

MEMORANDUM

DATE: 07/07/06
TO: Montgomery County Planning Board
Rose Krasnow, Chief
Michael Ma, Supervisor
FROM: Development Review Division
Laxmi Srinivas, Senior Planner
Development Review Division
(301) 495-4584



REVIEW TYPE: **Site Plan Review**
CASE #: **820060190**
PROJECT NAME: Olney Estates
APPLYING FOR: Approval of 42 dwelling units including 36 one-family detached dwelling units and six MPDUs (townhouses) on 107.35 acres of land in the RNC Zone.

REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance
ZONE: RNC
LOCATION: **Located on the south side of Old Baltimore Road, approximately 1,000 feet south of the intersection with Sandy Spring Road (MD 108)**

MASTER PLAN: Olney
APPLICANT: Oxbridge Development at Northwest LLC
FILING DATE: October 25, 2005
HEARING DATE: July 20, 2006

STAFF RECOMMENDATION: Approval of Site Plan 820060190 for 42 dwelling units including 36 one-family detached dwelling units and six MPDUs (townhouses) on 107.35 acres of land in the RNC Zone. All site development elements as shown on Olney Estates Residential plans stamped by the M-NCPPC on April 2006, shall be required except as modified by the following conditions:

1. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan 120050920. [Appendix A].

2. Site Design
 - a. The data table on the site plan shall be revised to match the data table in the staff report.
 - b. The recreation table on the site plan shall be revised to match the recreation table in the staff report.
 - c. Provide a building height table and street level references on the site plan.
 - d. Revise the rear yard setback for one-family detached dwelling units to be a minimum of 20 feet.

3. Lighting
 - a. All light fixtures shall be full cut-off fixtures or be able to be equipped with refractors, reflectors or shields.
 - b. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent properties.
 - c. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line.
 - d. The height of the light poles shall not exceed 16 feet including the mounting base.

4. Pedestrian Circulation
 - a. Provide a natural surface pathway to connect the two areas of the development.
 - b. Provide the width, specifications and exact location of the proposed pathway.

5. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated October 13, 2005 unless amended and approved by Department of Permitting Services. [Appendix B]

6. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the first building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

7. Development Program

Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. The Development Program shall include a phasing schedule as follows:

 - a. On-site landscaping and sidewalks shall be installed along with the construction of units but no later than six months following completion of adjacent units.
 - b. All bike paths, sidewalks within public rights-of-way, community-wide pedestrian pathways, the pathway connecting the two developments and recreational facilities shall be completed prior to issuance of the 36th building permit for the proposed units.
 - c. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.

9. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of the certified plans.

10. Moderately Priced Dwelling Units

- a. The applicant shall provide six MPDUs on-site, consistent with the optional method of development.
- b. The MPDU agreement shall be executed prior to the issuance of the first building permit.
- c. If all of the required MPDUs are not provided on-site, a site plan amendment application shall be filed by the applicant and approved by the Planning Board prior to issuance of any building permit.

11. Certified Site Plan

Prior to approval of the certified site plans, the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Opinion.
- b. Limits of disturbance.
- c. Methods and locations of tree protection.
- d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- e. MPDU calculations.
- f. Correct building restriction line (BRL) on individual lots.
- g. A minimum 20-foot rear yard setback for one-family detached dwelling unit.
- h. Location and details of the proposed natural surface pathway.

PROJECT DESCRIPTION: Site Vicinity

The proposed development is located on the south side of Old Baltimore Road, approximately 1,000 feet south of the intersection with Sandy Spring Road (MD 108). The property has frontage on Old Baltimore Road at two locations, which are separated by intervening properties that are not part of this application. The property is surrounded by vacant property zoned RNC to the south, Saint Andrews Kim Korean Church zoned RC and vacant property zoned RNC to the east, single-family residences zoned RC and RE-2 to the west and Old Baltimore Road to the north. Single-family residences, zoned RE-2/TDR, are across Old Baltimore Road to the north. The intervening properties between the two access points are zoned RNC and RE-2 and are developed with single-family residences.



PROJECT DESCRIPTION: Site Description

The site is undeveloped with some open field areas. The property contains headwaters of the Northwest Branch watershed. There are two streams bisecting the property, running generally north to south. Typical of headwater areas, there are extensive wetlands and numerous seeps and springs. There are 32.06 acres of stream valley buffers and 67.35 acres of existing forest on the property. There are numerous specimen trees throughout the forested areas.

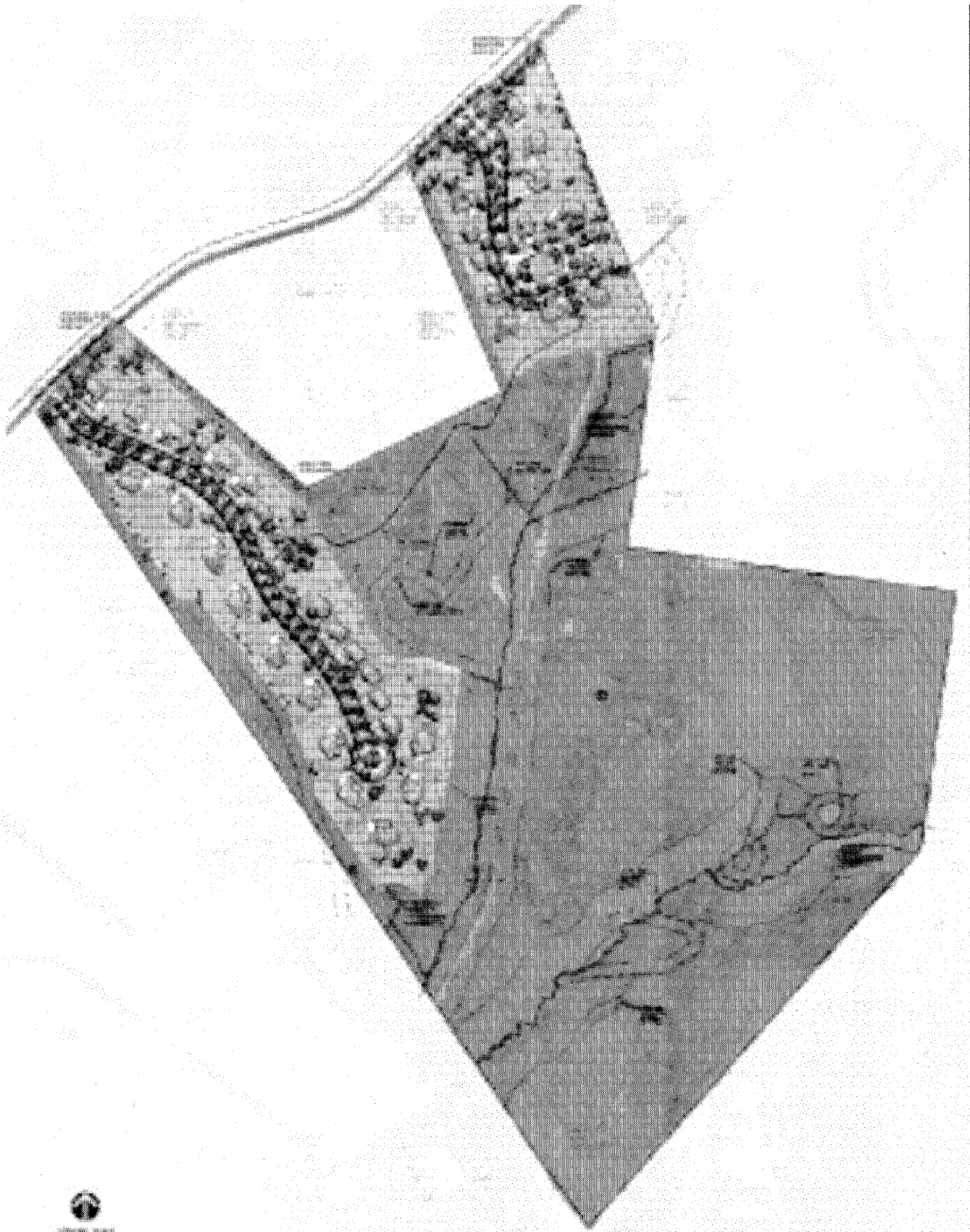


PROJECT DESCRIPTION: Proposal

The applicant is proposing a total of 42 residential units on 107.35 acres of land. The residential units are proposed in the northern portions of the property to avoid impacts to the environmentally sensitive areas in the southern portion of the property. Two stormwater management ponds are proposed in the western portion of the property and one stormwater management pond is proposed in the eastern portion of the property. 23 one-family detached residential units and four MPDUs (attached one-family residential units) are proposed in the western portion of the property and 13 one-family detached residential units and two MPDUs (attached one-family residential units) are proposed in the eastern portion of the property. Recreational areas are proposed in both the eastern and western portions of the property. The southern portion of the property (77.21 acres) will be preserved as private rural open space. The applicant is proposing a path to connect the two development areas in the southern portion of the property.

Landscaping consisting of a combination of shade trees, evergreen trees, ornamental trees, shrubs and ground cover are proposed along the recreational areas. Shade trees are proposed along the internal streets and Old Baltimore Road. Pole mounted light fixtures are proposed along the private streets and the recreational open space.

Recreational amenities like sitting areas, a multiage play area and pedestrian areas are provided in the recreational open space.



PROJECT DESCRIPTION: Prior Approvals

Preliminary Plan

On July 13, 2006, the Planning Board will review the Preliminary Plan 120050920 for creating 42 residential units including six MPDUs for the Olney Estates Property.

ANALYSIS: Conformance to Development Standards

DATA TABLE (RNC ZONE)

<u>Development Standard</u>	<u>Required/Permitted Zoning Ordinance</u>	<u>Proposed for Approval</u>
Gross Tract Area (ac/sf.):	10 acres .	107.35 acres
Development Density	0.33 D.U./Ac + density bonus Maximum 35 D.U. + density bonus according to the Master Plan Text Amendment to the RNC Zone allowed more than 35 units if MPDUs are provided	0.4 D.U./Ac 42 D.U. 36 one-family detached units and 6 MPDUs for a total of 42 units
MPDUs	6 MPDUs ¹	6 MPDUs
Minimum Lot Area		
SF attached	Not Specified	4,577 sq.ft
SF detached	4,000 sq.ft.	13,349 sq.ft.
Minimum Lot Width		
SF attached		
At street front	Not specified	28'
SF detached		
At street front	25'	28'
Minimum Building Setbacks		
SF detached		
From Public Street	15'	28'
From Adjoining Lot - Side	8'	8'
From Adjoining Lot - Rear	0'	10'
SF attached		
From Public Street	15'	28'
For end unit - Side	8'	8'
From Adjoining Lot - Rear	0'	10' ²

<u>Development Standard</u>	<u>Required/Permitted Zoning Ordinance</u>	<u>Proposed for Approval</u>
Maximum Building Height Main dwelling	35'	35' (as measured from the level of approved street grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof; to the mean height level between eaves and ridge of a gable, hip, mansard, or gambrel roof; street grade AND as referenced in the building height table and on the site plans. A condition of approval has been added to add a building height table and street level references on the site plan)
Accessory Building	5' for rear and side yards and 60' from the street	5' for rear and side yards and 60' from the street
Maximum Building Coverage SF attached SF detached	Not specified 35%	60% 35%
Rural Open Space	65% to 85% (59.8 to 78.2 acres)	71.92% (77.21 acres)
Parking	2 per unit 84 for 42 units	2 per unit 84 for 42 units

- In Development Review (DRD) and Community Based Planning (CBP) staff's opinion, the proposed project achieves the bonus, market rate units referred to in the section without converting an MPDU to a bonus market rate unit. At the maximum base density of 0.33 units per acre, the proposed site has a maximum base density of 35 units ($107.35 \times 0.33 = 35.4$ rounded down to 35). Since the number of requested units exceed 19, the proposed development is subject to the MPDU law, which requires a minimum of 12.5% of the units to be MPDUs if no bonus density is proposed, which translates into 5 MPDUs ($35 \times 0.125 = 4.37$, rounded up to 5). The developer has the option to achieve a density bonus in exchange for additional MPDUs on a sliding scale prescribed in the MPDU law. The maximum density bonus of 22% requires the provision of 15% of the total units as MPDUs.

The proposed development requests a maximum density bonus of 22% with 15% MPDUs. Therefore $35 \times 1.22 = 42.7$, rounded down to 42 units total is the maximum density allowed with the bonus. MPDU's are therefore required at 15%: $42 \times 0.15 = 6.3$, rounded up to 7 MPDUs. The density calculation chart for this property is as follows:

Density scenario	Total units	Market rate	MPDUs
Base density (12.5% MPDUs)	35	30	5
With 22% bonus (15%MPDUs)	42	35	7
Additional units	7	5 (bonus)	2

Based on this scenario, the proposed development achieves 5 bonus, market rate units by providing 2 additional MPDU units above the minimum requirement of 5 MPDUs.

DRD and CBP staff believe that because the density bonus is optional, any bonus scenario must be considered against the base density requirement calculated at the 12.5% MPDU provision. Only when the maximum base density would not require the minimum 12.5% MPDUs can this provision of the law be applied to achieve one additional market rate bonus unit by reducing the required MPDUs by one.

According to the applicant's interpretation of the MPDU legislation, the project is entitled to convert one of the required MPDUs to a market unit. The applicant has therefore, provided 36 market rate units and six MPDUs.

2. A condition of approval has been added to require a minimum rear yard setback of 20 feet for the one-family detached units.

RECREATION CALCULATIONS

	Tots	Children	Teens	Adults	Seniors
Demand Points					
<u>Demand per 100 d.u.</u>					
SFDI (20,000+ sq.ft)	10.00	20.00	22.00	85.00	8.00
SFDII (7,000 to 19,999 sq.ft)	13.00	24.00	25.00	106.00	11.00
SFDIII (< 7,000 sq.ft.)	14.00	19.00	23.00	127.00	13.00
TH	17.00	22.00	18.00	129.00	7.00
<u>Demand for 40 units</u>					
SFDI (24 units)	2.40	4.80	5.30	20.40	1.90
SFDII (12 units)	1.60	2.90	3.00	12.70	1.30
TH (6 units)	1.00	1.30	1.10	7.70	0.40
Total Demand	5.00	9.00	9.40	40.80	3.60
Supply Points					
Multiage Play Area	9	11	3	7	1
Pedestrian System	0.10x5.00 0.50	0.2x9.00 1.80	0.2x9.40 1.88	0.45x40.80 18.36	0.45x3.60 1.62
Open Play Area II (2)	6	8	8	20	2
Total Supply Points	15.50	20.80	12.88	45.36	4.62

Recreational Demand is met on site.

MPDU CALCULATIONS

Base Density allowed by the Zoning Ordinance - 35

Proposed Density – 42

Density Bonus requested – 7 or 20%

MPDU required for 20% bonus – 14.5%

No. of MPDUs required (42x14.5%) = 6.09 = 7

No. of MPDUs provided = 6

ANALYSIS:

Conformance to Master Plan

The subject property is zoned RNC and located in the southeast quadrant of Olney within the 2005 Olney Master Plan area. The property is identified as site #12 in the specific property recommendations section of the Plan on page 36. The Plan recommended a maximum base density of 0.33 units per acre for an optional method (cluster) development on community sewer and water on this property. At the density proposed (35 units) MPDUs must be provided in accordance with the MPDU law. The maximum permitted density can be increased through the bonus density provisions of the law. The Plan contains the headwaters of the Northwest Branch and significant forest resources.

The Plan recommends any housing development must be clustered near Old Baltimore Road to protect environmental resources on this property. The proposed layout clusters the housing development in two areas along Old Baltimore Road. The proposal preserves more than 70% of the property as rural open space. The proposed plan achieves lot size diversity ranging from approximately 4,580 square feet to 58,830 square feet.

The Community Planning Division has stated that the proposed layout is consistent with the master plan. (attached memo dated March 20, 2006). [Appendix C]

FINDINGS: For Site Plan Review

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan. Certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan;*

This section is not applicable because there is no development plan or project plan for this development.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable, conforms to an urban renewal plan approved under Chapter 56;*

The Site Plan meets all of the requirements of the RNC zone as demonstrated in the project Data Table above.

3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

- a. Buildings

The applicant is proposing a total of 42 residential units including six MPDUs on 107 acres of land. The residential units are proposed in the northwestern portion of the property to avoid impacts to the two stream valley buffers on the site and create a large expanse of rural open space. The MPDUs are proposed in three locations. The height, scale and design of the MPDUs will match the height, scale and design of the market rate units. The maximum height of the residential units will be 35 feet.

- b. Open Spaces

The plan proposed 77.21 acres (71.92%) of the site to be kept open as rural open space.

Two homeowners association recreational open space are proposed in both the areas with housing along Old Baltimore Road. Three stormwater management parcels are proposed along the northern property line. Homeowners association rural open space is proposed on the south and east sides of the residential area.

There are 32.06 acres of stream valley buffers and 67.35 acres of existing forest on the property. There are numerous specimen trees throughout the forested areas.

c. Landscaping and Lighting

The applicant is providing shade trees along Old Baltimore Road and the internal streets. Landscaping consisting of a combination of shade trees, evergreen trees, ornamental trees, shrubs and ground cover are proposed along the recreational areas. Pole mounted light fixtures are proposed along the private street and the recreational open space.

d. Recreation

Recreational amenities like a multi-age play structure, open play areas and pedestrian areas are provided in the recreational open space. The recreation demand is satisfied on-site and the recreational amenities are adequate in terms of location, layout, quantity and quality.

The recreational areas are conveniently located to be easily accessible by all the residential units and are landscaped with a combination of trees, shrubs and perennials to provide an attractive setting for encouraging social contact. The play area and the pedestrian areas provide opportunities for active and passive recreation. The location of the recreational areas and the proposed landscaping ensure that there are no noise and visual impacts to the proposed one-family attached units and adjacent properties.

e. Vehicular and Pedestrian Circulation

Two access points are proposed to the site from Old Baltimore Road. Internal streets will serve the proposed units. Conditions of approval have been added to provide dedication along Old Baltimore Road to provide to provide crosswalks and bike paths. A pathway is provided along the southern portion of the property to connect the two development areas. A condition of approval has been added to provide the location and design details of the proposed pathway.

4. *Each structure and use is compatible with other uses and other Site Plans; and with existing and proposed adjacent development; and*

The applicant is proposing a total of 42 residential units on 107 acres of land. The residential units are proposed in the northwestern portion of the property to avoid impacts to the environmental areas. The applicant has retained more than 70% of the property as rural open space. The maximum height of the residential units will be 35 feet. The design of the units will be compatible with the surrounding residential development consisting of one-family residences and townhouses.

Therefore, the proposal is compatible with existing and proposed adjacent development.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

Forest Conservation

There are 67.35 acres of forest on the subject property. The applicant is proposing 0.12 acres of forest clearing for a sewer connection. The applicant is afforesting 4.93 acres, so that the entire environmental buffer is forested except for five feet on either side of the sewer line in the WSSC right-of-way. An additional 3.9 acres is designated as natural regeneration area. The Environmental Planning Section is recommending a surface path for the proposed pathway connecting the two areas of development. A condition of approval has been added to require the same.

Environmental Buffers

The subject property has 32.06 acres of stream valley buffer. Currently, 26.93 acres of this buffer is forested. 4.93 acres of stream valley buffer will be afforested and the entire buffer will be protected with a category I Forest Conservation easement, except for the WSSC ROW.

Stormwater Management Plan

The Department of Permitting Services has approved the Stormwater Management Concept approval for this development on October 13, 2005.

The Environmental Planning staff recommends approval of the site plan with conditions (attached memo dated June 2, 2006). [Appendix D]

APPENDIX

Vicinity Map

Site Plan Checklist.

Appendix A – Preliminary Plan Staff Report

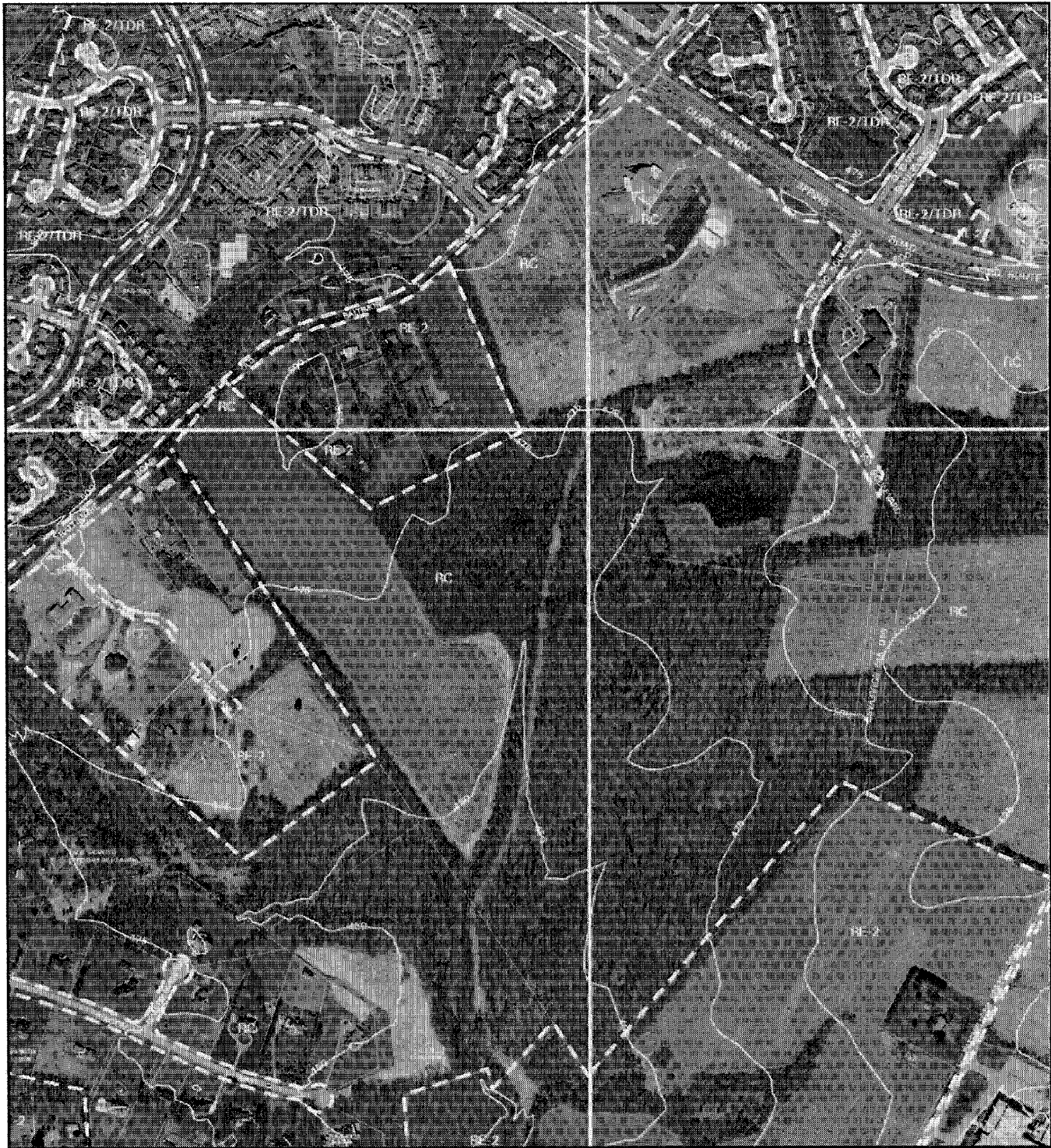
Appendix B - Memorandum from DPS

Appendix C – Memorandum from the Community Planning Division Memorandum from DPS

Appendix D – Memorandum from Environmental Planning Section

Appendix E - Memorandum from Other Agencies

OLNEY ESTATES (8-06019)



Map compiled on January 30, 2006 at 1:02 PM | Site located on base sheet no - 223NW03 | Date of Orthophotos - April 2004 | Orthophoto Images Licensed from VARGIS LLC.

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Key Map



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1 inch = 600 feet
1 : 7200

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

M-NCPPC

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