



Item # 3

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: February 21, 2002
TO: Montgomery County Planning Board
VIA: Joseph R. Davis, Chief
Development Review Division
FROM: Robert A. Kronenberg, RLA
Planning Department Staff
(301) 495-2187



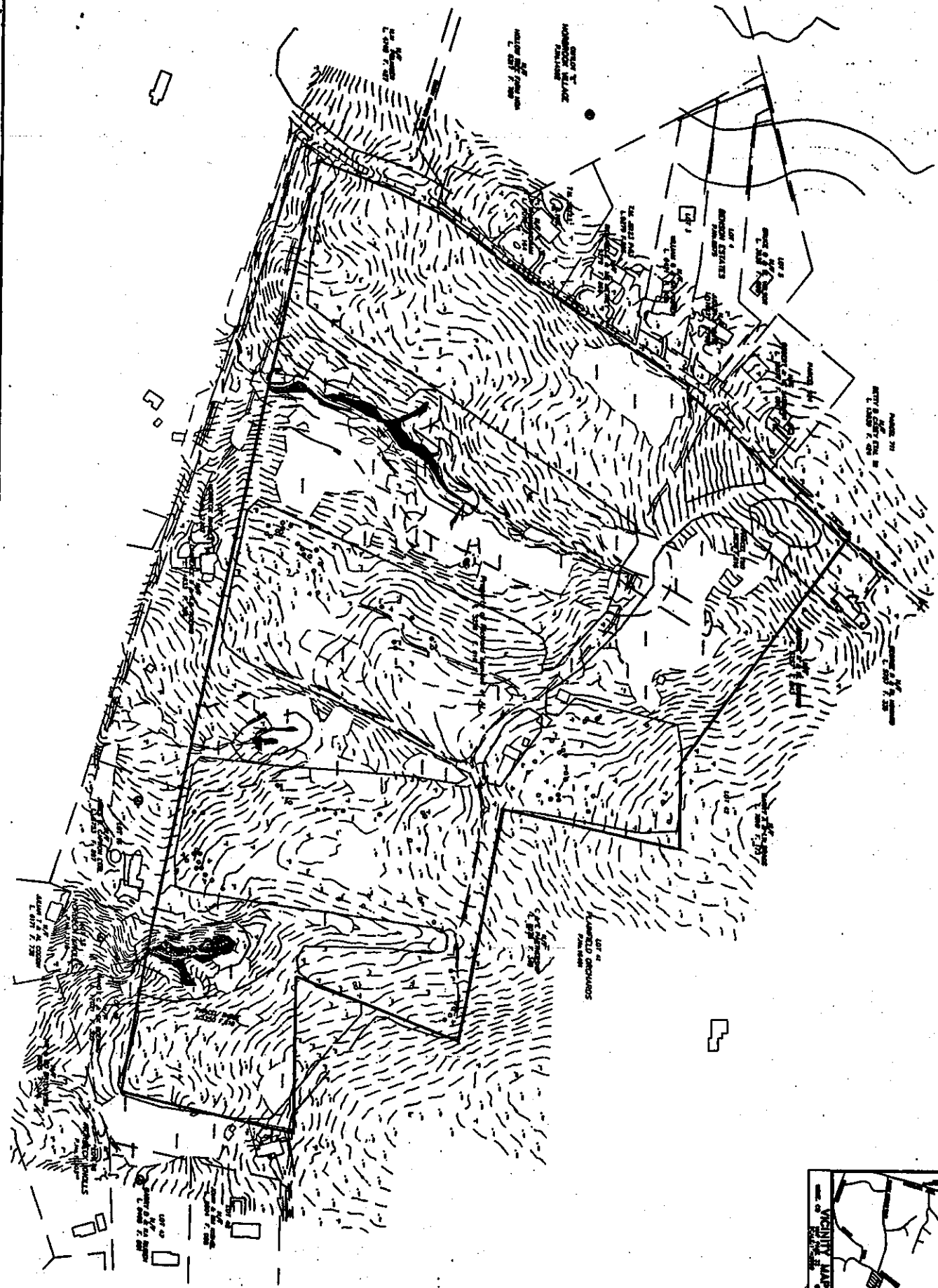
REVIEW TYPE: Preliminary Plan and Site Plan Review
APPLYING FOR: LDRC Zone; 72.40 Acres Property
14 Single Family Dwelling Units/Lots
PROJECT NAME: Mandell Property
CASE #: 8-02019
REVIEW BASIS: Site Plan Review Required in the LDRC Zone, Article 59-D
Site Plan Review Required for waiver request to eliminate the sidewalks
on both sides of the public roads, Subd. Regs. 50-26(h)

ZONE: LDRC
LOCATION: Olney
*Located on Batchellors Forest Road, approximately 450 feet south of
Olney Sandy Springs Road*
MASTER PLAN: Olney
APPLICANT: Porten Companies
FILING DATE: November 20, 2001
HEARING DATE: February 21, 2002

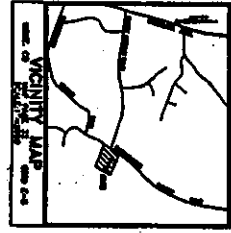
STAFF RECOMMENDATION: Approval of 14 single-family detached lots in the LDRC Zone with the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A
2. Conditions of approval of the Preliminary Forest Conservation Plan dated July 9, 2001. Final Forest Conservation Plan (including grading and tree protection information) shall satisfy all conditions referenced in the M-NCPPC Environmental Planning Section memorandum dated January 14, 2002, prior to recording plat or DPS issuance of sediment and erosion control permit:
 - a. No grading within the stream buffers except where shown on approved site plan for stormwater management facilities and outfalls, the single road crossing and

- necessary utilities;
 - b. A maintenance and management plan and agreement shall be included in the final Forest Conservation Plan for the control of invasive and exotic plant species;
 - c. The full stream valley buffer, where possible, must be protected with a Category I Conservation Easement.
3. Conditions of MCDPS stormwater management concept approval dated January 22, 2002.
4. Site, Landscape/Lighting, Forest Conservation and Sediment and Erosion Control Plans subject to review by staff prior to approval of signature set. Prior to signature set approval, the applicant shall provide the following revisions or information to the plans:
- a. Site Plan signature set to show all easements, limits of disturbance, PUE's, PIE's, open space, high priority forests and storm drain outlets.
 - b. Site Circulation:
 - i. Roads:
 - a. Applicant to move the private road further away from Batchellor's Forest Road to create a greater landscape buffer between the proposed lots and the road;
 - b. Applicant to relocate and combine the driveways from lots 4 and 5 to the public road through the utility right-of-way;
 - c. Landscape and Lighting Plan to show the following:
 - i. Provide additional landscaping and screening in the front of lot 11 between the private road and Batchellor's Forest Road;
 - ii. Provide islands and a shade tree in the middle of each cul-de-sac;
 - iii. Increase the size of the shade trees to 2.5-3" caliper;
 - iv. Applicant to relocate light poles outside the PUE.
5. The services of a licensed arborist shall be retained to evaluate the appropriate measures necessary to ensure the survival of the large and specimen trees proposed to be preserved whose critical root zones will be impacted by construction.
6. Prior to recording of the Plats, the applicant shall convey approximately 41 acres of Open Space (Parcels A-D) as shown on the approved Site Plan, to the HOA. Dedication of the Open Space Parcels shall be conveyed free of trash and unnatural debris.



802019



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SITE AND ADJACENT AREA MAP
MANDELL PROPERTY
 MONTGOMERY COUNTY, MARYLAND
 OLNEY (RD) DISTRICT

CPJ Charles F. Johnson & Associates, Inc.
 10000 Rockville Pike, Suite 1000
 Rockville, MD 20850
 Phone: (301) 761-1000
 Fax: (301) 761-1001
 Website: www.cpj.com

RELATED ISSUES PERTINENT TO SITE PLAN REVIEW:

A. Site Plan Waiver for the elimination of sidewalks on both sides of the road [Subdivision Regulation 50-26(h)]:

A waiver is required for the site plan to eliminate the sidewalks on both sides of the proposed public road. In order to approve the waiver of sidewalks, the Planning Board must find that pedestrians will be able to safely use the roadway. Previously, a waiver was approved for an overlength cul-de-sac with the Preliminary Plan #1-01086 [See Condition 8, Preliminary Plan Opinion dated October 23, 2001].

Batchellors Forest Road is an interim rustic road and does not presently have sidewalks to connect to the proposed public road. The minimal amount of pedestrian traffic for 14 lots and the lack of recreational amenities on and off the site further support the request to delete the sidewalks.

M-NCPPC Staff and DPW&T support the waiver request to eliminate sidewalks within the subdivision.

PROJECT DESCRIPTION: Surrounding Vicinity

The 72.4 acre property consists of three tributaries to the Northwest Branch in the Olney Master Plan Area. The site is located approximately 450 feet south of Olney Springs Road. The site gains access from Batchellor's Forest Road directly across from Emory Church Road.

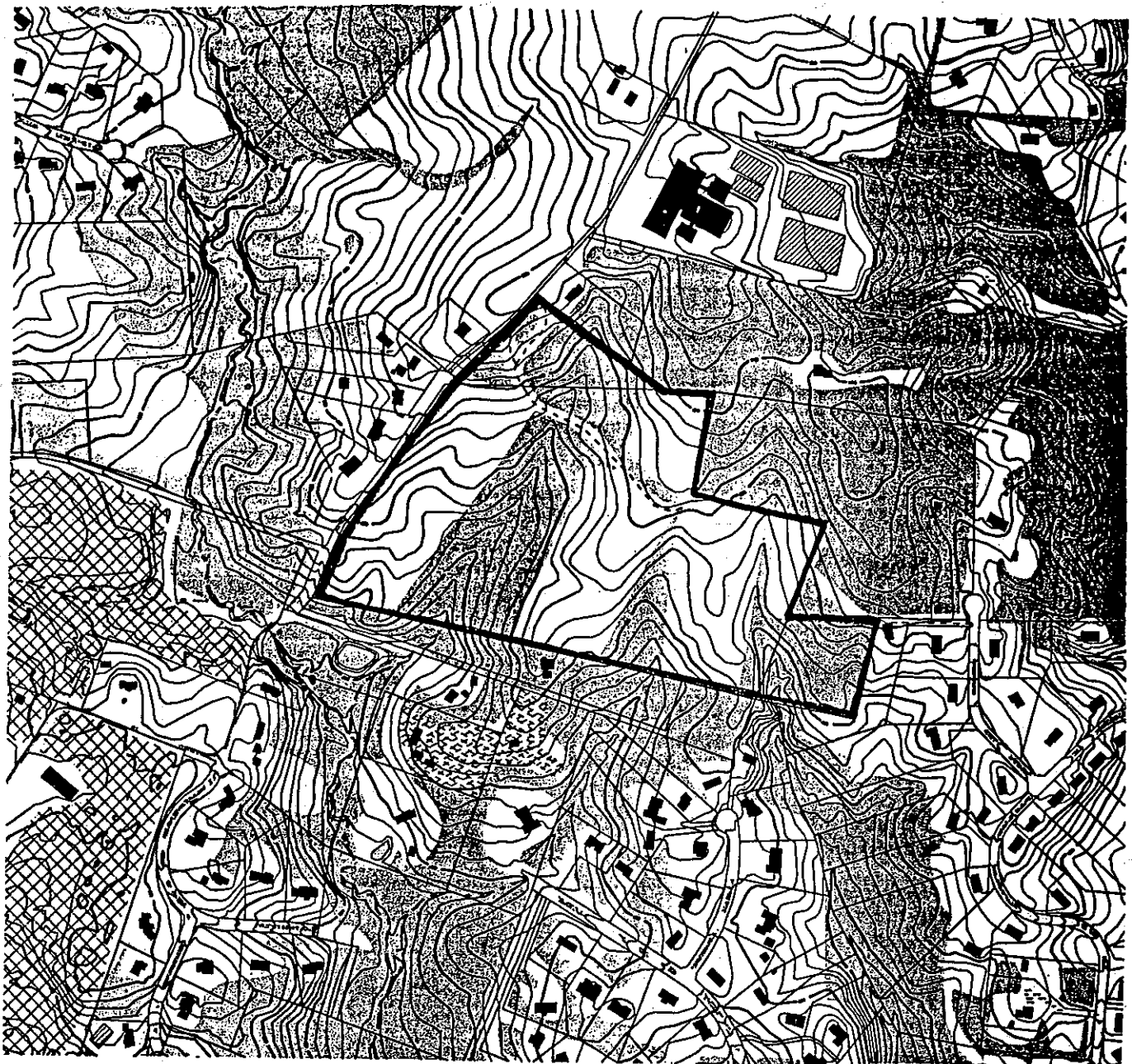
The adjacent subdivisions (Norbeck Knolls and Plainfield Orchards, Preliminary Plan #1-82151) to the south and east of the site are zoned RE-2 and RC, respectively. The parcels to the north of the property along Batchellor's Forest Road, including Farquar Middle School, are zoned RE-2 as well as the Casey tract across the road. Directly across Batchellor's Forest Road is Trotters Glen Golf Course, which is zoned RC and RE-2.



PROJECT DESCRIPTION: Site Description

The site contains rolling topography with pockets of steep slopes predominately located adjacent to the three tributaries of Northwest Branch, a Use Class IV stream. The topography is characterized by gently rolling terrain falling approximately 30 to 40 feet in height from the three knolls where the proposed lots will be developed to the three stream valley areas. The property has an unpaved road from Batchellor's Forest Road leading to the rear of the property. The higher elevations are not forested where much of the development is proposed. The clustering of the lots in the open areas and the location of the proposed road near the existing road will result in minimal clearing and increased forest protection.

Slopes near the stream banks exceed 25%.



PROJECT DESCRIPTION: Proposal

The current proposal for Site Plan consists of 14 single-family detached lots, utilizing the cluster method in the LDRC zone. The clustered lots range in size from 87,000 square feet +/- to 92,000 square feet +/-.

There is a single access into the site directly across from Emory Church Road. The entrance to the site from Batchellor's Forest Road, an interim rustic road, contains berms and landscaping to identify the subdivision. A private road stems off of the public road, paralleling Batchellor's Forest Road to serve four of the proposed lots. As stated in the master plan, individual lots are prohibited from direct access onto a main road. Additional screening will buffer the proposed lots and private road from Batchellor's Forest Road. The proposed public road will impact the stream buffer and floodplain at the most-narrow point, following the existing dirt road, and causing the least impact to the environmental areas.

There are 9 lots on the east side of the stream crossing at the end of the cul-de-sac, creating a very close community atmosphere. Three of the lots will have forested buffers in the front yards and back yard. The majority of the lots will be located on the higher elevations overlooking the stream valley buffer. The entire buffer behind the lots will include a forest conservation easement protecting the sensitive areas.

A waiver to sidewalks within the subdivision was reviewed as part of the site plan. Staff and DPW&T support the waiver due to minimal pedestrian traffic within the subdivision and the absence of sidewalks along Batchellor's Forest Road.

The property is exempt from stormwater management for the proposed development as indicated by the Montgomery County Department of Permitting Services (DPS) letter dated January 22, 2002.

PROJECT DESCRIPTION: Prior Approvals

The LDRC zone was written especially for this particular area of the county and the uniqueness of the rural community in Olney. The intent of the zone is to provide rural clustering of lots to retain open space and protect environmentally sensitive areas.

On October 1, 2001, the Planning Board approved Preliminary Plan #1-01086 for the proposed development, with the following conditions:

1. *Approval under this preliminary plan is limited to a maximum of fourteen (14) units and the applicant shall pay to the Montgomery County Department of Finance the applicable Development Approval Payment (DAP), pursuant to the FY 2002 Annual Growth Policy prior to receipt of building permits.*
2. *Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording plat(s) or MCDPS issuance of sediment and erosion control permits.*
3. *Record Plat to provide for dedication of 70 feet of right-of-way on Batchellor's Forest Road.*
4. *Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and forest conservation areas.*
5. *Access and improvements as required to be approved by MCDPWT prior to recordation of plats(s).*
6. *Record plat to reference all common ingress/egress easements.*
7. *All roads shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Approved and Adopted Master Plan, and to the design standards imposed by all applicable road codes.*
8. *Prior to recording of plat(s) Planning Board approval of waiver for over length cul-de-sac.*
9. *No clearing, grading or recording of plat prior to site plan approval.*
10. *Final location of units to be determined at site plan.*
11. *All road right-of-way shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the Approved and Adopted Master Plan.*
12. *The Preliminary Plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed.*
13. *The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.*
14. *Other necessary easements.*
15. *Prior to submission of Site Plan, applicant to secure written sewer and water category change approval from Montgomery County Department of Environmental Protection.*

DISCUSSION OF ISSUES

ANALYSIS: Conformance to Master Plan

The proposal meets the requirements of the Olney Master Plan. The Master Plan recommends that *"rural clustering retain open space by allowing residences to be grouped on a portion of the site and fosters a more cost effective development pattern than linear or scattered residential"*. The plan provides 14 clustered lots with the remainder of the property to be conveyed to the HOA as open space. The amount of open space provided within the community is also in conformance with the requirements of the LDRC zone.

The Master Plan also directs that *"cluster development should occur on a common roadway with individual lot access to public arterial or primary roads denied"*. The property has a single access point directly off of Batchellors Forest Road with all of the lots gaining access from the proposed public road.

The protection of environmentally sensitive areas is specifically discussed in the Master Plan with regard to stream valleys. The proposed layout and road design reflects the intent of the Master Plan to preserve as much of the site as possible in open space and limit the impact on environmentally sensitive areas. A category I forest conservation easement will be placed on the entire stream valley buffer, where it is not being impacted by the road crossing and utilities.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE

Zoning	LDRC
Proposed Use	14 Single Family Lots Utilizing the Cluster Development Option
Gross/Net Tract Area	72.4 Acres
Area within the 100 Year Floodplain	1.3 Acres

<u>Development Standard</u>	<u>Permitted/Required</u>	<u>Proposed</u>
Maximum Number of Lots (1 unit/5 acre)	14	14
Minimum Lot Area (Sq. Ft.):	40,000	87,120
Setbacks (ft.)		
• Front yard	50	50
• Side yard	17/35 combined	17
• Rear yard	35	35
Minimum Lot Width at the Street Line (ft.):	25	25
Minimum Building Height (ft.):	35	35
Maximum Building Coverage (%):	25	25
Open Space (%):	60%	60%
Parcel A (9.06 Acres)		
Parcel B (32.42 Acres)		
Parcel C (1.00 Acres)		
Parcel D (0.63 Acres)		

FINDINGS for Site Plan Review:

1. *The site plan is consistent with an approved development plan or a project plan for the optional method of development, if required. None is required.*
2. *The site plan meets all of the requirements of the zone in which it is located. See Project Data Table above.*
3. *The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

a. **Location of Buildings**

The layout of the houses is adequate and efficient; the arrangement of the two cluster areas will provide neighborhood identity in an environmentally sensitive rural setting.

The location of the houses as shown on the site plan is conceptual. The precise location and site grading will not be determined until the owner has chosen a specific house type and a house location plan with grading, to be developed by the project engineer.

b. **Open Spaces**

The open spaces are generously laid out and provide attractive, efficient and accessible green space for the entire community.

Over 43 acres of the 72.40 acre site will be retained as open space, as required by the LDRC zone, and will be owned and maintained by the HOA. The majority of the open space to be preserved is within environmentally sensitive areas such as stream valley buffers, wetlands and floodplain.

The LDRC zone requires that a minimum of 60% of the site be retained as open space, and the plan indicates that exactly 60% will be preserved on site.

The property is exempt from stormwater management for the proposed development as indicated by the Montgomery County Department of Permitting Services (DPS) letter dated January 22, 2002.

c. **Landscaping and Lighting**

The landscaping and lighting provides safety and efficiency for residents and visitors in the rural setting.

Landscaping and screening consists of the formal streetscape treatment of a tree-lined street for the public road accessing the property. The islands in the cul-de-sacs will also receive shade trees for an enhanced residential cluster effect. The entrance to the site and the private road access will contain additional screening and berms to provide a buffer between the proposed lots and Batchellors Forest Road. Additional landscaping is not necessary in the areas where natural vegetation will form an edge along the public road .

Proposed street lighting conforms to the Montgomery County guidelines for public roads for type of fixture, spacing, size and height.

- d. Recreation. Not applicable.
- e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation in general is adequate, safe and efficient.

Vehicular circulation consists of 50 foot-wide public road right-of-way to serve the fourteen lots proposed in the subdivision. The twenty-foot-wide private road stems off the public road to provide access to four lots. A request to waive sidewalks within the subdivision has been reviewed by staff and DPW&T. Staff and DPW&T support the waiver due to minimal vehicular and pedestrian traffic. The absence of recreation amenities on site further supports the waiver request.

- 4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The new houses are clustered preserving 60% of the site as open space. The first cluster of lots access the private road near the entrance, and the other cluster of lots is gathered across the stream buffer and around the public cul-de-sac. Each structure and use is compatible with other uses and with existing and proposed adjacent development.

The activity associated with the proposed residential community will not cause any negative effect on adjacent residential uses.

- 5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

Forest Conservation requirements have been met by the preservation of 29.41 acres of existing forest, with no additional planting obligations required.

A Category I Conservation easement will be placed over the forest conservation and stream valley buffer areas as shown on the Forest Conservation Plan.

APPENDIX

- A. Standard conditions dated October 10, 1995
- B. Memorandums from other Divisions/Agencies
- C. Waiver Request from applicant dated October 30, 2001

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement, Development Program and Homeowners Associations Documents for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 1. Street tree planting must progress as street construction is completed, but no later than 6 months after completion of the units adjacent to those streets;
 2. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 3. Coordination of each section of the development and roads;
 4. Phasing of dedications, stormwater management, sediment and erosion control, forest conservation or other features;
2. 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):
 - a. Undisturbed stream buffers, except for the single road crossing, stormwater management outfalls and utilities as shown on the site plan;
 - b. Limits of disturbance;
 - c. Methods and location of tree protection;
 - d. Forest Conservation areas;
 - e. Conditions of DPS Stormwater Management Concept approval letter dated January 22, 2002;
 - f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
 - g. The development program inspection schedule.
 - h. Conservation easement boundary
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
4. No clearing or grading prior to M-NCPPC approval of signature set of plans.

**MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
WATER RESOURCES SECTION**

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-1153

Date: ~~1/14/02~~ 1/22/02

MEMO TO: Larry Ponsford, Site Planner
Development Review Committee, MNCPPC

FROM: Blair Lough
Water Resources Section, MCDPS

SUBJECT: Stormwater Management Concept Plan/100 yr.Floodplain Review
Site Plan # 8-02019, Mandell Property
Project Plan #
Preliminary Plan # 1-01086, DPS File # 1-01086
Subdivision Review Meeting of

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 5-90 for stormwater management and Executive Regulation 108-2 AM for floodplain. The following summarizes our findings:

SM CONCEPT PLAN PROPOSED:

- On-site: Quantity Quality Both
- On-site/Joint Use Central (Regional): waived under 2.a.2.b.
- Existing Concept Approved
- Waiver: Quantity Quality Both
- Approved on
- Exempt Other

Type Proposed:

- Infiltration Retention Surface Detention Wetland Sand Filter
- Separator Sand Filter Other

FLOODPLAIN STATUS: 100 Year Floodplain On-Site Yes No Possibly

- Provide source of the 100Year Floodplain Delineation for DPS approval approved 100yr. floodplain study Oct. 18, 2001.
- Submit drainage area map to determine if a floodplain study (> or equal to 30 acres) is required.
- Dam Breach Analysis/100 yr.floodplain study: Approved Under Review :

SUBMISSION ADEQUACY COMMENTS:

- Adequate as submitted.
- Provide verification of Downstream notification.

RECOMMENDATIONS:

- Approve as submitted with conditions (see comments below).
- Incomplete; recommend not scheduling for Planning Board at this time.
- Hold for additional information. See below
- Comments/Recommendations:

cc: Steve Federline, Environmental Planning Division, MNCPPC

b1 DRC site plan.03/01

Memorandum

Revised January 9, 2002

January 2, 2002

To: Ron Welke
Ed Axler
Development Review – 4 copies
Community Based Planning Teams -- 7 copies
Park Planning via E-mail
Gail Tait-Nouri via FAX 240 -777-7178

From: Tom Robertson
Transportation Planning

Subject: Pre-Preliminary Plans Reviews for Bikeways, Walkways, Transit, and Horseways

This information summarizes Transportation Planning staff's review of preliminary plans of subdivision for bicycle and pedestrian issues for plans going to the Pre-DRC meeting on January 9th and DRC on January 14th.

It is being shared with you so that we may improve upon implementation. If you have additional comments, please share them with me.

In partial response to the Chairman's request for information on transit access, I have noted transit issues that I am aware of at particular sites.

The following comments are in order with the attached Development Review Committee list:

1. **Drumeldra Hills** Bus service available on New Hampshire Ave.
2. **Bon Air Heights** Bus service available on Mac Arthur Boulevard.
3. **Fox Hill** Bus service available on River Road. Crossing River Road, unless there is a traffic signal at Burdette, will be very difficult.

January 9th Additions

4. **Montrose Park** The planned bikeway on Montrose Road has been deleted in the new North Bethesda master plan. An opportunity to have future access to the planned bikeway within the Montrose Parkway south of this site should be provided.

Sidewalks needed.

Bus service is available on Montrose Road.

5. Mandell Property Batchellors Forest Road is shown in the Olney Master Plan with a proposed bikeway. I guess it's a class 3 on-road facility. Check with Community Based planning staff.

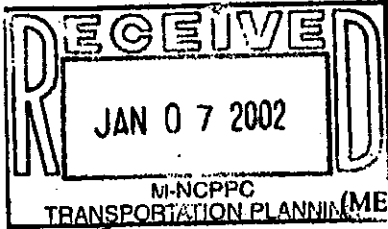
No direct transit service.

To: Ron, Tom, Larry, Dan, Sherman, Janet, Kathy [ki = no plans]
From Ed

Trans. Pl. Staff = Fri 10-11am 1/4/02 in envur pl. emf room

DEVELOPMENT REVIEW COMMITTEE

Pre DRC = JAN 9th 2002 (Wed) PM
MONDAY, January 14th, 2002 (Mon) AM



(MEETING TO BE HELD IN THE THIRD FLOOR CONFERENCE ROOM)

ADMINISTRATIVE DISCUSSION = Party 9:00 A.M. - 10:30 A.M.

1-02062 DRUMELDRA HILLS resubdivide LOT 7, BLOCK C + (2 total) ZONE: R-200 10:30
2 lots proposed (4.3 acres) *studs*
APPLICANT: *on averton lane* Donald W. Lees
ENGINEER: *(at Leiby Rd Row)* Oyster, Imus & Petzold, Inc.
PLANNING AREA/GEOGRAPHIC AREA: White Oak & Vicinity - 33
(was 1-86065) F/w

1-02064 BON AIR HEIGHTS 2 studs ZONE: R-60 10:50
2 lots proposed (38,540 s.f.)
APPLICANT: *SW Quadrant of Leeward end* NancyLynn Ward Bridges
ENGINEER: *W. Leeward Drive on SW side* Witmer Associates, LLC
PLANNING AREA/GEOGRAPHIC AREA: *of River Rd* Bethesda-Chevy Chase & Vicinity - 35
(was 1-00096)

1-02065 FOX HILL 307 units = 27 Skilled Nursing Beds ZONE: R-200 11:10
1 lot proposed (16.81914 acres) 20 Assisted Living Units
APPLICANT: *240 Indep. Living units* Michael J. Giacobelli, Jr.
ENGINEER: *NE side of River Rd* Rodgers & Associates, Inc.
PLANNING AREA/GEOGRAPHIC AREA: *between I-95 & Burdette Rd* Bethesda-Chevy Chase & Vicinity - 35

8-02021 MONTROSE PARKS 16 s Fluo ZONE: R-60/TDR 11:30
16 units (1.2890 acres) *South Side of Montrose Rd*
APPLICANT: *West of E Jefferson St.* Standard Construction
ENGINEER: Greenhorne & O'Mara, Inc.
PLANNING AREA/GEOGRAPHIC AREA: North Bethesda-Garrett Park & Vicinity - 30
(was 1-01022)

8-02019 MANDELL PROPERTY 14 units ZONE: LDRCDZ 12:00
14 units (72.40 acres)
APPLICANT: *east of Bitchellors Forest Rd* Porten Companies
ENGINEER: *opposite the intersection with Emory Lane* Charles P. Johnson Associates
PLANNING AREA/GEOGRAPHIC AREA: Olney & Vicinity - 23
(was 1-01086 & 6-785)

*** NEXT DRC - MONDAY, JANUARY 28TH, 2002 ***

Charles P. Johnson & Associates, Inc.

Planners Engineers Landscape Architects Surveyors

Silver Spring, MD

Frederick, MD

Fairfax, VA

CPJ Associates

October 30, 2001

M-NCPPC
8787 Georgia Avenue
Development Review Division
Silver Spring, MD 20910-3760

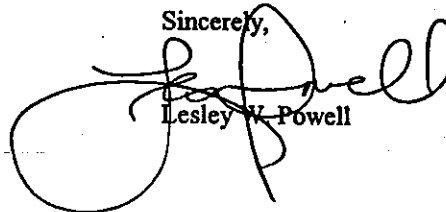
Re: Mandell Property
Sidewalk Waiver Request

Dear Larry Ponsford,

On behalf of our client, Porten Companies, we would like to request a waiver for sidewalks along both sides of Street 'A' proposed in the Mandell Property. There are 14 lots on this site, each 2.00 acres and greater in size, and only 10 of the lots have direct access off of Street 'A'. It is our understanding that there will be very little pedestrian traffic along Street 'A', therefore sidewalks will not be needed.

If you have any questions or comments regarding these conditions, please call at 301-434-7000.

Sincerely,



Lesley W. Powell

