



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

**MCPB**  
**Item #**  
**7/1/10**



**MEMORANDUM**

**DATE:** June 18, 2010

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Catherine Conlon, Subdivision Supervisor *CC*  
Development Review Division

**FROM:** *NB*  
Neil Braunstein, Planner Coordinator (301-495-4532)  
Development Review Division

**REVIEW TYPE:** Amendment to a Preliminary Plan of Subdivision

**APPLYING FOR:** One lot for a 92-unit senior housing facility

**PROJECT NAME:** University Gardens

**CASE #:** 11988225A

**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** R-60

**LOCATION:** Located on the east side of University Boulevard, 50 feet north of Buckingham Drive.

**MASTER PLAN:** East Silver Spring

**APPLICANT:** NCBA Housing Corporation of Maryland

**ENGINEER:** Greenhorne & O'Mara

**ATTORNEY:** Miles & Stockbridge

**FILING DATE:** May 6, 2010

**HEARING DATE:** July 1, 2010

**RECOMMENDATION:** Approval subject to the following conditions:

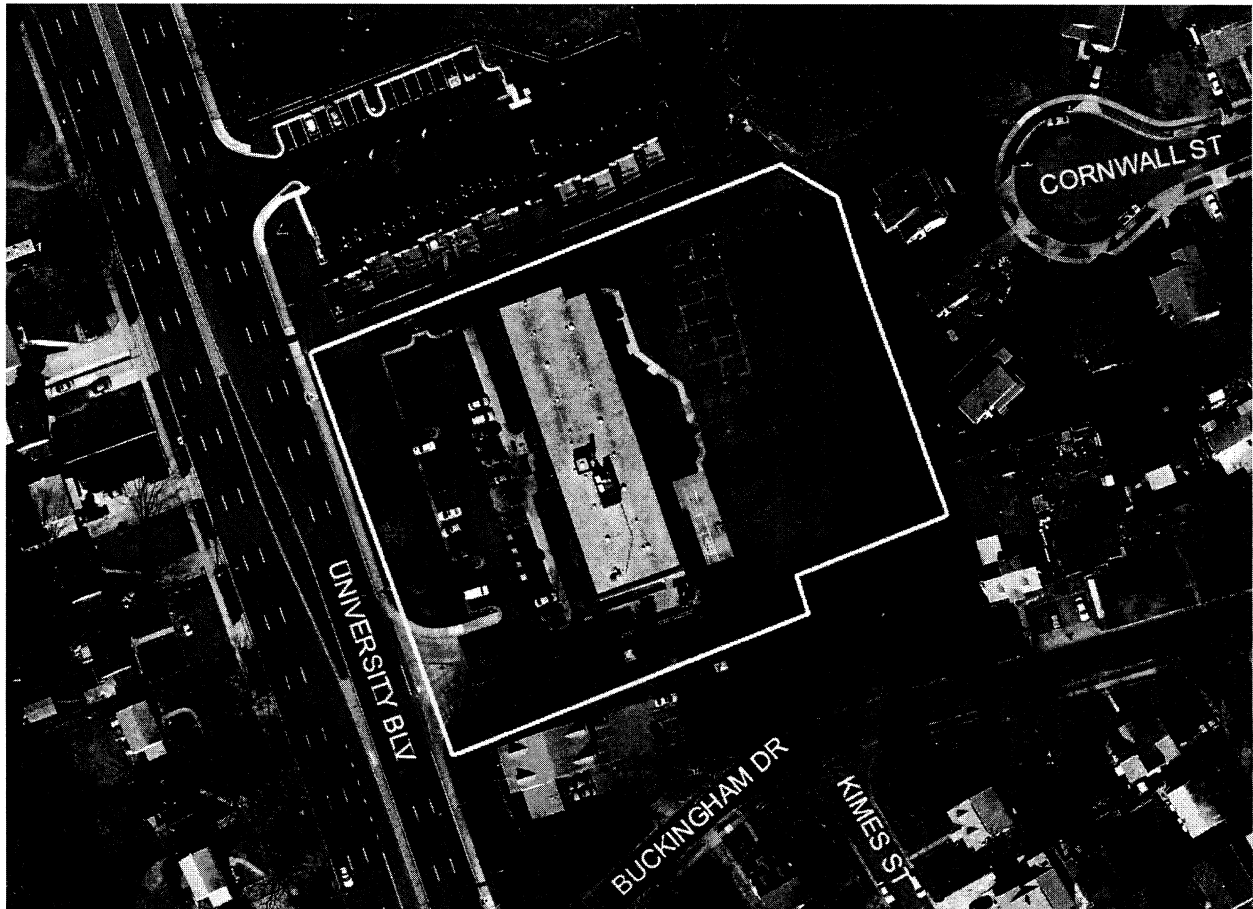
- 1) Approval under this preliminary plan is limited to one lot for a senior housing facility containing up to 92 dwelling units.
- 2) This preliminary plan approval is contingent upon approval of Special Exception Modification 1424-A to increase the number of dwelling units from 65 to 92 by the Montgomery County Board of Appeals.
- 3) The existing Adequate Public Facilities (APF) agreement for the property, dated July 25 (year not specified), is no longer applicable and can now be terminated by the parties.
- 4) The applicant must comply with the conditions of Special Exception Modification 1424-A.
- 5) The applicant must comply with the conditions of the MCDPS stormwater management approval dated August 27, 2009. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 6) The certified preliminary plan amendment must contain the following note: “Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined during the building permit process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
- 7) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

**SITE DESCRIPTION**

The subject property, shown below and in Attachment A, is part of a platted lot measuring 2.08 acres in area. The site is located on the east side of University Boulevard, 50 feet north of Buckingham Drive. The zoning on the property is R-60. The property is developed with an existing 65-unit senior housing facility, which was approved pursuant to a special exception and preliminary plan (119882250). The housing is contained within one four-story building with associated surface parking. Surrounding properties to the north are developed with townhouses in the RT-15 zone. Surrounding properties to the south, east, and west are developed with one-family dwellings in the R-60 zone. The property located on University Boulevard immediately south of the subject property contains a special exception use – a medical office.

The subject property is located within the Northwest Branch watershed. There are no streams, wetlands, floodplains, or other environmental features on the site.

The subject property was created as a 2.14-acre lot with the approval and subsequent platting of Preliminary Plan 119882250 on March 23, 1989. The property was reduced in size and became a part of a lot when 2,000 square feet were conveyed from the subject property to an adjacent property in 1990.



## PROJECT DESCRIPTION

The applicant proposes to increase the size of the existing senior housing facility by constructing a four-story addition on the rear of the building. The addition will contain 27 additional units; the building will contain 92 units in total upon completion of the addition. The creation of additional units on the site requires approval of a modification to the special exception, which is pending with the Montgomery County Office of Zoning and Administrative Hearings, and approval of a preliminary plan amendment.

Although the subject property is part of a lot, replatting to create a new lot with the current property boundaries is not necessary. Section 50-9(d) of the Subdivision regulations provides an exception from platting requirements when parcels of land are sold or exchanged between owners of adjacent properties, if the exchanged land does not exceed 2,000 square feet and the exchange occurred before May 19, 1997. In this instance, the parcel of land was conveyed in 1990, and the exchange meets all of the criteria for an exception. Thus, the purpose of this preliminary plan amendment is to amend the conditions of approval of the original

preliminary plan to reflect the increase in use and to reflect the recent APF approval. The amendment does not contemplate any changes to the boundaries of the part of the lot or its platting status.

(Attachment B – proposed plan)

## **ANALYSIS AND FINDINGS**

### **Previous Approval**

The Planning Board conducted a public hearing on Special Exception Modification 1424-A on March 5, 2010, and recommended approval of the modification to increase the size of the senior housing facility by 27 units. The Planning Board's action included approval of an adequate public facilities (APF) review of the expansion, a preliminary forest conservation plan, and a forest conservation variance to remove two existing large trees. The Board also determined as a part of the special exception that the proposed expansion is in conformance with the applicable master plan. These approvals and findings continue to apply to this preliminary plan application, and other findings related to the preliminary plan are discussed further below.

### **Conformance to the Master Plan**

During the Planning Board's review of the special exception modification, staff and the Planning Board determined that the project was in conformance with the East Silver Spring Master Plan. Staff recommends that the Planning Board reaffirm the determination and find that the preliminary plan amendment is in substantial conformance with the Master Plan, as discussed below.

The East Silver Spring Master Plan does not contain detailed recommendations for the subject property. The Master Plan's proposed land use map recommends the site for "Elevator Apartments," but there is no further recommendation for the site. However, one of the main goals of the Master Plan is to preserve the existing residential character of the area. The Master Plan's land use recommendations encourage neighborhood reinvestment and maintaining social diversity. Staff concludes that the proposed project meets these goals. By providing additional affordable senior housing in the area, this project provides an opportunity for additional senior residents to reside in the community, and construction of the addition demonstrates reinvestment in the neighborhood.

### **Public Facilities**

Preliminary Plan 119882250, which was approved in 1989, was conditioned on execution of an APF agreement that limited the senior housing facility to 65 units. The Planning Board approved an APF review for Special Exception Modification 1424-A that confirmed that public facilities will be adequate to serve the proposed expanded use. A revised APF agreement was not required as part of that approval because the circumstances that necessitated the APF agreement are no longer applicable. The APF agreement was required in 1989 because a

moratorium on development was in effect at that time. The moratorium has since been rescinded. A condition of approval is included in the staff recommendation for this application that permits the APF agreement to be terminated. Staff recommends that the Planning Board reconfirm their finding of adequacy of public facilities as part of this preliminary plan.

### **Environment**

A preliminary forest conservation plan was approved by the Planning Board in a separate action on February 18, 2010. Approval of the forest conservation plan also included approval of a forest conservation variance to remove two trees that are larger than 36 inches in diameter.

The MCDPS Stormwater Management Section approved the stormwater management concept on August 27, 2009. The stormwater management concept consists of construction of a landscaped infiltration area and a grassed swale to meet the full environmental site design requirements for new construction and provide control for the existing parking lot. A portion of the existing building will continue to drain to the existing infiltration structure via roof downspout connections.

### **Compliance with the Subdivision Regulations and Zoning Ordinance**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Per Section 50-9(d) of the Subdivision Regulations, the subject property qualifies for an exception to the platting requirements. The section provides an exception for parcels of land that are sold or exchanged between owners of adjacent properties, if the exchanged land does not exceed 2,000 square feet and the exchange occurred before May 19, 1997. In this instance, the 2,000-square-foot parcel of land was conveyed in 1990, and the exchange meets all of the criteria for an exception.

The existing part of a lot was reviewed for compliance with the Zoning Ordinance. The proposed expansion of the existing senior housing use is consistent with a modification to the special exception, which specifically permits the use to be expanded by 27 units.

### **Citizen Correspondence and Issues**

A notice regarding the subject amendment was sent to all parties of record by the Applicant on May 11, 2010. An affidavit of sign posting dated April 16, 2010 was provided as part of the application submission. Staff has received no inquiries or comments regarding the proposed amendment.

### **CONCLUSION**

The preliminary plan amendment meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the East Silver Spring Master Plan. Access and public facilities will be adequate to serve the proposed use, and the application has been reviewed by other applicable county agencies, all of

whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

**Attachments**

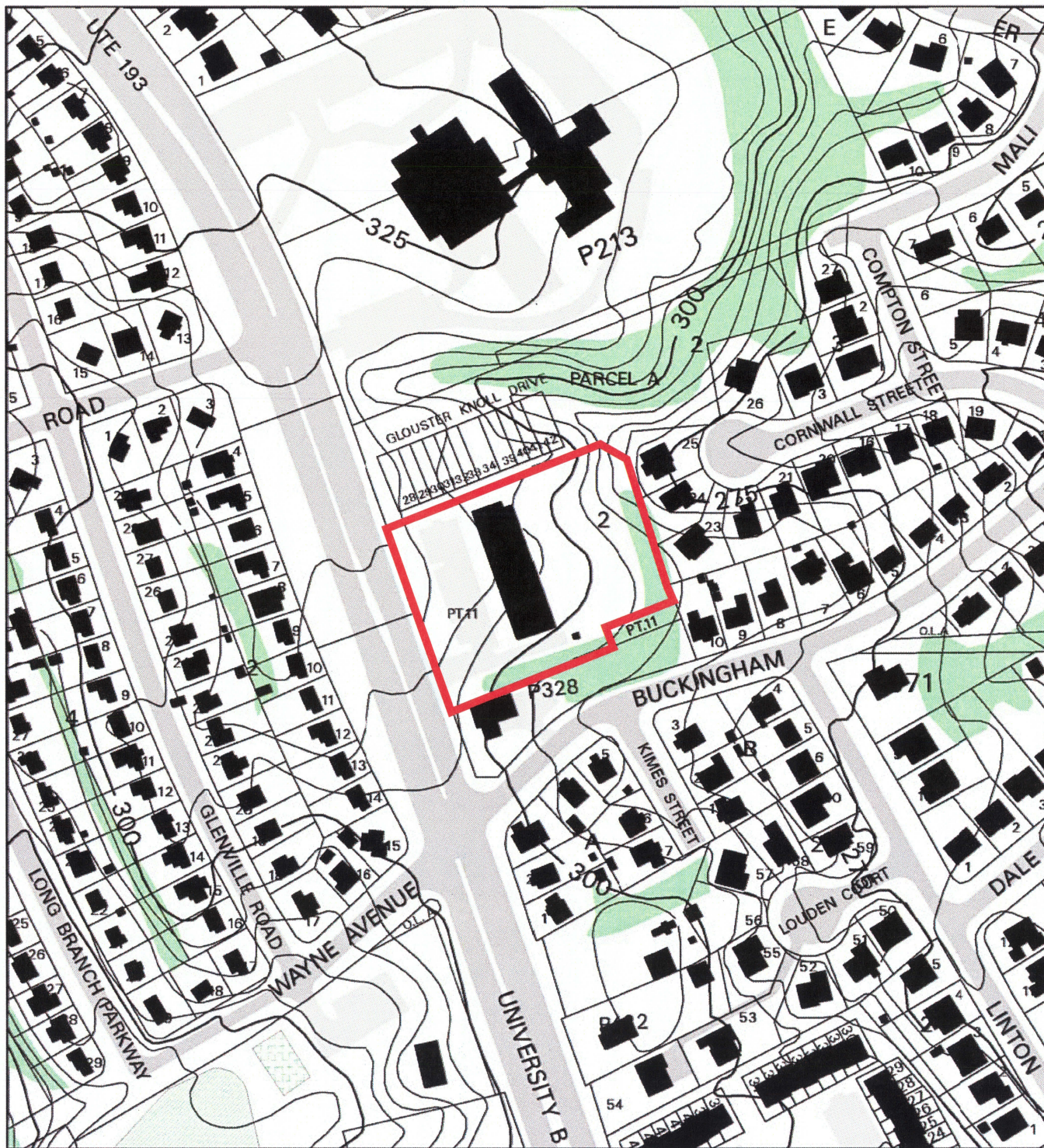
Attachment A – Vicinity Development Map

Attachment B – Proposed Development Plan

Attachment C – Agency Correspondence Referenced in Conditions



# UNIVERSITY GARDENS (11988225A)



Map compiled on June 18, 2010 at 2:33 PM | Site located on base sheet no - 211NE01

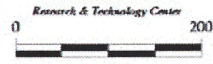
### NOTICE

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Key Map



1 inch = 200 feet  
1 : 2400

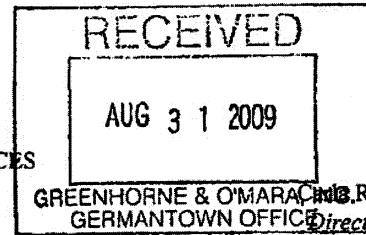








DEPARTMENT OF PERMITTING SERVICES



Isiah Leggett  
County Executive

August 27, 2009

Ms. Kim Currano  
Greenhorns & O'Mara  
20410 Century Boulevard, Suite 200  
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request  
for University Garden Apartments  
Preliminary Plan #: 1-88225  
SM File #: 235992  
Tract Size/Zone: 2.1 acres / R-60  
Total Concept Area: 1.33 acres  
Lots/Block: P11/2  
Parcel(s): N/A  
Watershed: Northwest Branch

Dear Ms. Currano:

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 consists of construction of a Landscaped Infiltration Area and a Grassed Swale to meet the full ESD requirements for the new construction and provide control for the existing parking lot. A portion of the existing building will continue to drain to the existing infiltration structure via roof downspout connections.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. The proposed infiltration area may be landscaped per Chapter 5 of the MDE Stormwater Manual, page 5.82 of the latest revision (Landscaped Infiltration Area).
5. Although it will remain in place, the existing oil/grit separator will no longer function as a water quality device since flows will be diverted away from it via installation of a curb cut. These flows will be treated via the proposed infiltration area.
6. New stormwater easement and covenants will have to be recorded, and the existing ones will have to be abandoned, prior to detailed plan approval.
7. Maintenance and inspection access to the remaining portion of the original stormwater facility will be provided via a modified access route from the existing parking lot, as shown on the approved stormwater concept plan.

8. Results of geotechnical analysis, including soil borings and infiltration tests, must be submitted along with the initial detailed plan review set.

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.**

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 Mark Etheridge at 240-777-6338.

Sincerely,



Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB:dm mcs

cc: C. Conlon  
M. Pfefferle  
SM File # 235992

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Recharge is provided