



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

March 12, 2003

MEMORANDUM

TO: Montgomery County Planning Board

VIA: John A. Carter, Chief *JAC*
Community-Based Planning Division

Khalid Afzal, Team Leader
Georgia Avenue Planning Team

FROM: Frederick Vernon Boyd, Community Planner *FVB*
Georgia Avenue Planning Team (301 495 4654)

SUBJECT: Planning Board Worksession #6 for the Upper Rock Creek Area Master Plan—Housing and Land Use

RECOMMENDATION: Discussion of development options for the Casey, Dungan, Freeman and Woodlawn properties.

Discussion

The sixth worksession on the Upper Rock Creek Area Master Plan continues the housing and land use discussion begun last week in worksession #5. At that worksession, Planning Board members asked for further refinements of land use options prepared for and discussed at that worksession. This memorandum provides tables showing those refinements and offers as well a brief discussion of compatibility issues associated with those options.

At the last worksession, planning staff offered four development options that emerged from its reevaluation of the Public Hearing Draft's land use analysis. The options are:

- **Option 1 retains the existing land use pattern and the existing zones for the major undeveloped properties.** It envisions no extensions of community sewer service and development using septic fields. Affordable housing opportunities are more limited and are concentrated in higher density areas near commercial or industrial districts.

- **Option 2 modifies the existing land use pattern to allow cluster development that preserves environmentally sensitive areas in common ownership.** This option is the original Public Hearing Draft recommendation. It envisions use of the RE-2C Zone. It expands the sewer envelope to areas that can be served by existing sewer lines and explicitly recommends against construction of new sewer lines in stream valleys. Expansion of the sewer envelope in this case could be tied to provision of MPDUs as well. For example, a 12.5 percent contribution of MPDUs could be required without allowing a density bonus.
- **Option 3 modifies Option 2 to assume implementation of draft text amendments expanding the Moderately Priced Dwelling Unit (MPDU) program to large-lot zones when community sewer service is available.** This option attempts to balance three important public policies: preservation of sensitive areas, retention of low-density residential character and provision of additional affordable housing. It further modifies the existing land use pattern by allowing minimum lot sizes of 15,000 square feet and by allowing affordable units to be detached or semi-detached houses. A maximum density bonus of 22 percent would be available to encourage provision of MPDUs. It also envisions use of the RE-2C Zone or RNC Zone.
- **Option 4 emphasizes affordable housing by tying extension of sewer service to provision of MPDUs.** To receive community sewer service, a development proposal would be required to provide 20 percent MPDUs. This option would allow development in the Rural Neighborhood Cluster (RNC) Zone as a means of preserving sensitive areas in common open space. It too would modify the existing land use pattern by allowing smaller minimum lot sizes. The appropriate density would be set by the Master Plan at 0.532 dwelling units per acre, or 1.87 dwelling units per acre (0.4 units per acre multiplied by 1.33).

Last week, the Planning Board agreed to focus its review on options 3 and 4. The tables in attachment 1 refine those options for the Casey, Dungan, Freeman and Woodlawn properties. In essence, the option refinements investigate different applications of the RE-2C and RNC zones on the four properties, and show several different ways to add affordable housing to them. The refinements include proposals from the developers of each of the properties. A fifth option, which requires a 20 percent MPDU contribution, but limits the density bonus, has been developed as well. The tables illustrate likely lot yields under each option, include MPDUs, and provide an estimated percentage of imperviousness on each property.

The imperviousness percentages are estimates based on the typical roadways, drives and house footprints from the table shown in the last worksession. Imperviousness of open land and forest areas and of a four lane road across the Casey and Dungan properties have been calculated. While the developers provided planning staff with some calculations for their latest proposals, similar numbers were not available for all the variations prepared for this worksession. Given the limited time available, planning staff chose to use consistent factors based on our earlier studies.

As noted in last week's worksession memorandum, tighter clustering allowed in the RNC Zone potentially can reduce site and watershed imperviousness, if the total number of dwelling units is not increased and the variability of housing types is permitted. As dwelling units are added to the cluster, imperviousness generally increases. This is illustrated by the imperviousness figures in the tables. Imperviousness is highest in the RE-2C options, because larger lots are likely to result in longer driveways and roads. Imperviousness is lower in the RNC options with the lowest recommended densities, because the relatively smaller lots in the clusters result in shorter driveways and roads.

Last week's memorandum also noted the importance of maintaining compatibility where new development "meets" existing neighborhoods. One of the option refinements prepared for this worksession (Option 3c) would reclassify the Casey and Dungan properties to the RNC Zone but maintain overall densities for the properties at the equivalent of RE-2C densities including MPDU density bonuses. Option 3c illustrates the yields for separate development of the two properties, but would result in the same number of lots as Option 3b if the properties combined.

This option has important consequences for compatibility. First, the RNC Zone, bolstered by language in the Master Plan, could direct conservation lots, larger lots or open space to the edges of the new developments, enhancing compatibility with existing communities. Second, the RNC Zone's requirement for site plan review affords an additional opportunity to review development proposals and work to insure compatibility.

In addition, the RNC Zone's clear percentage requirements for providing open space, would, with site plan review, help to maximize the amount of open space that could be preserved. Master Plan language could also "target" areas to be included as rural open space. The RE-2C Zone requires provision of open space, but does not specify amounts.

At the last worksession, developers of the Casey and Dungan properties answered questions from the Planning Board about the possibility of joint development of their properties (correspondence from representatives of the Dungan property is attached). Representatives of the Freeman property also have proposed a new option that develops the property in the RNC Zone. It contemplates 225 lots on the property in the RNC Zone and includes a voluntary MPDU contribution of 20 percent. These proposals, as well as a proposal from representatives of the Woodlawn property, are included in the attached tables.

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Attachments

Attachment 1
Development Options Tables

Casey Property—Development Options

	Zone(s)	Yield	MPDUs	Imperviousness (in percent)	Pump Station?
Option 3 (PHD)	RE-2C and RE-2	136	17	13.4	No
Option 3a	RE-2C	163	25	13.5	Yes
Option 3b	RE-2C	226 (64)	34 (10)	12.9*	Yes
Option 3c	RNC @ 0.488	163	25	11.0	Yes
Option 4	RNC @ 0.532	178	36	11.8	Yes
Option 4a	RNC @ 0.532	247 (69)	50 (14)	11.1*	Yes
Option 4b	RNC @ 0.554	186	28	12.1	Yes
Option 4c	RNC @ 0.54	250 (44)	38 (7)	11.2*	Yes
Option 5	RNC @ 0.488	227 (64)	46 (13)	N/a	Yes

Option 3 is the Public Hearing Draft Recommendation: 225 acres reclassified RE-2C and recommended for cluster development; 109 acres classified RE-2 and recommended for septic development. This option and all sub-options assume enactment of MPDU text amendment.

Option 3a extends the RE-2C Zone to the entire property.

Option 3b reclassifies the Casey and Dungan properties RE-2C, allows joint development with dedication of Dungan property and transfer of Dungan units (63 including MPDUs) to Casey property.

Option 3c reclassifies the Casey property to RNC at 0.488 units per acre and would extend sewer service to the entire property. Like Option 3b, it could permit joint development of the Casey and Dungan properties.

Option 4 reclassifies the Casey property to RNC at 0.532 units per acre, but master plan would recommend sewer service only with 20 percent contribution of MPDUs.

Option 4a reclassifies the property to RNC at 0.532 units per acre, requires combined development with the Dungan property, transfers Dungan units to Casey and requires 20 percent MPDUs.

Option 4b reclassifies the property to RNC at the densities used in Sandy Spring: 0.554 units per acre with 15 percent MPDUs.

Option 4c reflects the Casey and Dungan joint development proposal: 250 units including 38 MPDUs (15 percent contribution), dedication of the Dungan property and transfer of its density to the Casey property.

Option 5 reclassifies the Casey and Dungan properties to RNC, requires joint development and a 20 percent MPDU contribution, but allows no more than 22 percent bonus density.

*Imperviousness is measured across both properties, although all units are on Casey.

Dungan Property—Development Options

	Zone(s)	Yield	MPDUs	Imperviousness (in percent)	Pump Station?
Option 3 (PHD)	RE-2	26 to 34	0	11.1	No
Option 3a	RE-2	26 to 34	0	11.1	No
Option 3b	RE-2C	0 (64)	0 (10)	12.9*	No
Option 3c	RNC@ 0.488	64	10	12.0	No
Option 4	RE-2	26-34	0	11.1	No
Option 4a	RNC @ 0.532	0 (69)	0 (14)	11.1*	No
Option 4b	RNC @ 0.554	73	11	13.2	No
Option 4c	RNC @ 0.54	0 (44)	0 (7)	11.2*	No
Option 5	RNC @ 0.488	0 (64)	0 (13)	N/a	No

Options 3, 3a and 4 assume that the Dungan property would develop using septic systems in its existing zones.

Option 3b reclassifies the property to RE-2C, but does not recommend sewer service. The owners could develop using septic systems or combine with the Casey property and transfer 63 units, including 10 MPDUs, to the Casey property.

Option 3c reclassifies the property to RNC at 0.488 units per acre and recommends sewer service. Like Option 3b, it could permit joint development of the Casey and Dungan properties.

Option 4a reclassifies the property to RNC, but does not recommend sewer service. The owners could develop using septic systems or combine with the Casey property and transfer 69 units, including 14 MPDUs, to the Casey property.

Option 4b reclassifies the property to RNC at the densities used in Sandy Spring: 0.554 units per acre with 15 percent MPDUs.

Option 4c reflects the Casey and Dungan joint development proposal: 250 units including 38 MPDUs (15 percent contribution), dedication of the Dungan property and transfer of its density to the Casey property.

Option 5 reclassifies the Casey and Dungan properties to RNC, requires joint development and a 20 percent MPDU contribution, but allows no more than 22 percent bonus density.

*Imperviousness is measured across both properties, although all units are on Casey.

Freeman Property—Development Options

	Zone(s)	Yield	MPDUs	Imperviousness (in percent)	Pump Station?
Option 3 (PHD)	RE-2C	162	25	11.8	Upgrade possible
Option 3a	RE-2C	162	25	11.8	Upgrade possible
Option 3b	RE-2C	162	25	11.8	Upgrade possible
Option 3c	RNC @ 0.488	162	25	9.4	Upgrade possible
Option 4	RNC @ 0.532	175	35	10.0	Upgrade possible
Option 4a	RNC @ 0.532	175	35	10.0	Upgrade possible
Option 4b	RNC @ 0.554	183	28	10.4	Upgrade possible
Option 4c	RNC @ 0.677	225	45	12.4	Upgrade possible
Option 5	RNC @ 0.488	162	33	N/a	Upgrade possible

Options 3, 3a and 3b are the same for this property. The Public Hearing Draft recommends reclassifying the entire property to the RE-2C Zone. All three options assume enactment of the MPDU text amendment.

Option 3c reclassifies the property to RNC at 0.488 units per acre and assumes enactment of the MPDU text amendment.

Options 4 and 4a are the same for this property. They reclassify the property to the RNC Zone and recommend sewer service only with a 20 percent contribution of MPDUs.

Option 4b reclassifies the property to RNC at the densities used in Sandy Spring: 0.554 units per acre with 15 percent MPDUs.

Option 4c reflects the Freeman company's proposal, which uses the RNC Zone at 0.677 units per acre and voluntarily provides 20 percent MPDUs.

Option 5 reclassifies the property to the RNC Zone, requires a 20 percent MPDU contribution, but allows no more than 22 percent bonus density.

Woodlawn Property—Development Options

	Zone(s)	Yield	MPDUs	Imperviousness (in percent)	Pump Station?
Option 3 (PHD)	RE-2C	31	0	14.6	No
Option 3a	RE-2C	31	0	14.6	No
Option 3b	RE-2C	31	0	14.6	No
Option 3c	RNC @ 0.488	31	0	11.7	No
Option 4	RNC @ 0.532	41	9	14.7	No
Option 4a	RNC @ 0.532	41	9	14.7	No
Option 4b	RNC @ 0.554	43	7	15.3	No
Option 4c	RNC @ 0.454	24	0	9.6	No
Option 5	RNC @ 0.488	31	0	11.7	No

Options 3, 3a and 3b are the same for this property. The Public Hearing Draft recommends reclassifying most of this property to the RE-2C Zone and allowing cluster development with community sewer service.

Option 3c reclassifies the property to RNC and assumes enactment of the MPDU text amendment. Because this property yields fewer than 35 units, MPDUs are not mandatory.

Options 4 and 4a reclassify the property to the RNC Zone and require provision of 20 percent MPDUs as a condition of sewer service. The density reflects a bonus in return for providing MPDUs.

Option 4b reclassifies the property to RNC at the densities used in Sandy Spring: 0.554 units per acre with 15 percent MPDUs.

Option 4c is the developer's proposal for this property.

Option 5 for this property is unchanged from Option 3c.

Attachment 2
Correspondence from Representatives of the Dungan
Property

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March 11, 2003

ROBERT R. HARRIS
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Via Facsimile and E-Mail

Mr. John Carter
Community Based Planning
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Upper Rock Creek Master Plan - Dungan and Casey Properties

Dear John:

As we discussed with you, Fred, Nikosi and Mary yesterday, we strongly believe that a combined cluster development plan for the Casey and Dungan properties, under the RNC Zone, best achieves the various objectives. It accomplishes Legacy Open Space preservation of the entire Dungan property and a significant portion of the Casey property, at no public expense. It protects the environment by achieving a lower impervious ratio than would standard RE-2, large lot development and avoids the potential environmental impact of private septic systems. Assuming adoption of provisions for MPDUs in such cluster development, it can also achieve a measurable affordable housing component. We were encouraged by favorable comments last week from Planning Board members, and we believe the County Council will be supportive of the concept for these reasons as well.

In order to achieve this objective, the owners of both the Casey and Dungan properties need appropriate land use recommendations in the master plan and sufficient incentives to combine their properties. The current owners/contract purchasers have agreed to this combined program, (see attached letter), and appropriate incentives in the Master Plan will ensure that the combined program remains viable irrespective of the ownership of the two properties.

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In order to assist you in recommending suitable zoning and master plan provisions to provide these incentives, we have reviewed the issue and suggest the following recommendations in the Master Plan.

Base Zoning/Land Use (if properties do not combine)

Dungan Property

- RNC Zone
- Standard Method (one unit per five acres) with septic
- Yield of 26 lots (based on one per five acres) compared with 32 - 45 estimated under existing RE-2 Zoning and septic

Casey Property*

- RNC Zone
- Northern area (approximately 225 acres per public hearing draft): Optional Method cluster development with water and sewer and a maximum of 110 lots
- Southern area (approximately 111 acres): Standard Method (one unit per five acres) on septic (yield of 22 lots)

This base land use would accommodate a total of 158 units (132 Casey and 26 Dungan).

Optional Zoning/Land Use for Combined Project

If the Dungan and Casey properties are part of an application for combined development entirely on the Casey property, the Master Plan would recommend:

- Dedication of the entire Dungan property and the eastern portion of the Casey property for Legacy Open Space/park
- Water and sewer service to the southern end of the Casey property as well as the northern end

* Due to the short time you have to prepare for the Planning Board worksession, we have not reviewed the details of this approach with the Casey property owners, but believe it is a highly effective way to achieve the objectives on which both parties agree.

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- Optional Method cluster development under the RNC Zone for both the northern and southern end
- Yield based on combined RNC density of Dungan and Casey properties as follows (based on the existing agreement between the Casey and Dungan properties for a unit split of 44 market rate lots to the Dungan owner and 156 to the Casey owner).
 - 200 units if no MPDU requirement in RNC Zone (approximately one unit per 2.34 acres compared to one per 2.2 acres for other RNC projects in Sandy Spring and Potomac)
 - 225 units including 12.5 percent MPDUs (25) with no MPDU bonus
 - 250 units including 15 percent MPDU's (38) and bonus

This concept will produce an impressive 74% open space component and reduce imperviousness for the properties to the 7-10% range compared with an RE-2 standard of 11-16%. Finally, the incentive for combining the properties provides an appropriate measure for both properties to achieve the objectives.

We will be present at the Planning Board work session on Thursday and are prepared to discuss this concept further either at the work session or prior to it.

Cordially yours,

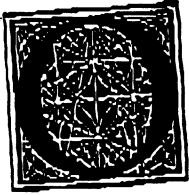


Robert R. Harris

RRH:mjs

- cc: Via fax and e-mail
- Fred Boyd
 - Nikosi Yearwood
 - Mary Dolan
 - Mike Conley
 - Steve Kaufman
 - David Little

"FINAL DEAL"



THE OXBRIDGE GROUP
Residential Developers
Commercial Builders

January 23, 2003

Mr. Mike Conley
Development Manager
Winchester Homes, Inc.
6905 Rockledge Drive, Suite 800
Bethesda, Maryland 20817

RE: January 23, 2003 Proposal for Development of Casey & Dungan Properties

Dear Mr. Conley:

In order to determine where we stand on the deal being proposed, a basic framework to combine development of the two properties is as follows:

- Full court press with the Planning Board and Staff. If the Dungan and Casey properties are successfully rezoned RNC, the properties shall be subdivided utilizing the combined cluster method with MPDUs.
- Winchester shall dedicate the Dungan property to Legacy Open Space.
- The hope is to achieve a favorable density, +/- 250 units, of which +/- 32 units (xx%) would be MPDUs.
- This proposal is only viable should Oxbridge and Winchester get a minimum of 200 market rate lots of which 44 will belong to Winchester, and all remaining lots will belong to Oxbridge.
- MPDUs should be interspersed throughout the community (i.e., prorata both north and south of Magruder High School).
- Oxbridge shall choose the lots in a fair and reasonable fashion. Oxbridge shall give Winchester three alternatives to choose from. Winchester should choose one of them. All lots will be included in at least one of the three alternatives.

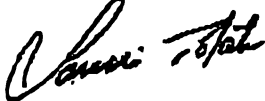
Mike Conley
January 23, 2003
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- Development costs shall be split prorata including the cost of MPDU site work. For example: 220 Market lots + 32 MPDU lots = 252 Lots; Per Lot Cost of Development = Total Development Cost/ 252, except off-site roads and off-site southern sewer.
- Payment or reimbursement, of estimated prorata development costs shall be guaranteed via a Letter of Credit. The LC may be reduced as payments are made.
- Oxbridge shall serve as Development Manager, at \$6,000 per lot.
- Bonds and Permits shall be posted by the Development Manager. Bond and Permit expenses are considered a development cost.
- A \$3,000 per lot damage escrow along with standard damage escrow provisions shall be posted by the non-developing party.
- The development of both Oxbridge and Winchester lots shall move forward concurrently, to the extent practically possible, or as otherwise mutually agreed and phased.
- Winchester is "contract purchaser" of the Dungan property, as such, our agreement is subject to the review and approval of the Seller.
- Oxbridge will be responsible for all construction costs associated with off-site road improvements and Winchester will be responsible for all costs associated with off-site southern sewer extension.

We believe that the offer of a combined cluster, coupled with affordable housing, and the dedication of a key legacy open space property will resonate loudly with both the Planning Board and Staff. We hope that we can work together in this regard.

I look forward to discussing this development approach with you tomorrow.

Yours truly,



Sami E. Totah
President

SET:jb