



Item # 14
MCPB 11-20-03

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: November 14, 2003
TO: Montgomery County Planning Board
VIA: Joe R. Davis, Chief
Development Review Division
FROM: Michael Ma, Supervisor
Development Review Division
(301) 495-4523



REVIEW TYPE: Site Plan Review
CASE #: 8-04010
PROJECT NAME: Olney Manor
APPLYING FOR: Approval of 100 multi-family dwelling units for senior adults including 20 MPDUs and approval of a waiver of parking standards

ZONE: PD-9
LOCATION: On the east side of Georgia Avenue, approximately 900 feet north of Olney Sandy Spring Road (MD 108)
MASTER PLAN: Olney & Vicinity
APPLICANT: J. Kirby Development, LLC
FILING DATE: October 17, 2003
HEARING DATE: November 20, 2003

STAFF RECOMMENDATION: Approval of 100 multi-family dwelling units including 20 moderately priced dwelling units (MPDUs), and Approval of a waiver of parking standards to reduce the required number of parking spaces from 125 to 56 with the following conditions:

1. Transportation

- a. The plan shall provide an eight-foot wide Class I bikeway (a shared use path), with an eight-foot wide tree panel where feasible, along the east side of Georgia Avenue (MD 97) between Hillcrest Avenue and the entrance driveway of the adjacent property to the north of the site. Dual directional handicap ramps shall be provided at the Hillcrest Avenue intersection with Georgia Avenue per ADA Best Practices.
- b. Prior to signature set approval, design of site access and on-site traffic circulation shall be finalized in consultation with the Maryland State Highway Administration (SHA), the Montgomery County Department of Permitting Services (DPS) and M-NCPPC Transportation Planning staff.

- c. A once per week transportation service to and from off-site amenities or shopping areas for residents of the project shall be provided by the applicant.

2. Environmental Planning

The proposed development shall comply with all conditions for final forest conservation plan approval. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (DPS) issuance of sediment and erosion control permits.

- a. To compensate for the stream valley buffer encroachments, no banking of surplus on-site forest is allowed.
- b. Submittal of financial security to M-NCPPC for afforestation prior to clearing or grading.
- c. Record plat to show Category one forest conservation easement. Any amended language from the standard easement must be approved by M-NCPPC staff prior to recording plats.
- d. Maintenance agreement to be reviewed and approved by M-NCPPC staff prior to first inspection of planted areas.

3. Department of Permitting Services

The proposed development is subject to Stormwater Management Concept approval conditions dated September 29, 2003.

4. Occupancy Provisions

- a. The age of the residents of the proposed project is restricted in accordance with Section 59-G-2.35 (b)(1) through (6) of the Zoning Ordinance as such regulations may be amended from time to time.
- b. Occupancy of all units shall be limited to households that satisfy the income restrictions set forth in Article 25A of the Montgomery County Code for Moderately Priced Dwelling Units and any regulations duly adopted thereunder, as such Article or regulations may be amended from time to time.

5. Site Plan Enforcement Agreement

Submit a Site Plan Enforcement Agreement including Development Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:

Development Program to include a phasing schedule as follows:

- a. Streets tree planting shall progress as street improvement is completed, but no later than six months after completion of the proposed building.
- b. Community-wide bikeway, pedestrian pathways, and recreation facilities shall be completed prior to seventy percent occupancy of the development.
- c. Landscaping and outdoor lighting shall be completed as construction of the facility is completed.
- d. Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
- e. Coordination of each section of the development and roads.

- f. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features.

6. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of signature set of plans.

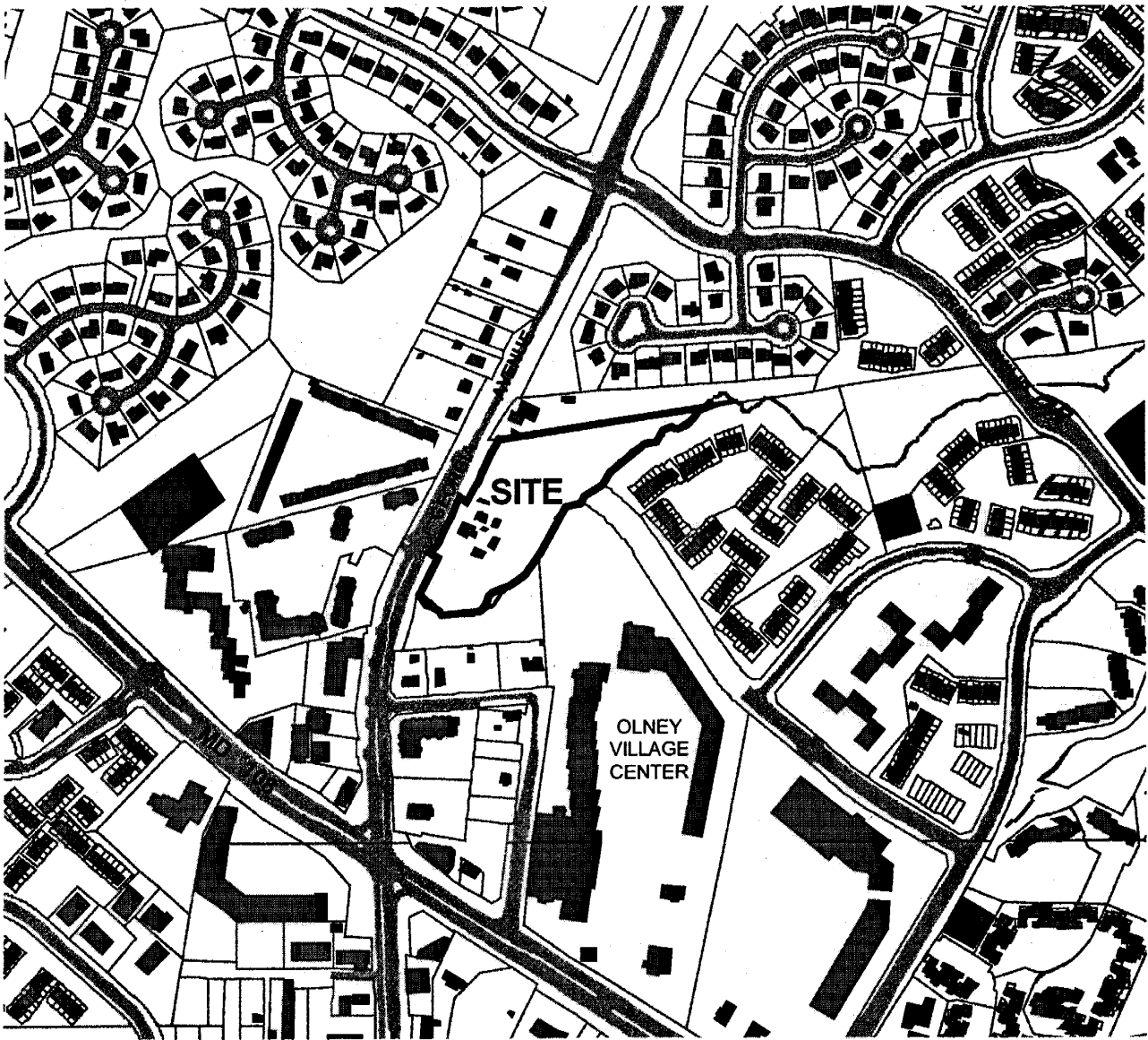
7. Signature Set

Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Limits of disturbance.
- b. Methods and locations of tree protection.
- c. Forest Conservation easement areas.
- d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- e. The development program inspection schedule and Site Plan Opinion.
- f. Details for the proposed patio and court yard areas.
- g. Revise lighting plan to add deflectors on the perimeter lighting fixtures to minimize potential glare or excess illumination on adjacent properties.
- h. Lighting locations on Landscape Plan.
- i. Revised recreation facility calculation.
- j. Double rows of shade trees, 40 to 45 feet on center, along the Georgia Avenue frontage.
- k. One additional shade tree near the end of the proposed parking lot.
- l. Provide an on-site pedestrian pathway loop by adding a natural surface paths along the rear of the building. The exact location of the pathway is to be determined in the field by the applicant and M-NCPPC staff.

PROJECT DESCRIPTION: Site Vicinity

The subject property is located in the Olney Town Center area, on the east side of Georgia Avenue, approximately 900 feet north of Olney Sandy Spring Road (MD 108). It is bounded by a PD-9 zoned townhouse community to the northeast, a C-2 zoned shopping center (Olney Village Center) to the southeast, and a C-1 zoned vacant land to the south. The property abutting the subject site to the north is zoned R-200 and developed with a one-family detached home that is used as an art gallery. Across Georgia Avenue from the site to the west are a R-30 zoned condominium complex and a C-T zoned office development with two-story buildings and surface parking. Properties located further south on both sides of Georgia Avenue are C-1 zoned commercial uses.



PROJECT DESCRIPTION: Site Description

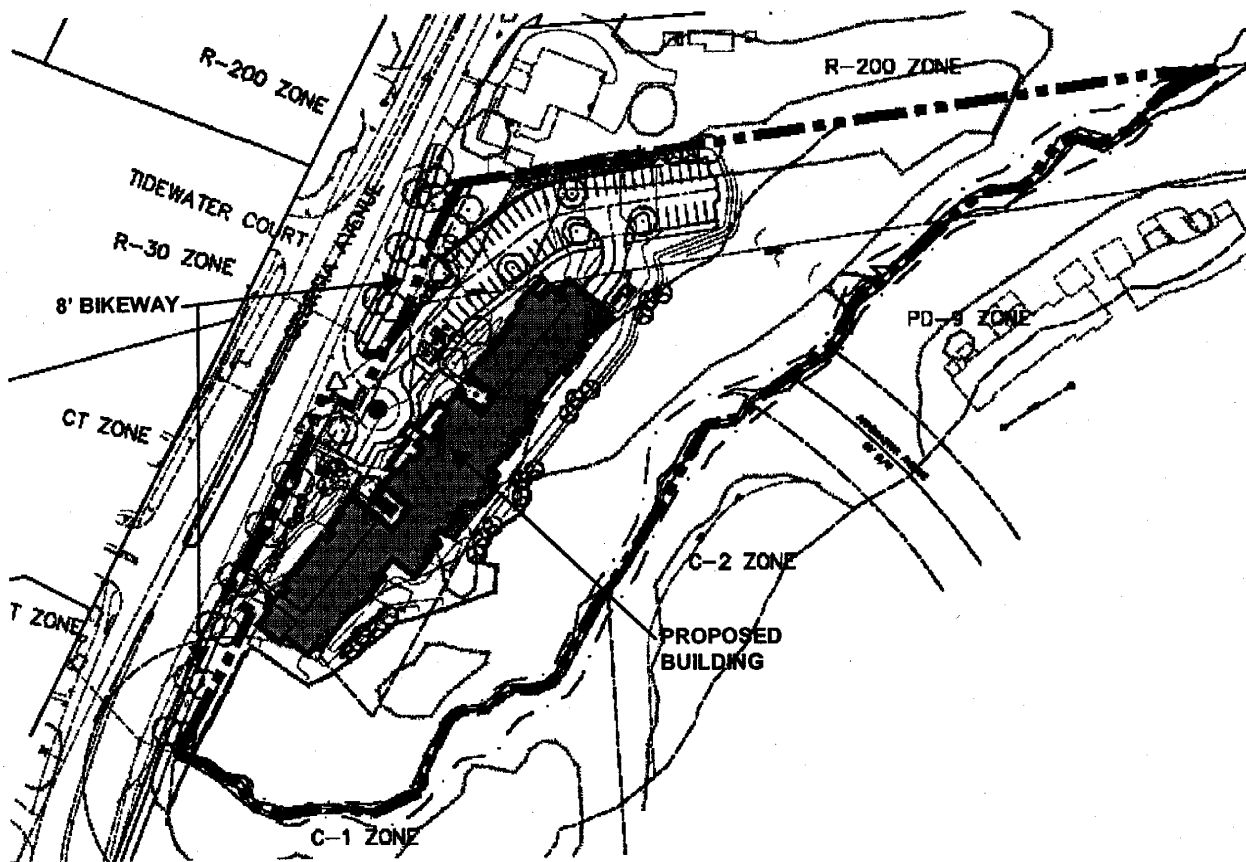
The property consists of 4.85 acres of PD-9 zoned land. It is currently developed with a one-family detached home and associated outbuildings near Georgia Avenue. The property contains 1.99 acres of existing forest, including high priority riparian forest, and pioneer to secondary growth hardwood forest. A perennial stream flows generally along the eastern edge of the property from a southwest to a northeast direction. Hydric soils, erodible soils and steep slopes, wetlands, and flood plains are associated with this stream and are contained within the mandated environmental buffer (as approved on NRI/FSD 4-02345). The site slopes down approximately 30 feet from Georgia Avenue toward the stream. There are no known historical buildings or archaeological sites on this property.



PROJECT DESCRIPTION: Proposal

The plan proposes a 100-unit multi-family facility for senior adults with low to moderate income levels. The unit mix includes 29 one-bedroom and 71 two-bedroom units. The proposed facility consists of a four-story building with surface parking located in the western portion of the site. A drop of elevation from Georgia Avenue toward the east property line allows an additional lower level on the rear of the building facing the stream buffer area. An eight-foot-wide bike path will be provided along the Georgia Avenue frontage and be extended to Hillcrest Avenue.

The proposed building is designed with two small courtyards along the front of the building to break the long building façade and to create an appearance of three manor homes. Landscaping and benches will be provided in these two courtyards. A landscaped patio with a gazebo overlooking the stream valley is proposed near the rear entrance at the lower level. Additional indoor amenities will also be provided for the residents at first and lower levels, including a library, a computer center, a health suite for wellness check-ups and visiting doctors, an exercise room, a large multi-purpose room, a beauty salon, a media room, a game room, an arts and crafts room, a hospitality suite for visitors, and a laundry room.



PROJECT DESCRIPTION: Prior Approvals

Zoning Case G-803

The subject 4.85-acre property was rezoned from the R-200 (1.95 acres) and C-1 (2.9 acres) zones to the PD-9 zone by the District Council in June 2003. A copy of Council Resolution (15-239) is attached. As part of the zoning application G-803, a development plan for the proposed development was approved with a number of binding elements.

Preliminary Plan

Preliminary Plan 1-04002 for Olney Manor was approved by the Planning Board with conditions on October 9, 2003. A copy of Planning Board opinion is attached.

NALYSIS: Conformance to Development Standards

PROJECT DATA TABLE (PD-9 Zone)

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>Proposed</u>
Tract Area (ac.):	---	4.85
Density of Development (d.u./ac.)	27 ¹	20.62
Number of Dwelling Unit	130	100
Number of MPDUs	20 (20%) ¹	20
Building Setbacks (ft.) from detached homes	100	100
Green Area (%)	40	78
Building Height (story):	4	4
Parking Spaces	125	55 ²

1. per Section C-7.14(d)(1) of the Zoning Ordinance for housing for senior adults.
2. a waiver is requested.

RECREATION CALCULATIONS

Demand Points for seniors for 100 dwelling units: 16

Supply Points

Picnic/Sitting	2.0
Pedestrian System	7.2
Natural Areas	0.8
Indoor Community Spaces	6.4
Indoor Exercise Room	6.4
Indoor Fitness Facility	<u>2.4</u>
Total	25.2

ANALYSIS:

Parking Waiver Request

Required spaces: The Project proposes 29 1-bedroom units, which would require 29 parking spaces, and 71 2-bedroom units, which would require 96 spaces, for a total parking requirement of 125 spaces.

Credit: Section 59-E-3.33 (b)(3) of the Zoning Ordinance provides that credits for up to 20% of the required number of spaces may be given for projects that provide housing that meets the income limits of the Section 25A of the Montgomery County Code (the MPDU law). As noted above, all of the proposed units will meet the income limits of the MPDU law and, accordingly, the Applicant requests that the Planning Board grant a credit for 17 of the required spaces.

Requested waiver: The Project proposes 55 parking spaces and therefore, the applicant requests a waiver for the balance of the 109 required spaces, or 53 spaces.

Justification: Based on an analysis prepared by Edward Papazian of similar independent senior adult housing projects in the area, the number of parking spaces normally required under the Zoning Ordinance for such facilities significantly exceeds the actual parking demand. National statistics and industry studies confirm that seniors who reside in independent senior housing communities like the proposed development tend to own fewer automobiles and have less need for parking than other demographic groups. The planning staff, in reviewing a similar waiver request by the Applicant for a project located on East Randolph Road in Silver Spring, determined that actual parking demand at senior housing apartment projects is .53 units per unit.

The proposed development will provide 55 spaces, or .55 spaces per units and, therefore, will have adequate parking capacity for the anticipated demand. Further, the site is well-served by commercial uses and medical offices located approximately 1000 feet away at Olney Town Center. It will be connected to the Town Center by a eight-foot-wide pathway that will be constructed by the Applicant past the frontage of the Property to connect to an existing sidewalk at Hillcrest Avenue. The Property is also located within a few hundred feet of a Ride-On bus stop that provides access to Metro at the Glenmont Station. The Applicant is also required to provide a weekly shuttle service for residents to area amenities and attractions.

Conformance to Master Plan

The property is located in the 1980 Olney & Vicinity Master Plan Area. The proposed development is consistent with the land use and housing policies of the 1980 Master Plan. The 1980 Plan states that “Appomattox Drive [sic, now Appomattox Avenue] could be eliminated from the master plan if development in the northeast quadrant integrates residential uses with general office and commercial spaces and if Appomattox Drive is not necessary for access to Georgia Avenue”.

The Olney master Plan is currently under review. After consultation with the community and review of the Town Center land use and circulation, staff concluded that Appomattox Avenue should not be connected to Georgia Avenue as indicated in the 1980 Plan. The Planning Board held a public hearing on the Public Hearing Draft of the proposed plan on September 25, 2003. The Public Hearing Draft supports the proposed elderly housing project on this site and recommends that Appomattox Avenue be deleted from the Olney Master Plan. Therefore, staff concludes that the proposal is consistent with the 1980 Master Plan and the proposed amendment of the 1980 plan as contained in the Public Hearing Draft of the plan currently under review by the Planning Board.

Primary Management Area (PMA)

The entire subject property falls into the PMA Transition Area because it is within 660’ of a tributary to the Patuxent River. The PMA imposes a ten percent imperviousness cap on newly developing properties within the Transition Area. This site and proposed use, however, can be recognized as an “existing area in non-conformance” since the prior and current zoning densities are greater than RE-2. Existing areas in non-conformance are subject to “nonconformance requirements”, such as best management practices, to help offset negative impacts of higher imperviousness levels.

The proposed plan shows development resulting in 21% imperviousness. Staff recommends best management practices for this site to include: reforestation of all unforested areas of the site; invasive species removal and management; all forested and reforested areas to be placed in a Category I Forest Conservation Easement; and use of a bio-retention facility to meet stormwater management requirements, if approved by the Department of Permitting Services (DPS).

Forest Conservation

The Forest Conservation Plan is in compliance with the Forest Conservation Law, showing that minimum retention requirements have been met on site as required in the PD-9 zone. The proposed development will retain 1.61 acres of forest and plant an additional 1.20 acres of afforestation to collectively be placed into a Category 1 Conservation easement. The Forest Conservation Law requires that “*any available planning and zoning options that would result in the greatest possible forest retention*” be employed for highest priority forest stands. The subject Forest Conservation Plan has been reviewed by the Environmental Planning and meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law).

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.*

The subject property was rezoned from the R-200 and C-1 zones to the PD-9 zone by the District Council in June 2003. As part of the zoning application G-803, a development plan for the proposed development was approved with a number of binding elements. If amended in accordance with the recommended conditions, the proposed plan is consistent with the approved development plan in density, proposed uses, building height, setback, and general layout.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Site Plan meets all of the requirements of the PD-9 zone as demonstrated in the project Data Table above.

3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

- a. Buildings

The proposed facility consists of a long four-story building in the western portion of the site. A drop of elevation from Georgia Avenue toward the east property line allows an additional lower level on the rear of the building facing the stream buffer area. The proposed building is designed with two small courtyards along the front of the building to break the long building façade and to create an appearance of three manor homes. Evergreen trees will be planted along the north property line to screen the proposed building and associated parking from the adjacent detached house, which is being used as an art gallery. The stream buffer area in the eastern portion of the site will serve as a buffer between the proposed dwelling units and adjacent commercial development.

- b. Open Spaces

Approximately 78 percent of the property will be used as green space. The southern and western portions of the site within the stream buffer will be preserved. The property contains 1.99 acres of existing forest. The proposed development will retain 1.61 acres of forest and plant an additional 1.20 acres of afforestation to collectively be placed into a Category 1 Conservation easement.

The stormwater management concept for the proposed development consists of on-site channel protection measures via underground detention, on-site water

quality control via structural sand filters, and a water quality structure to treat runoff from Georgia Avenue and on-site recharge via drywells.

c. Landscaping and Lighting

The proposed landscaping on the site consists of a mix of shade, evergreen and flowering trees around the building and parking area. Double rows of shade trees will be planted along the street frontage. Landscaping and benches will be provided in the two small courtyards. A landscaped patio with a gazebo overlooking the stream valley is proposed near the rear entrance at the lower level.

The proposed lighting plan shows post-mounted lights along the driveway and around the parking area. Deflectors on the perimeter lighting fixtures should be added to minimize potential glare or excess illumination on adjacent properties.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table above. The proposed outdoor recreation facilities include picnic/sitting areas, courtyards, a landscaped patio with a gazebo overlooking the stream valley near the rear entrance at the lower level, and pathways. Additional indoor amenities will also be provided for the residents at first and lower levels, including a library, a computer center, a health suite for wellness check-ups and visiting doctors, an exercise room, a large multi-purpose room, a beauty salon, a media room, a game room, an arts and crafts room, a hospitality suite for visitors, and a laundry room.

e. Vehicular and Pedestrian Circulation

Vehicular access to the proposed development will be via a driveway off Georgia Avenue. The design of the access point must be redesigned to facilitate vehicular circulation and assure pedestrian safety near the entrance. An eight-foot-wide bike path will be provided along the Georgia Avenue frontage and be extended to Hillcrest Avenue. The plan also shows sidewalks between the building entrance, parking lot and the proposed bikeway along the street.

4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.*

The proposed housing development for senior adults is compatible with adjacent residential and commercial developments in use and building character. Adequate buffer will be provided between this development and adjacent uses through preserving existing stream valley and planting supplemental trees.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The Forest Conservation Plan for the proposed development is in compliance with the Forest Conservation Law, showing that minimum retention requirements have been met on site as required in the PD-9 zone. The proposed development will retain 1.61 acres of forest and plant an additional 1.20 acres of afforestation to collectively be placed into a Category 1 Conservation easement. The Forest Conservation Law requires that “*any available planning and zoning options that would result in the greatest possible forest retention*” be employed for highest priority forest stands. The subject Forest Conservation Plan has been reviewed by the Environmental Planning and meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law).

APPENDIX

- A. Council Resolution 15-239
- B. Planning Board opinion for Preliminary Plan 1-04002

Resolution No. 15-239
Introduced: June 17, 2003
Adopted: June 24, 2003

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY**

By: County Council

Subject: APPLICATION NO. G-803 FOR AMENDMENT TO THE ZONING ORDINANCE MAP,
Attorney for Purchaser, OPINION AND RESOLUTION ON APPLICATION
Tax Account Nos. 08-00706650

OPINION

Application No. G-803, filed on September 23, 2002 by Applicant J. Kirby Development, LLC, requests reclassification from the R-200 Zone (residential, one-family) and the C-1 Zone (Convenience Commercial) to the PD-9 Zone (Planned Development) of 4.85 acres of land comprised of unrecorded parcel P773, shown on Tax Map HT563, grid H5T3 and located at 18301 Georgia Avenue, Olney, in the 8th Election District. As required under the PD Zone, the application was accompanied by a Development Plan with binding specifications related to land use, density, development standards and staging. Pursuant to Code § 59-D-1.11, development under the PD Zone is permitted only in accordance with a development plan that is approved by the District Council when the property is reclassified to the PD Zone.

The Hearing Examiner recommended denial of the application on the basis that two of the five findings required to approve a Development Plan are not supported by the evidence due to a lack of sufficient parking. The Montgomery County Planning Board (the "Planning Board") and its Technical Staff both recommended approval of the subject application, finding that the number of parking spaces proposed would be adequate, and therefore a waiver from the standard parking requirements would be appropriate. The District Council agrees with the Planning Board's and Technical Staff's conclusions.

The subject property consists of a single parcel, roughly triangular in shape and containing 4.85 acres, which is split-zoned. Approximately 2.9 acres (roughly the southern two-thirds of the site) are classified under the C-1 Zone and approximately 1.95 acres (roughly the northern third of the site) are classified under the R-200 Zone. The property is currently developed with a single-family detached residence and several accessory structures, all of which will be razed when the proposed development is built. Much of the property currently consists of partially wooded open space and meadows, with floodplain, wetlands, and a stream and associated stream buffer occupying the eastern half of the site. The subject property is located on the east side of Georgia Avenue (MD 97) approximately 1,000 feet north of the intersection of Georgia Avenue and Olney-Sandy Spring Road (MD 108). It has approximately 560 feet of frontage on Georgia Avenue, and slopes down gently from Georgia Avenue to the eastern boundary line. The stream has moderately steep side slopes, and the streambed roughly follows the southern and eastern property boundary.

The surrounding area for this application extends to Prince Philip Drive on the north, Spartan Road on the east, MD 108 on the south, and parcels fronting on the west side of Georgia Avenue between MD 108 and Prince Philip Drive on the west. It contains a mix of uses and zoning classifications. The property abutting the subject property to the north is classified under the R-200 Zone and developed with a single-family detached building that is used as an art gallery. North of that property is a neighborhood of single-family detached and attached homes on the south side of Prince Philip Drive, also classified under the R-200 Zone. As Prince Philip Drive curves around to intersect with Spartan Road, the two roads border a substantial area that is classified under the PD-9 Zone, the same zone sought in this application. This area comprises a residential planned development with single-family attached dwelling units and three- and four-story multi-family apartment buildings. The northeast portion of the subject property, which is to be used for afforestation, is separated by a stream valley from a townhouse community that is part of this PD-9 development.

The surrounding area west of the subject property also includes property zoned R-T 12.5 and developed with single-family residences; property zoned C-2 (General Commercial) and developed

with the Olney Village Mart, which contains a variety of retail and commercial uses; and property due south of the subject site that is classified under the C-1 Zone (Convenience Commercial) and developed with office and commercial uses.

Immediately across from the site on the west side of Georgia Avenue are an office complex with three-story buildings and surface parking on property zoned C-T (Commercial Transitional) and a multi-family condominium complex on land zoned R-30 (Multi-Family Residential). Further south on Georgia Avenue is property zoned C-1 and developed with convenience commercial uses. Further north on Georgia Avenue is property zoned R-200 and developed with single-family detached residences and a religious use.

Thus, the subject property is located in the midst of the Olney Town Center, within a short distance of a wide variety of retail, service and commercial uses and a mix of residential housing units.

The subject property was classified under the R-R Zone (Rural Residential, now known as R-200, 20,000-square-foot minimum lot size) in the 1958 Countywide Comprehensive Zoning. The property was reclassified under the R-30 and R-90 Zones by SMA E-998 in 1967. The property was reclassified to the R-200 and C-1 Zones by SMA G-256 in 1980.

The Applicant proposes to develop a housing facility for senior adults with low to moderate income levels. The facility would consist of a single four-story building with 100 units (20 one-bedroom and 71 two-bedroom) and surface parking. The building and most of the parking would be located in the portion of the subject property currently zoned C-1. A portion of the parking area and an access driveway would be located in the area currently zoned R-200. The proposed building would face Georgia Avenue, and has been designed to appear from that vantage point as three "manor homes" divided by landscaped courtyards. This illusion would be created by dividing the building into three sections, each measuring between 100 and 140 feet in width, joined by corridors. Between each of the sections, the façade of the building would drop back roughly 30 to 40 feet, carving out a space to

be used as a fenced garden or courtyard. In addition, each section of the building would be located on a different plane or at a different angle on the property, and each would have a separate roofline.

The building would be constructed with a combination of brick and vinyl siding. To create a residential appearance in keeping with the neighborhood, the design uses steeply pitched roofs, multiple breaks in the roofline and many kinds of windows. A covered front porch at the entrance to the building, in front of the center section, would add to the residential appearance. The building is planned to be four stories (48 feet) in height. A drop in elevation from Georgia Avenue heading east will allow the construction of an additional terrace level on the rear, or east side, of the building, with a landscaped patio and sitting gazebo overlooking the stream valley and woods. This outdoor space would be accessed through the two-story building lobby. Additional amenities provided for residents would include a library, a computer center, a health suite for wellness check-ups and visiting doctors, an exercise room, large multi-purpose rooms, a beauty salon, a media room, a game room, an arts & crafts room, a hospitality suite for visiting friends and family and a central laundry room. The facility would not have communal dining facilities, as each apartment would have a full kitchen.

The Development Plan shows the building, at its closest point, approximately 48 feet from the right-of-way for Georgia Avenue. A variable-width landscaped area and berms would screen the parking area from commercial uses and multi-family dwellings confronting the subject property across Georgia Avenue. The building would be set back over 100 feet from the northern property line and over 64 feet from the southeast property line. A combination of afforestation/reforestation requirements and a requirement to keep all structures outside the stream buffer, which occupies the entire eastern half of the site, ensures that a substantial tree buffer would remain between the proposed building and the commercial and residential uses located on the other side of the stream.

Parking would be provided in a single parking lot along the property's Georgia Avenue frontage. A small amount of parking, together with a service and loading area, would be located at the north end of the building. Access to the property would be provided via a right-in-only driveway off of Georgia Avenue, at the south end of the site, plus two access points from a planned extension of

Appomattox Avenue at the north end of the site, one into the main parking area and another into the service/loading area.

To provide for immediate site access, the Applicant plans to construct a driveway in the area designated for the southern half of the Appomattox Avenue right-of-way, with two points of entry from the parking area and a right-turn-only exit onto Georgia Avenue. This drive would be constructed as a modified half section of the proposed Appomattox Avenue extension, with curb and gutter, sidewalks and street trees.

The Development Plan in the present case shows the location of site access points, proposed buildings and structures, parking areas, land to be dedicated to public use, and land intended for common or quasi-public use but not intended to be in public ownership. It also includes additional binding elements presented in textual form, which limit the development to a maximum of 100 units; limit the age of residents in accordance with the age restriction prescribed under Section 59-G-2.35(b)(1) – (6) of the Zoning Ordinance for senior housing facilities (currently age 62 or older); limit occupancy of the project in accordance with the income restrictions set forth in Article 25A of the Montgomery County Code for Moderately Priced Dwelling Units (MPDUs); prohibit permanent impervious surfaces within the stream valley buffer; require best management practices for stormwater management; provide for a weekly transportation service for residents; and address the potential Appomattox Avenue extension by stating that that the Applicant will provide for the future dedication of Appomattox Avenue right-of-way if required by the Planning Board at the time of preliminary plan approval and, if the right-of-way is not required, will use the area shown as right-of-way either to construct an access driveway as shown on the Development Plan or for other purposes permitted in the PD-9 Zone. The language proposed for binding elements No. 3 and 7 contains ambiguities that were identified in the Hearing Examiner's Report and Recommendation. The Applicant will be required to correct these ambiguities in the manner specified in this resolution before presenting the Development Plan for certification. The specified corrections are consistent with the evidence of record and with the Applicant's intent as stated at the public hearing. The District Council notes, in addition, that the

language of binding element No. 2 does not diminish the Applicant's obligation to follow the specifications of the Development Plan.

The District Council finds that the Development Plan submitted with this application satisfies all the requirements for a development plan under Code §59-D-1.61(a)-(e). Each of the required findings is addressed below.

§59-D-1.61(a): master plan consistency. The proposed development would be consistent with the goal set forth in the *Approved and Adopted Olney Master Plan (amended June 1980)* for senior housing to be part of the Olney Town Center. It would also be consistent with the general goal of the Master Plan to develop Olney as a satellite town, with development channeled into defined areas to avoid suburban sprawl. Senior housing, and particularly affordable senior housing, would be an important element of the housing diversity called for in the Master Plan. The proposed development would also further county housing policy, which has identified a need for moderately-priced senior housing.

The proposed development falls within the area covered by the *Patuxent River Functional Master Plan* and its implementing *Patuxent River Watershed Primary Management Area Guidelines* (the "PMA Guidelines"), which were adopted by the Planning Board and incorporated in the Functional Master Plan by reference. The PMA Guidelines establish a limit of ten percent impervious surfaces for development on property subject to the guidelines. However, an exemption is available for properties that have existing zoning densities greater than RE-2. Both the existing and the proposed zoning for the subject property have higher densities than the RE-2 Zone. Accordingly, the subject property is not subject to a specific limitation on impervious surfaces. Instead, it is subject only to "nonconformance requirements" consisting of stormwater management and best management practices intended to help offset the negative impacts of higher imperviousness levels. Implementation of these practices is further assured by a binding element stated on the Development Plan. Thus, the proposed classification would be consistent with the *Patuxent River Functional Master Plan*.

§59-D-1.61(b): purposes of the zone; safety, convenience and amenity of residents; and compatibility with adjacent development. The purpose clause for the PD Zone contains a number of goals and objectives, all of which are satisfied by this application. The District Council's findings as to each paragraph of the purpose clause are set forth below.

First paragraph: Master Plan implementation. As discussed under (a) above, the proposed development would be in compliance with the *Olney Master Plan* and with the *Patuxent River Functional Master Plan*. The requested reclassification would comply with the first element of the purpose clause by allowing implementation of applicable Master Plan objectives more closely than the existing zoning would allow.

Second paragraph: social and community interaction, distinctive visual character, balanced mixture of uses. The proposed development would include on-site amenities that would encourage social and community interaction and activity among residents of the facility. Sidewalks and streets bordering the site would connect to the existing pedestrian circulation network in the surrounding community and to nearby commercial and community uses, which would encourage social and community interaction and activity between residents of the facility and residents of the surrounding area. The design of the facility as a three-part building, broken up by fenced gardens/courtyards, would create a distinctive visual character for the development. In addition, the facility would contribute to providing a balanced and coordinated mixture of residential uses in the planned development area of the Olney Town Center by adding a new type of housing.

Third paragraph: broad range of housing types. The proposed development would contribute to providing a broad range of housing types by offering moderately-priced rental housing for seniors, a type of housing not currently available in Olney.

Fourth paragraph: trees and grading. The proposed development would take the greatest possible aesthetic advantage of trees by preserving most of the forested area on site, planting an additional 1.12 acres of forest in the stream buffer, providing views of the forested stream buffer from residential units in the rear of the building, and creating a terrace level in the rear of the building with

outdoor seating overlooking the stream buffer. The Development Plan would minimize grading by preserving the stream valley and incorporating the existing slopes of the property in the design.

Fifth paragraph: open space. The proposed development would preserve environmental features of the site such as wetlands, forest, floodplains and a stream that would function as open space for the aesthetic benefit of the community at large, as well as residents of the facility. The requirement to preserve the stream buffer in its natural state limits construction to the western portion of the site in a manner that requires physical and aesthetic integration of uses and activities.

Sixth paragraph: minimize reliance on cars. A sidewalk along Georgia Avenue would provide a pedestrian connection between the proposed development and the existing pedestrian circulation system in the surrounding area. Reliance on the automobile would be minimized by the proximity of retail and commercial uses, by extensive on-site services and amenities, and by a weekly private shuttle bus service to off-site amenities. Reliance on the automobile would also be minimized by age and income restrictions that tend to invite a population with a lower rate of automobile ownership than the general adult population.

Seventh paragraph: scale. The PD Zone encourages, but does not require, development on a large scale. Moreover, the proposed development would function as an extension of the existing PD-9 Zone in the Olney Town Center, a residential community with over 675 dwelling units, and would add to its housing diversity.

Eighth paragraph, first part: safety, convenience and amenity. The District Council is persuaded that the proposed development would achieve a maximum of safety, convenience and amenity for residents of the development. The facility is attractively designed and would have extensive on-site amenities for residents' convenience. The wooded stream valley to the rear of the building provides a peaceful and attractive setting. The internal and external vehicular and pedestrian circulation systems are designed in a safe and efficient manner. Moreover, although the Applicant will require a substantial waiver of the standard parking requirement to move forward with the Development Plan, evidence concerning parking rates at similar facilities, a general trend toward reduced car ownership

among persons living in senior housing, and the Applicant's intention to adopt a Transportation and Parking Management Plan support the conclusion that the 53 parking spaces proposed will be adequate to serve residents, employees and visitors.

Eighth paragraph, second part: compatibility. The proposed development would be compatible and coordinated with surrounding development. It would increase the housing diversity of the adjacent PD-9 residential community while maintaining compatibility with the housing types and densities represented by the single-family attached and multi-family uses that currently predominate. Moreover, a substantial wooded buffer would separate the proposed facility from the nearest component of the adjacent PD-9 area. Locating the parking area adjacent to the Georgia Avenue frontage would focus vehicular activity away from the most heavily residential areas. The proposed development would have substantial setbacks and buffers to preserve compatibility with the adjacent R-200 single-family detached property to the north. The building would be designed and situated on the property so as to be compatible in scale and bulk with existing office and residential buildings across Georgia Avenue, and the parking area along Georgia Avenue would be well landscaped to provide separation between the uses. The proposed development would also be compatible with the existing C-1 zoned properties to the south, as it would have no identifiable adverse effects on moderate-density commercial uses.

Ninth paragraph: three findings. The purpose clause states that the PD Zone "is in the nature of a special exception," and shall be approved or disapproved based on three findings:

- (1) the application is or is not proper for the comprehensive and systematic development of the county;
- (2) the application is or is not capable of accomplishing the purposes of this zone; and
- (3) the application is or is not in substantial compliance with the duly approved and adopted general plan and master plans.

The present application is capable of accomplishing the purposes of the PD Zone, is in substantial compliance with the applicable master plans, and would be proper for the comprehensive and systematic development of the County.

§59-D-1.61(c): safe, adequate and efficient internal vehicular and pedestrian circulation systems. The evidence supports a finding that the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient. The two access points to Georgia Avenue have been designed to ensure safe turning movements and avoid conflicts with traffic patterns established by the existing uses along Georgia Avenue. The service and loading area would be located to the side of the proposed building, with a separate exit, to avoid conflicting vehicular movements. In addition, a pedestrian sidewalk is proposed along the Georgia Avenue frontage to provide residents with convenient access to nearby commercial and retail uses.

§59-D-1.61(d): preservation of natural features. The proposed development would tend to prevent erosion of the soil and preserve natural vegetation and other natural features of the site by incorporating the existing slopes of the property in the design to minimize grading, prohibiting any permanent impervious surface in the stream buffer, preserving almost all the existing forest cover on site and increasing forest cover by nearly 50%, and removing invasive shrub species from the stream buffer. The proposed development would fully satisfy Forest Conservation requirements. The Applicant would comply with the water quality requirements of Chapter 19 by installing a stormwater management system in compliance with state and county standards.

§59-D-1.61(e): common area maintenance. The proposed facility would be a rental apartment building under a single management entity responsible for the perpetual care and maintenance of all recreational, common and quasi-public areas. Neither a homeowners association nor a condominium association is proposed. Accordingly, this provision is not applicable.

In addition to evaluation of the Development Plan, the application's ability to satisfy the specifications of the PD Zone must be considered.

1. Section 59-C-7.121, Master Plan Density

Pursuant to Code §59-C-7.121, "no land can be classified in the planned development zone unless such land is within an area for which there is an existing, duly adopted master plan which shows such land for a density of 2 dwelling units per acre or higher." Approximately one third of the

subject property is recommended for development at a density of two dwelling units per acre in the duly adopted *Olney Master Plan*. The remainder is recommended for commercial development under the C-1 Zone, which can be considered moderate-density commercial, more analogous to moderate-to-high density residential than to low-density residential of less than two dwelling units per acre. Accordingly, this provision would be satisfied in this case.

2. Section 59-C-7.122, Minimum Area

Code §59-C-7.122 specifies several criteria, any one of which may be satisfied to qualify land for reclassification to the PD Zone. The subject property satisfies the first of these criteria, which requires that the land contain sufficient gross area to construct 50 or more dwelling units under the density category to be granted. That standard clearly is met here, where the Development Plan provides for the construction of 100 dwelling units. The subject property also satisfies the second criterion, which requires that the land be "a logical extension of an existing planned development." As originally approved, the Olney Town Center PD-9 development included 727 dwelling units, among them 150 apartments for seniors. The senior apartments were later removed from that plan and replaced with housing without age restrictions. The proposed project would provide affordable senior housing approximately 1,200 feet northwest of the location originally designated for senior housing in the Olney Town Center planned development. The District Councils finds that the present application would be a logical extension of the existing adjacent planned development by adding to the "full lifestyle" housing choices available.

3. Section 59-C-7.131, Residential Uses

Pursuant to Code §59-C-7.131, all types of residential uses are permitted. Minimum and maximum percentage requirements with regard to various types of dwelling units do not apply to senior housing. See Code § 59-C-7.14(d)(5).

4. Section 59-C-7.132, Commercial Uses

Commercial uses are permitted but not required under the PD Zone. Parameters for commercial uses are not applicable to the subject property, which would be limited to residential uses.

5. Section 59-C-7.133, Other Uses

Noncommercial community recreational facilities for the use of residents, such as the library, computer center, exercise room, multi-purpose rooms, media room, game room, arts & crafts room and hospitality suite that the Applicant proposes to include within the building, are permitted in the PD Zone.

6. Section 59-C-7.14, Density of Residential Development

The Zoning Ordinance provides the following direction for the District Council in considering a request for the PD Zone (§ 59-C-7.14(b)):

The District Council must determine whether the density category applied for is appropriate, taking into consideration and being guided by the general plan, the area master or sector plan, . . . the purposes of the planned development zone, the requirement to provide [MPDUs], and such other information as may be relevant.

The Zoning Ordinance provides detailed guidance regarding evaluation of the Applicant's request for increased density for senior housing, pursuant to Code § 59-C-7.14(d). The applicable provisions and the District Council's conclusions are set forth below.

. . . the District Council may approve an increase in density for housing for senior adults . . . within a planned development in accordance with the following requirements:

- (1) The total number of dwelling units within that portion of the site proposed for such housing shall not exceed 3 times the density normally permitted for the same area under the density category requested. At least 20 percent of such housing shall be [MPDUs].
- (2) The density for the remainder of the property shall not exceed the density permitted under the density category requested.

The Applicant requests classification under the PD-9 Zone, which authorizes a base density of nine dwelling units per acre. A binding element of the Development Plan restricts the entire facility to residents meeting MPDU income restrictions, so the proposal qualifies for up to three times the base density, or 27 dwelling units per acre. The proposed 100-unit facility would represent a density of 20.6 dwelling units per acre of the 4.85-acre property. No additional development is proposed under this planned development.

- (3) In approving such density increase, the district council must find that the proposal satisfies the following:
- (a) That the total area of the planned development under application is at least 3 acres in size;
 - (b) That the site has adequate accessibility to public or private transportation, medical services, shopping areas, recreational and other community services frequently required by senior adults;
 - (c) That housing for the senior adults . . . will be situated on not more than one-third of the total site under application;
 - (d) That the compatibility requirements of Section 59-C-7.15 are satisfied; and
 - (e) That the increased density to accommodate such housing is found to be in the public interest, taking into account the increased size and bulk of buildings and the impact on public facilities.

The total area of the proposed planned development is 4.85 acres. The subject property is located in close proximity to a variety of medical services, shopping areas, recreational and other services that senior adults often require. Some residents would be able to access these services by walking. Others would benefit from the Applicant's commitment to provide weekly private shuttle bus service to off-site amenities. Public transportation is available along Georgia Avenue. In addition, current plans include an on-site health suite for medical check-ups, an on-site beauty salon, and a full-time Transportation Services Coordinator to help residents make use of transportation resources.

The proposed facility would occupy approximately 1.03 acres or 21% of the total site. See Ex. 28 at 10. Thus, the portion of the site to be used for senior housing would occupy less than one third of the total site under application. Moreover, for purposes of analyzing the appropriate planned development density, the subject property can be seen as an extension of the existing PD-9 development adjacent to the north/northeast. The existing planned development occupies approximately 68 acres. The subject property would be the only part of this area used for senior housing, and would add 4.85 acres, representing about 6.6% of the total planned development area. Thus, the subject application would satisfy the intent of the Zoning Ordinance in allowing a density bonus for senior housing only if senior housing occupies less than one third of the planned development area.

For the reasons stated above with regard to the purpose clause for the zone, the proposed development would be compatible with surrounding land uses. The evidence supports a finding that the increased density requested would be in the public interest.

7. Section 59-C-7.15, Compatibility

For the reasons stated above with regard to the purpose clause for the zone, the District Council finds that the proposed development would be compatible with existing development in the surrounding area. Moreover, the Development Plan shows that the building would be at least 100 feet from any adjoining one-family detached zone and would be approximately 48 feet tall, in compliance with the setback and height specifications set forth in Section 59-C-7.15.

8. Section 59-C-7.16, Green Area

The Development Plan shows 73% of the subject property (principally the stream valley) in green area, substantially exceeding the 40% required under the PD-9 density category.

9. Section 59-C-7.17, Dedication of Land for Public Use

The Development Plan commits the Applicant to dedicating the land that may be necessary for the extension of Appomattox Avenue to Georgia Avenue, if required by the Planning Board at preliminary plan approval. No dedication is expected to be needed for Georgia Avenue.

10. Section 59-C-7.18, Parking Facilities

Off-street parking must be provided in accordance with the requirements of Article 59-E of the Zoning Ordinance. The Applicant can satisfy the requirements of Article 59-E provided that it obtains from the Planning Board a substantial waiver of the number of parking spaces required. The Planning Board and its Technical Staff have indicated support for the requested waiver based on evidence submitted by the Applicant concerning parking ratios at facilities similar to the facility proposed here. The District Council concludes that likelihood of the Applicant obtaining the necessary waiver – or, in the alternative, being required by the Planning Board to increase the number of parking spaces to meet the standard parking requirement – satisfies this requirement of the PD Zone.

The District Council also must consider the relationship of the present application to the public interest. The subject application would be in substantial compliance with both applicable master plans and would further county housing policy. Moreover, the preponderance of the evidence indicates that the proposed development would be adequately served by and would not adversely affect public facilities in the area.


For these reasons and because to approve the instant zoning application would aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be approved in the manner set forth below.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-803, for the reclassification from the R-200 and C-1 Zones to the PD-9 Zone of 4.85 acres of land comprised of unrecorded parcel P773, shown on Tax Map HT 563, grid #5T3 and located at 18301 Georgia Avenue, Olney, in the 8th Election District, is hereby approved subject to the specifications and requirements of the Development Plan, Ex. 36(c), provided that the applicant submits the Development Plan for certification by the hearing examiner under the provisions of §59-D-1.64 within 10 days of the District Council action, with the following corrections to conform to the evidence of record: (1) the text "as such Article or regulations may be amended from time to time" should be added to the end of binding element No. 6; and (2) binding element No. 7 should be revised to read: "Occupancy of all units will be limited to households that satisfy the income restrictions set forth in Article 25A of the Montgomery County Code for Moderately Priced Dwelling Units and any regulations duly adopted thereunder, as such Article or regulations may be amended from time to time."

This is a correct copy of Council action.


Mary A. Edgar, CMC
Clerk of the Council

Date Mailed: October 29, 2003

Action: Approved Staff Recommendation

Motion of Comm. Bryant, seconded by
Comm. Wellington with a vote of 4-1;

Comms. Berlage, Bryant, Perdue
and Wellington voting in favor;
Robinson opposed

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-04002

NAME OF PLAN: OLNEY MANOR

On 7/03/03, J. KIRBY DEVELOPMENT submitted an application for the approval of a preliminary plan of subdivision of property in the PD-9 zone. The application proposed to create 1 lot on 4.85 acres of land. The application was designated Preliminary Plan 1-04002. On 10/09/03, Preliminary Plan 1-04002 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-04002 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-04002.

Approval, pursuant to special ceiling allocation for affordable housing of the FY 2004 Annual Growth Policy, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to a 100 unit elderly housing facility and the applicant is bound by the elements of the approved Development Plan for Zoning Case No G-803 approved by District Council on June 24, 2003
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions as outlined in the July 25, 2003 Environmental Planning memorandum prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 3) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Olney Master Plan unless otherwise designated on the preliminary plan
- 4) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation
- 5) Compliance with the conditions of approval of the MCDPS stormwater management approval, dated September 29, 2003
- 6) Compliance with conditions of MCDPWT letter dated, September 29, 2003 unless otherwise amended
- 7) Record plat to deny access except at approved locations on Georgia Avenue (MD 97)

- 8) Access and improvements as required to be approved by MDSHA prior to issuance of access permits
- 9) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- 10) Final approval of on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan
- 11) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 12) This 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) Compliance with conditions of Transportation Planning memorandum dated October 8, 2003
- 15) Other necessary easements