
MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

 THE MARYLAND-NATIONAL CAPITAL
 PARK AND PLANNING COMMISSION

 8787 Georgia Avenue
 Silver Spring, Maryland 20910-3760
 301-495-4500, www.mncppc.org

ITEM# 8
DATE: 2/5/04
MEMORANDUM

DATE: January 30, 2004
TO: Montgomery County Planning Board
VIA: Joseph R. Davis, Chief Development Review Division
FROM: A. Malcolm Shaneman, Supervisor (301) 495-4587
 Richard A. Weaver, Senior Planner (301) 495-4544
 Development Review Division

REVIEW TYPE: Pre-Preliminary Plan Review

PROJECT NAME: The Townes at Boland Farm
CASE #: 7-03054
REVIEW BASIS: Chapter 50, Section 50-33A, alternative review procedures for Pre-Preliminary Plans

ZONE: R-200/TDR
LOCATION: On the west side of Frederick Road (MD 355), approximately 200 feet north of intersection with Germantown Road (MD 118)

MASTER PLAN: Germantown

APPLICANT: IKO Development, Inc.
FILING DATE: June 6, 2003
HEARING DATE: February 5, 2004



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STAFF RECOMMENDATION: No objection to the submission of a combined preliminary plan and site plan application, pursuant to Section 50-33A, subject to the following conditions:

- (1) Prior to submission of a preliminary/site plan application, obtain approval of a variance from the Board of Appeals, that reduces the setback along the northern boundary to fifty (50) feet to the rear lot line of the proposed units

- (2) At the time of preliminary plan, submit justification for waiver of the minimum (15%) number of single family detached units, pursuant to Section 59-C-1.395
- (3) Full compliance with Chapter 22A, the Forest Conservation Law, at the time of preliminary plan
- (4) Applicant to continue negotiation with MDSHA for a temporary right in/right out access to Frederick Road (MD 355) to be shown on preliminary plan
- (5) Review and approval of a stormwater management concept plan by MCDPS at the time of preliminary plan
- (6) Compliance with all other applicable sections of Chapter 50 at the time of preliminary plan

SITE DESCRIPTION

The subject property is located northwest of and near the intersection of Maryland Route 118, Germantown Road and Maryland Route 355, Frederick Road in Germantown. The subject property consists of a total of approximately four (4) acres in the R-200/TDR-8 zone. The property is currently unimproved. Bounding the subject property to the north are five single-family detached homes located in the R-200 zone. The land located immediately to the west is zoned R-20 and is improved with multi-family apartment buildings. Immediately south of the subject property is a two acre lot zoned R-200/TDR-8 which is used for a non-conforming business purpose. Immediately south of that lot, the land is zoned C-3 and is improved with a Burger King restaurant, a car wash, and a filling station with a convenience store. Maryland Route 355 abuts the subject property to the east and beyond that is the Neelsville Middle School located on R-200 zoned land.

MASTER PLAN

The approved and adopted Germantown Master Plan included the subject property in its review of analysis area NE-6 and recommended the area for the R-200/TDR zone at a density of eight (8) units per acre but did not make specific recommendations for this property. The existing zoning is in accordance with the Master Plan recommendations.

The master plan also anticipated that this area may be suitable for special exception uses as transitions between the C-1 zoning and adjoining residential uses (page 84). The plan contains guidance for special exception uses that take into account:

- An adequate buffer should be provided between proposed uses and adjacent residences;
- All special exception uses should be of a single-family character;
- Parking areas should be visually buffered from adjacent roads and residential areas;
- Lighting should not create negative impacts on adjacent residences.

ISSUES

Setbacks

In order to utilize the TDR development option recommended by the Master Plan and for which the property is zoned, the applicant must follow the special regulations for optional method development using transferable development rights set forth in Section 59-C-1.39 of the Zoning Ordinance. Section 59-C-1.394 addresses the development standards applicable to the optional method of development. Subparagraph (b) provides that *"For TDR densities of 3 or more per acre, the lot sizes and other development standards will be determined at the time of preliminary plan and site plan for conformance*

with applicable master plan guidelines and in accordance with the purposes and provisions of the PD zone, except as may be specified in section 59-C-1.395". Accordingly, the setbacks for the PD zone are the applicable setbacks for this proposed development using TDRs.

Section 59-C-7.15 which addresses the issue of compatibility in the PD zone provides, in subsection (b)(1), that "[n]o building other than a one-family detached residence can be constructed within 100 feet of such adjoining land". However, using TDRs at the recommended density of 8 units/acre results in single family attached (townhouse) dwelling units. If these units were to be set back 100 feet from the five houses to the north located in the R-200 zone, it would be virtually impossible for the subject property to be developed in accordance with the zoning and Master Plan recommendations. The two properties that together comprise the subject property have a combined width of only 200 feet; to prohibit any development in half of the site effectively precludes its development with TDR's at the recommended density. Therefore, it is the applicant's intent to proceed, with the Planning Board's guidance, to the Board of Appeals with a variance request for a setback reduction from 100ft. to the building to 50 feet to the rear lot line.

Variance Process

The applicant will be required to obtain a variance from the Montgomery County Board of Appeals in order to develop the property consistent with the underlying zoning and Master Plan recommendations. The variance must be obtained before proceeding with a preliminary plan. However, the Board of Appeals has advised the applicant that they cannot consider the variance request without approval from the Planning Board on issues relating to that variance. This presents something of a "Catch-22" situation. Accordingly, the applicant seeks binding pre-application concept approval, pursuant to Section 50-33A, to resolve issues that relate to the necessary variance request in order to proceed with the variance application.

Planning Board Waivers

At the time of preliminary plan, the Planning Board will need to evaluate fully, a request to waive the provision of Section 59-C-1.395 that requires a minimum of fifteen (15%) percent one-family detached structures for environmental or compatibility reasons. The applicant believes that a proposed development comprised entirely of single-family attached units is a more compatible form of development given the multi-family housing to the west and the commercial uses to the south. The applicant contends that the waiver will contribute to the ability to meet forest conservation requirements on-site. Again, this waiver is appropriately addressed at the time of preliminary plan when more plan details are submitted.

Access

The Master Plan anticipated the relocation of MD 118 which creating Boland Farm Road as the "old MD 118". The proposed project would gain temporary access from MD 355 with a restricted right in and right out. Elsewhere along MD 355, south of MD 118, the Master Plan recommends a service drive to consolidate traffic to two access points between MD 118 and Middlebrook Road to the south. The intent of this service drive is to eliminate multiple driveway cuts to MD 355 for safety and circulation purposes. In this instance, temporary access to MD 355 may be permitted by the State Highway Administration until such time as the connection to Millennium Court is made.

ANALYSIS

The proposed plan is for residential uses at a density consistent with the Master Plan. The guidelines for special exception uses outlined above convey the concern for the Collins Drive residences and compatibility with development of the property in conformance with the master plan. As a courtesy, a supplementary mailing of the current plan was made to all property owners along Collins Drive for review.

Staff noted to the applicant early in the review process that it would be desirable to include the intervening parcel between the subject parcels and the commercial area with this application to allow a more comprehensive review of these remaining under-developed tracts. Inclusion of the intervening piece would allow more immediate access to Millennium Court and would provide more flexibility in unit configuration, buffer, and forest conservation. The applicant has made a number of attempts to encourage the owner of the intervening piece to join in on the application. Evidently, that owner has an established business operating on that property and has shown no interest in subdivision.

With respect to the proposed variance; the fifty (50) foot *lot line setback* would accomplish several things. First, it provides sufficient area for a Category I Conservation Easement that can be establishment as a "forest" buffer between the townhouse lots and the rear lot lines of the single-family detached homes on Collins Drive. This is a deeper setback than the required thirty (30) foot rear yard *building* setback for standard R-200 development and provides for reasonable compatibility to the existing single-family homes. Under the optional method of development, an applicant is required to meet the forest conservation threshold on-site. The preliminary review by the Environmental Planning Unit indicates that the fifty (50) foot wide swath is adequate to establish forest and satisfy the on-site forest requirement. Second, the variance will allow for a plan to be submitted for review that will use TDRs as contemplated by the Master Plan. Third, it will result in a type of housing that provides a logical transition between the single-family detached homes to the north and the commercial properties to the south.

Approval of a Planning Board waiver for the minimum (15%) number of single family attached units may further support the ability to move the units away from the existing homes on Collins Drive and establish the buffer, while also providing for 22 of the available 24 TDR's to be purchased and used on the property. The waiver will need to be more fully addressed as part of the preliminary plan application.

CONCLUSION

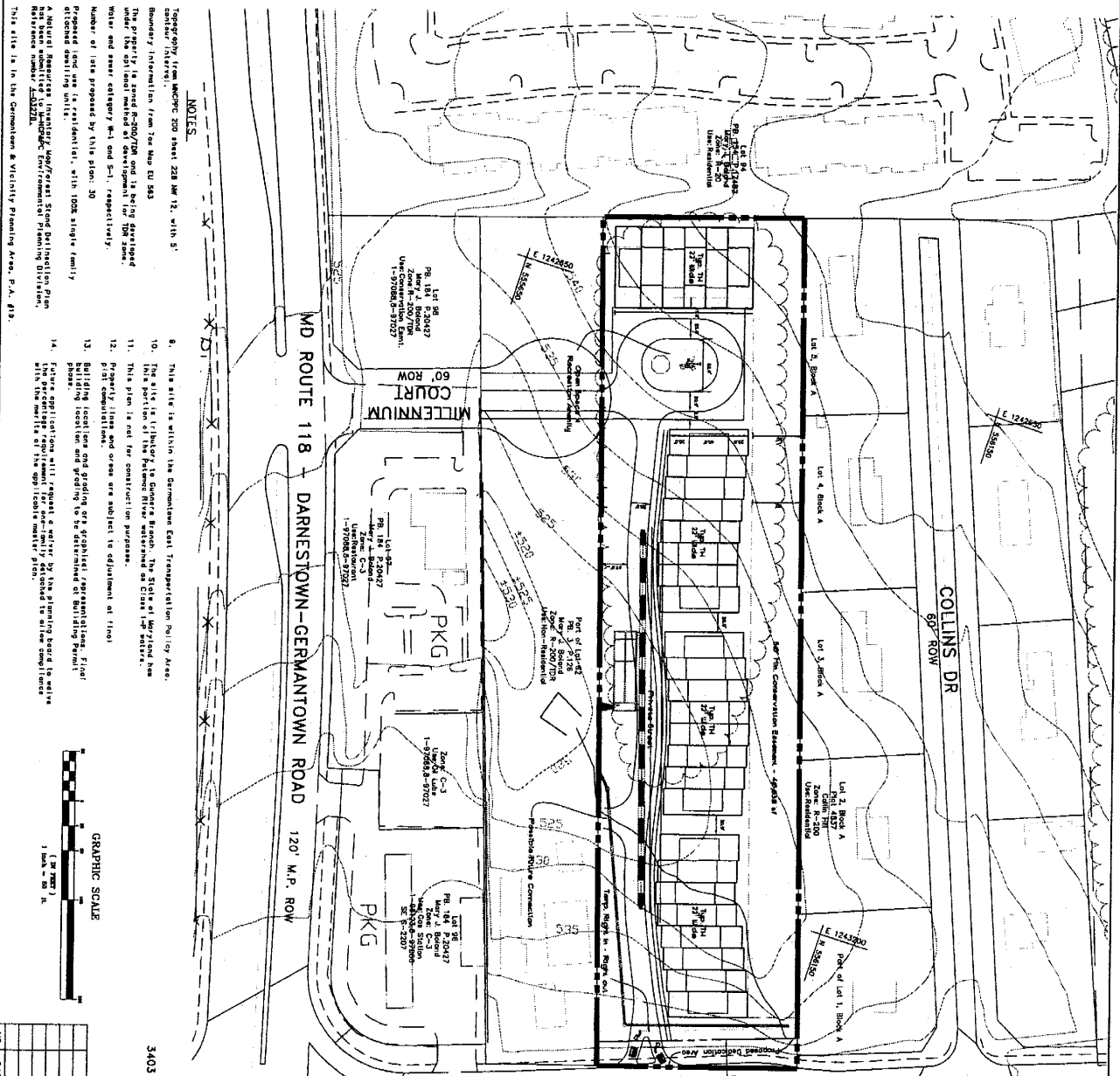
The applicant proposes to develop residential uses at a density consistent with the density recommended in the Master Plan. The plan, with the appropriate variance approval by the Board of Appeals for a reduction to a fifty (50) foot lot line setback along the northern boundary, would provide for an area sufficient to establish forest, thereby creating a reasonable buffer for the existing houses on Collins Drive. Staff does not object to the submission of a preliminary plan and site plan, conditioned on approval of a variance from the Board of Appeals and subject to the conditions cited above.

Attachments

- A. Pre-Preliminary Plan
- B. Neighborhood Development Map

At the time of print, no citizen correspondence has been received on this item

G:/DEVREV/BolandFarm



NOTES

1. Topography from MDCPC 200 sheet 228, W-13, with 5' contour intervals.
2. Boundary information from Tax Map EU 543.
3. The project is a residential development and is being developed under the standard method of development for the zone.
4. Water and sewer category are "S-1", respectively.
5. Number of lots proposed by this plan: 30.
6. Proposed land use is residential, with 100% single family attached dwelling units.
7. A Natural Resources Inventory/Map/Forest Stand Delineation Plan Reference Number of 03271.
8. This site is in the Darnestown & Vicinity Planning Area, P.A. #13.
9. This site is within the Darnestown East Transportation Policy Area.
10. The site is within the Darnestown, Germantown, and the State of Maryland. The portion of the site to be developed is within the State of Maryland.
11. This plan is not for construction purposes.
12. Property lines and areas are subject to adjustment at final plat completion.
13. Building location and grading to be determined at final plat phase.
14. Future application will request a utility by the planning board to be set with the utility of the applicable water plan.

PREPARED FOR:
 IGO Development, Inc.
 3403 Oldwood Court, Suite 100
 Olney, MD 20852
 F: 301-924-5849
 A/H: Louis Ingelino

TAX MAP EU 543

THE TOWNS OF BOLAND FARM
 Parts of Lots 60 & 61, PB.3 P.276
 9TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG Macris, Hendricks & Glascock, P.A.
 Landscaping Architects • Surveyors
 3020 Montgomery Village Road
 Montgomery Village, Maryland
 Phone: 301-270-2000
 Fax: 301-270-2001
 www.mhgpa.com
 Date: 01/09/04

DATE: _____
DESCRIPTION: _____
BY: _____

AREA TABULATION

Gross Total Area (GTA) = 174,240 sq. ft. or 4.00 ac.
 Street dedication = (61) 3,387 sq. ft. or 0.13 ac.
 Net Total Area (NTA) = 170,853 sq. ft. or 3.97 ac.

DENSITY TABULATION

GTA 4.00 acres
 Total Density = 3.0 units/acre = 8 units
 Net Density = 2.9 units/acre = 7 units
 Total parking spaces = 33 spaces
 Proposed Density 30 units / 4.00 ac = 7.5 units / ac.

IRB TABULATION

Site Density = 3 units/acre
 Proposed Units = 30 units
 Required TMI = 22 TMI

PARKING TABULATION

30 Units / 40 Required
 80 Provided

59-C-1.384 Development Standards Applicable to the Optional Method of Development with TDRs

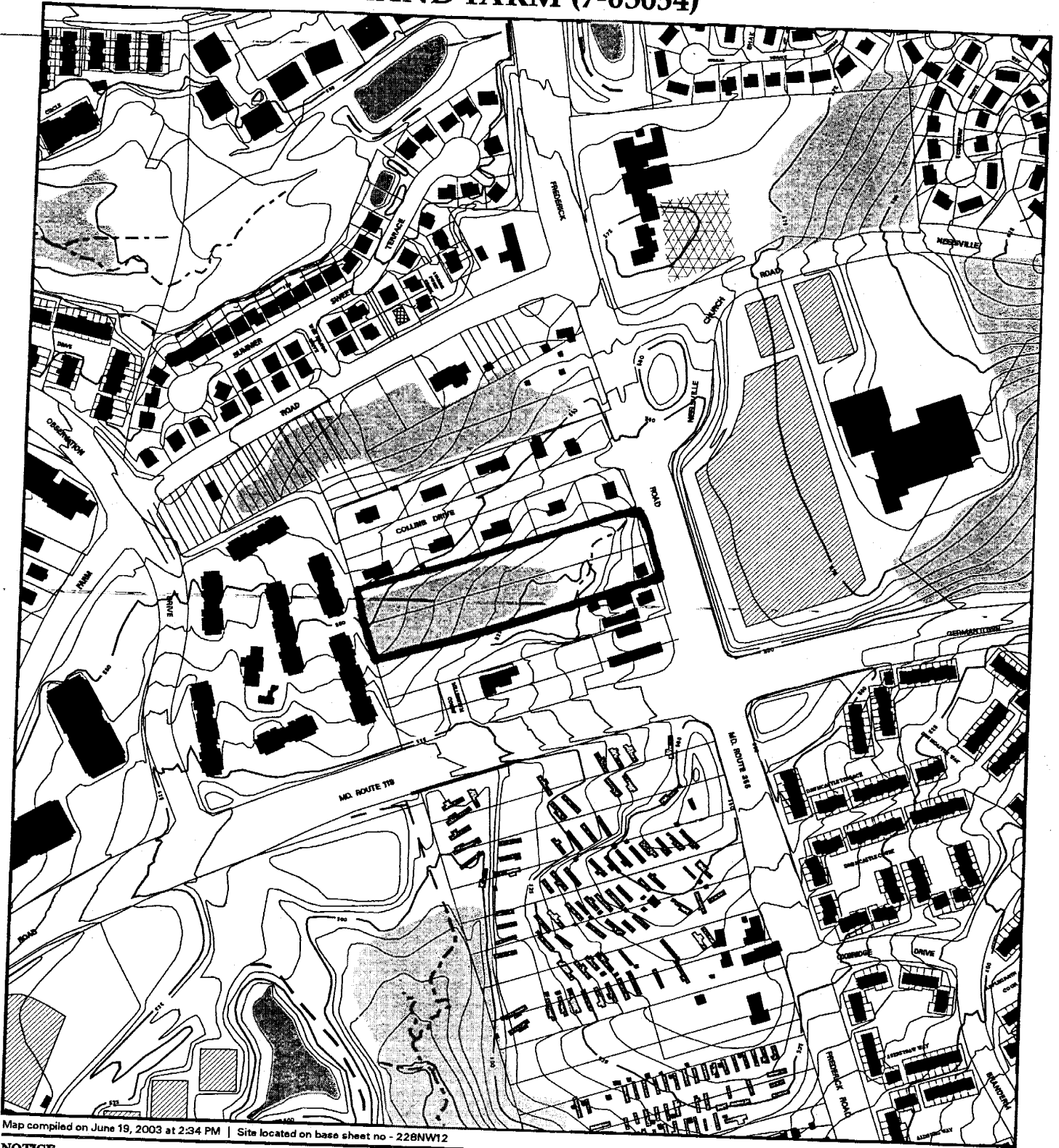
Required/Permitted	Proposed
Density of development per: 11 d.u./ac. max.	7.5 d.u./ac.
Building setbacks:	
From street:	35'
From side yard:	6' (and unit)
From boundary of the subdivision:	20 min.
Building height:	30 min.
59-C-1.385: Special Provisions for TDR Developments	35' max.
Open Space:	> 40%
Residential Unit:	40% min.
One Family Detached:	15% min.
One Family Attached:	0%
Multi-family:	n/a
Temporary:	35% max.
100%:	0%

*59-C-1.384 for TDR densities of 3 or more, development standards will be determined at the time of preliminary or site plan for compliance with the applicable master plan guidelines and in accordance with the provisions of the TDR plan.
 *59-C-1.385: Special Provisions for TDR Developments
 Requirements for one-family or two-family lots are as follows:

VICINITY MAP
 SCALE 1" = 2,000'

VICINITY MAP FOR

THE TOWNS OF BOLAND FARM (7-03054)



Map compiled on June 19, 2003 at 2:34 PM | Site located on base sheet no - 228NW12

NOTICE

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Key Map

