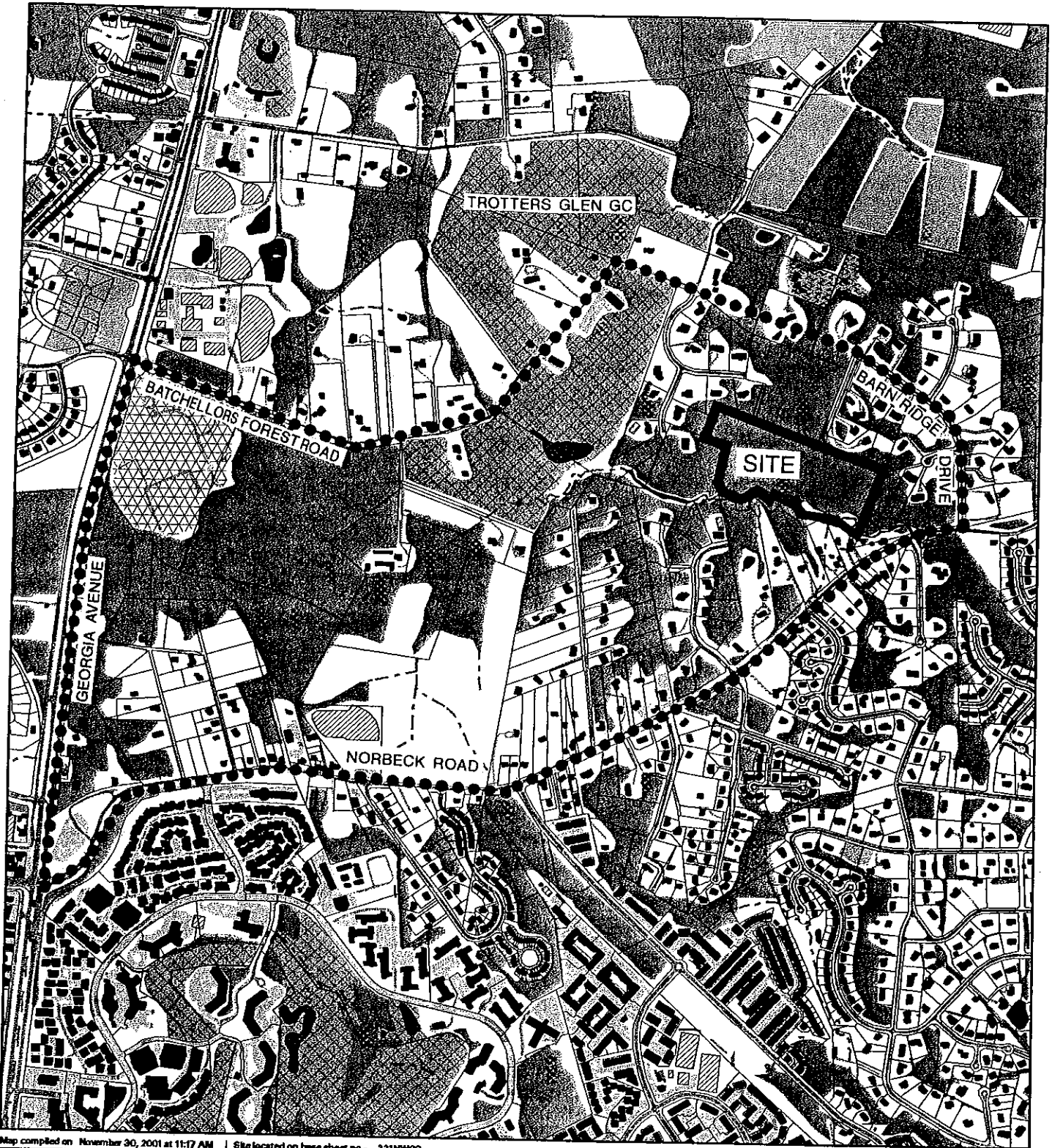
Sewer connections for individual lots should be clustered together in order to minimize stream crossings. Stream bank restoration should be considered for those areas disturbed by stream crossings for sewer connections.

At the time of preliminary plan, the Forest Conservation Plan should show how forested steep slopes are being protected outside the stream valley buffer.

Approval of Final Forest Conservation Plans prior to release of sediment and erosion control or building permit, as appropriate.

G Conclusion: Staff finds that the application meets the purposes of the LRDC zone, conforms to the recommendations in the Olney master plan, and is compatible with the surrounding uses. Therefore staff recommends approval of the approval of the LRDC zone for the subject site.

VICINITY MAP FOR
ZONING APPLICATION G-794



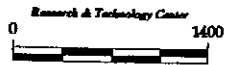
Map compiled on November 30, 2001 at 11:17 AM | Site located on base sheet no - 221NW03

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SURROUNDING AREA ●●●●●●●●

Key Map



1:16800

CONCEPT PLAN

