






Olney Theatre Center, Site Plan Amendment No. 82001022C

 Jonathan Casey, Senior Planner, Upcounty Planning, Jonathan.Casey@montgomeryplanning.org, (301) 495-2162
 Sandra Pereira, Supervisor, Upcounty Planning, Sandra.Pereira@montgomeryplanning.org, (301) 495-2186
 Patrick Butler, Chief, Upcounty Planning, Patrick.Butler@montgomeryplanning.org, (301) 495-4561

Completed: 1/8/2021

Description

Olney Theatre Center: Site Plan Amendment No. 82001022C

Request to add multiple additions to the existing theatre buildings, totaling 17,622 square feet.

Location: 2001 Olney - Sandy Spring Road (MD 108), approximately 60 feet west of Doctor Bird Road.

Zone: PCC Zone.

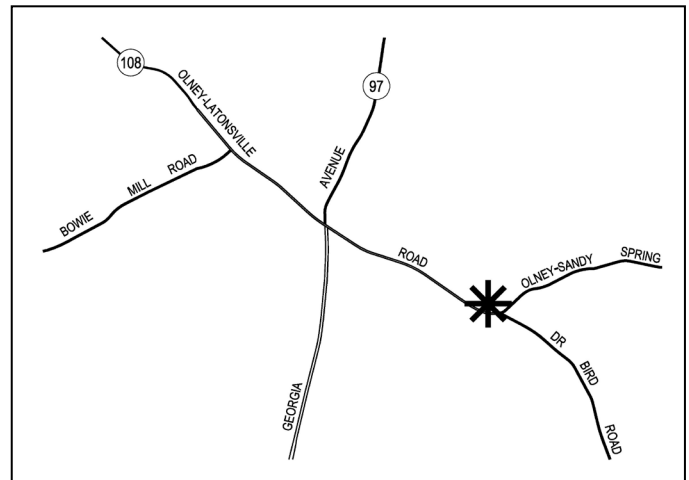
Property Size: 10.6 acres.

Master Plan: 2005 *Olney Master Plan*.

Applicant: Olney Theatre Center

Acceptance Date: 9/11/2020

Review Basis: Chapter 59



Summary

- Staff recommends **Approval with conditions**.
- The Application is being reviewed under the standards and procedures of the 2014 Zoning Ordinance, because the scope of development exceeds the threshold permitted to be processed as an amendment under the 2004 Zoning Ordinance.
- The addition generates less than 50 peak-hour person trips; therefore, a Transportation Impact Statement to satisfy the Local Area Transportation Review ("LATR") test is not required.
- The Applicant is proffering additional right-of-way dedication for the future construction of a 10-foot-wide shared use path on MD 108, per the 2018 Bicycle Master Plan.
- The Application includes a tree variance and removal of 1,179 square feet (0.03 acres) of the existing Category I Conservation Easement to implement the shared use path.
- The Application includes three separate phases, to be implemented in no particular order, as funding becomes available.
- To date, no community correspondence has been received.

TABLE OF CONTENTS

SECTION 1 – RECOMMENDATION AND CONDITIONS	3
Recommendation and Conditions	
SECTION 2 – SITE LOCATION & DESCRIPTION	7
Location & Vicinity	
Site Analysis	
SECTION 3 – APPLICATIONS AND PROPOSAL	9
Previous Approvals	
Proposal	
SECTION 4 – ANALYSIS AND FINDINGS	14
SECTION 5 – COMMUNITY CORRESPONDENCE	29
SECTION 6 – CONCLUSION	29

SECTION 1 – RECOMMENDATIONS AND CONDITIONS

Staff recommends approval of Site Plan 82001002C. The development must comply with the conditions of approval for Development Plan No. 630, Site Plan No. 820010220, Site Plan No. 82001022A, and Site Plan No. 82001022B remain valid and in full force and effect.

All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.¹

Density, Height & Housing

1. Density

The Site Plan Amendment is limited to a maximum of 17,622 square feet of development on the Subject Property, including a 5,273 Education Wing, 725 square foot addition to the Original Theatre, 2,427 square foot addition to the Original Theatre, 8,243 square foot Production Building, and a 954 square foot Storage Building.

2. Height

The Amendment is limited to a maximum height of 45 feet, as measured from the building height measuring points, as illustrated on the Certified Site Plan ("CSP").

3. Phasing

Prior to Use and Occupancy Certificate for any building in the first phase of construction, the Applicant must install the internal crosswalk striping and sidewalk connections depicted in Phase 1C.

Site Plan

4. Site Design

a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations of the submitted architectural drawings, as determined by M-NCPPC Staff.

5. Lighting

a) Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).

b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.

c) Deflectors will be installed on proposed fixtures to prevent excess illumination and glare.

¹ For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

Environment

6. Forest Conservation & Tree Save

The development must comply with the Final Forest Conservation Plan and/or Tree Save Plan.

- a) Prior to the start of any demolition, clearing, or grading for the development Application, the Applicant must schedule the required site inspections by the M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b) The Applicant must comply with all tree protection measures shown on the approved Amended Final Forest Conservation Plan ("AFFCP"). Tree save measures not specified on the AFFCP may be required by the M-NCPPC Forest Conservation Inspection Staff.
- c) Prior to the start of any demolition, clearing, or grading for the development Application, the Applicant must abandon the entirety of the original Category I Conservation Easement recorded among the County Land Records in Book 59092, Page 267 in a form approved by M-NCPPC. The abandonment document must be recorded in the Montgomery County Land Records by deed.
- d) Prior to the start of any demolition, clearing, or grading for the development Application, the Applicant must record a new Category I Conservation Easement reflecting the entire easement area including the area that is not authorized to be removed and the new 0.03 acres of easement replacement. The new easement agreement must be approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed prior to recordation of the deed of abandonment for the existing conservation easement. The entirety of the existing easement remains in full force and effect until the abandonment document and the revised easement has been approved and recorded in the Montgomery County Land Records.
- e) Prior to demolition, clearing, grading or construction, the Applicant must install permanent conservation easement signage along the perimeter of the conservation easements as shown on the AFFCP or as determined by the Forest Conservation Inspection Staff.
- f) The limits of disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the AFFCP.

Transportation & Circulation

7. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 8 short-term bicycle parking spaces.
- b) The short-term spaces must be inverted-U racks (or Staff approved equivalent) installed (weather protected preferred). A minimum of 4 short-term spaces must be located in close proximity to the main entrance/ front lobby. The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c) Prior to any demolition, grading, or construction associated with second phase of construction, the Applicant must dedicate a minimum of 10 feet of right-of-way from the existing property line on the frontage of MD 108, as shown on the Certified Site Plan. The area of dedication must provide adequate land to accommodate a 10-foot-wide shared-use-path and associated stormwater management facilities.

- d) The Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements set forth by the Montgomery County Department of Transportation (“MCDOT”), Division of Transportation Engineering:
 - i. Prior to approval of Certified Site Plan, the Applicant must provide detailed 30% design plans for the 10-foot-wide shared-use path between the signalized intersection of MD 108/Dr. Bird Road to the eastern property line. The design plans must provide the following details: grading, clearing, stormwater management, 10-foot-wide public utility easement (“PUE”), and utility relocation if needed. The design plans must receive approval from M-NCPPC staff, MCDOT and Maryland State Highway Administration (“MDSHA”).
 - ii. Prior to issuance of any Use and Occupancy Certificate for the second phase of development, the Applicant must construct the shared-use path as shown on the CSP and 30% design plans.
8. The Planning Board accepts the recommendations of the MDSHA in its correspondence dated December 16, 2020, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. Fire and Rescue
The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”), Fire Department Access and Water Supply Section in its correspondence dated November 20, 2020, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
10. Right-of-Way
The Planning Board has reviewed and accepts the recommendations of the MCDPS, Right-of-Way Plan Review Section in its letter dated January 5, 2021, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.
11. Stormwater Management
The Planning Board has reviewed and accepts the recommendations of the MCDPS, Water Resources Section in its stormwater management concept letter dated December 3, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.
12. Site Plan Surety and Maintenance Agreement
Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, for each Phase of development, the Applicant must enter into a Site Plan Surety and

Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, trash enclosures, retaining walls, fences, railings, sidewalks, paths and associated improvements of development, including sidewalks, bikeways, and storm drainage facilities. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

13. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

14. Certified Site Plan

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Amend the Green Area calculations in the Site Plan Data Table to account for the right-of-way dedication for MD-108, as shown on the CSP.
- c) Amend the phasing plan to clearly identify the internal crosswalk striping and sidewalk connections depicted in Phase 1C, that must be constructed in the first phase of development.
- d) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- e) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- f) Modify data table to reflect development standards approved by the Planning Board.
- g) Ensure consistency of all details and layout between Site and Landscape plans.

SECTION 2 – SITE LOCATION AND DESCRIPTION

Site Location and Vicinity

The subject property is located at the intersection of Olney - Sandy Spring Road (MD 108) and Dr. Bird Road (MD 182), on the northside of MD 108, between Old Vic Boulevard and Dominion Drive (Figure 1). The subject property consists of Part of Parcel A (10.59 acres) shown on Record Plat 18989² ("Property" or "Subject Property"). The Subject Property is located east of the Olney Town Center, within the Southern Olney area identified in the 2005 *Olney Master Plan* ("Master Plan").

The Property confronts the Olney Ale House, which is in the Neighborhood Retail Zone, and is situated in the east corner of the MD 108 and Dr. Bird intersection. West of the Subject Property is the Lake Hallowell Subdivision, which contains single-family detached houses in the RE-2/TDR-2 zones. The Olney Theatre Center owns the adjoining undeveloped parcel (P718) of land to the west. The parcel was included in Local Map Amendment (LMA) G-630 which rezoned a portion of the Property to the Planned Cultural Center (PCC) Zone.

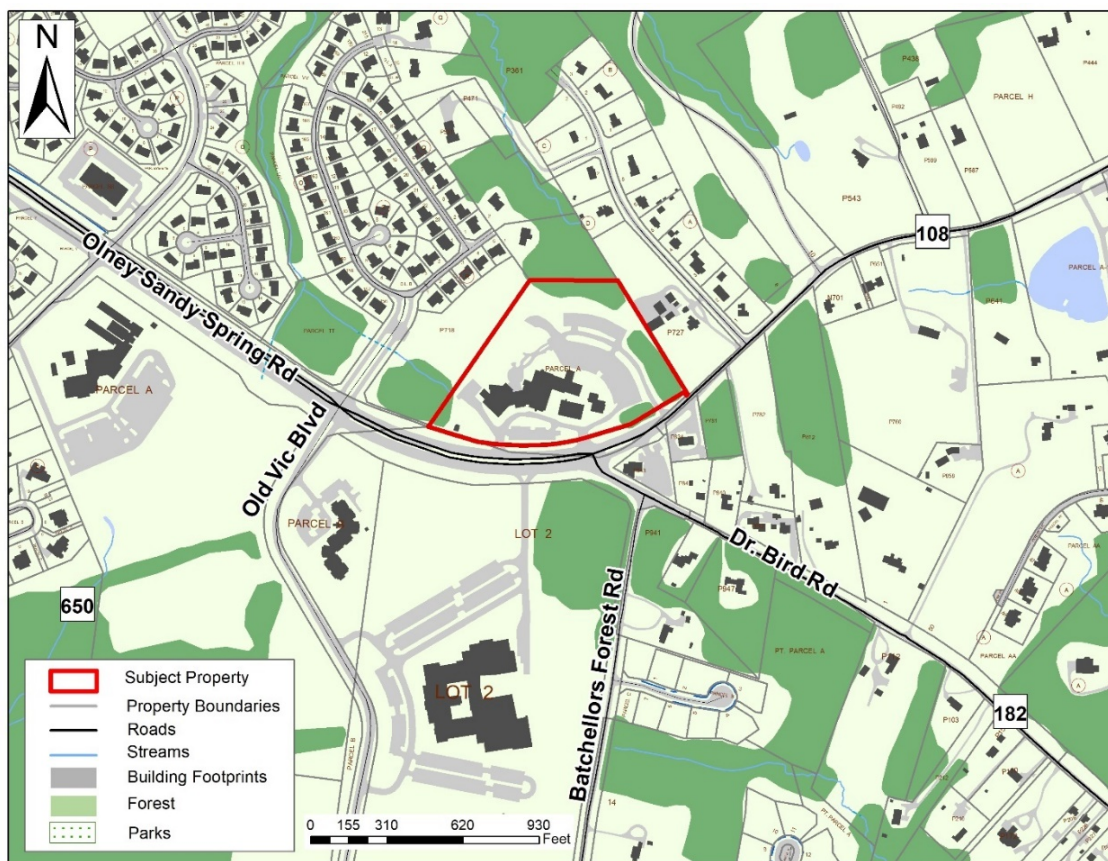


Figure 1: Vicinity Map

² Recordation of a plat before issuance of a building permit is not required because Parcel A was previously platted, prior to dedication of right-of-way for public use for MD 108.

Site Description

The 10.6-acre Property is the home of the Olney Theatre Center, currently improved with 60,430 square feet of commercial development related to the Olney Theatre Center.

The Theatre Center includes the historic theatre containing 472 seats, a box office, five living quarters and two offices (the “Original Theatre”); separate three-story actor’s residence containing 9 bedrooms and three administrative offices (the “Crawford House”); a scene shop, connected to the Original Theatre parallels the rear parking lot. The location of the buildings creates an L-shaped plaza between the Original Theatre and the Crawford House. At the eastern end of the plaza, east of the Crawford House is a studio, the Muiltz-Gudelsky Theatre Lab which contains 152 seats (the “Theatre Lab”). Combined, the Original Theatre, Crawford House, Theatre Lab and aforementioned supporting spaces makeup 27,180 square feet. Additional improvements include classroom spaces, offices, a lobby and a second theatre with 428 seats (the “Main Stage”), which is 33,250 square feet in size. An uninhabitable (in disrepair) small stone cottage/gate house occupies the southwest corner of the Property. There are three surface parking lots on the Subject Property. One located between the theatre complex and the two larger lots are located in the rear and side of the building. Combined, there are 232 parking spaces on the Subject Property.

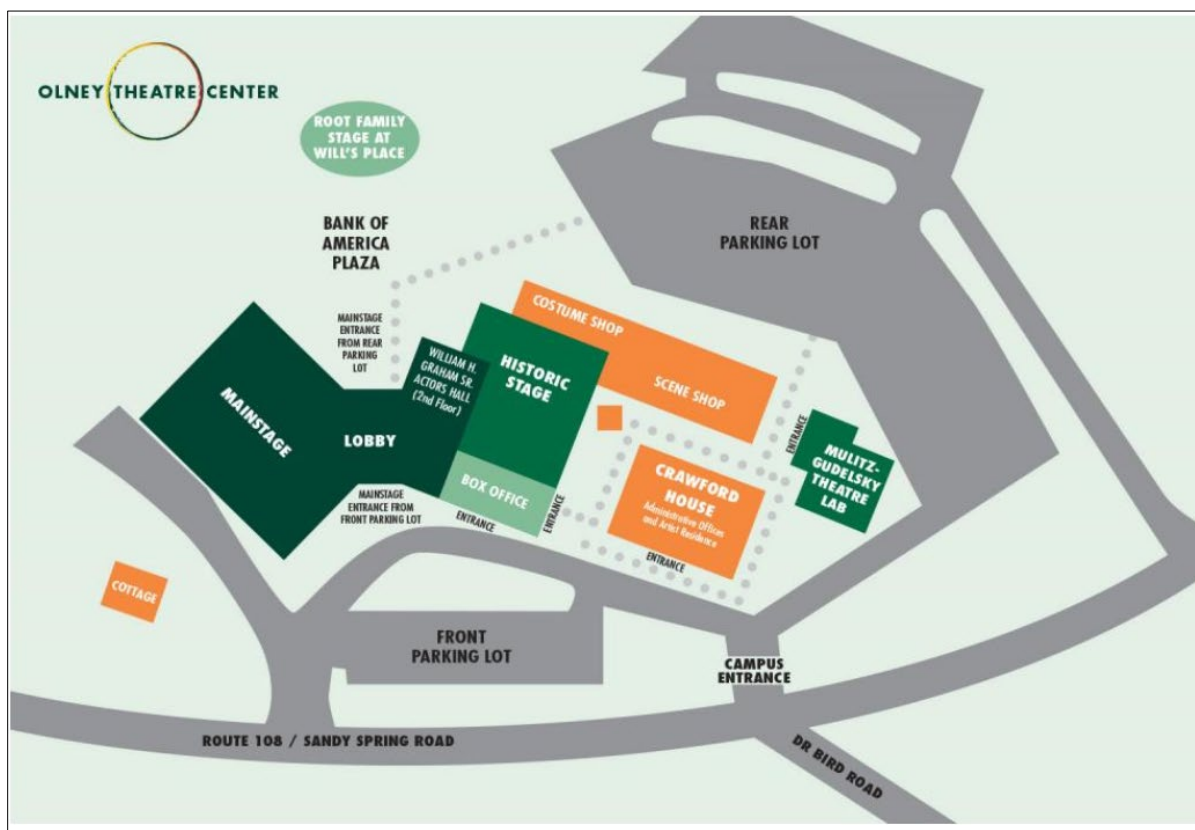


Figure 2: Basic Site Map (from OTC website)

The Property is accessible from MD 108 via three separate entrances. The eastern most access point is accessible from westbound MD 108 and is predominately used to access the rear parking lots. The central or main entrance and exit are at the signalized intersection of MD 108 and Dr. Bird Road. This main access point connects to the rear parking lots and drive-aisle in front of the main building entrance. The third access point is only accessible from westbound MD 108 and connects to the front parking lot and

aforementioned drive aisle. The Property contains existing forest in a Category I Conservation Easement parallel to the northeast and northwest property boundary that provides a vegetated buffer between the parking lot and existing residential area to the north.

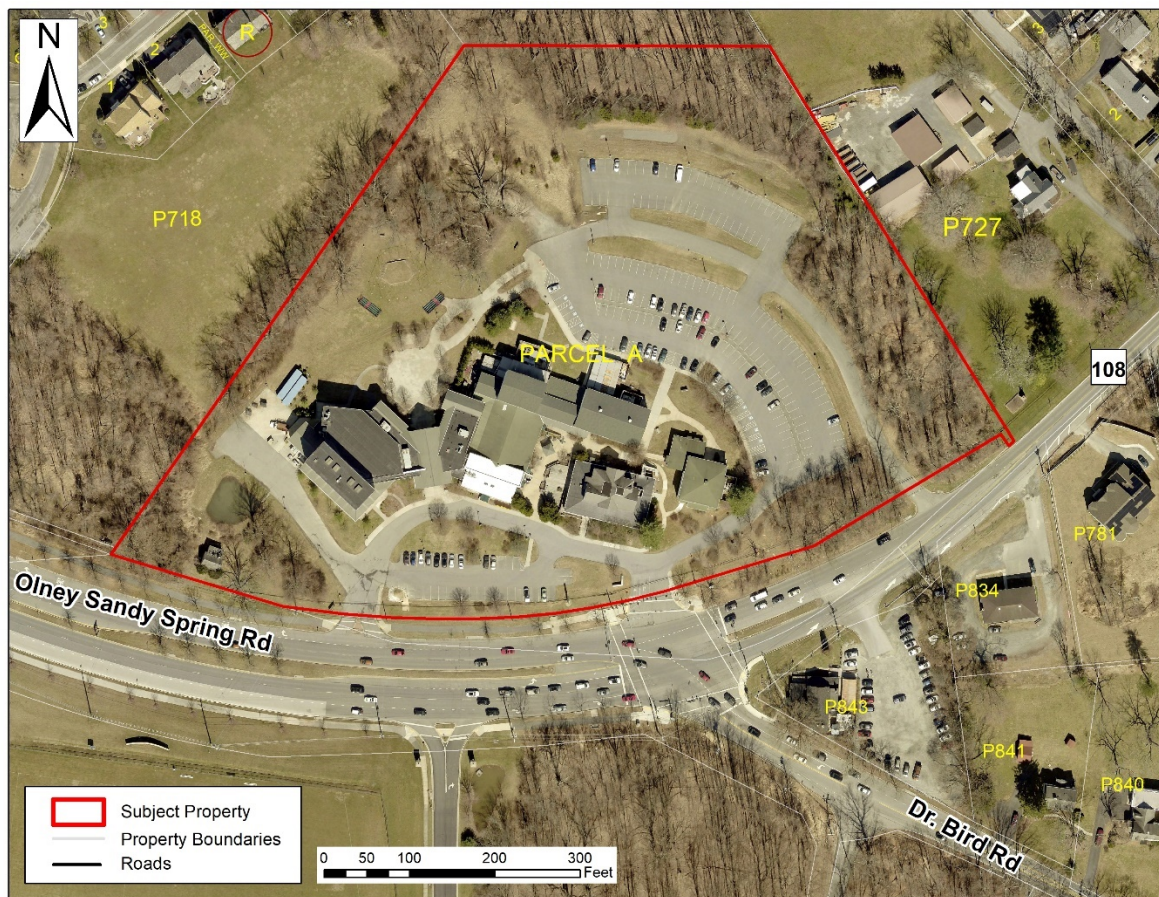


Figure 3: Aerial View

SECTION 3 – APPLICATIONS AND PROPOSAL

Previous Approvals

Local Map Amendment No. G-630

On September 12, 1989, the Montgomery County Council approved Local Map Amendment (LMA) No. G-630 (Resolution No.:11-1608), rezoning 14.95 acres of land, which was known as Parcel 791 and Part of Parcel 301, from RE-2 Zone (12.37 acres) and RE-2/TDR-2 Zone (2.3 acres) to the PCC Zone (Attachment A and Figure 4).

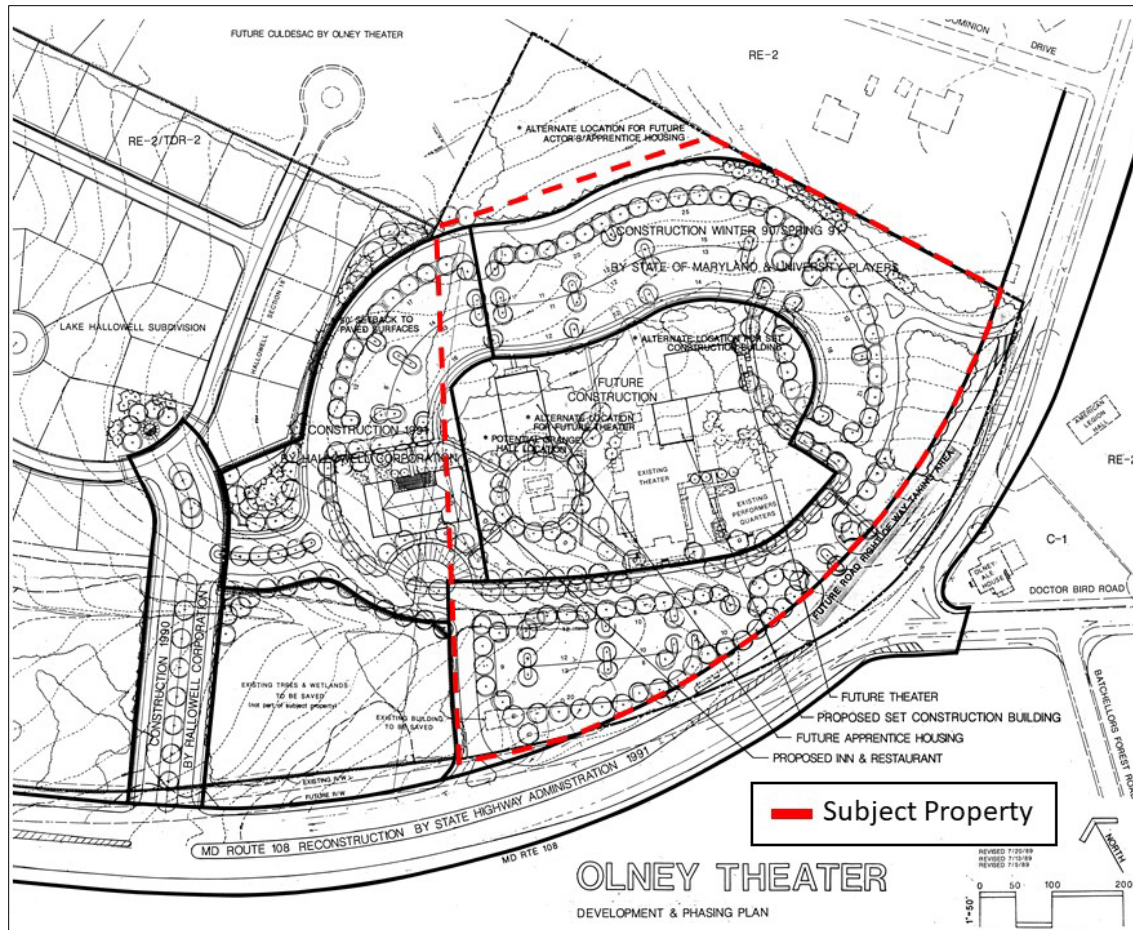


Figure 4: Development Plan G-630

Development Plan G-630 provided for the retention of all existing uses and buildings on the Property including, the Original Theatre which contained 713 seats, a box office, five bedrooms, and two offices; the Crawford House which contained a three-story actors' residence with nine bedrooms and three offices; a detached former single-family residence used as a residence for actors; and a stone cottage. In addition to the existing improvements, the Development Plan approved a new 452-seat theatre (Main Stage), a new residence for actors and apprentices with 19 apartment units, a new set construction building, a 30-room inn, a 125-seat restaurant, and a 60-seat pub. No specific binding elements were attached to the Development Plan.

Since the Development Plan was approved, the original single-family actors' residence has been razed, the 713-seat main theatre has been renovated (reducing available seating to 472) and the stone cottage is no longer in use. Of the new buildings approved by the Development Plan, the Main Stage and set construction building were implemented, but the inn, restaurant, and pub that were approved have not been implemented to date.

Site Plan No. 820010220

Site Plan No. 820010220 was approved by Planning Board Opinion, mailed on July 3, 2001, to create 30,250 gross square feet of theatre, classroom, lobby, and office; 5,460 gross square feet of recital hall and lobby; a 3,000 gross square foot scene shop expansion; to be added to the existing 27,180 gross square foot art center including theater, studio (Mulitz-Gudelsky Theatre Lab), offices, classrooms,

performers' quarters, scene shop and gate house, on 10.6 acres (Attachment B). Of the original 65,890 square feet of approved density, approximately 60,430 square feet was implemented on the Property.

FFCP No. 820010220

Final Forest Conservation Plan No. 820010220 was approved by the Planning Board as part of a Site Plan Application on March 7, 2002. The total net tract area shown on the FFCP for forest conservation purposes was 10.60 acres split between two zones. 10.44 acres of the Subject Property is zoned PCC and classified as Institutional Development Area as specified in the Trees Technical Manual. This portion of Subject Property contained 1.52 acres of forest. The Applicant retained all 1.52 acres and receive landscape credit of 0.85 acres. The retained forest was proposed to be protected by both Category I and Category II Conservation Easements. The remaining 0.16 acres of the Subject Property is zoned RE-2/TDR and classified as Medium Density Residential as specified in the Trees Technical Manual. This portion of the Subject Property contained 0.16 acres of forest. The theatre met its forest conservation requirement by retaining all of the existing forest acreage of 1.68 acres and placing conservation easements over that forest.

Site Plan Amendment No. 82001022A

Site Plan Amendment No. 82001022A by Planning Board Resolution No. 20-021, mailed on April 9, 2020, approved the expansion of the Theatre Lab building and associated changes to the surrounding landscape and pedestrian system. The amendment expanded the Multz-Gudelsky Theatre Lab building footprint by adding a 3,150 square foot addition on the first floor and a second-floor addition of 243 square feet, a total of 3,393 square feet. The first-floor addition included a new lobby, dressing room, green room, and flex space. The existing 2,535 square foot auditorium was retained, with no increase in occupancy load. The second-floor addition expands the current control room/mezzanine by 243 square feet. The exterior of the building was also updated by replacing the existing vinyl siding with fiber cement board and the existing roofline was modified to incorporate the addition.

During the review of Amendment A, a Notice of Violation ("NOV") was issued by the MCDPS on March 12, 2020, listing a number of discrepancies between the phasing plan in the Site Plan Enforcement Agreement for Site Plan No. 820010220 and as shown on the Certified Site Plan and as-built conditions, including the parking lot configuration, light fixture location and quantity, and failure to install landscaping. Approval of Amendment A included several conditions to address the NOV.

FFCP No. 82001022A

FFCP Amendment No. 82001022A, was approved as part of Site Plan Amendment No. 82001022A. This FFCP amendment revised the approved limits of disturbance ("LOD") and incorporated the Theatre Lab constructions. The FFCP amendment did not alter any of the previously approved forest conservation requirements associated with the original FFCP, Plan No. 820010220.

Site Plan Amendment No. 82001022B

Site Plan Amendment No. 82001022B was submitted in response to the NOV. Site Plan No. 82001022B was approved by the Director on August 18, 2020. No citations or fees were issued as part of the NOV.

FFCP No. 82001022B

FFCP Amendment No. 82001022B was approved by Planning Staff on August 10, 2020. This FFCP amendment revised the LOD consistent with the improvements approved as part of Site Plan No. 82001022B and to provide site furnishings as required under Section 22A.00.01.09.B of the Forest

Conservation Regulations. The FFCP amendment did not alter any of the previously approved forest conservation requirements associated with the original FFCP No. 820010220.

Proposal

Site Plan Amendment No.82001002C

Site Plan Amendment No. 82001022C was submitted by the Olney Theatre Center (“Applicant”) on September 11, 2020, to expand the existing theatre buildings by 17,622 square feet and make associated changes to the surrounding landscape and pedestrian system (“Amendment”).

The improvements will occur in the following three phases (order to be determined), as funding becomes available:

Phase 1A

Construct an approximately 5,273 square-foot addition for an Education Wing. The two-story addition to the northern corner of the Main Stage features a Dance Studio, restrooms and storage on the ground floor and two modest classrooms, shared office space and a lounge on the second floor. This phase also includes modifications to the Bank of America Plaza, which provides access to the east side of the Education Wing.

Phase 1B

- Expand the Production Building (between the Scene Shop and Original Theatre) by approximately 8,243 square feet;
- Replace existing shipping containers with an approximately 954 square-foot Storage Building and loading dock;

Phase 1C

- Construct an approximately 725 square-foot lobby addition to the Original Theatre;
- Construct an approximately 2,427 square-foot office space addition to the Original Theatre and renovate the courtyard.

Shared-use Path

As originally submitted, the phasing plan notes that final engineering and construction of the master planned shared-use path will be the responsibility of others. However, as conditioned, the Applicant has agreed to construct the path prior to issuance of any Use and Occupancy Certificate in the second phase of development.

Other

The Amendment also incorporates approved changes made in the field during construction of the improvements approved as part of Site Plan amendment A and B. The changes include, addition of one parking space, minor decrease of green area, slight shift in the location of one shade tree 11 feet west due to the trailer location during construction.



Figure 5: Phasing Plan

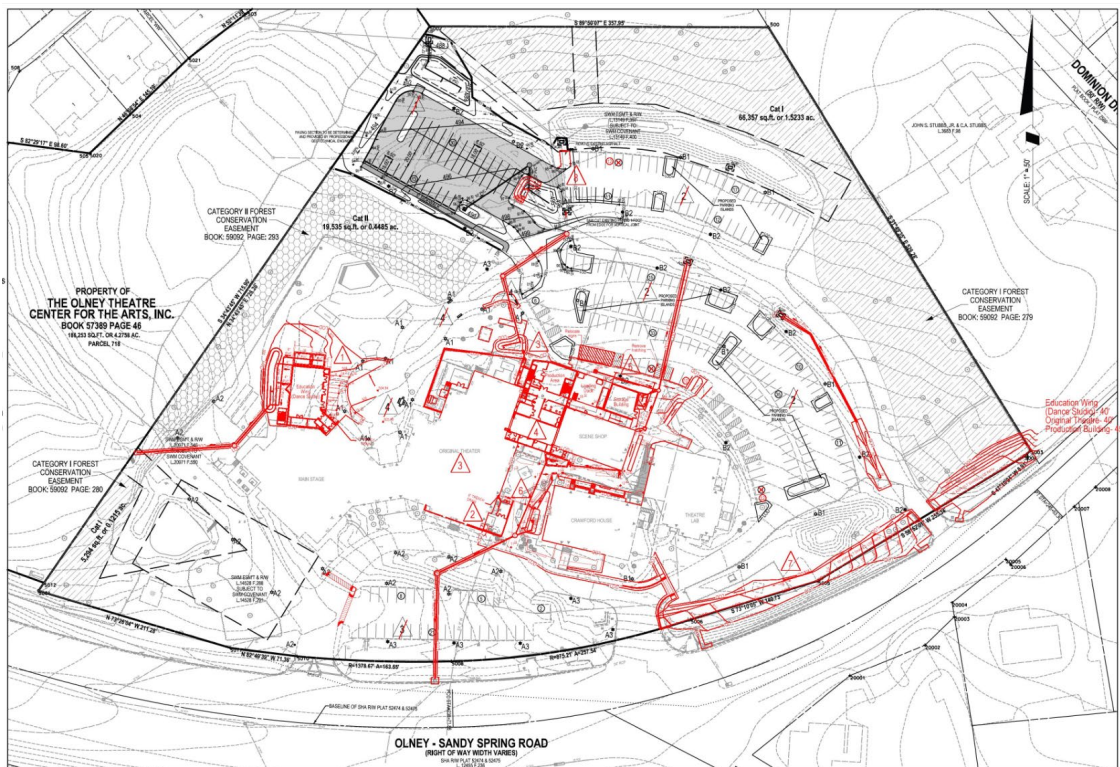


Figure 6: Redline Site Plan

SECTION 4 – ANALYSIS AND FINDINGS - Site Plan No. 82001022C

The Site Plan Amendment is being reviewed under the Zoning Ordinance in effect on October 30, 2014 because it exceeds the density limitations allowed under the grandfathering provisions set forth in Section 7.7.1.B.1 of the Zoning Ordinance. Unless explicitly discussed below, all Planning Board findings from the previous Site Plan approvals remain in full force and effect.

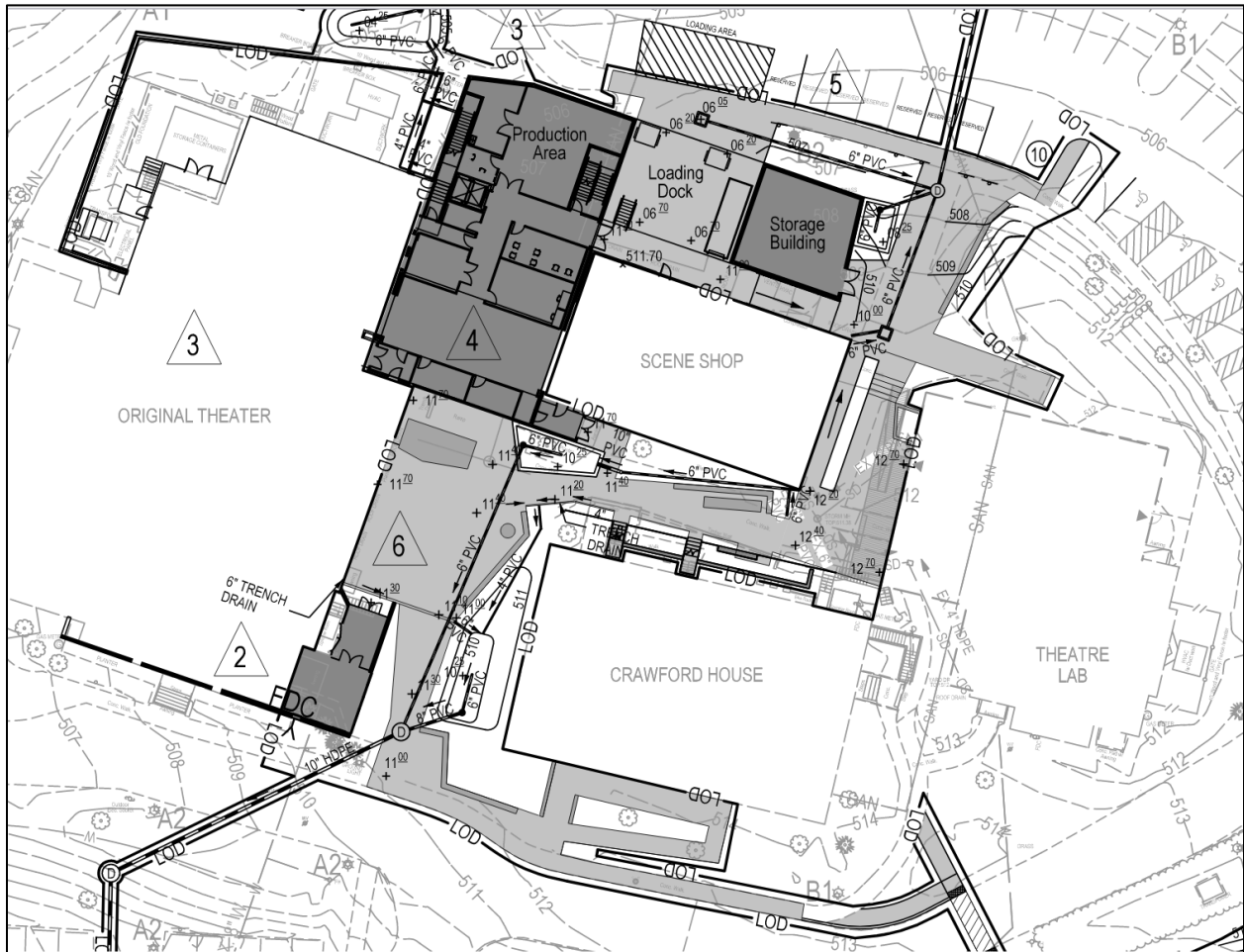


Figure 7: Modifications for Original Theatre, Production Building, Storage Building and Courtyard Renovation

Findings – Chapter 59-D-3.4(C)

Findings – Chapter 59.7.3.4.E

1. When reviewing an application, the approval findings apply only to the site covered by the application.

The Approval of the Site Plan findings will only apply to the Subject Property being reviewed as part of this Application.

2. To approve a site plan, the Planning Board must find that the proposed development:

a. satisfies any previous approval that applies to the site;

Exempt as modified herein, the proposed development will continue to satisfy all previous approvals.

b. satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;

The Amendment continues to conform to all non-illustrative elements of the Development Plan (G-630), including the minimum building setbacks, minimum green area and maximum height, enumerated in the Data Table below. There are no binding elements associated with the Development Plan.

c. satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;

The PCC Zone under Section 59.8.3.6.C.2.b requires that a minimum of 30%, or 3.18 acres, of the total site area included in the Development Plan be maintained as green area. The Amendment provides 60.5% or 6.4 ac acres of green area on-site, continuing to exceed the minimum required in the PCC Zone.

d. satisfies applicable use standards, development standards, and general requirements under this Chapter;

The Subject Property is approximately 10.6 acres and is zoned PCC. The Amendments meets all of the requirements and development standards of the PCC Zone, including building setbacks, building coverage, and green area. The PCC Zone also requires off-street parking to be provided, as determined at Site Plan.

Table 1 – Data Table

Development Standard	Permitted/ Required PCC zone	LMA G-630	Site Plan No. 82001022B	Proposed Site Plan No. 82001022C
Lot and Density				
Lot Area (Minimum)	5 ac		10.60 ac / 461,736 s.f.	10.60 ac / 461,736 s.f.
Proposed Dedication (MD 108) ³				5,000 s.f. max.
Site Area (net tract area)				10.48 ac / 456,736 s.f. min.

³ The Applicant is proffering additional right-of-way dedication for the future construction of a 10-foot-wide shared use path on MD 108, per the 2018 Bicycle Master Plan.

Development Standard	Permitted/ Required PCC zone	LMA G-630	Site Plan No. 82001022B	Proposed Site Plan No. 82001022C
Setbacks and Screening				
Min. building setback - From confronting or abutting residential property	100 ft.	Greater than 100 ft.	Greater than 100 ft.	284 ft.
- From any boundary line shown on the development plan	30 ft.	Greater than 30 ft.	Greater than 30 ft.	76 ft.
Building Height				
- Education Wing	50 ft. max.	50 ft. max	-	40 ft.
- Original Theatre	50 ft. max.	50 ft. max	-	40 ft.
- Production Building	50 ft. max.	50 ft. max	-	45 ft.
Coverage and Green Area				
- Max. building coverage	30% / 3.18 ac	30% / 3.18 ac	12% / 1.27 ac	13.4% / 1.41 ac
- Min. green area	30% / 3.18 ac	30% / 3.18 ac	56.4% / 5.98 ac	54.6% / 5.73 ac

Division 6 – General Development Standards

i. Division 6.1. Site Access

The Property is accessible from MD 108 via three separate entrances. The eastern most access point is accessible from westbound MD 108 and is predominately used to access the rear parking lots. The central or main entrance and exit are at the signalized intersection of MD 108 and Dr. Bird Road. This main access point connects to the rear parking lots and drive-aisle in front of the main building entrance. The third access point is only accessible from westbound MD 108 and connects to the front parking lot and aforementioned drive aisle.

ii. Division 6.2. Parking, Queuing, and Loading

Section 59.8.3.6.C.3 of the Zoning Ordinance states that, in the PCC zone, off-street parking must be provided under Division 6.2, however, the PCC zone (floating zones in general) are not listed in Section 6.2.4.B, the vehicle parking table or Section 6.2.4.C, the bicycle parking table. Therefore, motorcycles spaces, and vehicle charging stations are not proposed. However, four U-style bike racks (Figure 8), capable of accommodating eight bicycles, are being provided. Two of which will be located near the front main entrance (lobby) and two are being installed east of the Storage Building. Locating the

racks along the primary pedestrian route between the Courtyard and rear parking lot, provides a safe and accessible location.



Figure 8: Bicycle Parking

Site Plan No. 82001022B included 262 vehicle parking spaces, of which 247 spaces are required based on existing seating and employees (per the 2004 Zoning Ordinance). No additional parking is required as part of this Amendment. The proposed building additions and modifications do not include additional patron seating or expansion of existing uses that result in additional staff.

Because the proposed addition to the Theatre Lab does not increase the number of employees or seating capacity, the Amendment does not require additional parking. However, one additional parking spot was provided as part of the previously approved field changes and will be incorporated into the record as part of this Amendment.

While loading is not required by code, as part of Phase 1B, a loading dock will be incorporated to the north of the Scene Shop, between the new Storage Building and Production Area, where the shipping containers (temporary storage) are located. The loading area and new parking lot striping will provide a safe, adequate and efficient area to manage movement of production materials and supplies, without affecting the on-site circulation.

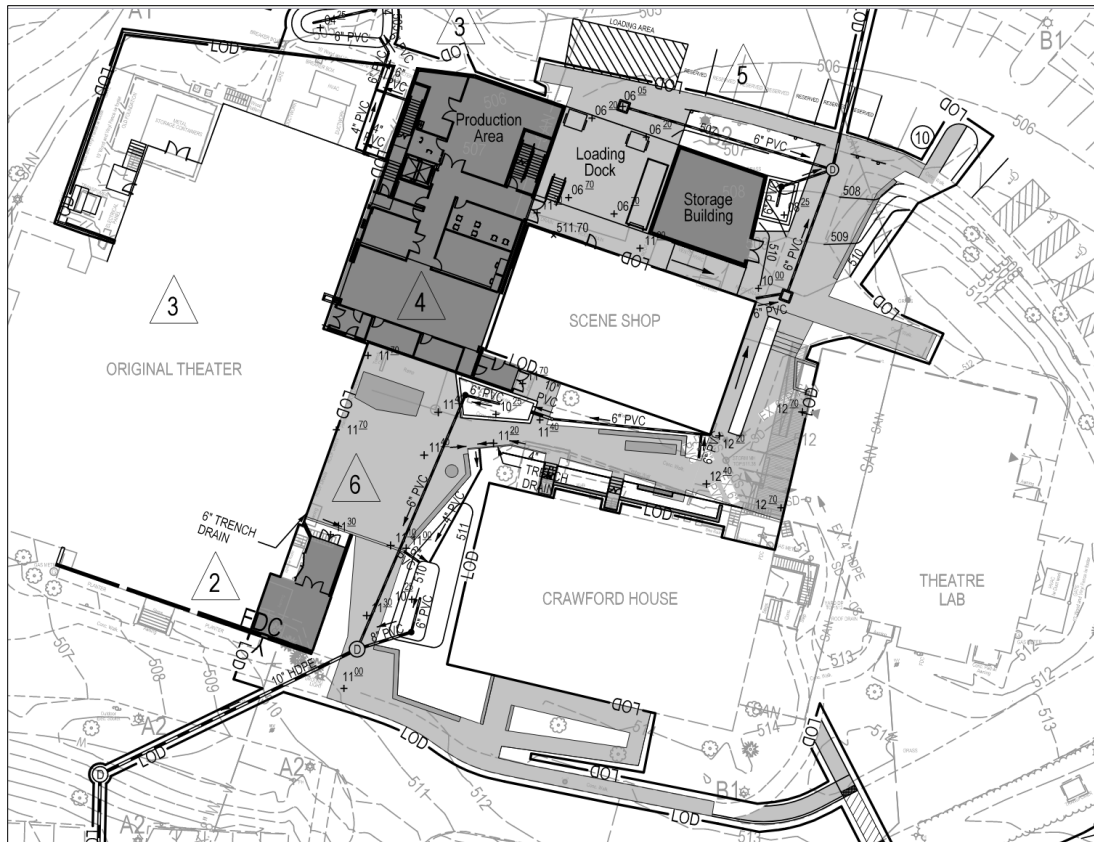


Figure 9: Loading Doc

iii. *Division 6.3. Open Space and Recreation*

Under the PCC Zone, the Application is required to provide green area rather than open space and recreation. The Application adequately meets this requirement by providing a minimum of 54.6 percent or 5.73 acres of green area. After dedicating a maximum of 5,000 square feet for the construction of the shared use path on MD 108, the Application will continue to provide more than the minimum 30 percent or 3.18 acres of green area required in the PCC zone.

iv. *Division 6.4. General Landscaping and Outdoor Lighting*

The Applicant will be planting a variety of native trees and shrubs throughout the Property to accent the perimeter of the proposed buildings and provide additional shade. New lighting is limited to wall mounted sconces and accent light, not required by the Zoning Ordinance. A revised photometric plan submitted by the Applicant shows that the lighting will remain adequate to illuminate the Property, creating a safe environment, without creating light spillage or excessive glare on adjacent properties or the rights-of-way. As conditioned, all site lighting provides adequate, safe and efficient illumination.

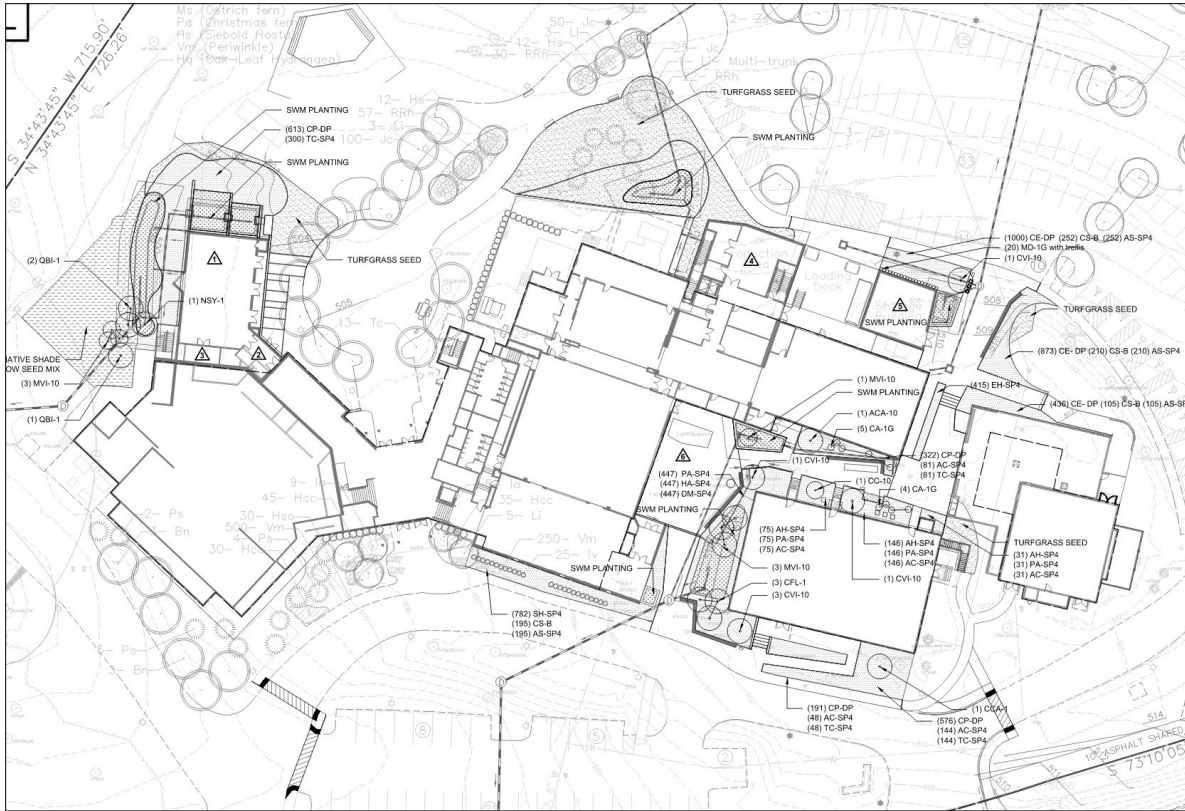


Figure 10: Landscape Plan

v. Division 6.5. Screening Requirements

Additional screening is not required for this Amendment.

e. satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The Application has been reviewed by the MCDPS, Water Resources Section who, in a letter dated December 3, 2020, determined that the proposed stormwater management concept which utilizes microbioretention and bioswales to manage the quantity and quality of the projected stormwater runoff associated with the proposed improvements (Attachment C).

ii. Chapter 22A, Forest Conservation.

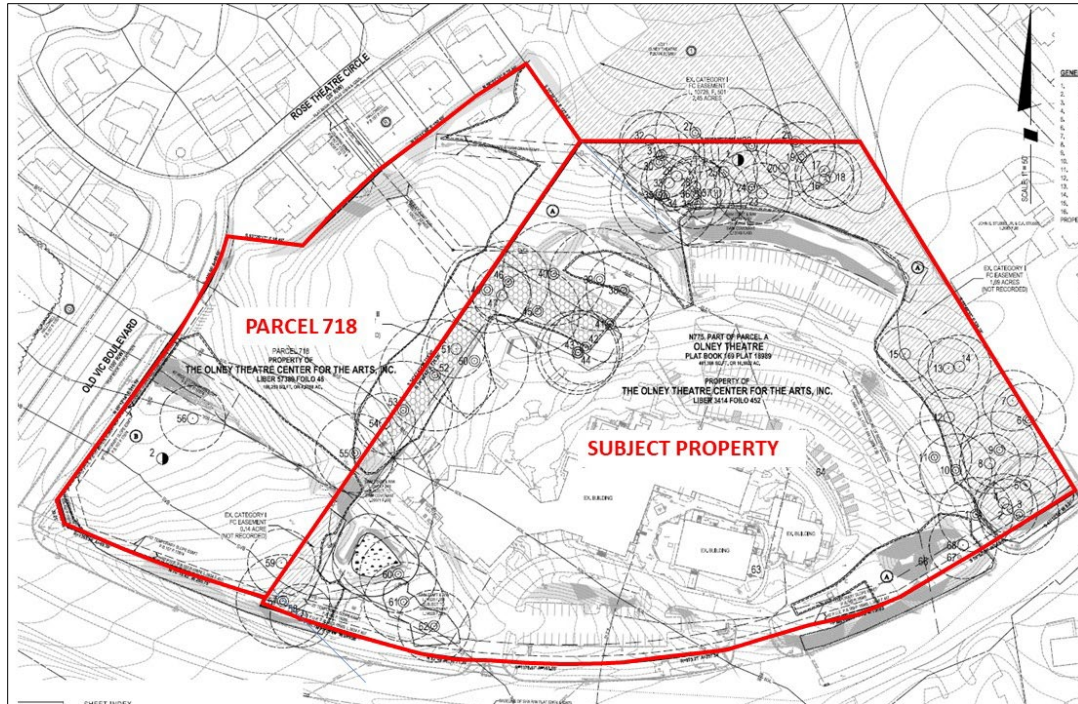


Figure 11: NRI/FSD “Overall Property”

NRI/FSD No. 420200650

NRI/FSD No. 420200650 which was approved on January 15, 2020, covers the Subject Property and the adjacent Parcel 718 which is between the Subject Property and Old Vic Road (Figure 11 - “Overall Property”). The Overall Property is located within the Hawlings River – James Creek which is classified by the State of Maryland as Use Class IV-P waters. The Overall Property contains 5.43 acres of forest and one stream. A small wetland has developed in the southwest corner of the Subject Property near a small stone cottage. This area had previously been designated as a storm water retention pond under the original Site Plan, Plan No. 820010220, and over the years has developed into a small pond with a wetland border. This pond and wetland function as a storm water management facility and are within a storm water management easement. As such, this area is not subject to environmental regulation as would typically be the case. There is a very short segment of an intermittent stream on the Subject Property that flows off-site from the pond/wetland. There is a 125-foot stream buffer associated with this stream.

Final Forest Conservation Plan Amendment

An Amended Final Forest Conservation Plan (“AFFCP”) was submitted with this Application. This AFFCP revises the previously approved limits of disturbance (“LOD”) providing for the expansion of the existing facilities by 17,622 square feet. In addition, the AFFCP also shows the proposed installation of the Bikeway Master Plan recommended shared use path along MD 108. The AFFCP also shows the currently proposed alterations to the Subject Property as required under Section 22A.00.01.09.B of the Forest Conservation Regulations.

The AFFCP does not alter any of the previously approved forest conservation requirements associated with the original FFCP No. 820010220. The Applicant is still retaining 1.68 acres of

forest and all forest conservation requirements have been satisfied under the original approval.

Installation of the proposed shared use path along MD 108 will require the abandonment of a portion of the existing Category I Conservation Easement (“Easement”) located along the eastern property line. The shared use path will require the removal of 1,179 square feet (0.03 acres) of the existing Easement closest to MD 108. The Easement will be replaced at a 1:1 rate by adding 0.03 acres to an on-site area of existing forest adjacent to the Easement and located between the Easement and the Subject Property access drive.

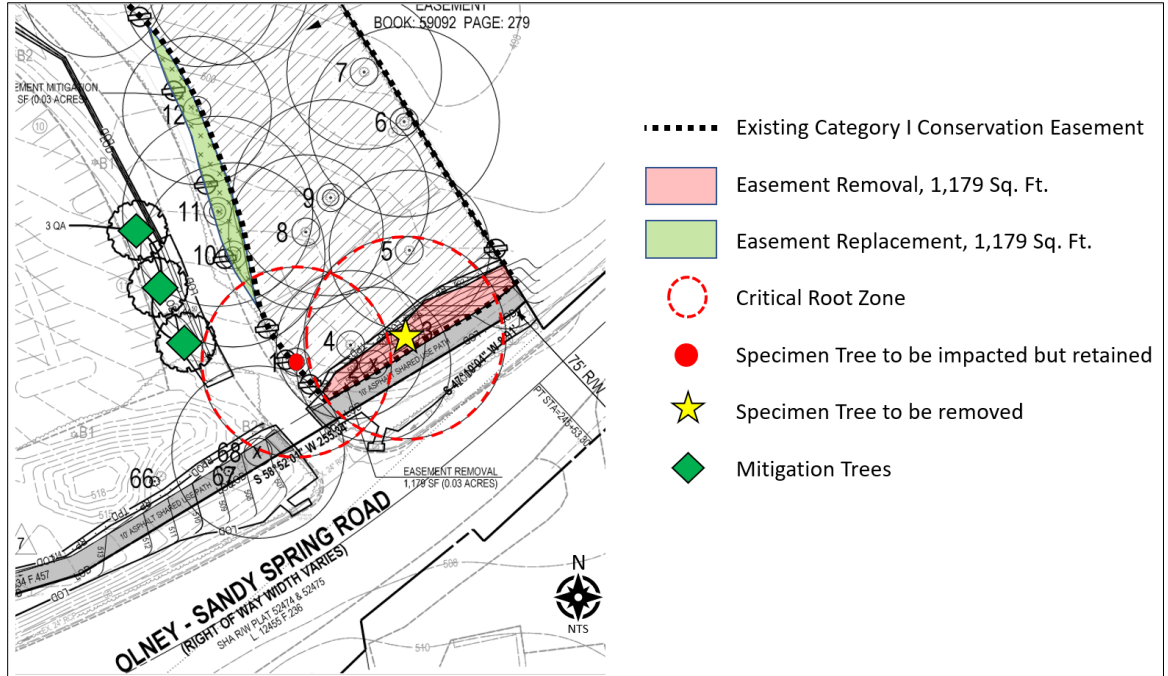


Figure 12: Shared-Use Path – AFFCP and Variance Trees 1 and 3

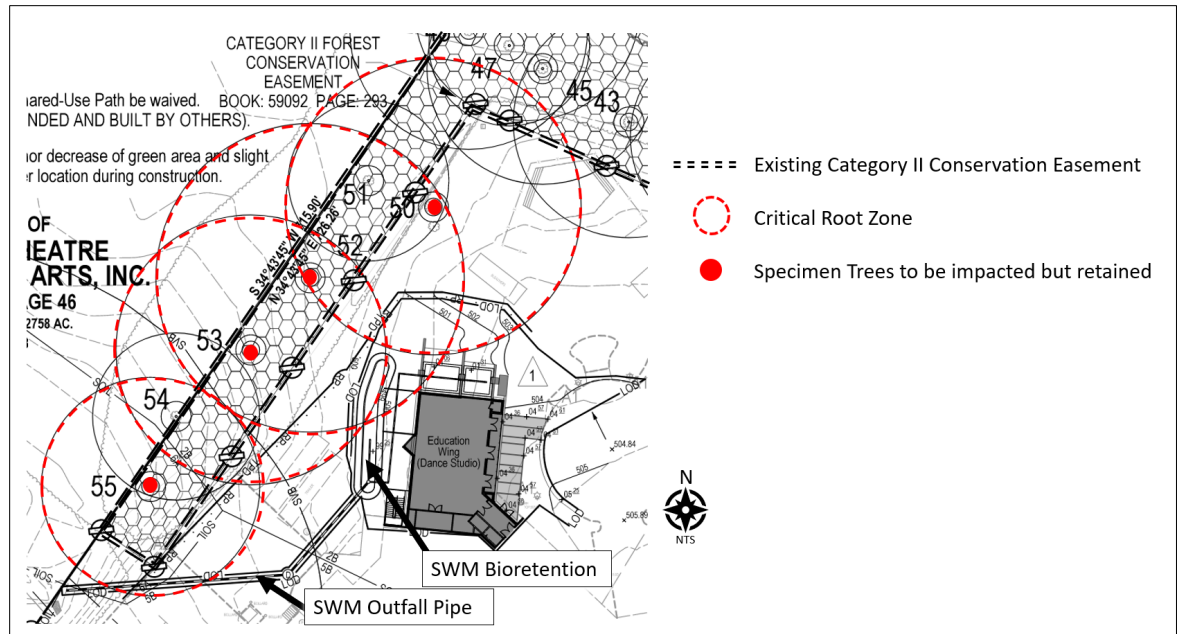


Figure 13: Variance Trees 50, 52, 53 and 55

Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law (“FCL”) provides criteria that identify certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these trees, including removal of the subject tree or disturbance within a tree’s critical root zone (“CRZ”) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater diameter breast height (“DBH”); are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request - The Applicant submitted a request letter dated July 20, 2020 seeking a variance from Section 22A-12(b)(3) of the FCL (Attachment D). The Applicant proposes to remove one (1) tree and impact the CRZ of five (5) trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Table 2).

Tree #	Species	DBH Inches	% CRZ Impacts	Status
1	Tulip Poplar (<i>Liriodendron tulipifera</i>)	32"	18%	To be saved, impacts only
3	Tulip Poplar (<i>Liriodendron tulipifera</i>)	34"	46%	To be removed
50	Tulip Poplar (<i>Liriodendron tulipifera</i>)	46"	8%	To be saved, impacts only

52	Tulip Poplar (<i>Liriodendron tulipifera</i>)	48"	11%	To be saved, impacts only
53	Tulip Poplar (<i>Liriodendron tulipifera</i>)	46"	5%	To be saved, impacts only
55	Black Oak (<i>Quercus velutina</i>)	34"	4%	To be saved, impacts only

Table 2: Specimen Tree Impact or Removal

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. For Protected Trees 1 and 3, the unwarranted hardship is caused by the requirement to address the recommendations in the Olney Master Plan and the Bikeway Master Plan to install a shared use path with grass buffer along MD 108. The installation of this shared use path will impact the CRZ of one Protected Tree and the removal of one Protected Tree. The inability to impact these trees would prevent the construction of this shared use path recommended in both Master Plans. For Trees 50, 52, 53 and 55 the unwarranted hardship is caused by the location of a small addition to the Main Theatre for an Educational Wing along with an associated SWM facility. The 5,273 square foot Educational Wing is located immediately adjacent to and north of the Main Stage of the Theatre complex. The Property is very constrained with the existing theatre complex, existing necessary parking, storm water management structures and forest conservation easements. The Educational Wing has been located in the only open space available on the property to accommodate this expansion. This open area is bordered by an existing Category II Conservation Easement on the north and west sides which contains a number of large diameter Protected Trees. Staff has reviewed the FFCP and has determined that the inability to minimally impact Trees 50, 52, 53 and 55 would prevent the construction of the Educational Wing. Therefore, Staff concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request to impact or remove the trees listed in Table 2.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the AFFCP:

Variance Findings - Staff has made the following determination based on the required findings that granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the removal of the one tree is due to the location of the tree and necessary site design requirement. The Applicant proposes removal of the Tree #3 with mitigation. Therefore, Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements to install the shared use path.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the existing conditions and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen tree being removed are not located within a stream buffer, wetland or special protection area. The Application proposes mitigation for the removal of one specimen tree by planting larger caliper trees on-site. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision - There is one specimen tree proposed for removal in this variance request resulting in a total of 34.0 inches of DBH being removed. The tree being removed is located within an existing forest stand and Category I Conservation Easement on the Subject Property. It has been M-NCPPC policy not to require mitigation for specimen trees removed within forest stands since the removal of the forest stand is compensated for through the Forest Conservation Worksheet. In this case, additional forest is being protected by adding new Category I Conservation Easement to compensate for the loss of the portion of conservation easement in which the specimen tree is located.

County Arborist's Recommendation on the Variance - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection. The request was forwarded to the County Arborist on September 14, 2020. The County Arborist recommended approval on September 25, 2020.

Variance Recommendation - Staff recommends approval of the variance request.

As conditioned, the Amended Final Forest Conservation Plan satisfies all applicable requirements of Chapter 22A of the County Code.

- f. *provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

- i. Parking and circulation

Pedestrian and Vehicular Circulation

The Amendment will continue to provide a safe, adequate and efficient circulation pattern on-site. The revisions proposed by this Amendment do not significantly affect the existing parking and circulation patterns. New crosswalks will be added to the southern parking lot and proposed eastern sidewalk leading to the Theatre Lab, providing safe and efficient pedestrian access.

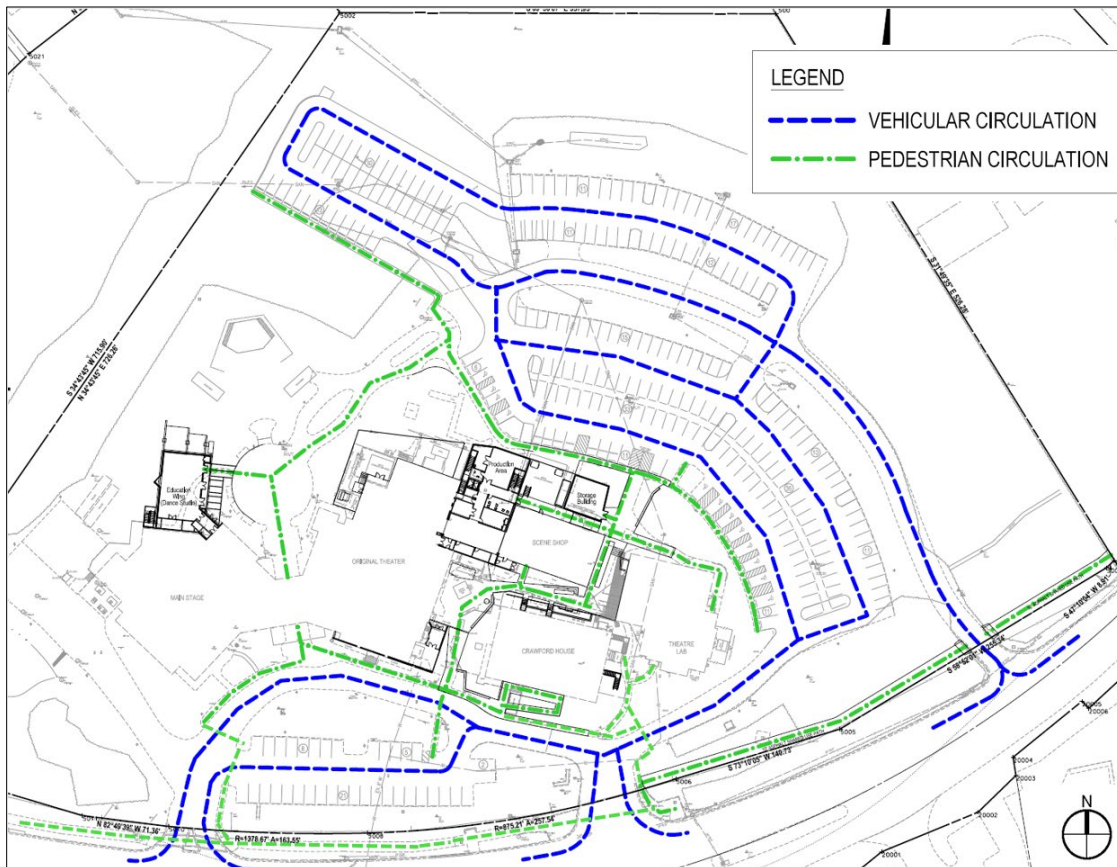


Figure 14: Pedestrian Circulation

ii. Building massing

Location of Buildings and Structures

The location and orientation of the new Education Wing helps frame the existing outdoor patio and incorporates building elements that enhance the pedestrian dominated side of the building. The locations of the buildings and structures, both existing and as amended, remain adequate, safe and efficient.

iii. Open space, and site amenities

Location of Open Spaces, Landscaping and Recreation Facilities

No changes are proposed to the landscaping and lighting with the exception of wall mounted lighting fixtures that will illuminate the sidewalks. The proposed additions are incorporated in the existing site design in a way that is cohesive and attractive.

- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

2005 Olney Master Plan

The Amendment substantially conforms to the recommendations of the 2005 *Olney Master Plan*. Olney Theatre is discussed on page 135 of the 2005 *Olney Master Plan*. The Master Plan recommendation is to “support the Olney Theatre’s existing and future plans for potential future expansion.” The Master Plan only slightly elaborates on this recommendation by stating that “[f]uture additions and improvements to the theater should be consistent with the Plan’s vision of the Olney Theatre as a unique cultural facility that can co-exist in harmony with its neighbors and continue to add richness to Olney’s quality of life.” The Amendment is consistent with the vision of the Master Plan, which will continue adding value to the Olney community. The Amendment retains the existing forest between the parking lot and the adjoining residential subdivision, which continues to provide an adequate visual buffer between the uses. The proposed expansion is modest in size and in harmony with the existing theater complex and the neighborhood.

Master-Planned Roadway and Bikeways

2018 Master Plan of Highways and Transitways

Per the 2018 Master Plan of Highways and Transitways (“MPHT”), Olney Sandy Spring Road (MD 108) is identified as a four-lane Major Highway with a 150 foot right-of-way west of the intersection of MD 108 and Doctor Bird Drive and to the east of the intersection, Olney Sandy Spring Road is identified as a 2 lane arterial with a 80 foot right-of-way. The Applicant previously dedicated the necessary right-of-way recommended by the MPHT, therefore, no additional dedication is necessary to find master plan conformance.

2018 Bicycle Master Plan

The 2018 Bicycle Master Plan recommends a 10-foot-wide, asphalt shared-use sidepath with a 5-foot-wide minimum landscape buffer along the frontage of the Subject Property on MD 108. There’s an existing 8-foot-wide shared use path long the frontage of the Property on Olney-Sandy Spring Road and west of signalized intersection with Doctor Bird Road, which will remain. The section of frontage (~450 feet) between the intersection and the eastern Property line has not been improved. To satisfy the Bicycle Master Plan recommendations, the Applicant is proposing to dedicate additional land to facilitate construction of the remaining path on the elevated bank, providing separation from the road. The Applicant’s alternative alignment appears to eliminate the need for extensive grading, retaining walls and relocation of existing mechanical and structural components. As conditioned, the Applicant will satisfy the 2018 Bicycle Master Plan in three steps. Prior to certification of the Site Plan Amendment, the Applicant will provide 30% design drawing for the alternative path alignment, identifying the amount of land necessary to construct the path including the associated grading and stormwater management. Prior to any grading, land disturbance of construction associated with the second phase of development, the

Applicant will dedicate the additional right-of-way identified on the CSP to MDSHA (by deed or other manner acceptable to MDSHA). Finally, prior to issuance of any Use and Occupancy Certificate for any building included in the second phase of development, the Applicant will construct the 10-foot-wide shared use path and associated improvements as shown on the CSP.

There's an active Capital Improvements Project which is currently funded for 30% design. Based on the most recent plans (unapproved), the path would be constructed within the existing right-of-way for MD-108, parallel to the existing road. Due to existing site conditions (in the existing right-of-way), construction of the path will require extensive grading, installation of 6-8 foot tall retaining walls, relocation of existing utilities controls, and potentially relocation of a signal support arm.

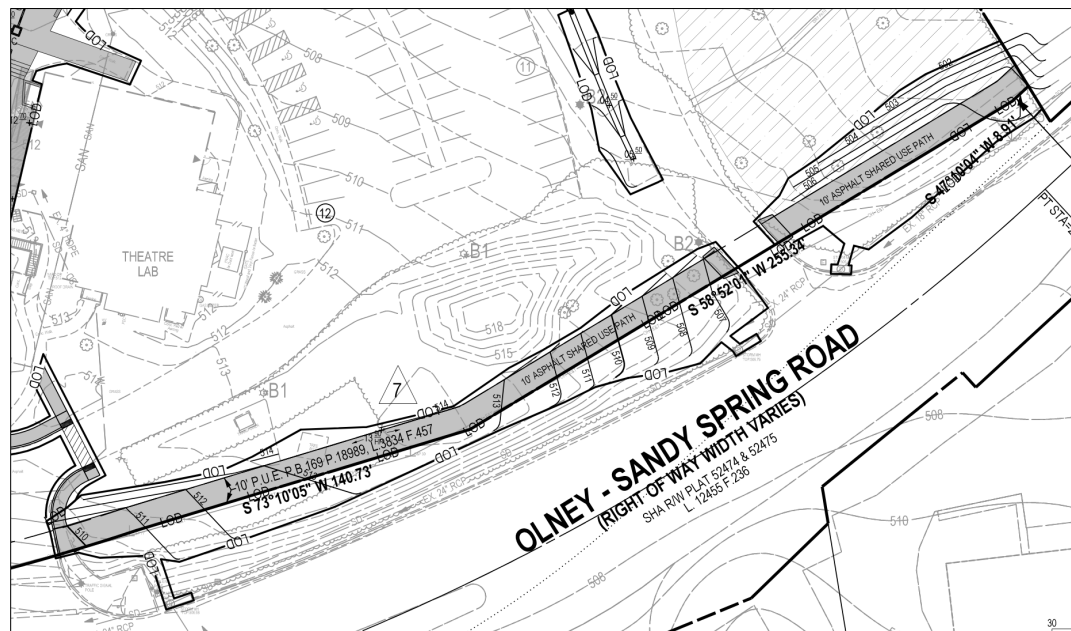


Figure 15: Applicant's alternative shared-use path alignment and dedication area

As conditioned, the Applicant will construct the shared use path within this area, deemed the most suitable location for this path, as it has minimal grading and utility infrastructure. A revision to the existing public utility easement (PUE) will be completed by the Applicant to accommodate a standard 10-foot-wide PUE beyond the right-of-way line.

Thus, with the proposed improvements described in this section, the proposed development is consistent with the 2005 Olney Master Plan, 2018 Master Plan of Highways and Transitways, the 2018 Bicycle Master Plan.

- h. *will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed*

development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;

Local Area Transportation Review

A traffic study is not required to satisfy the Local Area Transportation Review test because the Amendment generates fewer than 50 person trips in the peak hour, which occurs within the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods.

No additional trips are anticipated to be generated by the Amendment, as stated in the Applicant's Traffic Exemption Statement, dated May 22, 2020 (Attachment E). The Application does not include an increase in occupancy load (seating) of the Theatre. The proposed Education Wing includes classrooms, but classes are not formatted the same way as a private school. The majority of the improvements are minor expansions of existing uses, back of house space and associated aesthetic improvements, that will not generate any new AM or PM peak hour trips.

The Amendment has been reviewed by the Montgomery County Department of Permitting Services Fire Department Access and Water Supply Section who determined that the Property, with the improvements proposed by then Amendment has adequate access for fire and rescue vehicles by transmittal dated November 20, 2020 (Attachment F).

The Amendment has been reviewed by the Montgomery County Department of Permitting Services, Right-of-Way Plan Review Section who recommended approval of the Amendment, with conditions by transmittal dated January 5, 2021 (Attachment G).

- i. *on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The proposed additions and renovations are compatible with the existing building on the Subject Property. The architecture is simple and modern, taking cues from the existing buildings and recently renovated Theatre Lab. The three buildings being constructed/modified are 40-45 feet tall, below the maximum 50-foot height limit in the Development Plan and the existing buildings on-site. The new additions tie into the existing structures in a contextual manner that retains the existing pedestrian and vehicular flow and function of the facility.

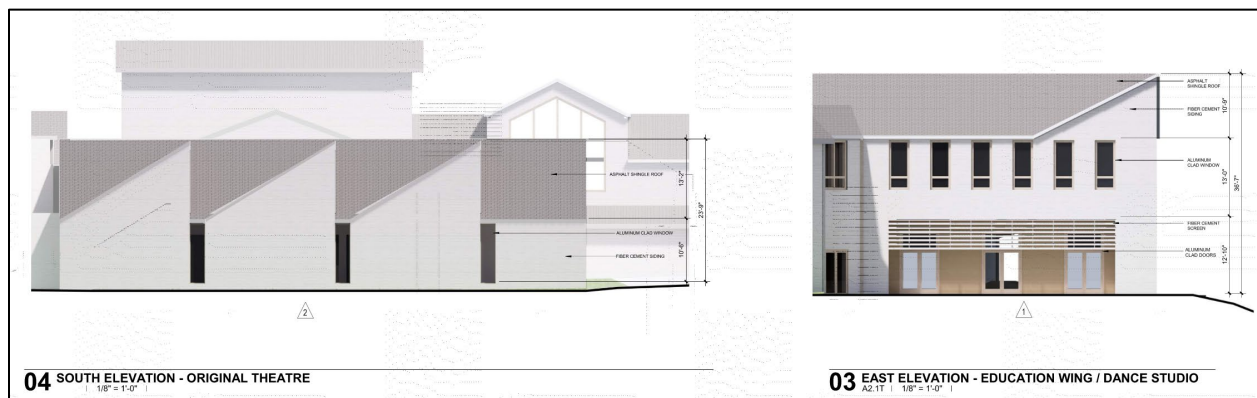


Figure 16: Proposed Architectural Elevations



Figure 17: Elevation

SECTION 5 – CITIZEN CORRESPONDENCE

The Applicant has met all proper signage and noticing requirements for the Site Plan Amendment. An application sign was posted on Property's frontage and application notices were mailed on September 14, 2020. As of the date of this report, Staff has not received any correspondence regarding this application.

SECTION 6 – CONCLUSION

The Site Plan Amendment meets all development standards and findings established in the Zoning Ordinance, adequate public facilities exist to support the development and the development substantially conforms with the applicable recommendations in the relevant Master Plans. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, Staff recommends approval of this Application, with the conditions as enumerated in this Staff Report.

Attachments:

- A. Local Map Amendment No. G-630 – Resolution and Development Plan
- B. Site Plan No. 820010220 Planning Board Opinion – 7/3/2001
- C. MCDPS, Water Resources Section Letter
- D. Tree Variance Request Letter
- E. Traffic Exemption Statement
- F. MCDPS, Fire Department Access and Water Supply Section
- G. MCDPS, Right-of-Way Plan Review Section
- H. MDSA - Dedication

Resolution No.: 11-1608
Introduced: September 12, 1989
Adopted: September 12, 1989

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY

By: County Council

Subject: APPLICATION NO. G-630 FOR AMENDMENT TO THE ZONING ORDINANCE MAP, Linowes and Blocher, Attorneys for the University Players and the Hallowell Corporation, Applicants, OPINION AND RESOLUTION ON APPLICATION
Tax Account Nos. 08/00720981, 08/00701395

OPINION

Application No. G-630 requests the reclassification from the RE-2 Zone and the RE-2/TDR-2 Zone to the Planned Cultural Center (PCC) Zone, of 14.95 acres, plus or minus, of land known as Part of Parcel 791 and Part of Parcel 301, located at the intersection of Maryland Route 108, Olney-Sandy Spring Road, and Doctor Bird Road, approximately 1,000 feet southeast of the intersection of Maryland Route 108 and Old Baltimore Road, Olney, in the 8th Election District.

The Hearing Examiner has recommended that the requested reclassification be granted and that the Development Plan be approved for the following reasons.

The requested reclassification and the Development Plan comply with the purpose clause of the PCC Zone, as provided in Section 59-C-7.60 of the Zoning Ordinance. The requested reclassification and Development Plan would satisfy the compatibility requirement of the PCC Zone, as provided in Section 59-C-7.60. The requested reclassification and the Development Plan satisfy the specific standards and requirements of the PCC Zone, as provided in Sections 59-C-7.6 through 7.63. The requested reclassification and Development Plan are in accordance with the Approved and Adopted Olney Master Plan. The Development Plan contains the contents required pursuant to Division 59-D-1.3 of the Zoning Ordinance. The proposed internal vehicular and pedestrian circulation systems and points of external access

are safe, adequate and efficient pursuant to Section 59-D-1.6(c). The supplemental uses reflected in the Development Plan are appropriate with the specific cultural uses proposed for the subject property, pursuant to Section 59-C-7.62. The granting of the requested reclassification to the PCC Zone and approval of the Development Plan would be in the public interest.

The District Council agrees with the findings, conclusions and recommendations of the Hearing Examiner.

The subject property is irregularly shaped and has approximately 1,400 feet of frontage along MD 108. 12.37 acres, zoned RE-2, is owned by the University Players and is the site of the Olney Theater. The remaining 2.3 acres of the site, zoned RE-2/TDR-2, is owned by the Hallowell Corporation. No other local map amendments have ever been filed for the reclassification of the subject property.

In order to determine whether this application satisfies the purpose clause and compatibility requirement of the PCC Zone, as well as the other findings and conclusions required pursuant to the provisions of the zone, the Surrounding Area deemed to be the appropriate designation of the analysis area is described in the following manner: the land fronting on both sides of MD 108 between Old Baltimore Road on the west, and Marden Lane on the east as well as the land fronting on Doctor Bird Road extending approximately 1,500 feet southeast of MD 108. The area is semi-rural in character and reflects low-intensity development. The Hallowell Lake RE-2/TDR-2 Subdivision, composed of 430 dwelling units containing single-family detached and attached residences, is under construction to the immediate west of the subject property. Lake Hallowell, comprised of 16 acres, will provide stormwater management for the central section of Olney. Fourteen 2-acre lots in the Olney Estates Subdivision front on Dominion Drive to the east of the site. The Olney Ale House, in the C-1 Zone, is located in the eastern quadrant of the Route 108/Doctor Bird Road intersection.

The Development Plan provides for the retention of all existing uses on the subject property. The proposed location of new buildings, in combination with existing structures, will define an open green area and a circumferential access drive will encircle the buildings surrounding this central area. Four access points will lead into the site from 108. The new buildings proposed are a 452-seat theater, a new residence for actors and apprentices with 19 apartment units, a new set construction building and a restaurant, pub and inn in one structure. The inn will contain 30 rooms, the restaurant will have 125 seats and the pub will have 60 seats. The Development Plan additionally reflects alternative site locations for the future theater, the set construction building and the future apprentice housing. Additionally, the Development Plan indicates the potential site for the relocation of the Grange Hall.

The requested reclassification and Development Plan satisfy the PCC Zone development standards since the site is 14.95 acres in size, well above the 5-acre minimum required in this zone. The subject property has direct access onto 108, a roadway master planned for a 120-foot right-of-way, satisfying the access requirement of the PCC Zone. The Development Plan provides for a 200-foot setback from any existing or proposed residential building, satisfying the setback requirement of the PCC Zone. The Development Plan indicates that 47.8% of the property will be green area, satisfying the 30 percent requirement. Additionally, the building coverage will be 7.3% of the site compared to the 40% maximum building coverage allowed. The Development Plan additionally satisfies the height and parking requirements of the PCC Zone. The proposed 397 parking spaces includes sufficient parking to accommodate patrons when both theaters offer presentations at the same time.

The Phasing Plan element of the Development Plan contains 5 stages and indicates that the anticipated dates of commencement are the earliest, anticipated, probable dates. The phasing of the proposed development is dictated by two events

that are unrelated to the theater project itself. The first is the completion of the Hallowell community in 1990 and the monumental entrance road off of 108 that will provide access into the subdivision and will additionally be connected into the circumferential access road. The second event is the reconstruction of 108 as a dual lane highway by SHA beginning in 1991. Curving of 108 to allow for the continued existence of the Olney Ale House has pushed the reconstruction of the roadway near the existing theater and actors' residence and as a consequence the SHA and the Applicants will develop replacement parking prior to the beginning of the road reconstruction project.

The requested reclassification and Development Plan satisfy the PCC purpose clause due to the fact that this proposal will develop a cultural arts area with supporting uses. The Olney Theater will be expanded and existing facilities supplemented in a manner that assists in the development of a cultural center rather than just a theater. The requested PCC reclassification provides for a development plan with established unified relationships and setbacks as opposed to a variety of zones that would be necessary to achieve the same uses requested under the PCC Zone. The Development Plan will allow the Olney Theater to present plays containing more characters, provides more efficient set construction, permits better lighting of the site, allows year-round presentation of plays and provides for better space for the making of costumes.

The provision of a community building such as the relocated Grange Hall will also satisfy the intent of the PCC Zone for the provision of public use space. The proposed supplemental uses are compatible with the cultural uses proposed on the site and will not adversely affect surrounding uses because of traffic or other factors. The supplemental uses proposed in the Development Plan will enhance the expansion and development of the Olney Theater.

The nearest residence from the site in the Lake Hallowell development will be approximately 100 feet away from the northwest property line of the site. The

setbacks of the proposed development for 108, the existing residence to the northeast and from the proposed residences in the Lake Hallowell subdivision, when combined with the height restrictions and amount of green space, provide for the compatibility of the proposed development with surrounding land uses.

The subject property is identified in the Olney Master Plan as being part of a low-density buffer area. The requested reclassification is in conformance with the Master Plan's recommendation for the continuation of the Olney Theater.

The subject property is currently served by septic system and is located in Sewer Service Area S-6. The Applicants will seek a change in sewer service category. The subject property is located in Water Service W-1. The "staggered starting times" for the two theaters as indicated in the Development Plan relates to traffic impact and the constraints imposed by the road network. The number of parking spaces proposed is sufficient to handle the parking needs of all of the patrons of the two theaters. The greatest amount of traffic associated with the Theater occurs between 7:00 and 8:00 p.m., after the traditional evening peak rush hour. Calculations of the Resulting Level of Service take into consideration existing traffic conditions, background traffic conditions, including the Hallowell subdivision and 108 expansion, and the proposed development reflected in the Development Plan. The requested reclassification and proposed development will have no significant impact on intersection operations in the vicinity of the subject property. There is adequate capacity at nearby intersections and available staging ceiling capacity to accommodate the proposed development.

The Olney Theater is presently a nonconforming use in a wooden structure. The granting of this application would assure that should any damage to the structure occur, its replacement, improvement and redesign could be accomplished without difficulty. The existing structure, upon approval of this application, could be altered and expanded to include a lobby and other needed features without being inhibited by the restrictions against improvements of nonconforming uses.

The public interest is served by changing the legal status of the theater and providing for its immediate improvement as well as future development.

The Development Plan additionally provides for the potential relocation of the Grange Hall to the subject property. The preservation of this historic structure and its use for public activities satisfies the basic elements that comprise the public interest.


For these reasons and because the granting of this application will aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, this application will be granted.

ACTION

The County Council for Montgomery County, Maryland, sitting as a District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, approves the following resolution.

Application No. G-630, for the reclassification from the RE-2 Zone and the RE-2/TDR-2 Zone to the Planned Cultural Center Zone of 14.95 acres, plus or minus, of land known as Part of Parcel 791 and Part of Parcel 301, located at the intersection of Maryland Route 108, Olney-Sandy Spring Road, and Doctor Bird Road, approximately 1,000 feet southeast of the intersection of Maryland Route 108 and Old Baltimore Road, Olney, in the 8th Election District, is hereby GRANTED for the Planned Cultural Center Zone in the amount requested and the Development Plan (Exhibit No. 36) is hereby APPROVED.

This is a correct copy of Council action.


Kathleen A. Freedman, CMC
Secretary of the Council

- The following uses are allowed within designated buildings or other specified locations on the site:

Building/Site	Uses
A. Existing Actors' Residence	Residence hall, business office, and/or community functions
B. Theatres	Theatre activities
C. Proposed Actors' Residence	Lodging facilities for up to 19 actors or apprentice workers
D. Community Building	Community functions and other similar accessory uses
E. Grounds and Open Space, including Central Courtyard	Special community events, fairs
F. Restaurant/pub	Eating and drinking establishment
G. Inn	Maximum of 30 rooms/suites
H. Existing single-family home	Actors' residences, future business office
I. Set Construction Building	Construction of sets, props and costumes

- The final location of all proposed buildings and parking facilities to be determined at site plan approval. Possible alternate locations of the future actors' residence, the proposed theatre and proposed set construction building are shown on the Development Plan.
- All buildings will be 50 feet or less in height, except for the theatre and set construction building which may be 75 feet in height.
- The two theatres will have staggered start times for performances. Parking for both theatres will be in accordance with all of the requirements of Division 59-E of the Montgomery County Zoning Ordinance.
- No cutting of healthy trees and no clearing and grading of the site prior to site plan approval.
- This development plan recognizes the potential opportunity to relocate the Grange Hall currently sited at the Saint Luke's Episcopal church property in Ashton, to the Olney Theatre Cultural Center location identified on this plan, provided the relocation project is physically possible and sufficient funding is available.

Phase	Use/Activity	Anticipated* Date of Commencement
I	Lake Hollowell entrance**	1990
II	Relocation Parking within Olney Theatre property	1990-1991
III	Inn/Restaurant & related parking	1991
IV	State Highway Administration realignment of MD 108	1991
V	Future Theatre, Apprentice Housing, & Set Construction Building	Pending available funding

* Phasing dates indicates earliest, anticipated, probable construction commencement dates; slippage may occur due to unavailability of funding and other factors beyond the applicants control.

** Lake Hollowell entrance not part of subject property. Entrance to be developed pursuant to Lake Hollowell Subdivision.

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

CERTIFICATION

This is a true copy of the Development Plan (Exhibit No. 36) approved by the District Council on September 12, 1989, in Application No. G-630.

Markus J. Jank
Hearing Examiner

Dated: September 25, 1989

PARKING TABULATION

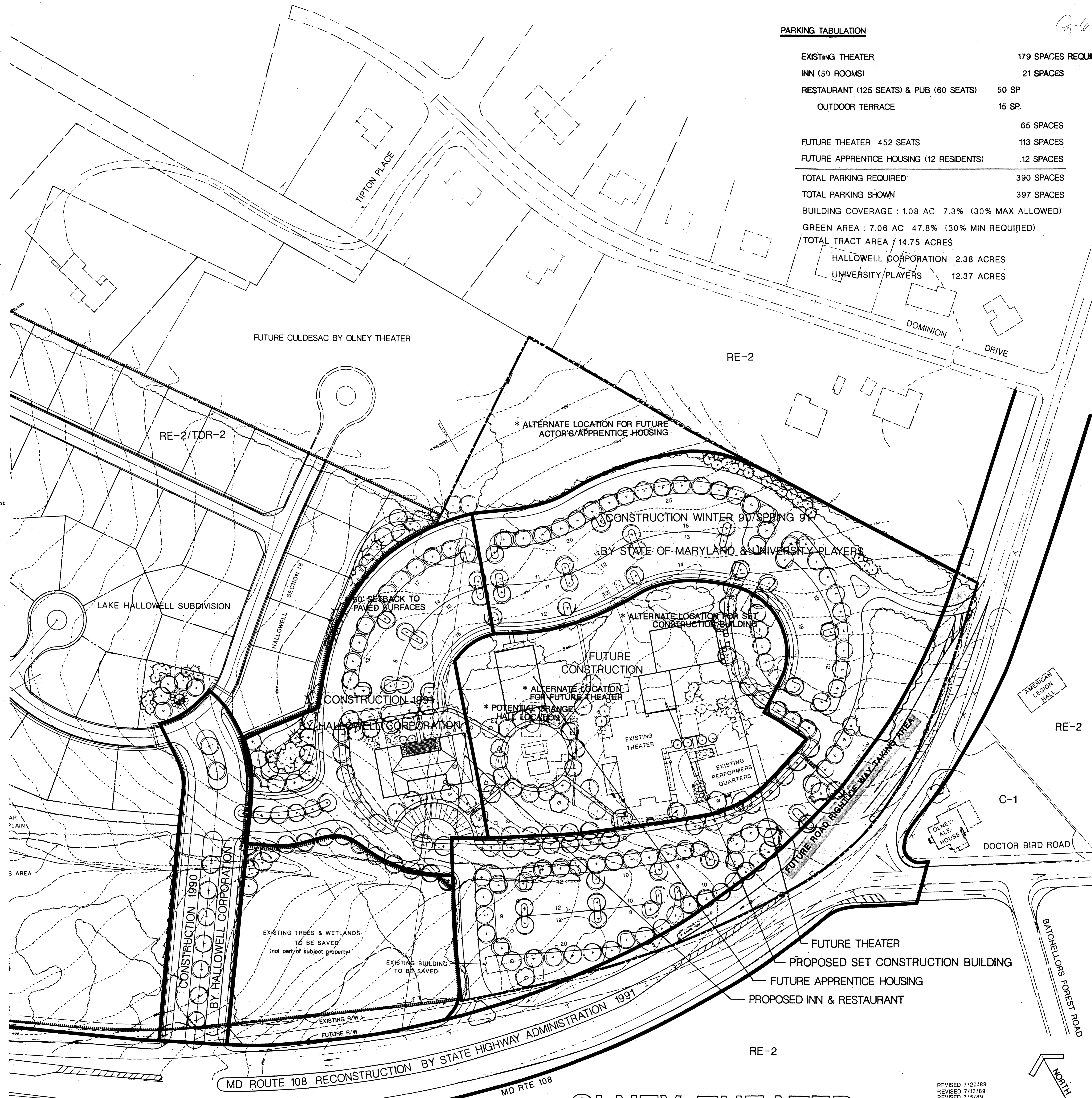
EXISTING THEATER	179 SPACES REQUIRED
INN (30 ROOMS)	21 SPACES
RESTAURANT (125 SEATS) & PUB (60 SEATS)	50 SP
OUTDOOR TERRACE	15 SP.

	65 SPACES
FUTURE THEATER 452 SEATS	113 SPACES
FUTURE APPRENTICE HOUSING (12 RESIDENTS)	12 SPACES

TOTAL PARKING REQUIRED	390 SPACES
TOTAL PARKING SHOWN	397 SPACES

BUILDING COVERAGE : 1.08 AC 7.3% (30% MAX ALLOWED)
GREEN AREA : 7.06 AC 47.8% (30% MIN REQUIRED)
TOTAL TRACT AREA / 14.75 ACRES

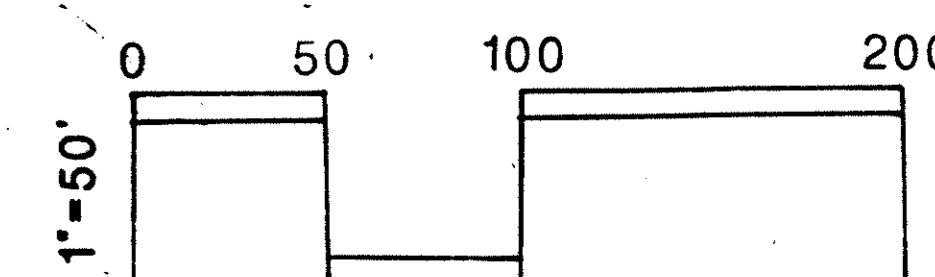
HALLOWELL CORPORATION	2.38 ACRES
UNIVERSITY PLAYERS	12.37 ACRES



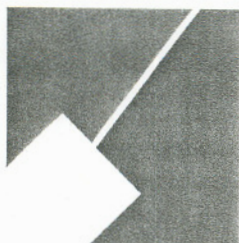
OLNEY THEATER

DEVELOPMENT & PHASING PLAN

REVISED 7/20/89
REVISED 7/13/89
REVISED 7/15/89



M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

REVISED OPINION

DATE MAILED: July 3, 2001

SITE PLAN REVIEW #: 8-01022

PROJECT NAME: Olney Theater-Center for the Arts

Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Holmes, with a vote of 5-0, Commissioners Bryant, Perdue, Hussmann, Holmes and Wellington voting for.

The date of this written opinion is July 3, 2001, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before August 3, 2001 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this Site Plan shall remain valid for as long as the Preliminary Plan #1-90012, as amended, is valid, as provided in Section 59-D-3.8.

On May 31, 2001 Site Plan Review #8-01022 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with the approved development plan;*
2. *The Site Plan meets all of the requirements of the PCC zone;*
3. *The location of the buildings and structures, the open spaces, the landscaping, and the pedestrians and vehicular circulation systems are adequate, safe, and efficient;*
4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development;*
5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation;*

Therefore, the Montgomery County Planning Board APPROVES Site Plan #8-01022, which consists of 30,250 gsf theater, classroom, lobby, offices; 5460 gsf recital hall, lobby; 3000 gsf scene shop expansion; to be added to 27,180 gsf existing arts center including existing theater, studio, offices, classrooms, performers' quarters, scene shop and gate house, on 10.6 acres, subject to the following conditions:

1. Standard Conditions dated October 10, 1995:
 - A. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Streets tree planting must progress as street construction is completed, but no later than six months after completion of phase one construction
 - 2) Community-wide pedestrian pathways must be completed in phase one
 - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
 - 6) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
 - 7) Each subsequent phase of development shall be brought back by the applicant to the Planning Board for their approval as an amendment of this Site Plan.
 - B. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 1. Limits of disturbance.
 2. Methods and locations of tree protection.
 3. Forest Conservation areas.
 4. Relocation of stormwater facility outfalls from pond away from forest preservation or other environmentally sensitive areas.
 5. Conditions of DPS Stormwater Management Concept approval letter
 6. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 7. The development program inspection schedule.
 8. Conservation easement boundary.
 9. Streets trees along public street.
 10. Location of outfalls away from tree preservation areas.
 - C. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
 - D. No clearing or grading prior to M-NCPPC approval of signature set of plans.
2. Concurrent performances may be conducted in both theaters only if the Preliminary Plan condition prohibiting them is removed by Amendment of the Preliminary Plan
3. Conditions of the memo from Transportation Planning staff dated May 23, 2001, except to the degree that they may be modified by the pending Preliminary Plan Amendment
4. Site Plan Enforcement Agreement to include description of phasing in Development Program; Later phases shall provide additional Landscape/lighting detail and shall be resubmitted for staff approval as phased signature sets prior to building permit release
5. Applicant shall construct up to its west property line the ring road and pedestrian connections needed to connect to the adjacent property to the west at the time of construction of the final phase of the Applicant's project, or when either the Applicant or the adjacent property owner requires such a connection. These future connections will be shown on the Signature Set of plans.

6. At any time the studio is used for performance, only one other theater facility may be operated concurrently, except that this condition may be modified by the pending Preliminary Plan Amendment.



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

December 2, 2020
Revised December 3, 2020

Ms. Elvina Tryer, P.E.
Soltesz, Inc.
2 Research Place, Suite 100
Rockville, MD 20850

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
Olney Theatre
Preliminary Plan #: 1-90012 Site: ~~82001022B~~
82001022C
SM File #: 286089
Tract Size/Zone: 10.59 Ac
Total Concept Area: 0.88Ac
Lots/Block: N/A
Parcel(s): 775
Watershed: Hawlings River

Dear Ms. Tryer:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via Microbioretention and Bioswale (Environmental Site Design).

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingervices

Ms. Elvina Tryver, P.E.
December 2, 2020
Page 2 of 2

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Andrew Kohler at 240-777-6275.

Sincerely,

Mark Etheridge

Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: CN 286089

cc: N. Braunstein
SM File # 286069

ESD: Required/Provided 4281 cf / 4286 cf
PE: Target/Achieved: 1.8"/1.8"
STRUCTURAL: N/A cf
WAIVED: N/A ac.



STRATEGIES FOR TODAY. INSIGHT FOR TOMORROW.

July 20th, 2020

Douglas Johnson
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Olney Theatre Center Site Plan Amendment 82001022C
Forest Conservation Plan Amendment – Request for Tree Variance
SOLTESZ Project #3886-00-00

Dear Mr. Johnson,

On behalf of the Applicant, Olney Theatre Center, we are requesting tree variances pursuant to the provisions of Section 22A-21 of the Montgomery County Code for removal or significant impacts to specimen trees. The Applicant is proposing building additions, campus improvement site work and improvement to accommodate the requirement of a shared-use path on the subject property located at 2001 Olney-Sandy Spring Rd, Olney, Maryland.

I. APPLICANT'S PROPOSAL

The Applicant's proposed changes to the approved Forest Conservation Plan are for the construction of a Dance Studio, expansion of the Original Theater, Production Building, and renovation of the courtyard. As recommended by the Olney Master Plan and Bikeway Master Plan a shared-use path with a grass buffer along Olney-Sandy Spring Rd. is to be provided on the north side, from Dr. Bird Rd. extending to the property line toward New Hampshire Ave. Construction of this shared-use path impacts the existing Cat I easement, resulting in partial abandonment of the easement. This impact is being mitigated within the same area, filling the gap between the easement and the entrance driveway. Construction of this shared-use path impacts the CRZ of several specimen trees and consequently removal of one specimen tree.

On the west side of the property specimen trees and their Critical Root Zone (CRZ) are also being impacted by the site improvement work, proposed due to upgrading the stormwater. These minimal CRZ impacts due to stormwater upgrade do not jeopardize the survival of these trees within Cat II easement.

This proposal includes removal and CRZ impact of trees, subject to the variance provision of the Forest Conservation Law.

II. EXPLANATION FOR NEED TO REMOVE THE TREES THAT IS IDENTIFIED IN STATE LAW FOR PROTECTION

In 2002, a Forest Conservation Plan was approved as part of Site Plan #820010220. In May 2020, Forest Conservation Plan #82001022B and variance request were submitted.

As part of this amendment (#82001022C), the removal and CRZ impacts of trees 30" DBH or greater (specimen trees) is being requested to allow the installation of this shared-use path and other site improvement as

described above. The specimen trees which will be impacted by the proposed improvements and the subject of this variance request are shown on the Amended Forest Conservation Plan.

For reasons described in Sections III and IV below, the Applicant respectfully requests the approval for removal of the variance trees listed, in order to meet the requirement of the Olney Master Plan and Bikeway Master Plan as well as providing the required amenities and site improvements necessary.

III. GENERAL DESCRIPTION AND JUSTIFICATION FOR TREES FOR WHICH A VARIANCE IS REQUESTED

This Forest Conservation Plan variance request are for one (1) on-site specimen trees to be removed, being impacted by shared-use path construction activities. The specimen tree proposed for removal and its CRZ is being impacted in a way that significantly jeopardizes specimen tree's survival.

Critical Root Zone (CRZ) impacts

There are Six (6) trees impacted by the limit of disturbance within the limits of the property, from which one (1) is requested to be removed and other five (5) have critical root zone impacts. These trees show potential impact to their Critical Root Zone, ranging from 1% to 18%. The impacts associated with these trees are the result of the grading and development on the property. Tree protection measures will be adopted to protect them from being damaged during and after construction.

Specimen Tree Impact or Removal								
Tree #	Common Name	Latin Name	DBH	CRZ	CRZ Impact	% CRZ Impact	Condition	Save/Remove
1	Tulip Tree	<i>Liriodendron tulipifera</i>	32	7235	1311	18%	Good	Save
3	Tulip Tree	<i>Liriodendron tulipifera</i>	34	8167	3745	46%	Good	Remove
50	Tulip Tree	<i>Liriodendron tulipifera</i>	46	14950	1149	8%	Fair	Save
52	Tulip Tree	<i>Liriodendron tulipifera</i>	48	16278	1800	11%	Fair	Save
53	Tulip Tree	<i>Liriodendron tulipifera</i>	46	14950	680	5%	Good	Save
55	Black Oak	<i>Quercus Velutina</i>	34	8167	316	4%	Good	Save

Trees for Removal

The tree removal includes one (1) variance trees to be removed. Tree subject to this variance request is **Tree #3** (34" Tulip Poplar) in Good condition, requested to be removed due to construction activity and the grading associated with the shared-use path.

IV. SATISFACTION OF THE CRITERIA LISTED IN SECTION 22A-21(b) OF THE MONTGOMERY COUNTY CODE

Section 22A-21(b) lists the criteria for granting of the variance requested herein. The following narrative explains how the requested variance is justified under the set of circumstances described above. This Forest Conservation Plan variance request are for one (1) specimen trees to be removed.

“(1) describe the special conditions peculiar to the property which caused the unwarranted hardship.”

As part of the requirement of the Olney Master Plan and Bikeway Master Plan, a shared-use path is proposed to be accommodated along the right of way. This development and its associated grading will require partial abandonment of Cat I easement, removal of one specimen tree and impacts to CRZ of a few specimen trees. The proposed 10' wide shared-use path with a grass buffer is located on the north side of Sandy-Spring Rd. from Bird Dr. extending east to the property line.

Additionally, the CRZ impacts due to site improvement for satisfaction of the SWM requirements are necessary.

“(2) Describe how enforcement of these rules will deprive the owner of rights commonly enjoyed by others in similar areas.”

Without the allowance of variance tree removals, the intent of this project which is to meet Olney Master Plan and the Bikeway Master Plan requirement, could not be fulfilled.

Denial of this request would deprive this development of rights commonly enjoyed by others with similar properties where tree variances have been granted for the purposes and intent provided above.

“(3) Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance.”

Changes to the local drainage area and Forest conservation easements are reduced to the maximum extent possible and all run-off is treated. The forest conservation easements on all three sides of the property provide long term water quality enhancement and environmental protection. As a result of this amendment new ESD facilities are proposed to further enhance water quality. The proposed stormwater management design will meet current State and Local stormwater management standards. The state water quality standards will not be violated. A measurable degradation in water quality will not occur as a result of the granting of the variance.

“(4) Provide any other information appropriate to support the request.”

The Applicant believes the information set forth above is adequate to justify the requested variance to remove the specimen trees on the subject property. Furthermore, the Applicant's request for a variance complies with the “minimum criteria” of Section 22A-21(d) for the following reasons:

1. This Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant.
2. The configuration of the existing facilities and the need for the proposed facilities drive the proposed configuration of the site elements. The location of the subject trees to be removed is not the result of actions by the Applicant, but rather is a pre-existing condition of the property whereby these trees cannot be sufficiently protected and preserved, thus necessitating the tree's removal.

3. The requested variance is not related in any way to a condition on an adjacent, neighboring property, and
4. Removal of the impacted trees will not violate State water quality standards or cause measurable degradation in water quality in fact the design intent is to enhance the water quality by Stormwater management practices proposed on site.

For these reasons listed above, we believe it is appropriate to grant this request for a variance. Should you have any questions or require additional information, please do not hesitate to contact us.

Respectfully submitted,

Soltesz, Inc.
Zoha Niazi
Landscape Architect

cc:
Daniel Park (Soltesz)



TECHNICAL MEMORANDUM

To: Chris Van Alstyne
Montgomery County Planning Department

From: David B. Samba P.E., PTOE
Kimley-Horn and Associates, Inc.

Date: May 22, 2020

Subject: Olney Theatre Center Master Plan Amendment No. 82001022C
Traffic Exemption Statement

Introduction

This memorandum serves as a traffic exemption statement for the Master Plan Amendment for the Olney Theatre Center in Olney, Maryland. A traffic exemption statement is appropriate because the proposed action does not result in the generation of an additional 50-person trips to the site. This statement has been written per the requirements of the Montgomery County Local Area Transportation Review Guidelines (2017).

EXEMPTION STATEMENT

Development project location—planning area and policy area;

The site is located at 2001 Olney Sandy Spring Road (the “Property”), approximately one mile east of the intersection of Olney Sandy Spring Road and Georgia Avenue at the town center of Olney.

Planning Area: 3

Policy Area: Olney

Proposed nonresidential square footage;

The Applicant is requesting approval of the following modifications to the Olney Theatre Property contained within the Olney Mater Plan:

An addition of an education wing and classrooms to the main stage (by 5,273 SF), and addition of a production area (by 9,197 SF), and addition of office space within the original theatre (by 2,427 SF) and an expansion of the original theatre lobby by 725 SF. It is anticipated that these improvements will result in a capacity for 37 active day-to-day employees, but otherwise will not result in significant changes to the amount of vehicular traffic generated by the site.

Proposed number of dwelling units (single-family or multifamily);

N/A, None

Proposed land uses (as defined by the Department of Permitting Services);

Planned Cultural Center (PCC)

Estimated number of new and total peak-hour person trips generated by the proposed land uses

Number of New peak hour person trips

New people = 0

Modifications to the original theatre will result in less seats (a reduction from approximately 470 seats to approximately 350 seats).

The addition of a education wing and classroom space is oriented to concentrate them into one area with more flexible times as opposed to classes dispersed in a variety of spaces. This expansion does not correspond to any specific increase in enrollment.

The addition of office space will result in the capacity to accommodate additional employees; however, Olney Theatre has gradually increased the number of employees over time and will continue to do so as funding permits; the expansion is not tied to any specific plans to bring on new employees in the near or mid-term.

Current Site operations

Existing people = Approximately 150 people during the theatre performance hours (Wed-Sat evenings – 7:45PM to 10:45 PM; Sat-Sun 1:45PM to 4:45 PM)

Total people = Approximately 150 trips outside the commuter peak hours

As a result, no additional peak hour person trips will be generated by the proposed action. The expansion is not oriented to support any additional seating nor are their any immediate plans for additional employment.

As a worst-case example, the entire expansion square footage (17,622 SF) could be treated as an expansion in recreational community center space (the most applicable Institute of Transportation Engineers ITE land use code – 495). A 17,622 SF expansion of this land use would be estimated to result in 41 person-trips during the peak commuter hour (when converted to the Olney Policy area). $[17.622 * 1.76 \text{ vehicle trips per square feet} / .763 = 40.6 \text{ person-trips}]$

Rationale for exemption.

The proposed action does not result in any additional person trips (during the peak hours and generally) and thus does not exceed the 50-person threshold for a traffic impact study.

From: [LaBaw, Marie](#)
To: [Erika Ortega-Afay](#)
Cc: [Daniel Park](#); [Dan Pino](#)
Subject: Re: Olney Theatre Amendment C- Follow up meeting
Date: Friday, November 20, 2020 5:33:33 PM

The documentation is approvable, but I can't read the PE number in Dan's seal on the analysis letter (he can add a professional certification to clear that up or re-seal with a clean stamp) and there is no signature, scanned or digital, on with his seal on the plan sheet.

S Marie LaBaw PhD, PE
Fire Department Access and Water Supply
Department of Permitting Services
2425 Reddie Drive, 7th Floor
Wheaton, Maryland 20902
(240) 773-8917 Office
Marie.LaBaw@montgomerycountymd.gov

From: Erika Ortega-Afay <EOrtega-Afay@solteszco.com>
Sent: Monday, November 2, 2020 9:45 AM
To: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>
Cc: Daniel Park <DPark@solteszco.com>; Dan Pino <DPino@solteszco.com>
Subject: RE: Olney Theatre Amendment C- Follow up meeting

[EXTERNAL EMAIL]

Good morning Marie,

We have downloaded comments from eplans and wanted to confirm with you that the letter we had submitted on October 14, see second attachment, was sufficient for a Code Analysis. Additionally if there is anything else we need to on our end in order to get this plan approved, please let us know.

Thank you,

Erika Ortega-Afay
Landscape Architect II

SOLTESZ

CELEBRATING 40 YEARS

Engineering // Environmental Sciences // Surveying // Planning
2 Research Place, Suite 100
Rockville, MD 20850
P 301.948.2750
www.SolteszCo.com

This email and any attachments are intended solely for the use by the individual or entity to whom it is addressed and may contain information that is privileged and confidential. The sender cannot guarantee this message to be secure or error free and does not accept any liability for the contents of this message or attachments which arise as a result of this email communication as it could be intercepted, manipulated, arrive late or incomplete, or contain viruses. If this communication was received in error, please send a reply message to the sender and delete it from your system.

From: Erika Ortega-Afay
Sent: Tuesday, October 13, 2020 11:53 AM
To: 'LaBaw, Marie' <Marie.LaBaw@montgomerycountymd.gov>
Cc: Daniel Park <DPark@solteszco.com>; Dan Pino <DPino@solteszco.com>
Subject: RE: Olney Theatre Amendment C- Follow up meeting

Marie,

Please find attached our Fire Access Plan for your review prior to our meeting.

Thank you,

Erika Ortega-Afay
Landscape Architect II

SOLTESZ

CELEBRATING 40 YEARS

[Engineering // Environmental Sciences // Surveying // Planning](#)

2 Research Place, Suite 100

Rockville, MD 20850

P 301.948.2750

www.SolteszCo.com

This email and any attachments are intended solely for the use by the individual or entity to whom it is addressed and may contain information that is privileged and confidential. The sender cannot guarantee this message to be secure or error free and does not accept any liability for the contents of this message or attachments which arise as a result of this email communication as it could be intercepted, manipulated, arrive late or incomplete, or contain viruses. If this communication was received in error, please send a reply message to the sender and delete it from your system.

From: Erika Ortega-Afay
Sent: Friday, October 9, 2020 8:20 AM
To: 'LaBaw, Marie' <Marie.LaBaw@montgomerycountymd.gov>
Cc: Daniel Park <DPark@solteszco.com>; Dan Pino <DPino@solteszco.com>
Subject: RE: Olney Theatre Amendment C- Follow up meeting

Marie,

Next Tuesday at noon works for us. I will coordinate to get an invitation sent over to you shortly.

Thank you,

Erika Ortega-Afay
Landscape Architect II

SOLTESZ

CELEBRATING 40 YEARS

[Engineering // Environmental Sciences // Surveying // Planning](#)

2 Research Place, Suite 100

Rockville, MD 20850
P 301.948.2750
www.SolteszCo.com

This email and any attachments are intended solely for the use by the individual or entity to whom it is addressed and may contain information that is privileged and confidential. The sender cannot guarantee this message to be secure or error free and does not accept any liability for the contents of this message or attachments which arise as a result of this email communication as it could be intercepted, manipulated, arrive late or incomplete, or contain viruses. If this communication was received in error, please send a reply message to the sender and delete it from your system.

From: LaBaw, Marie [<mailto:Marie.LaBaw@montgomerycountymd.gov>]
Sent: Thursday, October 8, 2020 3:05 PM
To: Erika Ortega-Afay <EOrtega-Afay@solteszco.com>
Cc: Daniel Park <DPark@solteszco.com>; Dan Pino <DPino@solteszco.com>
Subject: Re: Olney Theatre Amendment C- Follow up meeting

My first opening for a remote meeting is Tuesday 10/13 @ noon. If that time works, please set up something in GoTo, Microsoft, Teams, WebEx, or some other platform and send me the link.

S Marie LaBaw PhD, PE
Fire Department Access and Water Supply
Department of Permitting Services
255 Rockville Pike, 2nd Floor
Rockville, MD 20850
(240) 773-8917 Office
Marie.LaBaw@montgomerycountymd.gov

From: Erika Ortega-Afay <EOrtega-Afay@solteszco.com>
Sent: Thursday, October 8, 2020 1:05 PM
To: LaBaw, Marie <Marie.LaBaw@montgomerycountymd.gov>
Cc: Daniel Park <DPark@solteszco.com>; Dan Pino <DPino@solteszco.com>
Subject: Olney Theatre Amendment C- Follow up meeting

[EXTERNAL EMAIL]

Marie,

Per our comments from DRC regarding Olney Theatre Site Plan 82001022C, we would like to schedule a follow up meeting with you in the coming week. I understand you may still be working remotely, how are you handling client meetings now a days? Please let us know your availability so that we can get a meeting with you on the calendar as soon as possible.

Thank you,

Erika Ortega-Afay
Landscape Architect II

SOLTESZ

CELEBRATING 40 YEARS

Engineering // Environmental Sciences // Surveying // Planning

2 Research Place, Suite 100

Rockville, MD 20850

P 301.948.2750

www.SolteszCo.com

This email and any attachments are intended solely for the use by the individual or entity to whom it is addressed and may contain information that is privileged and confidential. The sender cannot guarantee this message to be secure or error free and does not accept any liability for the contents of this message or attachments which arise as a result of this email communication as it could be intercepted, manipulated, arrive late or incomplete, or contain viruses. If this communication was received in error, please send a reply message to the sender and delete it from your system.

Take 10 minutes to be counted now – visit: <https://2020census.gov/>



For COVID-19 Information and resources, visit:

www.montgomerycountymd.gov/COVID19



For COVID-19 Information and resources, visit:

www.montgomerycountymd.gov/COVID19

DPS-ROW CONDITIONS OF APPROVAL

January 5, 2021

82001022C Olney Theatre Center

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

“07-BSITE-82001022C-T1.1.pdf V5” uploaded on/ dated **“12/18/2020”**.

Access and improvement for Olney Sandy Spring Road (MD 108) is per MSHA.
MCDOT and MCDPS support MNCPPC in requiring the design and construction of the
Master-Planned side path along the site frontage.

From: [Kwesi Woodroffe](#)
To: [Casey, Jonathan](#); [Campbell, Lauren](#)
Cc: [Van Alstyne, Chris](#); [Farhadi, Sam](#)
Subject: RE: Sidepath - Long-term Maintenance Outside ROW for Site Plan
Date: Tuesday, December 22, 2020 7:03:06 AM
Attachments: [image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image031.png](#)
[image032.png](#)
[image033.png](#)
[image034.png](#)
[image035.png](#)
[image036.png](#)
[image037.png](#)
[image038.png](#)
[image039.png](#)
[image040.png](#)
[image041.png](#)
[image042.png](#)
[image043.png](#)
[image044.png](#)
[image045.png](#)
[image046.png](#)
[image048.png](#)
[image049.png](#)
[image050.png](#)
[image051.png](#)
[image052.png](#)
Importance: High

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Jonathan,

Yes, we would need a donation plat and a deed. However, we will be able to permit the work without these; they would just need to be provided before we could release the surety.

Thanks, Kwesi

Kwesi Woodroffe
Regional Engineer
District 3 Access Management
MDOT State Highway Administration
KWoodroffe@mdot.maryland.gov
301-513-7347 (Direct)
1-888-228-5003 – toll free
Office Hours
M-Thurs.: 6:30a-3:30p
Fr: 6:30a-10:30a
9300 Kenilworth Avenue,
Greenbelt, MD 20770
<http://www.roads.maryland.gov>





From: Casey, Jonathan <Jonathan.Casey@montgomeryplanning.org>
Sent: Thursday, December 17, 2020 10:12 AM
To: Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>; Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Cc: Van Alstyne, Chris <chris.vanalstyne@montgomeryplanning.org>; Farhadi, Sam <Sam.Farhadi@montgomerycountymd.gov>
Subject: RE: Sidepath - Long-term Maintenance Outside ROW for Site Plan

Kwesi,

As far as process goes, would SHA require a dedication/donation plat (what we typically call an SHA ROW Plat) or just a deed?

Thank you,



Jonathan Casey
Senior Planner | Upcounty Division

Montgomery County Planning Department
2425 Reedy Drive, 13th Floor, Wheaton, MD 20902
jonathan.casey@montgomeryplanning.org
o: 301-495-2162



From: Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>
Sent: Wednesday, December 16, 2020 11:32 AM
To: Casey, Jonathan <Jonathan.Casey@montgomeryplanning.org>; Campbell, Lauren <lauren.campbell@montgomeryplanning.org>
Cc: Van Alstyne, Chris <chris.vanalstyne@montgomeryplanning.org>; Farhadi, Sam <Sam.Farhadi@montgomerycountymd.gov>
Subject: RE: Sidepath - Long-term Maintenance Outside ROW for Site Plan

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Jonathan,

We would accept it and issue the permit for it; but as is typical, we won't be responsible for the maintenance.

Thanks, Kwesi

Kwesi Woodroffe
Regional Engineer
District 3 Access Management
MDOT State Highway Administration
KWoodroffe@mdot.maryland.gov

301-513-7347 (Direct)

1-888-228-5003 – toll free

Office Hours

M-Thurs.: 6:30a-3:30p

Fr: 6:30a-10:30a

9300 Kenilworth Avenue,

Greenbelt, MD 20770

<http://www.roads.maryland.gov>



From: Casey, Jonathan <Jonathan.Casey@montgomeryplanning.org>

Sent: Wednesday, December 16, 2020 11:00 AM

To: Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>; Campbell, Lauren <lauren.campbell@montgomeryplanning.org>

Cc: Van Alstyne, Chris <chris.vanalstyne@montgomeryplanning.org>; Farhadi, Sam <Sam.Farhadi@montgomerycountymd.gov>

Subject: RE: Sidepath - Long-term Maintenance Outside ROW for Site Plan

Importance: High

Hi Kwesi,

If the applicant is willing to dedicate the land necessary to construct the path, will SHA accept it?



Jonathan Casey
Senior Planner | Upcounty Division

Montgomery County Planning Department
2425 Reddie Drive, 13th Floor, Wheaton, MD 20902
jonathan.casey@montgomeryplanning.org
o: 301-495-2162



From: Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>

Sent: Wednesday, December 9, 2020 11:57 AM

To: Casey, Jonathan <Jonathan.Casey@montgomeryplanning.org>; Campbell, Lauren <lauren.campbell@montgomeryplanning.org>

Cc: Van Alstyne, Chris <chris.vanalstyne@montgomeryplanning.org>; Farhadi, Sam <Sam.Farhadi@montgomerycountymd.gov>

Subject: RE: Sidepath - Long-term Maintenance Outside ROW for Site Plan

Importance: High

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Lauren/ Casey:

I did not know the answer to your question, so I had to reach out to a colleague our Right of way office and a colleague who previously handled Access Permits for Montgomery County.

Firstly, since the path will be on private property, we actually do not issue an Access Permit for it; we issue permits for work that is within the State's right of way.

With regard to the PIE, what I learned was that although the path is adjacent to a State road, since the County would be maintaining this facility, they should be the ones to request the easement.

My apologies for not getting back to you sooner, but I wanted to be sure that the info that I was providing was correct.

Thanks, Kwesi

Kwesi Woodroffe
Regional Engineer
District 3 Access Management
MDOT State Highway Administration
KWoodroffe@mdot.maryland.gov

301-513-7347 (Direct)
1-888-228-5003 – toll free

Office Hours

M-Thurs.: 6:30a-3:30p

Fr: 6:30a-10:30a

9300 Kenilworth Avenue,
Greenbelt, MD 20770

<http://www.roads.maryland.gov>

