

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

MCPB July 25, 2002 Item # **4** 

#### **MEMORANDUM**

DATE:

July 19, 2002

TO:

Montgomery County Planning Board

VIA:

John A. Carter, Chief, Community-Based Planning

William Barron, Team Leader, Eastern County Tea

FROM:

Joel A. Gallihue, AICP

**REVIEW TYPE:** 

Special Exception Modification to

Good Hope Community Redevelopment Area Montgomery County Housing Partnership

APPLICANT: CASE NUMBER:

CBA-2876-A, Great Hope Estates

ZONE:

R-200

LOCATION:

1140 Good Hope Drive

**MASTER PLAN:** 

Cloverly

FILING DATE:

April 25, 2002 July 23, 2002

PLANNING BOARD: PUBLIC HEARING:

September 11, 2002

**STAFF RECOMMENDATION:** Approval of the proposed modification with the following conditions:

- All evidence, testimony and exhibits of record shall bind the petitioners.
- 2. All previously approved special exception terms and conditions shall remain in full force and effect.
- 3. Prior to issuance of a building permit for the community center building, the Applicant shall comply with the conditions of approval listed in the combined preliminary and final water quality plan staff report dated July 25, 2002.
- 4. Applicant shall comply with County Department of Permitting Services requirements for stormwater management.

**Proposal Description** - The applicant, Great Hope Homes 2001, L.P., are requesting approval of a special exception modification to complete the existing Good Hope Community Redevelopment Area at 1140 Good Hope Road in the Cloverly Master Plan area and in the R-200 Zone. The applicant seeks to construct a small community center for the use of the residents. This would complete a recreational amenity that was originally intended for the Good Hope community that was not built.

The original special exception (CBA 2876) for the existing Good Hope Community Redevelopment Area was approved on September 22, 1970. The proposal included a community center and a pool. The attached concept plan shows the location of the pool and center, however limited details about either amenity are retained in the file. On December 14, 1972 a timeline extension was granted by the Board (CBA 2876) to allow time to finalize HUD approval. The project was constructed in 1974.

The existing development consists of 90 townhouses and 14 one-family attached units, totaling 104 units. The Board of Appeals has certified an "as-built" plan as the site plan, which shows the same. This plan is proposed to be modified to accommodate the previously approved community center.

Site and Neighborhood Description - The site is located on the south side of Good Hope Road between Briggs Chaney Road and New Hampshire Avenue (MD 650). To the south of the property is parkland associated with the Upper Paint Branch. To the east of the property is Dr. Charles Drew Elementary School. North is residential property and a church. The previously approved community center original facility was to be located on the north side where town houses are now built. The proposed community center will be located on the south side of the property adjacent to the parkland.

#### **Elements of the Proposal -**

#### **Community Center**

The proposed community center is shown on the site plan an elevations are included in the attachments. The one story structure will be 2,164 sq. ft. in area with 2,048 sq. ft. of usable space. The building program calls for 253 sq. ft. for rental office, 211 sq. ft. for computer lab, 877 sq. ft. for a multi-purpose room and the remainder for kitchen, bathroom utilities and hallways.

Residents may use the computer lab for Internet access and training. The multipurpose room will be used for youth and adult activities such as homework clubs, before-care, relevant home economics and counseling.

#### **Employees**

Table 1 - Employment		
Title	Number	Status
Resident Manager	1	Full Time
Assistant Resident	1	Full Time
Manager	·	
Tenant Relocation	1	Temporary, position
Coordinator		terminates after
		construction.
Maintenance	2	Full Time
Community Center	6	Part time, commencing
Programming		after construction of
		community center

Total after development is completed will be four full-time and up to six part-time depending upon community center programming.

#### Other Renovations

The petition stipulates that no new residential units are proposed beyond the one freed up by moving the office. Patios will be reconfigured. Parking will be restriped. Landscaping, sheds and play areas will be replaced.

#### **ANALYSIS**

Master Plan - While this proposal represents a modification to a special exception that was approved prior to the effective master plan, the 1997 Cloverly Master Plan supports the existing R-200 zoning which allows special exceptions, such as the proposed use, in the zone. The proposal does not appreciably increase the intensity of the residential development. By constructing the community center administrative offices will be relocated out of a residential unit, freeing the unit up for use.

**Design** – The attached elevations depict a one-story structure. The use of a pitched roof, residential scale windows, and variation in siding materials will allow the structure to blend into the residential setting.

**Development Standards-** The special exception modification is in compliance with the development standards for the R-200 Zone. Conformance to relevant development is summarized in Table 1 on the following page.

Table 2 – Conformance with Applicable Development Standards			
Development Standards - RC	Requirement	Proposal	
Min. Lot Area	20,000 sq. ft.	11.53	
Front Yard Setback	40'	90'	
Side Yard Setback	12'	15'	
Sum of Both Sides	25'	38'	
Rear Yard Setback	30'	30'	
Use operations setback	50'	50'	
Lot Width @ Street	25'	345'	
Lot Width @ Front Bldg Line	100'	300'	
Building Height	50'	25'	
Building Coverage	25%	12%, 58,000 sq. ft.	
Parking (2/ d.u. and 2.5 per 1,000 s	q.ft	, 55,500 001 141	
of Community Center )	214	189, seeking DPS waiver.	

#### **Parking**

The existing 104 dwelling unit development would be required to provide 208 parking spaces under current standards. A 2,164 sq. ft. community center would require an additional 6 spaces for a total of 214 parking spaces.

181 spaces are in existence and the petition proposes 189. The original site plan notes that 201 parking spaces were required under the standards in effect at the time. It is not clear why fewer parking spaces were provided than what is required. The applicant notes that Great Hope Manor has been functioning without parking problems with this reduced parking.

The applicant has applied to DPS for a waiver of strict adherence to portions of the parking and loading requirements. They are requesting a waiver of the parking schedule requirements to permit the 25-space parking deficit. In support of the waiver they cite the fact that the community has not experienced parking problems, demographics resulting in lower car ownership in the community and impervious surface limitations of the environmental overlay zone.

Staff supports the applicant's effort to reduce impervious surface in the SPA. In light of the fact that the community has not experienced problems relating to the parking deficit and the petitioners stipulation to limiting use of the community center to Great Hope Manor residents, staff can support the waiver for the number of parking spaces.

The applicant is also requesting that DPS waive parking setback and screening requirements if necessary. Staff observes that the parking immediate to the community center is sufficiently setback (even under the most current zoning text) and screened by the building. Other parking in the rear of the site does not

meet the setback requirements. Staff observes that this parking is adjacent to permanent parkland, not residences, and has been existence in essentially the same configuration for years. For these reasons staff recommends waiving the setback and screening requirements.

Inherent/Non-Inherent Adverse Effects- The inherent and non-inherent adverse effects of a special exception must be considered on nearby properties and the surrounding neighborhood at the proposed location, regardless of the adverse effects the use might have if established elsewhere in the R-200 zone.

Section 59-G-1.2.1 of the Zoning Ordinance states

Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics are not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with the inherent effects, are a sufficient basis to deny a special exception.

This application represents a location change to an approved accessory community center for the special exception use. Analysis of inherent and non-inherent adverse effects only considers this proposed change.

The inherent, generic physical and operational characteristics arising from the given use, in this case a community center could include various indoor recreational and community activities such as camps, classes and or meetings. The site development plan for the proposal does identify the location of the center and the statement of operations indicates use by residents of Great Hope Manor.

A non-inherent adverse effect could occur if the community center were rented out or in some other way made generally available to outside users. In such cases, a parking problem would occur. The statement of operations stipulates that use of the center will be limited to Great Hope Manor residents.

Staff finds that all of the physical and operational characteristics of the proposed modification will all be inherent in any potential adverse effect and are compatible with existing development.

**Transportation** - The Transportation Planning staff has conducted an Adequate Public Facilities (APF) review for this special exception and recommends

conditional of approval. The community center is limited to use by residents through a condition of approval number one. The size of the center is limited to 2,164 sq. ft. and the number of residential units is limited to 104 by the proffered site plan.

#### Site Location and Access

The site is located on the southeast side of Good Hope Road between Briggs Chaney Road and New Hampshire Ave. (MD 650). Vehicular access is from Good Hope Road onto the existing internal road, Good Hope Drive. An existing pedestrian path from Good Hope Road connects into the site.

#### Master Plan Roads and Bikeways

According to the *Cloverly Master Plan*, the adjacent nearby roadways and bikeways are functionally classified as follows:

1. Good Hope Road is designated as a primary residential street, P-12, with a 70' right-of-way and a proposed Class II bikeway, P-35.

2. Briggs Chaney Road is designated as an arterial, A-86, with an 80' right-of-way and an existing Class II bikeway, EB-10.

3. New Hampshire Avenue is designated as a major highway, M-12, with and 125' right-of-way and a proposed bikeway Class II, PB-23.

#### Local Area Transportation Review

The resulting traffic generated by the facilities in the community center is as follows:

- 1. The original approval was for 98 town homes and 10 single family detached units. These approved housing units would generate 57 peak-hour trips during the weekday morning peak period (7:00 to 9:00 a.m.) and 93 peak-hour trips in the weekday evening peak period (4:00 to 6:00 p.m.). In comparison with the 104 town homes that were built (with one unit as a rental office), the net result would be 7 fewer peak-hour trips during the weekday morning peak period and 9 fewer peak-hour trips during the weekday evening peak period.
- 2. The community center is for use only by the residents living with in Great Hope Estates. The location of such a facility on-site would reduce the need for residents to travel off-site to similar facilities.
- 3. Currently one town home is used as the rental office. The applicant represents this office will be moved to the community center. This will free up the last residence for occupancy and generate one additional weekday morning and evening peak hour trip.

The proposed modification would result in a net decrease to six fewer weekday morning peak hour trips and eight fewer weekday evening peak hour trips compared to the originally approved development.

#### Policy Area Review / Staging Ceiling

This project is located in the Cloverly Policy Area. As of June 30, 2002, the remaining capacity is positive 1,249 housing units under the FY 02 *Annual Growth Policy* transportation findings.

#### Environmental -

In addition to the present special exception application the Planning Board must also review a Special Protection Area (SPA) Combined Preliminary and Final Water Quality Plan for this project. Staff recommends approval of the Special Protection Area (SPA) combined preliminary and final water quality plan subject to conditions listed below. The water quality plan review led to the applicant committing to place a conservation easement on an adjacent parcel (Parcel P556) as an impervious reserve. This commitment ensures a lower overall impervious surface area. Staff is also recommending a special exception condition to ensure compliance with the conditions of the water quality plan.

The recommended water quality plan conditions are as follows:

- 1) Applicant to enter into an agreement with the Planning Board to limit impervious surfaces to no more than 31.74 percent as shown on the Preliminary and Final Water Quality Plan. (Site imperviousness includes Parcel P566). Any modifications to these plans which increase site imperviousness may require a revision to the SPA water quality plan and Planning Board action on the revised water quality plan.
  - a) Record a Category I conservation easement on Parcel P566 so as to create a forested pervious area reserve for the project.
  - b) Plan to restore construction staging area on Parcel P566 to allow for regrowth of vegetation to be submitted for staff review and approval. Restoration plan to include the following items:
  - c) Existing paved and gravel drive to be removed and properly disposed offsite no later than six months after completion of construction of community center building.
    - i) Loosen and amend soils in construction staging area to allow for planting and growth of native plants.
    - ii) A planting plan for native plants on the construction staging area that is coordinated with staff.
    - iii) A schedule of implementation for each of the above items.
- 2) Conformance to the conditions as stated in DPS' water quality plan approval letter dated June 6, 2002. (Attachment A).

Community Concerns – The applicant been coordinating with neighbors and local citizen groups regarding the application. Staff has not been contacted by anyone in opposition to the proposal.

Compliance with General and Specific Special Exception Provisions- The staff has reviewed the petition for compliance with the applicable special exception provisions. As noted in the attachment, all general requirements for a special exception found in Sections 59-G-1.21 will be satisfied.

**Conclusion** – The staff finds that the special exception satisfies all of the applicable special exception provisions for a landscape contractor found in the Zoning Ordinance. Therefore, we recommend approval with the conditions found in the beginning of the report.

#### **Attachments**

- 1. Zoning Criteria Analysis.
- 2. Vicinity Map.
- 3. Good Hope Redevelopment Area, Original Plan, and Opinions
- 4. Site Plan of Implemented Special Exception No. 2876
- 5. Site Plan for Special Exception
- 6. Preliminary and Final Water Quality Plan
- 7. Planting Plan
- 8. Community Center Floor Plan
- Community Center Building Elevations.

## Attachment 1. Montgomery County Zoning Ordinance Compliance with Specific and General Special Exception Provisions

#### Sec. 59-G-1.2. Conditions for granting.

#### 59-G-1.21. General conditions.

- (a) A special exception may be granted when the board, the hearing examiner, or the district council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:
  - (1) Is a permissible special exception in the zone.

The use is allowed in the R-200 zone, provided it was in existence prior to July 22, 1991. The use was approved and built in the early 1970's.

(2) Complies with the standards and requirements set forth for the use in division 59-G-2.

The use requirements were removed by zoning text amendment in July 1991, therefore this finding is not applicable to this specific case.

(3) Will be consistent with the general plan for the physical development of the district, including any master plan or portion thereof adopted by the Commission.

The subject property is covered by the 1997 Cloverly Master Plan. Staff finds that the proposed special exception is consistent with the recommendations in the approved and adopted master plan.

(4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

The proposed modification will be in harmony with the neighborhood when considering these criteria. The proposed community center will be residential in scale and will serve the immediate Great Hope community, as is appropriate for a location deep within the site. Adjacent property is

parkland.

(5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity.

The proposed modification will not have a detrimental effect for any of these reasons.

(6) Will not, when evaluated in conjunction with existing and approved special exceptions in the neighboring one-family residential area, increase the number, intensity or scope of special exception uses sufficiently to affect the area adversely or alter its predominantly residential nature. Special exception uses in accord with the recommendations of a master or sector plan are deemed not to alter the nature of an area.

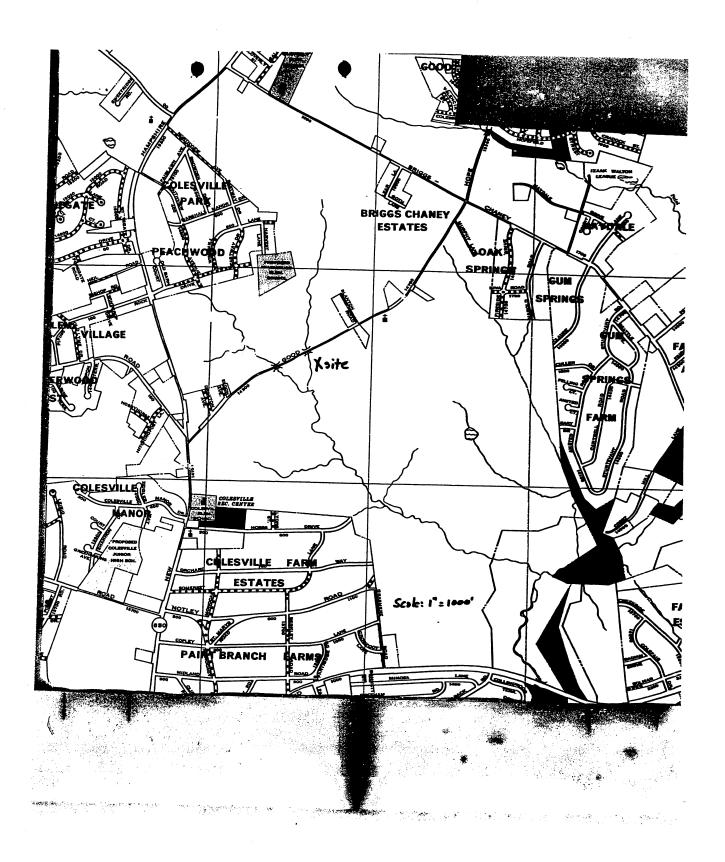
The proposed modification when evaluated in conjunction with other existing and approved special exceptions in the area will not affect area adversely or alter its residential character. The development is residential and the modification is in support of the use.

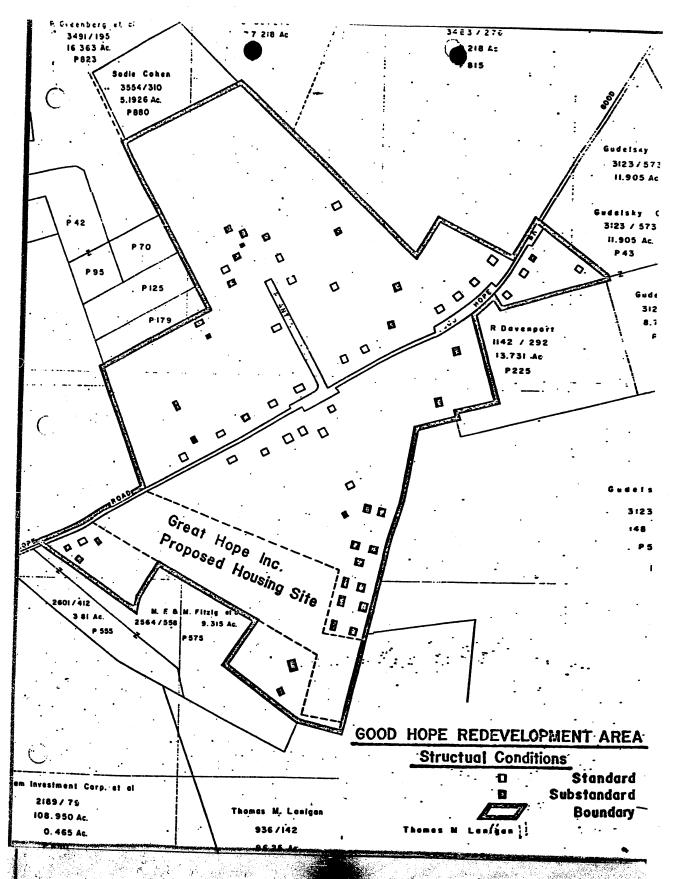
(7) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area;

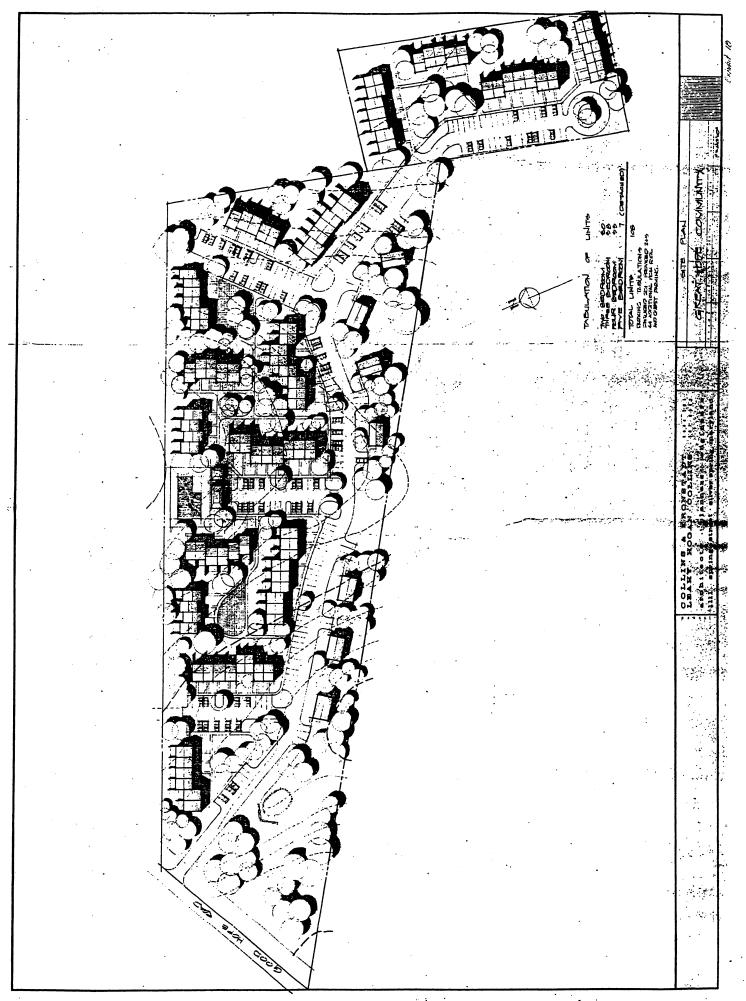
The use will not adversely affect the safety of area residents.

(8) 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 the special exception use requires approval of a preliminary plan of subdivision in accordance with chapter 50 of this Code, title "Subdivision of Land," the adequacy of public facilities will be determined by the Planning Board at the time of subdivision approval. In that case, the Board of Appeals must include such Planning Board approval as a condition of the grant of the special exception.

Public water and sewer serve the development.







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### COUNTY BOARD OF APPEALS FOR MONTGOMERY COUNTY

Case No. 2876

PETITION OF GREAT HOPE, INC. (Hearing held September 3, 1970)

# SEP 22 1970

#### OPINION OF THE BOARD

This proceeding is on a petition for a Special Exception pursuant to Section 111-37. i-l of the Zoning Ordinance (Chap. 111, Mont. Co. Code 1965, as amended) entitled "Community Redevelopment Area." The area designated by the Montgomery County Council for the proposed community redevelopment project is known as the Good Hope Community, and contains approximately 12 acres for development, fronting on Good Hope Road, near Blanton Road, part of the Beall Manor Subdivision. Silver Spring, Maryland, in an R-R Zone.

According to the testimony and evidence of record, the subject property is located on Good Hope Road between New Hampshire Avenue and Briggs Chaney Road. Exhibits No. 7 and No. 22 in the record outline the background and evaluation of the proposed redevelopment of the subject property which is within the redevelopment area.

The petitioner is a non-profit corporation, consisting of a 10-member hoard of directors, which proposes to construct and operate 108 dwellings together with a community building and swimming pool. The site is a 12-acre parcel of vacant land and the project is proposed to be developed under the FHA 236 program. This program makes the purchase of the units possible.

There was testimony that more than half the houses in the area have been designated as substandard; that there are 61 homes and 113 families residing in the area. The proposed project would provide housing without displacing the persons now living in the area, and the tenants would have the option to acquire the buildings.

Witnesses from the area and community testified regarding the great need for housing such as proposed; that the community supports the project; and that some residents have been forced to leave the community because they were unable to find housing.

The area would be developed with nine units per acre which would provide 108 dwelling units consisting of town house and single type living units. The site plan, marked Exhibit 18 in the record, provides for 30 two-bedroom units; 38 three-bedroom units; 33 four-bedroom units; and seven five-bedroom units. The required parking

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would be for 201 cars; 245 spaces have been provided, thus allowing 44 additional spaces for the swimming pool and guest parking. The units will be two-story and constructed of brick and stucco. As many trees as possible will be saved.

The site plan has been modified to incorporate the recommendations of the Park and Planning Commission. It is not anticipated that the development will create any increase in traffic, however, the road will be widened. The storm drainage is proposed to be handled on the site. No commercial uses will be constructed. The proposed project will consist of both rental and ownership arrangements.

Based on the testimony and evidence of record, the Board finds that the proposed redevalopment of the Good Hope community will hasten the elimination of substandard, non-conforming residential dwellings in the area; that the area has been designated for redevelopment by Resolution of the Montgomery County Council; that the Montgomery County Planning Board has reviewed the site plan and submitted its recommendations; that a certification by the Department of Community Development of the number of families residing within the redevelopment area was filed with the application; and that a proposed purchase price and rental figure has been submitted for the record.

In addition, the Board makes the following findings based upon the testimony adduced at the public hearing:

- (a) The proposed use will not affect adversely the General Plan for the physical development of the District as embodied in the Ordinance and in any Master Plan or portion thereof adopted by the Commission.
- (b) The proposed use at the location selected will not: (a) adversely affect the health and safety of residents or workers in the area; (b) overburden existing public services, including water, sanitary sewer, public roads, storm drainage, and other public improvements; and (c) will not be detrimental to the use or development of adjacent properties or the general neighborhood; nor change the character of the general neighborhood in which the use is proposed considering service required at the time of the application, population density, character, and number of similar uses.
- (c) At least 50% of the dwelling units in the proposed community redevelopment area have been found to be unfit for human habitation under the provisions of Section 91-11 of the Montgomery County Housing Code.

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- (d) The site plan encompasses an essentially vacant portion of the subject redevelopment area.
- (e) The number of dwelling units will not exceed nine dwelling units per acre.
- (f) No commercial or industrial use is included in the redevelopment area.
- (g) The buildings will not exceed the height limitation of the R-R zone.
- (h) No family will be displaced by reason of the redevelopment.
- (i) Families certified by the Department of Community Development to be residents of the area at the time the application was filed will be given priority to purchase or lease the dwellings to be constructed as a result of the grant of this Special Exception.
- (j) Adequate recreational facilities will be provided to serve the needs of the development.

Accordingly, the Special Exception for the use proposed is <a href="mailto:qranted">qranted</a>, said use to be implemented in the manner set forth by testimony and exhibits of record, and subject to the following conditions:

- The "stub ends" of the streets shall be available for extending the streets into the remaining redevelopment area.
- The construction and development of the subject 12 acres shall be in accordance with the site plan as approved by the Park and Planning Commission, Exhibit 18, and limited to nine units per acre.
- The project shall be serviced by public water and sewer.
- No commercial or industrial use shall be permitted on the subject site.
- This decision of the Board shall be subject to approval by the Montgomery County Council, said Resolution and approval to be made a part of the record.

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 The subject property shall be platted in accordance with the subdivision regulations and recorded among the Land Records of Montgomery County.

The Board has considered the request by the petitioner for two years time in order to implement the subject Special Exception, and, being cognizant of the length of time required for the various approvals required for the proposed project, the Board hereby grants the subject Special Exception for a two-year period, time to terminate two years from the date of the Montgomery County Council's final approval of the subject redevelopment project.

The Board adopted the following Resolution:

"Be it Resolved by the County Board of Appeals for Montgomery County, Maryland, that the opinion stated above be adopted as the Resolution required by law as its decision on the above-entitled petition."

The foregoing Resolution was proposed by Mrs. Helen H. Burkart and concurred in by Messrs. Joseph E. O'Brien, Jr., Chairman, Bernard D. Gladhill and Kenneth E. denOuter. Mr. Ralph F. Berlow was necessarily absent for the hearing and did not partitipate in the foregoing decision.

I do hereby certify that the foregoing Minutes were officially entered upon the Minute Book of the County Board of Appeals this 22nd day of September, 1970.

Clerk to the Board

Copy of this opinion mailed to all persons who received notice of the hearing.

## COUNTY BOARD OF APPEALS FOR MONTGOMERY COUNTY

Case No. 2876

PETITION OF GREAT HOPE, INC., REGARDING AN EXTENSION OF TIME (Hearing held December 14, 1972)

#### OPINION OF THE BOARD

This proceeding is on a request pursuant to Section 111-32. d. of the Zoning Ordinance (Chap. 111, Mont. Co. Code 1965, as amended) for an extension of time for implementing the Special Exception for the proposed community redevelopment of the Good Hope community. The subject property for the redevelopment project contains approximately acres, is part of an 87-acre community redevelopment area designated by the Montgomery County Council, fronting on Good Hope Road, near Blanton Road, part of the Beall Manor Subdivision, Silver Spring, Maryland, in an R-R Zone.

Testimony and evidence of record reveals that the subject Special Exception was granted on September 22, 1970, for a two-year period to implement the redevelopment project. Testimony further revealed that although there has been diligent and consistent work on the project, more time will be required to finalize the drawings for HUD's approval and for work to begin.

Upon consideration of the testimony and evidence, the Board is of the opinion that the delay in starting construction has been unavoidable, and that the requested extension of one year can be granted without altering any of the findings in the original case.

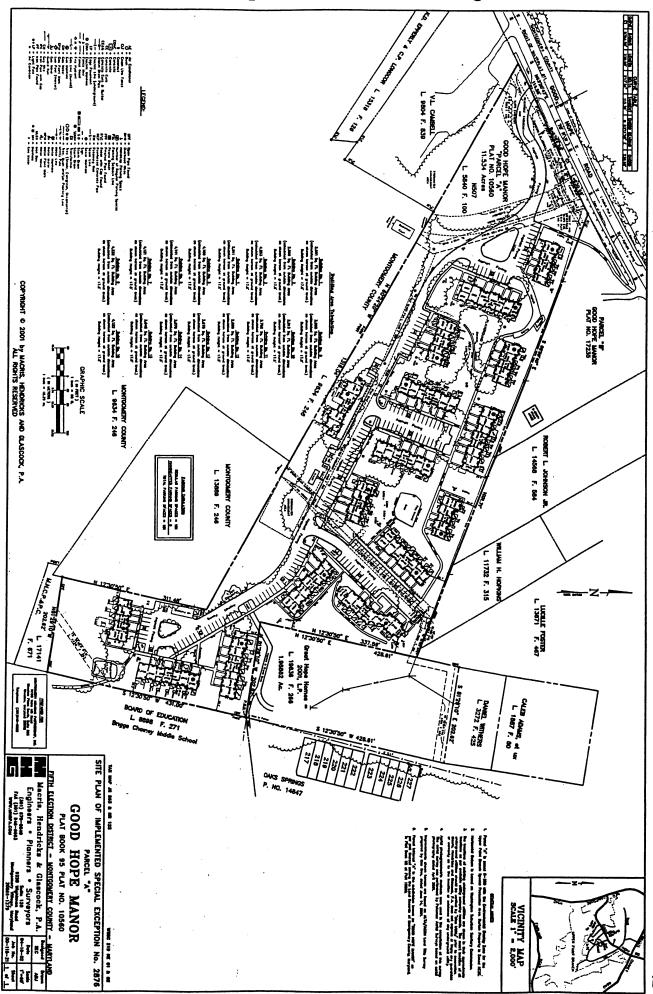
Accordingly, and in accordance with the Board's decision, the request for an additional 12 months to implement the Special Exception is granted, time to terminate on the 24th day of September, 1973.

The Board adopted the following Resolution:

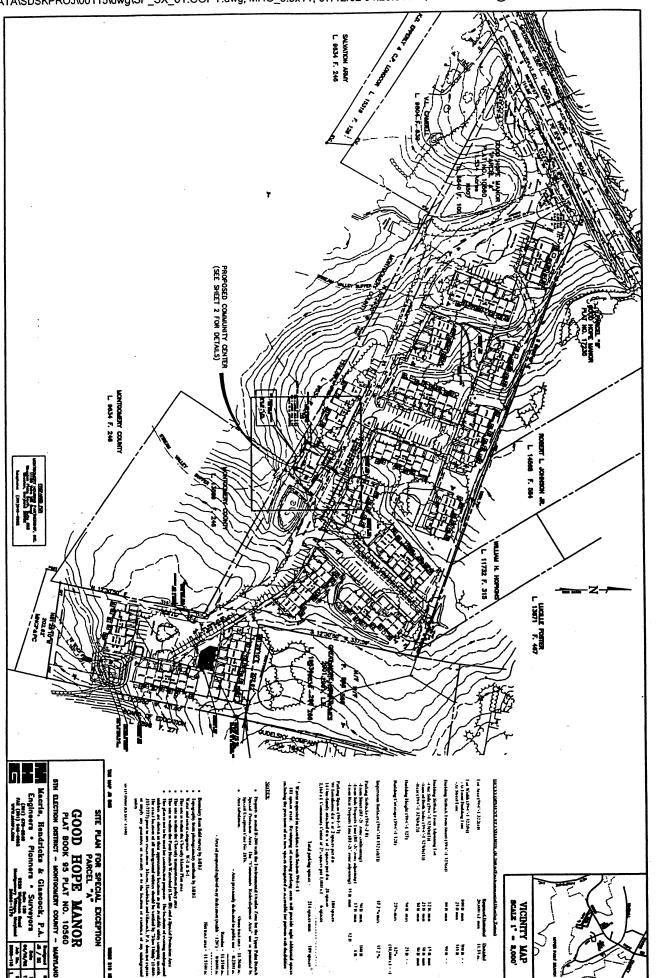
"Be it Resolved by the County Board of Appeals for Montgomery County, Maryland, that the opinion stated above be adopted as the Resolution required by law as its decision on the above-entitled

The foregoing Resolution was proposed by Mrs. Beverly S. Pearson and concurred in by Messrs. Joseph E. O'Brien, Acting Chairman, Bernard D. Gladhill and James G. Early, constituting all the present members of the Board.

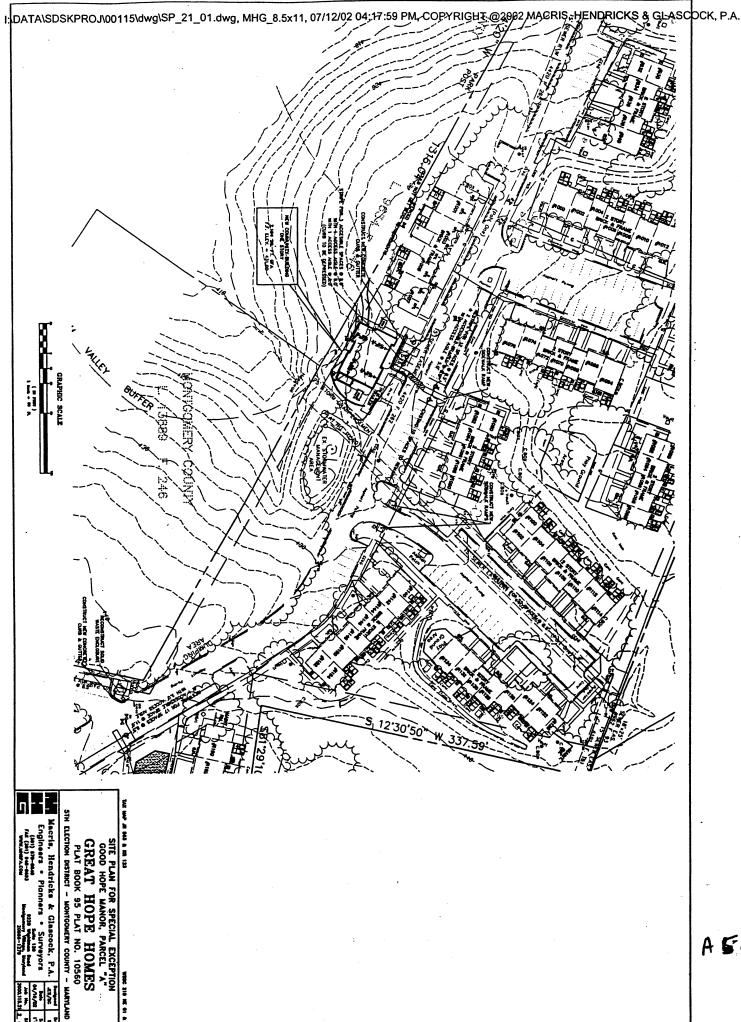
Case No. 2876 I do hereby certify that the foregoing Minutes were officially entered in the Minute Book of the County Board of Appeals this 19th day of December, 1972.

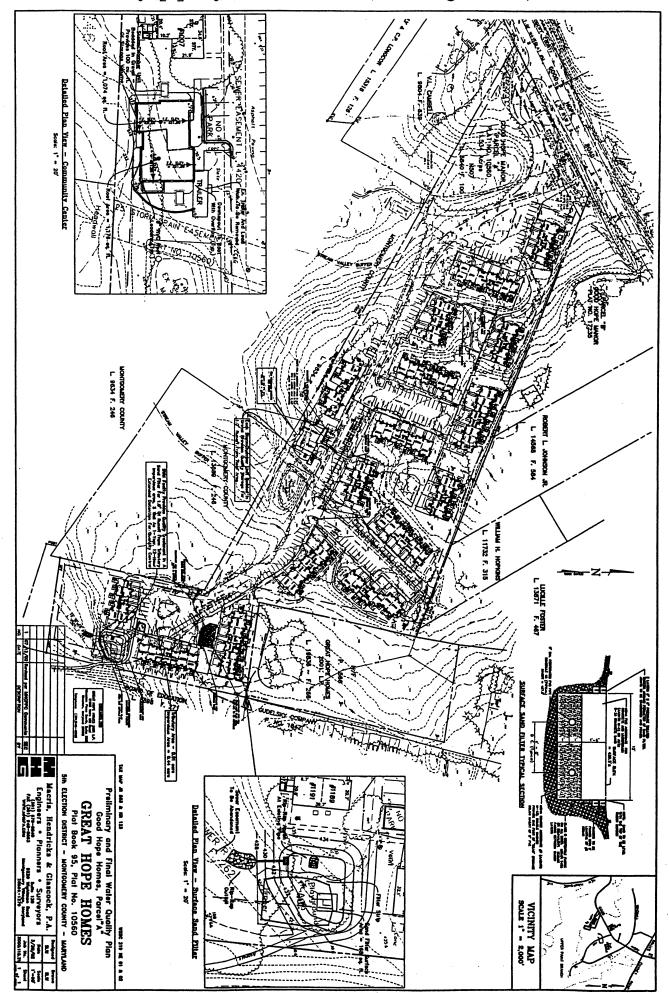


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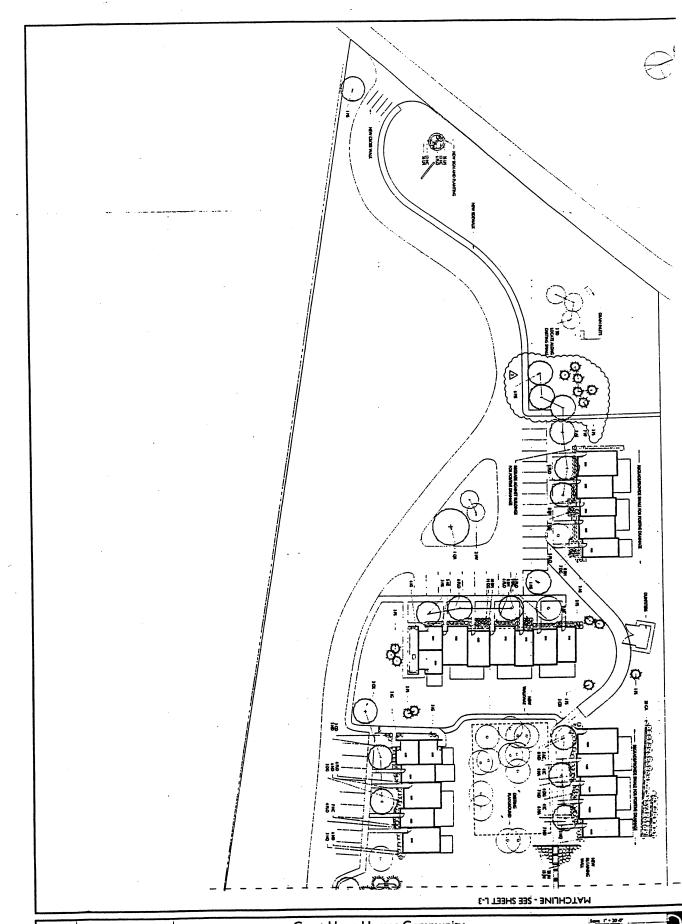


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L-3

Planting Plan

Great Hope Homes Community

Montgomery Housing Partnership

1140 Good Hope Drive
Silver Spring, MD 20905

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