
**MEMORANDUM: LOCAL MAP AMENDMENT**

DATE: October 23, 2003, Revised October 29, 2003

TO: Montgomery County Planning Board

VIA: John Carter, Chief, Community-Based Planning

FROM: Joel A. Gallihue, AICP 

SUBJECT:

Local Map Amendment No. G-813: Artery/Ryland Fairland LLC and M-NCPPC. Reclassification of 297.95 acres from the R-200 and RE-2 zones to the PD-2 zone for 341 single family detached residences, 50 single family attached residences, and recreational facilities. Located north and east of Greencastle Road, South of MD 198 and west of Old Gunpowder Road and abutting Prince George's County. Fairland Master Plan.

Local Map Amendment No. G-814: Artery/Ryland Fairland LLC and M-NCPPC. Reclassification of 18 acres from the R-200 and RE-2 zones to the PD-2 zone for 5 single family detached residences. Located north and east of Greencastle Road, South of MD 198 and west of Old Gunpowder Road and abutting Prince George's County. Fairland Master Plan.

FILING DATE: August 30, 2003

PUBLIC HEARING: October 30, 2003

STAFF RECOMMENDATION: APPROVAL, of the Planned Development Zone (PD-2) for 346 single family detached residences, 50 single family attached residences, and recreational facilities.

1. The application complies with the purpose clause of the planned development zone (59-C-7.11).

2. The requested planned development zone is compatible with the surrounding uses.
3. The rezonings conform with the recommendations of the 1997 Approved and Adopted Fairland Master Plan.

SUMMARY

A rezoning from R-200 and RE-2 to the PD-2 zone is proposed by Artery/Ryland Fairland LLC and M-NCPPC. The subject property for the rezoning tracts measure approximately 316 acres in area¹. The project includes upgrading the existing public Gunpowder Golf Course as an element of a new residential community. The plan proposes 346 single family detached dwelling units and 50 one family attached dwelling units on approximately 115 acres of land. Approximately 168 acres of land is dedicated to the golf course. The proposal will also include the dedication of approximately eleven acres land suitable for an elementary school site. The proposal provides for direct access and connections between local parks and the Fairland Recreational Park. A preliminary plat of subdivision for the Prince George's portion of the proposal was approved by the Prince George's County Planning Board on January 15, 2002.

BACKGROUND

A. Description of Property

The subject tracts for the proposed rezonings form a linear section adjacent to the county line. This section extends south from approximately 100' of frontage on MD 198, broadening near the existing southern terminus of Cedar Tree Drive to approximately 2,500 feet in width, and then narrowing to a point approximately 400 feet north of Greencastle road. Portions of the subject tracts have been mined in the past for sand and gravel resulting in an assortment of cleared areas and forests and wash ponds. The Little Paint Branch Watershed bisects the property from north to south.

The southern portion of G- 813 is publicly owned and part of the Fairland Regional Park. The existing Gunpowder Golf Course is located in this section of the proposal. To the west and offsite from the southern tip of the G-813 tract are the active recreation facilities of the Fairland Regional Park on Greencastle Road. Also to the west of G-813 is residential development on Cedar Tree Drive and Saddle Drive. The proposed development will continue Cedar Tree Drive into

¹ The overall project is located on property located in both Montgomery and Prince George's Counties measuring approximately 463 acres in area

Prince George's County with a connection to Old Gunpowder Road. A large pond in the center of this tract will be retained and incorporated into the development. To the north of the pond and the existing golf course are sections subject to gravel mining and the site of a landfill referred to as "Parcel X" or the "stump dump." To the east of G-813 are the two portions of the proposed development for Prince George's County separated by an existing industrial area. The PEPCO power lines form the northern boundary of G-813.

G-814 is bounded MD 198 to the north and the PEPCO power lines to the south. The county line also forms the eastern boundary of this tract. The five single family units are proposed in the western tip of this tract with the road that connects into a section of G-813. The balance of the tract is a portion of a bog, designated common open space on the land use plan.

B. Surrounding Area –

In a floating zone application, the evaluation of the zoning issues requires delineation of the surrounding area. The surrounding area for this application is specifically referenced in the 1997 Approved and Adopted Fairland Master Plan as the "Oakfair/Saddle Creek" area. The boundaries are MD 198, the Fairland Recreational Park, a tributary of the Little Paint Branch and the county line.

The land use pattern for the area is a mix of uses including residential, parkland and one church. Adjacent and in Prince George's County are commercial and industrial uses are mixed with residential and parkland. Zoning in the Oakfair/Saddle Creek area is R-200 and RE-2. In Prince Georges County adjacent properties are zoned either I-2 (Industrial), R-R (Residential) and R-O-S (Reserve Open Space). The R-R zoned parcels in Prince George's County adjacent to the tracts of the instant petition have been subdivided by Artery/Ryland as single family residential lots that are a part of the larger proposal.

C. Intended Use and Approval Procedures

The applicant requests the PD-2 zone to allow the redevelopment of the site, which will consist of 346 detached units and 50 attached units, open space and public recreation.

The submitted development plan enumerates the following information on the land use plan:

Area of the site – 315.95 acres

Total number of units – 396 (346 SFD / 50 SFA)

2-4 BR Units – 50

4-5 BR Units – 346

Number of Moderate Priced Dwelling Units – 50 (12.5% min. is exceeded)

Number of Parking Spaces – 1384

Setback from One-Family Zone for SFA- 100 feet

Greenspace – 87.8%

Development Program – The phasing plan indicates that development will occur in three phases, as follows:

G-813

Phase I 127 SFD dwelling units and 8 SFA/MPDU dwelling units accessing Cedar Tree Drive as well as the Golf Course, Clubhouse and Maintenance Building. Also, 180 parking spaces and phase specific road, storm water and community facilities would be built.

Phase II 118 SFD dwelling units and 34 SFA/MPDU dwelling units extending from Phase I in the vicinity of Cedar Tree Drive and in the vicinity of the Clubhouse built in Phase I. The community-wide (HOA) amenities would be built in this phase including the clubhouse, pool, tennis courts, playground and related parking. Also phase specific road and storm water facilities would be built.

Phase III 96 SFD dwelling units and 8 SFA/MPDU dwelling units accessing MD 198 through Phase I of G-814 (see below). Also phase specific road, storm water and community facilities would be built.

G-814

Phase I 5 SFD dwelling units located immediately off of MD 198 as well as a playground and trail. Also phase specific road and storm water facilities. This phase is concurrent with Phase I for G-813.

Binding Elements –

G-813

1. The number of dwelling units shall be limited to 391.
2. Commencement of construction shall be subject to execution of necessary agreements between the Applicants to provide for the construction of a golf course, conveyances of land areas by and between Applicants to implement the land use plan and a lease with a third party operator to operate the golf course as a public course.
3. The trails shown on this plan are illustrative only. The trail system will be established during site plan review.

G-814

1. The number of dwelling units shall be limited to 5.
Elements two and three for G-814 are exactly the same as G-813.

The subdivision and development of this property depends upon the rezoning to the PD-2 zone. In addition to these rezoning applications, 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-747 R-200/TDR to the R-200 zone and the RE-2 portion to R-200. July 8, 1997
- b. SMA G-563 Rezoned a portion of the property to the R-200/TDR zone. July 10, 1987
- c. SMA G-337 Designated the R-200 zone for the majority of the site and retained the RE-2 designation for the easternmost portion of the site adjacent to Prince George's County. March 16, 1982.
- d. 1958 Comprehensive Zoning designated the R-A zoning (now RE-2) for the entire subject property.

2. Local Map Amendment:

- a. F-932, RE-2 to the I-2 Zone, withdrawn without prejudice on March 12, 1964.
- b. G-610, R-200/TDR Zone and RE-2 Zone to the I-1 Zone, withdrawn without prejudice on September 12, 1989.
- c. G-657, R-200/TDR Zone and RE-2 Zone to the I-4 Zone, denied by the District Council February 26, 1991.

E. Master Plan Recommendation –

- 1. Land Use: Residential and Parkland
- 2. Zoning: PD-2

F. Public Facilities

1. ***Water and Sewer Service:***

- a. Service Categories: The property is Water Category W-1 and Sewer Category S-1
- b. Water and Sewer Service: Water and sewer lines abut the property. Local service is deemed adequate and the impact from rezoning is considered negligible

2. ***Roadways:***

According to the 1997 Approved and Adopted Fairland Master Plan, the nearby master-planned facilities include:

Sandy Spring Road/Spencerville Road (MD 198), which is designated as a four-lane divided Major Highway (M-76) with a 120-foot right-of-way. Consistent with the Master Plan, an eight-foot Class I bikeway is planned on the south side of the roadway (in addition to on-road bicycle provisions) between US 29 and Prince George's County line as part of the SHA's MD28/MD198 Corridor Improvement Study

Cedar Tree Drive, which is designated as two-lane Primary Road (P-45) with a 70-foot right-of-way and a Class III bikeway between MD 198 and the Fairland Recreational Park. A Class I bikeway (PB-47 –Cedar Tree Drive Connector) that connects Cedar Tree Drive from the Prince George’s County line through Fairland Recreational Park to Robey Road is also included in the Master Plan. The existing portion of Cedar Tree Drive is currently built as a two-lane Primary Road to Master Plan recommendations with sidewalks and a Class III bikeway. The Fairland Golf Course Community development proposes connecting this roadway to Old Gunpowder Road in Prince George’s County, which has been approved by the Prince George’s County Planning Board.

McKnew Road, which is designated as a two-lane Primary Road (P-26) with a 70-foot right-of-way, is recommended to have sidewalks between MD 198 and Sugar Pine Court on both sides. The existing portion of McKnew Road to the south of Sugar Pine Court is currently built as a two-lane Primary Road to Master Plan recommendations and with sidewalks on both sides.

Saddle Creek Drive, which is designated as a two-lane Primary Road (P-27) with a 70-foot right-of-way and with sidewalks on both sides along any future extension of the roadway. The Master Plan recommends Saddle Creek Drive to be extended from McKnew Road to an undetermined point near Cedar Tree Drive as a cul-de-sac or connecting it to Cedar Tree Drive. The existing portion of Saddle Creek Drive is currently built as a two-lane Primary Road to Master Plan recommendations and with sidewalks on both sides. The Fairland Golf Course Community development proposes to terminate the roadway at the proposed Elementary School site, with no direct connection from Cedar Tree Drive. It is noted that the proposed development also shows a potential connection to the school site from Cedar Tree Drive via a roadway that will serve approximately 11 single-family residences.

Riding Stable Road, which is designated as a two-lane Primary Road (P-47) with a 70-foot right-of-way and rural open-section to the north of MD 198, with a Class III bikeway from MD 198 north to the Prince George’s County line/Brooklyn Bridge Road.

Within Prince George’s County’s Sectional Map Amendment to the Subregion I Master Plan, **Old Gunpowder Road** is classified as a four – lane limited access collector with an 80-foot right-of-way and a 20-foot landscaped median.

3. Schools:

The subject property is located within the Burtonsville Elementary School and Banneker Middle School service areas. At the high school level, future students may choose from Blake, Paint Branch and Springbook High Schools through the Northeast Consortium and the site is in the Paint Branch, "base area." Based upon average yield factors for comparable housing units, the impact of this project is estimated to be approximately 99 elementary, 42 middle, and 57 high school students. These schools are projected to be over capacity in the coming years. The Annual Growth Policy (AGP) is the mechanism that regulates subdivision development approval with regard to facility adequacy. The current AGP indicates that school capacity exists in the Paint Branch Cluster.

ANALYSIS

A. Purpose of the PD-Zone: A floating zone requires an evaluation of the purpose clause of the zone. The purpose of the PD-2 zone is as follows:

Sec. 59-C-7.1. P-D Zone-Planned development zone.

59-C-7.11. Purpose.

It is the purpose of this zone to implement the general plan for the Maryland-Washington Regional District and the area master plans by permitting unified development consistent with densities proposed by master plans. It is intended that this zone provide a means of regulating development which can achieve flexibility of design, the integration of mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity than the procedures and regulations under which it is permitted as a right under conventional zoning categories. In so doing, it is intended that the zoning category be utilized to implement the general plan, area master plans and other pertinent county policies in a manner and to a degree more closely compatible with said county plans and policies than may be possible under other zoning categories.

It is further the purpose of this zone that development be so designed and constructed as to facilitate and encourage a maximum of social and community interaction and activity among those who live and work within an area and to encourage the creation of a distinctive visual character and identity for each development. It is intended that development in this zone produce a balanced and coordinated mixture of residential and convenience commercial uses, as well as other commercial and industrial uses shown on the area master plan, and related public and private facilities.

It is furthermore the purpose of this zone to provide and encourage a broad range of housing types, comprising owner and rental occupancy units, and one-family, multiple-family and other structural types.

Additionally, it is the purpose of this zone to preserve and take the greatest possible aesthetic advantage of trees and, in order to do so, minimize the amount of grading necessary for construction of a development.

It is further the purpose of this zone to encourage and provide for open space not only for use as setbacks and yards surrounding structures and related walkways, but also conveniently located

with respect to points of residential and commercial concentration so as to function for the general benefit of the community and public at large as places for relaxation, recreation and social activity; and, furthermore, open space should be so situated as part of the plan and design of each development as to achieve the physical and aesthetic integration of the uses and activities within each development.

It is also the purpose of this zone to encourage and provide for the development of comprehensive, pedestrian circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities, and thereby minimize reliance upon the automobile as a means of transportation.

Since many of the purposes of the zone can best be realized with developments of a large scale in terms of area of land and numbers of dwelling units which offer opportunities for a wider range of related residential and nonresidential uses, it is therefore the purpose of this zone to encourage development on such a scale.

It is further the purpose of this zone to achieve a maximum of safety, convenience and amenity for both the residents of each development and the residents of neighboring areas, and, furthermore, to assure compatibility and coordination of each development with existing and proposed surrounding land uses.

This zone is in the nature of a special exception, and shall be approved or disapproved upon findings that the application is or is not proper for the comprehensive and systematic development of the county, is or is not capable of accomplishing the purposes of this zone and is or is not in substantial compliance with the duly approved and adopted general plan and master plans. In order to enable the council to evaluate the accomplishment of the purposes set forth herein, a special set of plans is required for each planned development, and the district council and the planning board are empowered to approve such plans if they find them to be capable of accomplishing the above purposes and in compliance with the requirements of this zone.

Staff believes that the rezoning requests meet the purpose clause of the PD zone. The proposed Land Use Plan would not be possible using the existing R-200 and RE-2 zone. The use of the PD zoning category implements the specific intent of the Fairland Master Plan, which calls for a public/private partnership to develop a golf course community and anticipates the use of the PD zoning category.

The residential community will be defined by its relationship to the new golf course. New road and trail connections will tie the proposed neighborhoods together; provide access to HOA and park facilities, and link Montgomery and Prince George's Counties. No commercial or industrial land uses are proposed.

The proposed development broadens the mix of housing types. The Fairland Master Plan identifies an imbalance in the mix of housing types in the vicinity. The Oakfair-Saddlecreek community has 800 townhomes and 400 detached houses. The proposed development adds only 50 attached units but increases detached dwellings by 346. MPDUs are provided.

Open space is employed in a variety of ways as shown on the land use plan. The primary use is for protection of environmental resources. Additionally common open space provides trail access and community recreation.

Existing pedestrian circulation networks have been considered as a part of the zoning review. The land use plan indicates a pedestrian circulation system that links neighborhoods to HOA property, parkland and the proposed school site. The development provides appropriate replacements for portions of the network affected by the development and connections from the new development. Further review of pedestrian circulation will occur at the time of subdivision.

The overall proposal is approximately 316 acres in area. The area of G-814 is only eighteen acres in size. Power lines divide the proposed community, which necessitate two zoning plats for one coordinated development proposal. The recommendation any action by the district council would consider G-813 and G-814 as elements of one coordinated development, which provides pedestrian and vehicular linkages between the two areas. Taken in this context, this purpose is met by both applications.

The proposed development provides adequate access for response from the Burtonsville Fire Department via Cedar Tree Drive² and the new road that will intersect with MD 198. Convenience for residents of the proposed development and neighboring area will come from enhanced pedestrian and vehicular linkages and a new elementary school site. The proposed golf course will consist of an upgrade from the existing facility and includes a driving range and children's golf attraction in the larger development.

The submissions for zoning applications G-813 and G-814 are accompanied by a set of plans that are sufficient for the Planning Board and District Council to make the finding that the proposed development meets the purpose of the zone and is in compliance with the adopted general plan and master plans.

With the proposed pedestrian and vehicular circulation system, the proposed housing type, improvement to parkland and environmental remediation, staff concludes the subject application meets the purpose clause of the PD Zone.

59-C-7.12. Where applicable.

59-C-7.121. Master plan. No land can be classified in the planned development zone unless such land is within an area for which there is an existing, duly adopted master plan which shows such land for a density of 2 dwelling units per acre or higher.

The master plan specifically recommends this zoning.

² Potential relocation of the traffic signal at McKnew and MD 198 to Cedar Tree Drive and MD 198 is under study by the State.

59-C-7.122. Minimum area. No land can be classified in the planned development zone unless the district council finds that the proposed development meets at least one of the following criteria:

- (a) That it contains sufficient gross area to construct 50 or more dwelling units under the density category to be granted;

Application G-813 meets this criterion because it is 297.95 acres in size and will yield 50 or more dwelling units (391 are proposed).

- (e) That the site is recommended for the PD zone in an approved and adopted master or sector plan and so uniquely situated that assembly of a minimum gross area to accommodate at least 50 dwelling units is unlikely or undesirable and the development of less than 50 dwelling units is in the public interest.

G-814 meets this criterion. The eighteen-acre tract cannot yield 50 dwelling units but is recommended for the PD zone in the Fairland Master Plan. The intervening power lines dividing the overall development proposal necessitate the small size of this tract. As this tract provides access to G-813 and is a coordinated element of a larger plan the development of less than 50 dwelling units is in the public interest.

59-C-7.13. Uses permitted.

59-C-7.131. Residential. All types of residential uses are permitted, including accessory uses. These include the following, provided they are shown on the development plan: housing and related facilities for senior adults or persons with disabilities, a group home, and a life care facility. A life care facility is subject to the provisions of Section G-2.35.1. The various dwelling unit types must be planned and constructed in accordance with the following table. The table establishes, by density category and size of development, the minimum percentage required for each dwelling unit type within a planned development. All remaining dwelling units not included in the minimum requirements may be of any type or combination of types permitted in the applicable density category and development size, provided the maximum percentage is not exceeded in any instance.

The housing mix for the proposed development complies with the requirements of this section for low density (PD-2 – PD-3). In the case of G-813, there are 391 units, placing the proposal in the 200-800 unit range. This range has a minimum of 30% SFD and a minimum of 20% SFA and TH. G-813 has 87% SFD and 13% SFA/TH. G-814 falls in the under the 200 unit range which has a minimum of 35% SFD, of which this proposal is 100%.

59-C-7.132. Commercial.

No commercial uses are proposed under this rezoning application.

59-C-7.133. Other uses.

- (a) Noncommercial community recreational facilities which are intended exclusively for the use of the residents of the development and their guests may be permitted.

Such facilities are indicated in the proposal in the way of common open space and community recreation areas in addition to planned public property shown on the proposal.

59-C-7.14. Density of residential development.

(a) An application for the planned development zone must specify one of the following density categories and the district council in granting the planned development zone must specify one of the following density categories:

The proposal is for the low-density category of two units to the acre.

(b) The District Council must determine whether the density category applied for is appropriate, taking into consideration and being guided by the general plan, the area master or sector plan, the capital improvements program, the purposes of the planned development zone, the requirement to provide moderately priced dwelling units in accordance with Chapter 25A of this Code, as amended, and such other information as may be relevant. Where 2 or more parts of the proposed planned development are indicated for different densities on a master plan, a density category may be granted which would produce the same total number of dwelling units as would the several parts if calculated individually at the density indicated for each respective part and then totaled together for the entire planned development.

The proposal follows the low density category (PD-2) recommended in the plan.

(c) The density of development is based on the area shown for residential use on the master plan and must not exceed the density permitted by the density category granted. However, the maximum density prescribed by Subsection (a) may be increased to accommodate the construction of Moderately Priced Dwelling Units as follows:

The permitted density (two dwelling units/acre) is not exceeded by the proposal.

(d) Notwithstanding the density provisions of this zone, the District Council may approve an increase in density for housing for senior adults or persons with disabilities, as defined in Section 59-A-2.1, within a planned development in accordance with the following requirements:

No senior housing is proposed.

(e) The District Council may approve a density bonus of up to 10% above the maximum density specified in the approved and adopted master plan for the provision of TDRs, if the use of TDRs is recommended for the site.

TDRs are not recommend for this site, nor are TDRs a part of this application.

59-C-7.15. Compatibility.

(a) All uses must achieve the purposes set forth in section 59-C-7.11 and be compatible with the other uses proposed for the planned development and with other uses existing or proposed adjacent to or in the vicinity of the area covered by the proposed planned development.

The proposed use will achieve the goals and objectives of the Fairland Master Plan by providing a golf course community in the PD-2 zone with public

recreation. The proposed use and requesting density are compatible with the existing development in the surrounding area. The proposed uses of residential and public recreation are internally compatible.

(b) In order to assist in accomplishing compatibility for sites that are not within, or in close proximity to a central business district or transit station development area, the following requirements apply where a planned development zone adjoins land for which the area master plan recommends a one-family detached zone:

(1) No building other than a one-family detached residence can be constructed within 100 feet of such adjoining land; and

(2) No building can be constructed to a height greater than its distance from such adjoining land.

The Development Plan indicates that no buildings other than one-family detached will be within 100 feet of adjoining land recommended for one-family detached zones. No property is within close proximity to a CBD or transit station.

(e) Compliance with these requirements does not, by itself, create a presumption of compatibility.

The proposed development follows the Fairland Master Plan by providing appropriate residential development and public recreation.

59-C-7.16. Green area.

Green area must be provided in amounts not less than indicated by the following schedule:

The green area comprises over 87 percent of the site.

59-C-7.17. Dedication of land for public use.

Such land as may be required for public streets, parks, schools and other public uses must be dedicated in accordance with the requirements of the county subdivision regulations, being chapter 50 of this Code, as amended, and the adopted general plan and such adopted master plans and other plans as may be applicable. The lands to be dedicated must be so identified upon development plans and site plans required under the provisions of article 59-D.

Such features are clearly shown on the land use plan and are indicated for dedication. Dedication must occur under applicable subdivision regulations which will be applied at preliminary plan of subdivision.

59-C-7.18. Parking facilities.

Off-street parking must be provided in accordance with the requirements of article 59-E.

The required two parking spaces per unit are well exceeded by the proposal. While parking for the golf course and community facilities do not need to comply with a specific regulation, 234 spaces are proposed.

59-C-7.19. Procedure for application and approval.

(a) Application and development plan approval must be in accordance with the provisions of division 59-D-1.

The information required by 59-D-1 has been submitted.

(b) Site plans must be submitted and approved in accordance with the provisions of division 59-D-3.

If the zoning applications are approved, site plans will be required.

B. Master Plan Recommendation

Based on the following analysis of the 1997 Approved and Adopted Fairland Master Plan, staff recommends approval of the proposed zoning cases on the basis that they are consistent with the recommendations of the master plan.

The primary goal of the 1997 Approved and Adopted Fairland Master Plan was community building and recognizing and reinforcing each community's unique character and identity. A secondary goal was providing more housing options, in particular, increasing the number of new single-family detached housing where the existing housing mix favored attached or apartment units. The plan recommended rezoning or optional methods of development for specific properties in order to balance the overall mix of units within a community.

The 1997 Master Plan designated the subject property as Area 2 within the Oakfair-Saddlecreek Community and described the community as needing pedestrian connections, vehicular connections and appropriate development in the subject tracts. Appropriate development was identified as that which would add detached units to the housing mix, expanding or reconfiguring the Gunpowder Golf Course, ... improving the road network, including a possible extension of roads to Old Gunpowder in Prince George's County; and hiker/biker access to the Fairland Recreational Park. The proposed school site is recommended for two reasons: the number of households that could be served (approximately 1,500) and the potential for children to walk to school. A school would provide a centrally located community focal point.

The plan recommended that the site, if combined with the adjoining public Gunpowder Golf Course, would be suitable for redevelopment as a golf course community with a public golf course and private community. The plan recommended the use of the Planned Development (PD) zone to achieve the appropriate mix and size of units, to improve and expand the golf course, and to provide protection of environmental features. The PD zone process would

involve assemblage of privately owned parcels, cooperation with M-NCPPC (owner of the golf course) as co-applicant, and would afford the highest level of scrutiny of compatibility and environmental issues as well as ample opportunity for public input prior to the subdivision process. The landowners could proceed independently, assemble land and proceed with private development only, or assemble and coordinate with MNCPPC to create a golf course community. If development occurred independently or through assemblage and if no public lands were involved, the property owners could proceed through the subdivision process under the R-200 standards and not develop a golf course community.

The master plan recommended that evaluation at the time of rezoning would include:

- Density cap of 396 units in Montgomery County with an appropriate mix of housing
- MDPU's distributed throughout the development
- Extension of the road network
- Areas of no disturbance and environmental impact
- Non-vehicular access to the Recreational Park
- Connect roads to Prince George's County, if desirable
- Common open space for the residents
- A 12-15 acre school site

The PD Development Plan - Community-Based Planning Findings of Conformance of with the Master Plan

The following review of the Development Plan(s) accompanying the zoning case applications, discusses point by point the elements recommended in the master plan to be evaluated at the time of zoning. Community-Based Planning staff concludes that the proposed development plan for local map amendment cases, G- 814 and G-813 are consistent with the master plan.

- 1) Density cap of 396 units in Montgomery County with an appropriate mix of housing.

The Development Plan proposes a maximum of 396 units. The unit mix is 346 detached units and 50 attached units (MPDUs). The unit types include detached units in three different lot sizes, duplexes and townhouses. As stated earlier, the emphasis in the master plan for residential development was to obtain as many detached units as possible given zoning and subdivision requirements. The proposed Development Plan uses the flexibility of setbacks allowed in the PD Zone to create three different detached lot sizes. As a result, the percentage of detached units is 87% to 13% attached units.

The PD Zone permits many more attached housing types, such as duplexes, than the R-200 zone. However, as flexible as the PD Zone is, its intent is to provide for a variety of housing types within the broad categories of detached, attached and apartment and therefore, requires a minimum percentage of attached (20%) and detached (30%) housing. Because of this requirement and potential compatibility issues with surrounding development, the zone also requires that only detached units be within 100 feet of an adjacent single-family detached zone. There are waivers for these requirements based on findings that the waiver would allow for a more compatible development. The proposed Development Plan, in staff's opinion is in conformance with the master plan recommendation to provide as much detached housing as possible. Staff would therefore recommend that the minimum percentages of attached and detached housing be waived.

2) MDPUs distributed throughout the development

The master plan recommends distribution of MPDUs. The development plan proposes 34 MPDU townhouses units to be located adjacent to the main recreational facilities that will serve the private development. These units are also part of the development pod that includes the detached patio homes. The remaining MDPUs (16) are duplexes and are located in groups of four in three other locations.

3) Extension of the road network

The proposed road network extends the existing road network and provides access to the proposed school site in conformance with the master plan recommendations.

4) Areas of no disturbance and environmental impact

See Environmental Section

5) Non-vehicular access to Fairland Recreational Park

The Development Plan proposes connections to the existing trail system and sidewalks along all public streets as well as a trail system linking the parts of the project that lie across the county line. The detail shown is adequate for the review at zoning. More details at the appropriate scale will be required during the preliminary plan and site plan stages in the development process.

6) Connect roads to Prince George's County, if desirable

Cedar Tree Drive has been connected to Old Gunpowder in Prince George County. The Prince George's County Planning Board has approved the connection to Old Gunpowder Road as part of subdivision approval for the portion of the development in Prince George's County.

7) Common open space for residents

Community open space and recreational facilities solely for the residents include tennis court, a swimming pool, tot lots and a trail system are indicated on the development plan.

8) 12-15 Acre School site

The plan includes a school site centrally located in the area with access to both Saddle Creek Drive and Cedar Tree Drive. The MCPS staff has indicated that the size of the dedication and the access is adequate for the proposed elementary school.

Based on the analysis of the elements described in the master plan to be evaluated at the time of zoning, Staff concludes that the two zoning cases reflect the intent of the master plan with respect to a PD development for a private community and public golf course and recommends approval.

C. Transportation

Transportation Planning staff recommends approval for a total of up to 396 housing units as limited in the Fairland Master Plan with a mix of 346 single-family detached units and 50 single-family attached units, phased for up to 100 market-rate housing units each year. This is met by binding element number one for both applications. This recommendation anticipates, as depicted on the Land Use Plan, that an 18-hole golf course will replace the existing 18-hole Gunpowder Golf Course, and be operated on a public/private partnership basis. The clubhouse with its parking area and 12 holes will be entirely within Montgomery County while the County line will divide four holes. Two holes, a driving range, and a "First Tee" (designed for disadvantaged, disabled and young golfers) will be entirely within Prince George's County. It is also recognized that except for the five single-family detached units that will be a part of G-814, the rest of the application will be a part of G-813.

In addition, Transportation Planning staff has identified the following issues to be addressed during either the subsequent preliminary plan or site plan review process:

1. At the time of Preliminary Plan, satisfy both Policy Area Transportation Review (PATR) and Local Area Transportation Review (LATR) requirements of the APF test under the FY 2003 Annual Growth Policy (AGP) Alternative Review Procedures Section TA 3 (Limited Residential Development), subject to Sections TA 3.2 (Procedure Not Available In Policy Areas with Long/Deep Moratoriums) and TA 3.3.2 (Restrictions on Number of Approvals, Exception: Golf Course Community) by paying to the County a Development Approval Payment before any building permits are released (see Attachment 2).
2. At the time of Preliminary Plan, coordinate with the Maryland State Highway Administration (SHA) on its ongoing MD 28/MD 198 Corridor Improvement Study to:
 - a. Satisfy right-of-way requirements along property frontage on MD 198 (approximately 800 feet to the east and west of Riding Stable Road).
 - b. Provide safe and adequate operation of traffic along MD 198 at its intersection with a proposed site access roadway, opposite existing Riding Stable Road.
 - c. Provide additional turn lanes, as needed, on MD 198 to accommodate site-generated traffic to/from the above proposed new access roadway.
3. At the time of Preliminary Plan, coordinate with SHA and the Montgomery County Department of Public Works and Transportation (DPWT) to:
 - a. Evaluate relocation of the existing traffic signal along MD 198 at McKnew Road to Cedar Tree Drive as called for in the Fairland Master Plan (see Attachment 3).
 - b. Evaluate the need to provide additional northbound approach lanes on McKnew Road at its intersection with MD 198.
4. At the time of Preliminary Plan, provide an adequate network of internal streets within the development to support interconnectivity for local traffic.
5. At the time of Preliminary Plan, coordinate with DPWT and M-NCPPC staff to:
 - a. Provide sidewalks along the internal residential streets for interconnectivity and as potential pedestrian connections to the Fairland Recreational Park.

- b. Design and install traffic calming measures as needed to minimize non-local traffic between MD 198 and Old Gunpowder Road on local residential streets such as Cedar Tree Drive, McKnew Road, Saddle Creek Drive as well as the site's internal residential streets.
6. At the time of Preliminary Plan, coordinate with the Montgomery County Public Schools and DPWT on terminating Saddle Creek Drive at the proposed Elementary School site and on providing an additional access point to the school via Cedar Tree Drive.
7. At the time of Preliminary Plan, coordinate with SHA on roadway alignment alternatives that are under consideration as part of the project planning study for the Intercounty Connector.

D. Development Plan

Section 59-C-7.19 requires that application and development plan approval must be in accordance with the provisions of Division 59-D-1

Sec. 59-D-1.3. Contents of development plan.

The development plan must clearly indicate how the proposed development meets the standards and purposes of the applicable zone. The development plan must include the following, in addition to any other information which the applicant considers necessary to support the application:

- (a) A natural resources inventory prepared in accordance with a technical manual adopted by the Planning Board and, in addition:
 - (1) other natural features, such as rock outcroppings and scenic views; and
 - (2) historic buildings and structures and their approximate ages.
- (b) A map showing the relationship of the site to the surrounding area and the use of adjacent land.
- (c) Except for the town sector zone, a land use plan showing:
 - (1) The general locations of the points of access to the site.
 - (2) The locations and uses of all buildings and structures.
 - (3) A preliminary classification of dwelling units by type and by number of bedrooms.
 - (4) The location of parking areas, with calculations of the number of parking spaces.
 - (5) The location of land to be dedicated to public use.
 - (6) The location of the land which is intended for common or quasi-public use but not proposed to be in public ownership, and proposed restrictions, agreements or other documents indicating the manner in which it will be held, owned and maintained in perpetuity for the indicated purposes.

- (7) The preliminary forest conservation plan prepared in accordance with Chapter 22A.
- (d) Except for the town sector zone, a development program stating the sequence in which all structures, open spaces, vehicular and pedestrian circulation systems and community recreational facilities are to be developed. For the town sector zone, a development program stating the sequence of the following in relation to the development of the residential and commercial areas specified in subsection 59-D-1.3(f), below:
- (1) Dedication of land to public use.
 - (2) Development of the arterial road system.
 - (3) Development of pedestrian and bicycle circulation systems.
 - (4) Development of community facilities and open space.
 - (5) Development of regional stormwater management facilities.
- (e) The relationship, if any of the development program to the county's capital improvements program.
- (h) In the zones indicated by "X" below, the following shall also be shown:
Note: only relevant portion of table is shown

	P-D
(5) An economic analysis supporting the inclusion of any proposed local commercial facilities as permitted in accordance with sections 59-C-7.132(a) and 59-C-7.33(c)(1).	X
(6) The density category applied for, as required in subsection 59-C-7.14(a).	X

(i) If a property proposed for development lies within a special protection area, the applicant must submit water quality inventories and plans and secure required approvals in accordance with Article V of Chapter 19. The development plan should demonstrate how any water quality protection facilities proposed in the preliminary water quality plan can be accommodated on the property as part of the project.

An approved Natural Resources Inventory/ Forest Stand Delineation (NRI/FSD) has been submitted with the Development Plan. The NRI/FSD is dated April 4, 2001 and revised September 19, 2003 and was approved according to the technical manual adopted by the Planning Board on September 25, 2003.

The Land Use Plan, dated August 2003 and amended October 10, 2003, indicates the relationship of the site to the surrounding area including MD 198, Old Gunpowder Road, and Greencastle Road. Offsite elements of the Fairland Regional Park are shown. Adjacent portions of existing development on Cedar Tree, Saddle Creek and Birmingham Drives to show the relationship to the new school site and relevant proposed access points.

The submitted Land Use Plan indicates access points to the site. The northern access is on the south side of MD 198, immediately east of where the power lines cross the road. This cul-de-sac provides access to all five lots of G-814 and one land bay of G-813). Cedar Tree Drive is extended through the middle of the site providing a connection to Old Gunpowder Road, providing access to the balance of G-813 and the proposed Golf Course. No access to Greencastle Road is proposed. An additional access to Old Gunpowder road is proposed in Prince Georges County but provides access to lots that are only in Prince Georges County.

All residential lots are shown on the plan. Proposed Park and HOA buildings are indicated on the plan. Golf fairways and tees are indicated on the plan. Trails shown are illustrative however a binding element on the plan states the trails will be established at the time of site plan review.

The Land Use Plan indicates that for G-813 there will be 341 SFD units with four to five bedrooms and 50 SFA units with two to four bedrooms. For G-814 there will be five SFD units with four to five bedrooms.

The Land Use Plan includes parking areas with calculations and number of parking spaces. For G-813 1364 parking spaces will be provided. For G-814 twenty parking spaces will be provided.

Land dedicated for public use is indicated on the Land Use Plan in green shades for recreation and in fuchsia for the school site.

The location of land, which is intended for common or quasi-public use, is noted as Common Open Space on the Land Use Plan.

Technical staff finds the preliminary forest conservation plan in accordance with Chapter 22A and recommends approval.

The three-phase development program is indicated in the binding elements and in the development plan. Also indicated in the binding elements are the dedication of roads, a school site, park facilities and conceptual storm water management. The elementary school site that is proposed to be dedicated is shown on the Development Plan. Construction of the school would be the responsibility of MCPS.

Development Standards for PD-2 Zone		
Standard	Permitted/Required	Proposed
Minimum tract area	25 acres (sufficient for 50 dwelling units)	G-813 – 297.95 acres, G-814 – 18 acres however meets 59-C-7.122. Minimum area
Maximum density/ total yield	2 units to the acre	
Minimum percentage of units	35% SFD, 35% SFA and TH. MF not permitted.	
Minimum setback		
-From any detached dwelling lot or land classified in a one-family, detached, residential zone.	100 Feet	Development plan indicates this setback will be met for any SFA or TH units.
Maximum Building Height	No higher than distance from adjoining one-family detached residential zone.	Land Planning report stipulates that no buildings will exceed distance from land adjoining the tract.
Minimum Green Area	30%	87% entire site
Minimum Parking	2 spaces per du	1170 for du's + 234 for Golf Course and HOA recreation center.

E. Environmental

Countywide Environmental Planning staff recommends approval of these zoning applications and the combined development plan. The PD zoning requests and development plan are supported as they further the effort to minimize and avoid sensitive areas, accelerate the sustainable reclamation of severely degraded areas, provide acceptable rationale in support of flexibility in the strict implementation of the stream buffer, and provide in concept for remedial environmental improvements above and beyond existing regulations and laws as offsets to the buffer encroachments depicted on the development plan.

At preliminary plan, information detailing the offsetting improvements stated below shall be submitted, and contain the following elements:

1. Provide sustainable reclamation of the illegal landfill on "Parcel X;"
2. Provide for quality treatment of stormwater runoff from adjacent industrial properties in Prince Georges County;

3. Provide stream buffer restoration and/or enhancement in degraded areas, and stabilization and enhancement of wetland habitat above the stream crossing.

In view of the offsetting improvements the plan layout is supportable from an environmental perspective, and suitable to move forward for continued refinement through preliminary and site plan review

In regard to technical findings, this development plan must meet specific findings of Section 59-D-1.61 of the Zoning Ordinance listed at the end of this report. The required finding for environmental issues states,

(d) "That by its design, by minimizing grading, and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 must also be satisfied. The District Council may require more detailed findings on these matters by the Planning Board at the time of site plan approval as provided in division 59-D-3."

This site currently contains several unstable and erosive conditions, including areas severely degraded by previous sand and gravel mining, illegal dumping (Parcel X), and an old golf course (see Attachment 1). This finding is satisfied by the accelerated remediation of these areas on the large-scale basis as proposed by this plan. Stabilization will minimize further degradation to water quality to the public benefit at private expense, with the offsetting improvements designed to rehabilitate the streams and near stream habitat to a sustainable natural condition.

Master Plan Environmental Guidance

The *Fairland Master Plan* (1997) states that the Planning Board "Encourage the use of the Planned Development (PD) zone to achieve the appropriate mix and size of units, an improved golf course design located outside the stream valley, and protection of other environmental features such as steep slopes and wooded area." Cited in other areas of the plan, with clear reference to the conditions on this site, was the recommendation to consider the degraded area of the northeastern tributary as an "environmental restoration area" (pages 133-134). The third reference stated the broader objective of protecting specific high quality environmental resources, particularly those in the Silverwood Tributary. These three environmental objectives were carefully considered in balancing all the recommendations for this site.

Given this joint project potentially could involve substantial areas within the MNCPPC parkland holdings in the area, an examination of the potential

environmental effect of the proposed development on each of the above master plan environmental objectives was made. Ideally, all environmental and land use objectives could be fully achieved. However, given the magnitude of the area necessary to implement the land use recommendations, the unique site conditions, the larger countywide environmental objectives, and the environmental constraints throughout the area, it was acknowledged early that professional judgments would be made relating these objectives within the context of the master plan land use directives for this site.

The unique and high quality resources of the Silverwood Tributary and undisturbed portions of the McKnew Tributary were the primary focus of resource preservation. Emphasis was placed on protecting contiguous forest nearest to the stream, linking with the existing forest on the McKnew Local Park.

With the prioritization of protecting environmental resources of countywide significance made, development was concentrated in an area primarily characterized by its many existing, unstabilized, environmentally damaging land uses. Thus, contribution towards the achievement of the “environmental restoration” objective mentioned above plays an extremely important role as an integral part of this development scheme, and will provide significant benefits onsite and to the tributary as a whole, reconnecting a severely bisected McKnew Tributary. The restoration, encompassed by the development plan, will contribute to an improved riparian habitat where it does not currently exist or is severely impaired today.

The objective achieving golf course development “outside the stream buffer”, has become the most difficult to achieve. There does not appear to be room totally outside of onsite environmentally sensitive areas to accommodate the three land intensive development uses including the predominately single family residential, the golf course, and the school. Countywide Environmental staff continues to probe for plan adjustments that will further reduce the intrusion into the stream buffers within the context of supporting the overall plan layout and the multiple objectives it achieves.

F. Preliminary and Site Plan Issues

Section 59-C-7.19 requires that Site plans must be submitted and approved in accordance with the provisions of division 59-D-3. If the County Council approves the subject rezoning, this project will require approval of a preliminary plan and site plan by the Planning Board. The Planning Board did have a non-binding preliminary review of the subdivision that preceded this rezoning however formal preliminary plan of subdivision must follow zoning approval. The applicant has expressed their intention to have their site plans processed concurrent with the preliminary plans of subdivision. The site plans must be consistent with the Development Plan covering the instant zoning applications. The number of dwelling units may be reduced during the review of the preliminary and site plans

to meet environmental and other requirements. In this report, Technical staff has provided indications of matters to be addressed at the time of subdivision and site plan review.

G. Parks

As the plans evolve through zoning, subdivision and site plan reviews processes, a more comprehensive review of will be undertaken for trails and all other contributing elements of the proposal. Staff has analyzed the proposal in the context of the Fairland Park Plan:

Recommendation: The applicant shall relocate all formal, signed trails affected by the proposed development.

The Master Plan for Fairland Park proposes a trail system based on the following Plan objectives:

- Development of a trail system using good conservation principles that *connects all facilities* [emphasis added] providing recreational opportunities for walkers, bicyclists, hikers and equestrians, and minimizing disturbances of the natural environment and the adjacent steep slopes and mature hardwood forests.
- Retention and improvement of the existing equestrian trail system in Prince Georges County portion of the park.

The existing trail system in the park reflects these principles. Relocating trails affected by the proposed development should be required of the applicant and should be guided by the Park Master Plan principles cited above. These issues can be addressed at time of preliminary plan of subdivision.

Recommendation: The proposed development may affect informal, “peoples choice” trails now being used by hikers, cyclists and equestrians. The decision to replace these trails must await completion of a Trail Assessment Study.

Decisions regarding the location of natural surface trails are guided by Trail Assessment Studies. These studies include an analysis of environmental features, recreational opportunities and costs (bridges, boardwalk, etc.) Staff recommends such studies be completed during the preliminary plan of subdivision phase of the review.

COMMUNITY CONCERNS – Staff has spoken with homeowners and civic associations in the area. Staff spoke to some members of the Greencastle Homeowners Association. They expressed opposition to the removal of trees and the existing course operation. A representative of the Gunpowder Golfers

has met with staff to discuss their opposition to the proposal. Representatives of the Sierra Club and the Maryland Native Plants Society met with staff to discuss changes to the proposal from the previous pre-preliminary plan session with the Planning Board.

CONCLUSION –

With respect to the subject application, staff finds that the purpose clause and the requirements of the Planned Development Zone to provide a broad range of housing types, to minimize the amount of grading necessary for construction through flexibility of standards, and to provide a pedestrian network that links existing and proposed communities to public facilities have been met. Staff believes that the requested PD-2 zone implements the 1997 Approved and Adopted Fairland Master Plan. Staff also recommends approval of the Development Plan and Binding Elements that accompany this application which limit the development to a maximum of 396 residential units.

Sec. 59-D-1.6 Approval by District Council

59-D-1.61. Findings.

Before approving an application for classification in any of these zones, the district council must consider whether the application, including the development plan, fulfills the purposes and requirements set forth in article 59-C for the zone. In so doing, the district council must make the following specific findings, in addition to any other findings which may be necessary and appropriate to the evaluation of the proposed reclassification:

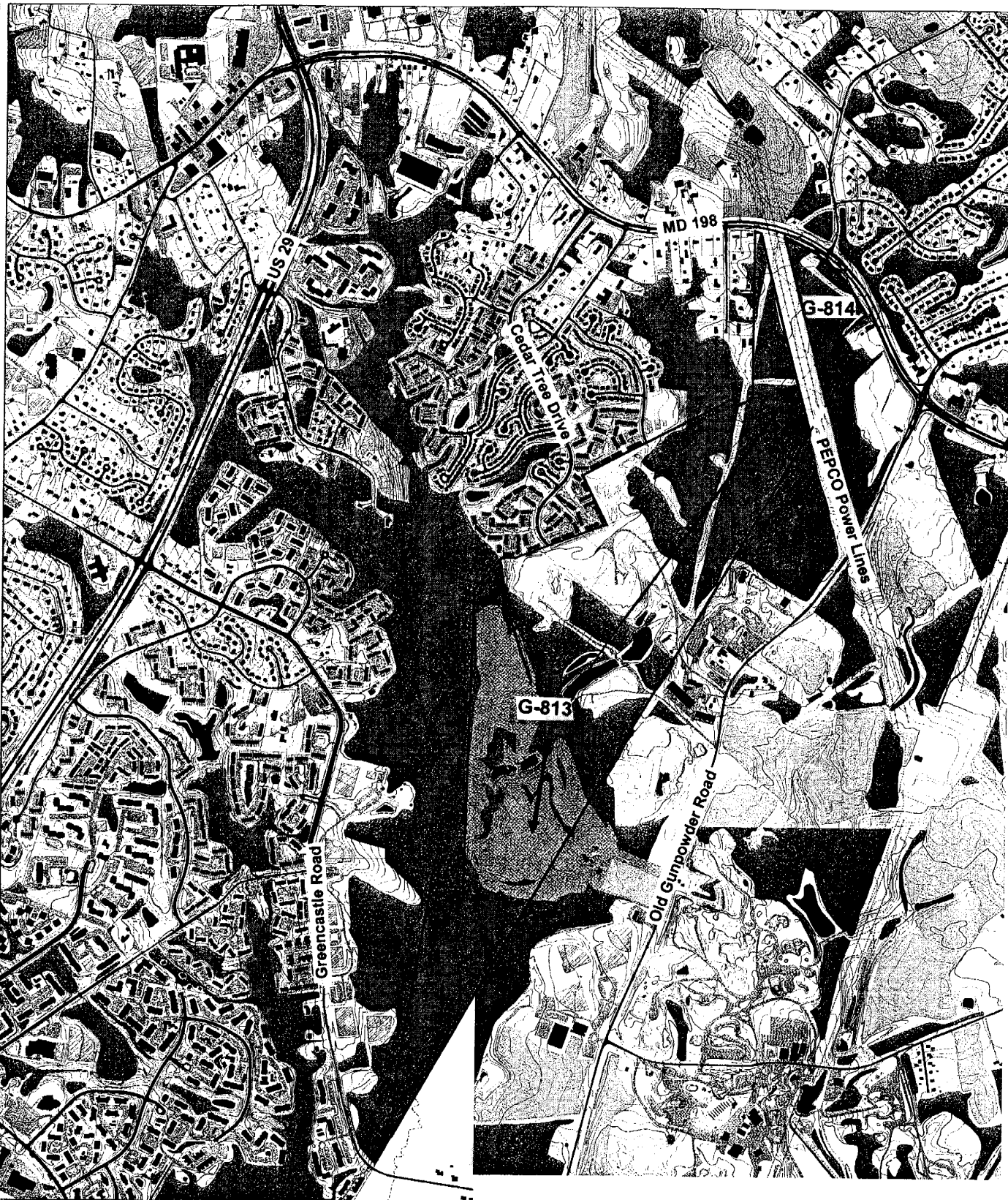
- (a) That the zone applied for is in substantial compliance with the use and density indicated by the master plan or sector plan, and that it does not conflict with the general plan, the county capital improvements program or other applicable county plans and policies.
- (b) That the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.
- (c) That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.
- (d) That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3.
- (e) That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient.

Technical staff recommends that the findings of 59-D-1.61 listed above can be made for this application and believes this report provides sufficient analysis for the District Council to make the above findings.

Attachments

1. Vicinity Map
2. Land Use Map
3. Master Plan Referral
4. Schools Referral
5. Transportation Referrals
6. Environmental Referral
7. Citizen Letters

VICINITY MAP FOR FAIRLAND GOLF COMMUNITY



Map compiled on October 29, 2003 at 2:01 PM | Site located on base sheet no. 218NE02

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Legend

Key Map



North Arrow



REDUCED TO
1 inch = 1600 feet