



MEMORANDUM

DATE: April 20, 2007
 TO: Montgomery County Planning Board
 Rose Krasnow, Chief *RK*
 VIA: Robert Kronenberg, Acting Supervisor *PAK*
 Development Review Division
 FROM: Elza Hisel-McCoy, Assoc. AIA, LEED-AP *CM*
 Development Review Division
 (301) 495-2115



REVIEW TYPE: **Limited Site Plan Amendment**
 PROJECT NAME: Hallowell Playground #1
 CASE #: 81986038A
 APPLYING FOR: Approval for revised and expanded play area
 REVIEW BASIS: Div. 59-D-3.7 of Montgomery County Zoning Ordinance.

ZONE: RE-2/TDR-4
 LOCATION: Saint Florance Terrace, 400 feet south of Prince Phillip Drive
 MASTER PLAN: Olney

APPLICANT: Hallowell HOA c/o CAS, Inc.
 FILING DATE: September 12, 2006
 HEARING DATE: May 3, 2007

STAFF RECOMMENDATION: Staff recommends **Approval with Conditions** of Site Plan Amendment (81986038A) for the as-built revisions to a playground. The terms and conditions of all applicable prior regulatory approvals and agreements, including the approved Site Plan (919860380), remain in full force and effect, except as modified by this amendment.

Summary

Plan Approval

The Planning Board approved Site Plan 819860380 with conditions on June 12, 1986, for 5 one-family detached and 71 townhouse dwelling units, for a total of 76 units on 14.8 acres in the RE-2/TDR-4 zone. The certified site plan was approved on December 12, 1986.

Analysis of the Limited Amendment

Background

In early 2006, as part of a larger effort to improve and expand three play areas in the Hallowell subdivision, the applicant, Hallowell HOA, undertook to replace and enhance the original play equipment and enlarge the play area adjacent to St. Florance Terrace. These modifications to the approved site plan were realized without a site plan amendment. Upon receipt of a resident complaint, Development Review Enforcement Staff issued a notice of violation to the applicant on April 27, 2006. The notice required the HOA to submit a site plan amendment for the as-built changes. Given the minor nature of the changes in the context of the overall site plan, and believing that had the improvements been submitted before construction, staff would have approved them, Staff did not issue a citation. The Applicant submitted site plan amendments for each of the three playgrounds on September 12, 2006. The Planning Board approved the Site Plan Amendments for two of the playgrounds (91984068A and 81988051A) as consent items on February 8, 2007.

Applicant's Requests

This site plan amendment modifies the approved site plan to match as-built changes to the playground adjacent to Saint Florance Terrace. These changes are limited to:

1. removal of the original play equipment, including 2 swings, a sliding board with platform, and a fireman pole. (Materials for the support structures of the swings and sliding board, and the 6" play lot edging, consisted of pressure treated lumber; the slide was constructed of stainless steel. Padding consisted of 6" of wood chips. The play lot also featured a wooden bench);
2. replacement, in roughly the same location, of the original tot lot, an area of approximately 1,480 square feet, with a new playground having an area of about 1,968 square feet;
3. installation of new play equipment, including:
 - a. Four swings, two standard and two with infant seats
 - b. Plastic, instead of steel, slide
 - c. Steel frame construction
 - d. Plastic bench
 - e. Plastic border edging, 12"-High
 - f. Engineered wood carpet, 12" compacted to 9" deep
 - g. Plastic access ramp.

Public Input

The applicant sent notice regarding the site plan amendment on September 20, 2006, to all parties of record, giving interested parties 15 days to review and comment on the revised plans. From the larger community, staff received support for all three Hallowell playground site plan amendments, including five (5) letters, one (1) e-mail, and petitions with 35 signatures. Staff received no statements of opposition from the larger community. From residents of Saint

Florance Terrace, staff received two (2) letters and a petition with 35 signatures in support of this site plan amendment and one letter in opposition.

The resident opposed to the amendment lives at 3214 St. Florance Terrace, located directly in front of the southern end of the playground. The opponent's concerns, as enumerated in their letter of October 4, 2006, include the following:

1. whereas the original playground was a "tot lot", designed to serve children up to four (4) years of age, the new playground is designed for children five (5) to twelve (12) years of age, and reduces the play opportunities of younger children;
2. the HOA could have upgraded the equipment without expanding the size of the playground;
3. the new playground alters the views available from the opponent's home;
4. during large rainstorms, the new playground obstructs proper drainage of stormwater immediately adjacent to the southwest corner of the playground.

The applicant and opponent, under the auspices of the Commission on Common-Ownership Communities (CCOC), entered into mediation to resolve the dispute, but were unable to reach a compromise.

Staff Position

In response to the opponent's comments, staff finds that:

1. Hallowell easily exceeds the recreational recommendations called for by the 1992 Department Recreation Guidelines, although at the time of original site plan approval, these guidelines were not in effect;
2. the updated playground does provide toddler swings, which may be used for younger children;
3. the expansion of the playground was not of sufficient scope or magnitude to endanger compatibility with nearby residential units;
4. undesirable views of the playground (from the opponent's property) may be ameliorated by the installation of additional trees;
5. the magnitude of the drainage concern at the corner of the playground is small and should only affect the HOA property.

Staff finds the proposed amendment to be consistent with the provisions of Section 59-D-3.7 of the Montgomery County Zoning Ordinance for site plan amendments. Staff further finds the playground improvements to be in general conformance with the recommendations of the Recreation Guidelines and in apparent compliance with the Consumer Product Safety Commission's Handbook for Public Playground Safety. The addition of an asphalt path connecting the playground's accessible ramp to the existing trail system will improve site circulation and accessibility. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan. Therefore, Staff recommends **APPROVAL** of the Site Plan Amendment for Hallowell

Playground #1 (Site Plan No. 81986038A) for modifications to the approved site plan **with the following conditions:**

1. the applicant will plant at least two trees, each at least 8'-10' in height, to provide screening between 3214 St. Florance Terrace and the playground;
2. the screening trees' species, based on those specified in the approved site plan for this playground area, shall be Red Maple/Willow Oak, or similar, and Austrian Pine, or similar.
3. the applicant will construct an asphalt path, comparable in design to the existing adjacent bike path, to connect the accessibility ramp of the new play area to the bike path;
4. the final planting location of the trees and the configuration of the asphalt path will be determined by the applicant and approved by staff approval for inclusion in the Certified Site Plan.

Project Recreation Space Table

Program								
Townhouses	71							
One-Family House	5							
Total Units	76							
Demand (per 100 units)		D1	D2	D3	D4	D5		
Housing Type	Tots (0-4)	Children (5-11)	Teens (12-17)	Adults (18-64)	Seniors (65+)	Subtotal	Multiplier	Total
SFD III	14	19	23	127	13	196	0.05	9.8
TH	17	22	18	129	7	193	0.71	137.03
Total Demand								146.83
Supply (per 100 units)		D1	D2	D3	D4	D5		
Recreation element	Tots (0-4)	Children (5-11)	Teens (12-17)	Adults (18-64)	Seniors (65+)			
Multi-age Play Area	9	11	3	7	1			
Open Play Area I	12	18	24	60	4			
Open Play Area I	12	18	24	60	4			
Open Play Area II	6	8	8	20	2			
Open Play Area II	6	8	8	20	2			
Bike system	0.85	2.2	2.7	19.35	0.7			
Pedestrian system	1.7	4.4	3.6	58.04	3.15			
Subtotal	47.55	69.6	73.3	244.4	16.85			
Aggregate Supply	451.7							
SFD III Multiplier	0.05							
SFD III Subtotal	22.58							
TH Multiplier	0.71							
TH Subtotal	320.7							
Total Supply								343.28

ATTACHMENTS:

- A. Site Description and Vicinity Map
- B. Planning Board Opinion for Site Plan 819860380
- C. Revised Playground Layout
- D. Opponent Letter

ATTACHMENT A

Site Description and Vicinity

This property is located within the Hallowell Subdivision, in the northwest quadrant of the intersection of Olney-Sandy Spring Road and Old Baltimore Road. The playground is located near St. Florance Terrace, approximately 500 feet north of Old Baltimore Road.



ATTACHMENT B:
PLANNING BOARD OPINION FOR SITE PLAN 819860380



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

(301) 279-1000

MONTGOMERY COUNTY PLANNING BOARD
OPINION

Site Plan Review #8-86038
Project Hallowell, Parts C, 10, 11 & Rec. Area

On April 8, 1986, Loiederman Associates submitted an application for the approval of a site plan for property in the RE-2/TDR-4 zone. The application was designated Site Plan Review #8-86038.

On June 12, 1986, Site Plan Review #8-86038 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, which is attached hereto and made a part hereof, the Montgomery County Planning Board finds:

1. the site plan meets all of the requirements of the zone in which it is located;
2. the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe and efficient; and
3. each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

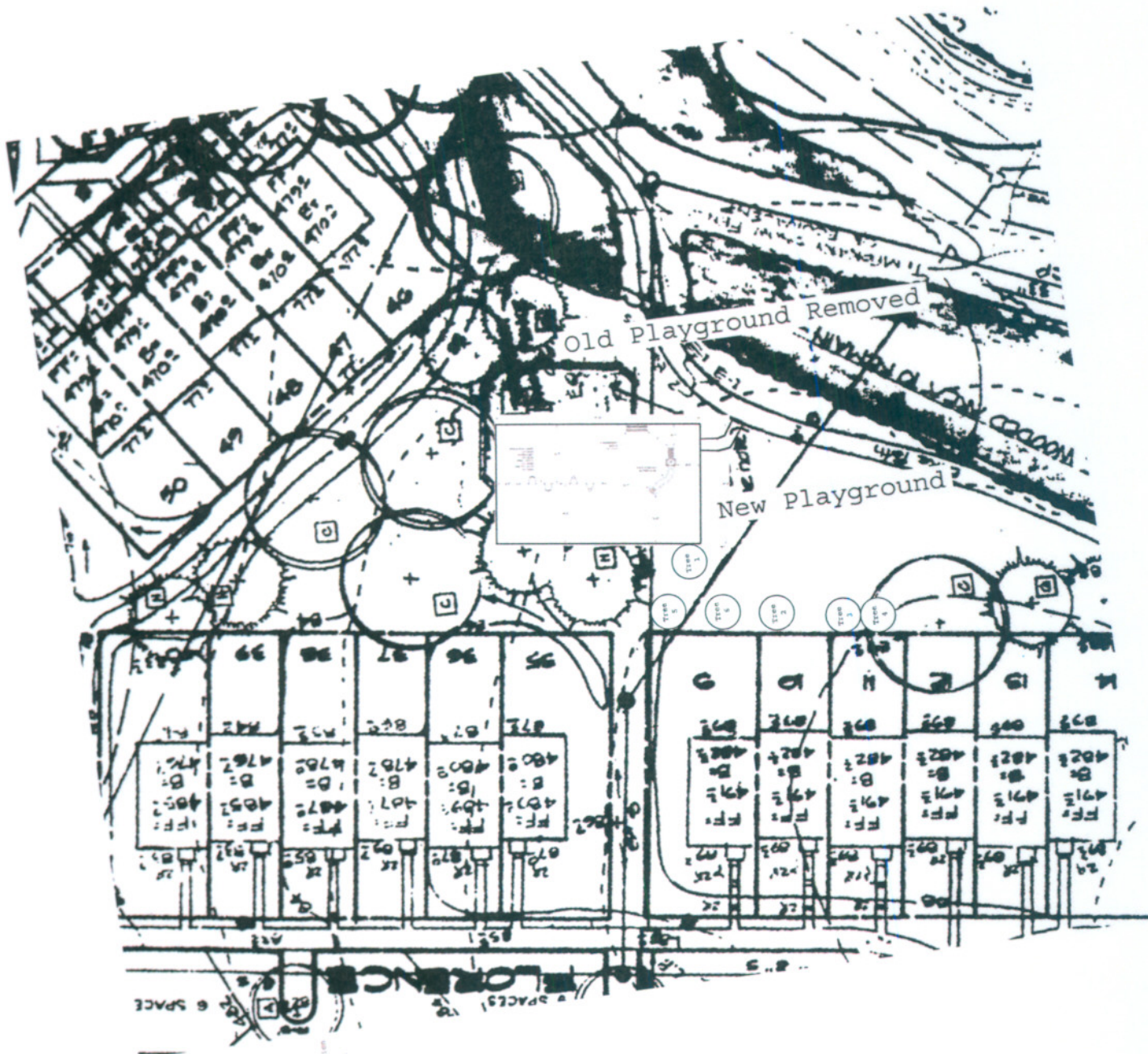
and approves Site Plan Review #8-86038 subject to the following conditions:

The first condition to be met prior to release of grading permits and the rest to be met prior to building permits.

1. Tree protection fences shall be placed along the dripline of all trees to be saved that adjoin areas to be graded. The fences shall be highly visible and marked with flags and securely constructed. M-NCPPC staff shall inspect the fences prior to grading and shall notify the Department of Environmental Protection when grading permits may be released. The fences shall be placed prior to grading and will remain until all site construction and site work is complete.
2. The applicant shall submit a Development Program, Site Plan Enforcement Agreement, and Homeowners Association Documents that are acceptable to staff.

3. A limit of disturbance line shall be established for the stockpiled fill that shall be clear of any existing trees and stabilized with vegetation. All elements shall be approved by staff.
4. No utility lines shall be constructed through the recreation area until it is accompanied by an approved site plan any interim measures for stormwater management shall be acceptable to M-NCPPC, MCDEP and MCDOT staff.
5. The applicant shall submit an acceptable safe conveyance study, shall comply with the M-NCPPC Environmental Planning Division memo dated May 12, 1986, and shall submit an acceptable landscape plan for the stream channel improvements. All submittals shall be approved by staff.
6. The landscape plan shall include two benches near the multi-age play area and shall be acceptable to staff.

ATTACHMENT C:
REVISED PLAYGROUND LAYOUT FOR SITE PLAN AMENDMENT 81986038A



HALLOWELL CORPORATION
PART 12

NOTE: THIS PLAN SUBSTITUTES TO SHOW NEW LOCATION OF PLAYGROUND. HALLLOWELL CORPORATION HAS BEEN ADVISED BY THE CITY ENGINEER THAT THE CITY ENGINEER HAS REVIEWED THE PLAN AND APPROVED THE LOCATION OF THE PLAYGROUND. THE CITY ENGINEER HAS REVIEWED THE PLAN AND APPROVED THE LOCATION OF THE PLAYGROUND. THE CITY ENGINEER HAS REVIEWED THE PLAN AND APPROVED THE LOCATION OF THE PLAYGROUND.

Updated from existing application. These 1-1/2" x 11" sheets shall be an accurate copy of the original plan. The plan is to be used for the purpose of the plan and shall not be used for any other purpose. The plan is to be used for the purpose of the plan and shall not be used for any other purpose. The plan is to be used for the purpose of the plan and shall not be used for any other purpose.

DRAWING NOT TO SCALE (SEE)

ATTACHMENT D:
OPPONENT LETTER

February 19, 2007

Rose Krasnow
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Case 81986038A – Hallowell Playground #1
Limited Site Plan Amendment

Dear Ms Krasnow,

I disagree with Mr. Hisel-McCoy's staff recommendation of Approval (pre-dated 3/2/07) of Limited Site Plan Amendment 81986038A for the as-built revisions to the playground adjacent to St. Florence Terrace for the reasons cited below.

1. My opposition to the application as stated in my letter of October 4, 2006 is not adequately described in the recommendation to the Montgomery County Planning Board. Please see attached.
2. The requirement that the applicant plant two trees is problematic.
 - a. Trees cannot simultaneously screen the playground from view and provide the adequate supervision of the play area described in the Recreation Guidelines (Page 14, Defensible Space and Visibility) approved by the Montgomery County Planning Board. Adding two trees as suggested by the recommendation completes an unbroken wall of trees along the entire front of the playground.
 - b. A deciduous tree, as specified in the recommendation will only provide screening in the summer months.
 - c. Two trees cannot appreciably reduce noise levels.
 - d. The space between the existing red maple and Austrian Pine is insufficient for even one additional tree when accounting for the mature spread of the existing trees.
 - e. The space between the rear of my property and the play area border is insufficient to simultaneously accommodate the mature spread of the trees described in the recommendation and the heavy foot traffic through that area.
3. The as-built revision of the play area does not provide the recreational supply for tots shown in the Project Recreation Space Table or in the Recreation Guidelines (Multi-Use Playground, Page 19). The original tot lot was designed for tots only and provided several independent play activities for this age group, to include climbing, sliding, and swinging. The as-built revision provides only two swings for tots that require adult assistance. There are no independent play activities designed and available for the tot age group.

The slide is designed for school-aged children and has a deck height of 6', which exceeds the Recreation Guidelines (General Safety Guidelines #5, Page 47) structure height of 4 ½' for tots. The playground installation contract, attached, states that the as-built playground is designed to accommodate eight children ages 5-12 years old.

4. Maintenance and depletion of wood chips was cited by the applicant as a reason for replacing the original tot lot. The presence of larger equipment with greater critical fall heights creates safety concerns that can only be mitigated by proper maintenance. The playground has been in operation for a year and the applicant has:

a. No record of an inspection by a qualified inspector as required by the CPSC Pub 325.

b. Not maintained 9" of compressed wood chips cited in the recommendation. The current depth of the wood chips is 5-6" (General Safety Guidelines #7, Page 47).

5. The as-built revision did not consider impact upon the play area's neighbors as described in the Recreation Guidelines (Consideration of Neighbors, Page 15). The original tot lot size and equipment was appropriate to the small space behind four blocks of town homes. The impact of the larger play area and equipment upon this small space is fully described in attached letter.

6. The only community support for the three expanded play areas was obtained *after* the installation. The petition signatories and letter writers supporting three tot lots represent approximately 10% of Hallowell's 642 lot owners. Additionally, the petitions do not disclose all relevant facts and none of the supporters were directly impacted by the playground expansion.

The applicant has not demonstrated a need to change the original tot lot site plan into a multi-age playground. Any perceived need to upgrade play equipment could have been accommodated within the existing approved site plan foot print and without impacting my property.

Failure to obtain a minor site plan amendment circumvents an important safeguard designed to ensure that property owners receive prior notification of an impending change that might impact their property. The Hallowell Association's omission of the site plan amendment process has greatly increased the burden of defending against the applicant's alteration of a common area element that significantly impacts my property.

The recommendation unnecessarily accommodates the as-built design. I respectfully request that the recommendation consider only the community needs and facts that existed before the playground was expanded.

Sincerely,

James R. Johnson
3214 Saint Florence Terrace
Olney, MD 20832

Copy to:
Elza Hisel-McCoy
Montgomery County Planning Department
8787 Georgia Ave
Silver Spring, MD 20910

Robert Kronenberg
Montgomery County Planning Department
8787 Georgia Ave
Silver Spring, MD 20910