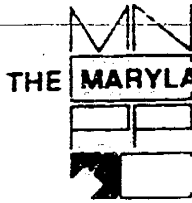


Date of mailing: January 15, 1991



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3790

**MONTGOMERY COUNTY PLANNING BOARD
OPINION**

Preliminary Plan No. 1-90156
Project: Robey Road Property

Action: Approved Preliminary Plan No. 1-90156, subject to conditions. Commissioner Keeney moved approval of the Plan. Commissioner Henry seconded the motion. Commissioners Bauman, Hewitt and Floreen joined the motion, with a 5-0 vote of approval.

The Montgomery County Housing Partnership, Inc., ("Applicant") submitted to the Montgomery County Planning Board staff an application for a preliminary plan of subdivision ("Plan").¹ The Applicant proposed to create one lot on 6.02 acres of land located in the R-30 zone,² to be developed with 104 garden apartment units. Planning Board staff reviewed the Plan and brought it before the Planning Board at a public hearing,³ at which time it heard testimony and accepted evidence into the record to determine if the Plan conformed with Montgomery County's Subdivision Regulations (Chapter 50, Montgomery County Code (1984, as amended)).

Based upon the testimony and evidence presented by Planning Board staff, the Applicant and others who testified, the Planning Board finds that the Plan conforms with the purposes and requirements of the Subdivision Regulations, and approves the Plan subject to conditions listed at the end of this opinion.

¹On July 3, 1990 the Applicant submitted its application to Planning Board, who designated the application Preliminary Plan number 1-90156.

²R-30 is a multiple-family, low density residential zone.

³The Planning Board reviewed the application on September 27, 1990, after proper public notification as required by law and the Planning Board's Rules of Procedures.

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Applicant asked the Board to create one lot on 6.02 acres of land located on the southeast side of Robey Road near Briggs Chaney Road. Applicant proposed to develop the property under Montgomery County's Annual Growth Policy (AGP) Special Ceiling Allocation for Affordable Housing. To qualify for approval under this provision of the AGP Applicant must provide within its project a minimum of 21 affordable housing units. The Plan does so. Planning Board staff noted that there are no other approved AGP affordable housing projects located in the immediate vicinity of the proposed development on either Robey Road or Aston Manor Drive. Staff also testified that the Plan before the Planning Board met the setback, coverage and other requirements set forth in the Subdivision Regulations.

The Applicant has set aside the northwest corner of property as Outlot A to be used if the adjacent Aston Manor Drive is extended to accommodate future development on the adjacent land tract. The Applicant also testified that it will emphasize tree preservation on the site, and will reduce the amount of asphalt in the development to further that goal.

The Board received a significant number of letters in opposition to this Plan. In addition, several people testified at the public hearing in opposition to the Plan. The opposition generally addressed the following issues:

First, the opposition expressed its opposition to the Plan because of concerns that the density was too high. The Planning Board chairman noted that the property is zoned for garden apartments, and therefore the proposed density comports with the intended use of the land. The opposition also generally stated the sentiment that too high a concentration of development had been approved in the eastern portion of Montgomery County under the affordable housing provision of the AGP.

Second, the opposition voiced concern about the amount of traffic that will be generated by the new development. The speakers noted that the area already suffered from road congestion, and that the new development would increase local traffic. Staff noted in the record that the Plan conforms with the traffic limitations imposed by the AGP.

Third, the opposition expressed concern that the new development would exacerbate the crime rate in the local area. Along with this concern the opposition asked that the Board provide additional police protection for the area. The Planning Board had before it at the time of public hearing approvals of the Plan from local safety agencies who reviewed the application.

Finally, representatives from the adjacent properties said that they were concerned that the proposed development would increase stormwater runoff onto their property. Applicant noted

that the Department of Environmental Protection reviewed the Plan, and concluded that it was appropriate for the Applicant to proceed to the preliminary plan stage, if the Planning Board would impose conditions for stormwater management and silt controls.

Applicant must show the Planning Board, prior to getting site plan approval, that its proposed drainage will properly accommodate the new use. If the Applicant cannot show that it will adequately deliver stormwater off-site without increasing runoff to adjacent properties, then Applicant will be required to provide on-site accommodations. Applicant testified, however, that its engineering study shows the stormwater management controls for the new development will reduce impact on adjacent developments.

Based upon the testimony and evidence presented by Planning Board staff, Applicant and others, the Board finds that the Plan as submitted accords with the purposes and other requirements of the Subdivision Regulations. Therefore the Planning Board approves the Plan subject to the following conditions:

1. Applicant entering into Agreement with the Housing Opportunities Commission to develop property pursuant to Annual Growth Policy Special Ceiling Allocation for Affordable Housing.
2. Agreement with Planning Board to limit the development to 104 multi-family dwelling units generating fewer than 50 peak hour trips.
3. No clearing, grading or recording of plat(s) prior to Site Plan approval.
4. Number and location of buildings to be determined at Site Plan.
5. Outlot to be conveyed to Montgomery County Department Of Transportation (MCDOT) at such time as required with proposed design and construction for termination of Aston Manor Drive to be approved by MCDOT. Covenant to be submitted to MCDOT for approval, prior to recording of record plat(s).
6. Dedication of Robey Road 35' off center line.
7. Conditions of Department of Environmental Protection Stormwater Management Waiver dated 7-10-90.
8. Tree Preservation Plan to be finalized at Site Plan.
9. Necessary Easements.

CPW/AN (1)

Table 1

Affordable Housing Units Approved Under the AGP
Special Ceiling Allocation for Affordable Housing

Policy Area	Project Name	Total Number of Units	Number of Below- Market Rate Units	Percent of Total Units Approved	Planning Board Approval Date
		159	32	20.1%	6/89
Damascus	Magruder Village	218	44	20.2%	6/88
Germanatown East	Campus Apartments	102	21	20.6%	3/90
Germanatown West	Germanatown Development Corp.	102	21	20.6%	3/90
Germanatown West	Germanatown Development Corp.	70	14	20.0%	6/89
Germanatown West	Waterford Place	42	9	21.4%	9/89
Germanatown West	Bond Property	96	96	100.0%	8/88
Germanatown West	Burnt Mill Crossing	31	7	22.6%	7/89
Germanatown West	Rebold Property	104	32	30.8%	9/90
Germanatown West	Robey Road Property	84	17	20.2%	7/90
Germanatown West	Seper Property	23	2	100.0%	6/89
Germanatown West	Timberlawn Crescent II				
		1,031	316	30.6%	

Total

Source: Montgomery County Planning Department, Research Division, November, 1990.

Carroll (17)