



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 2
03/13/03

MEMORANDUM

DATE: March 7, 2003
TO: Montgomery County Planning Board
VIA: John A. Carter, Chief, Community-Based Planning Division
FROM: Kathleen A. Reilly, AICP, for the Planning Department
Khalid Afzal, Team Leader Georgia Avenue Corridor

REVIEW TYPE: Supplemental Staff Report Local Map Amendment
APPLYING FOR: Change in zoning from R-200 (Residential One-Family) and C-1 (Convenience Commercial) to PD-9 (Planned Development)
APPLICANT: J. Kirby Development, LLC
CASE NUMBER: G-803,
REVIEW BASIS: Advisory to County Council

AREA: 4.85 acres
LOCATION: 18301 Georgia Avenue
MASTER PLAN: Olney

FILING DATE: September 23, 2002
PLANNING BOARD REVIEW: March 13, 2003
PUBLIC HEARING: March 26, 2003 at Hearing Examiner

STAFF RECOMMENDATION: APPROVAL, of the Planned Development Zone PD-9 for a maximum of 100 elderly housing units:

1. The application complies with the purpose clause of the Planned Development Zone.
2. The rezoning conforms with the Olney Master Plan.
3. The requested Planned Development Zone is compatible with the surrounding uses.

SUMMARY

At the Planning Board's hearing on February 6, 2003, the applicant requested a continuance of the subject local map amendment to resolve outstanding issues raised by the community. These issues focused on: building height, building and parking layout, and dedication of Appomattox Avenue. The applicant has resolved these issues and submitted a revised development plan, which shows one 4-story building containing 100 units of independent housing for senior adults, 53 parking spaces and dedication of Appomattox Avenue. The development plan also includes binding elements with respect to the number of units, shuttle service, and dedication of Appomattox Avenue. This staff report supercedes the staff report published on January 31, 2003, for the subject application.

Project Overview

The applicant and contract purchaser, J. Kirby Development, LLC, is requesting a reclassification from the R-200 (Residential One-Family) and C-1 (Convenience Commercial) to PD-9 (Planned Development) Zone on 4.85 acres of land located on Georgia Avenue in Olney. The C-1 zoned property consists of 2.90 acres and the R-200 zoned property consists of approximately 1.95 acres of land. The proposed development would consist of one 4-story building containing 100 units of independent housing for senior adults 62 years of age and older. Of the proposed 100 units, approximately 80% of the units will be restricted to senior households with income 60% or less than the areawide median and 20% of the units will be restricted to households earning 40% or less than the areawide median income. Access to the site would be from one access point on Georgia Avenue (MD 97) a state maintained public right-of-way and from two access points on Appomattox Avenue.

A. Development Plan Submittal

The applicant has submitted a revised development plan that shows one 4-story building containing 100 units (30 - 1 bedroom and 70 - 2 bedroom units). The Development Plan shows the proposed building designed as three "manor houses" divided by landscaped courtyards. The building's materials will consist of brick and vinyl siding and will feature a gabled roof with numerous breaks in the roofline and residential window treatments to support the appearance of a manor house. Fifty-three parking spaces are proposed for these units. There is one access point from Georgia Avenue into the site and two access points from Appomattox Avenue into the site.

Appomattox Avenue is shown on both the Adopted and Approved Master Plan of Highways and the Adopted and Approved Olney Master Plan. As such, this roadway must be shown on any submitted development plan for the subject site. Until the roadway is removed from either of these planning documents, staff is required to review any proposals for development on the subject site showing dedication of this roadway.

The submitted development plan shows dedication of Appomattox Avenue in the northern portion of the site, and intersecting with Georgia Avenue opposite Tidewater Court. In addition, to showing the dedication of Appomattox Avenue the applicant has offered a binding element with respect to this dedication. The binding element states that if Planning Board requires dedication of Appomattox Avenue at the time of preliminary plan approval the applicant will provide this dedication. However, if the Planning Board does not require dedication of this roadway at the time of preliminary plan approval, the applicant will construct a driveway in the area of Appomattox Avenue that will provide access for this site onto Georgia Avenue. This proposed access driveway is also shown on the development plan.

B. Description of the Property

The subject property is located on the east side of Georgia Avenue (MD 97) approximately 1,000 feet north of its intersection with Olney - Sandy Spring Road (MD 108). It has approximately 560 feet of frontage on Georgia Avenue and has a triangular shape. The site is developed with a single family detached dwelling unit and several accessory buildings. The remaining portion of the site is partially wooded and slopes gradually from Georgia Avenue to the rear of the site. Environmental features on the site include: 100-year floodplain, wetlands, a stream, and their associated buffers.

C. Surrounding Area:

Definition: In a floating zone application, the surrounding area is less rigidly defined than in a Euclidean zone application. In general, definition of the surrounding area, takes into account those areas that are most directly affected by the proposed development. In the subject application, staff defines the surrounding area to be: Prince Philip Drive to the north and east, Olney-Sandy Spring Road (MD 108) to the south and Georgia Avenue (MD 97) to the west.

Uses: The surrounding area is classified and developed with a mix of uses. Directly north of and abutting the subject site, the property is zoned R-200 (Residential one - family) and developed with a single-family dwelling unit that serves as an art gallery. North of the abutting property and on the south side of Prince Philip Drive the properties are zoned R-200 and developed with single-family detached or attached dwelling units. Further along the south side of Prince Philip Drive to its intersection with Spartan Road, the properties are zoned PD-9 (Planned Development -9 dwellings units/acre) developed with single-family attached dwelling units and 3 and 4 story multifamily units (apartments). The northwest corner of Spartan Road and Appomattox Avenue is zoned RT-12.5 and developed with single-family detached units. Continuing on Prince Philip Drive to its intersection with MD 108, the properties along the south side are zoned R-60 (Residential one-family) and are developed with an adult day care facility and the thrift shop for Montgomery General Hospital.

Along the north side of MD 108 from Prince Philip Drive to Spartan Road, the properties are zoned O-M (Office Building Medium intensity) and PD-9 and contain a professional

office building and townhouses, respectively. Further west along the north side of MD 108 from Spartan Road to Hillcrest Avenue the properties are zoned C-2 (General Commercial) and developed with Olney Village Mart which contains various general commercial uses. The southwest corner of the subject site abuts the Village Mart. From Hillcrest Avenue to the MD 108 intersection, the properties are zoned C-1 (Convenience Commercial) and developed with various commercial uses. Along the east side of MD 97 north of its intersection with MD 108, to the site's southern property line, the properties are zoned C-1 and developed with office commercial uses.

Across Georgia Avenue and west of the subject site, the properties are zoned C-1, C-T (Commercial Transitional) and R-30 (Multi-Family Low Density Residential) and developed with convenience commercial uses, offices and commercial uses and a single family attached dwelling unit complex, respectively. Further north and west of the site across Georgia Avenue the properties are zoned R-200 and developed with single-family detached dwelling units and a religious use.

D. Intended Use and Approval Procedures:

This application seeks to rezone the subject site from the C-1 and R-200 zones to the PD-9 zone. The applicant intends to subdivide the site into one lot that will be developed with one 4-story building devoted to housing for the elderly. Under Section 59-D1.1 of the Zoning Ordinance an application for the reclassification to the PD Zone requires that a development plan be submitted with the rezoning application.

The submitted development plan enumerates the following information:

Area of the site	- 4.85 acres
Total Number of Units	100
1 Bedroom Units	30
2 bedroom Units	70
Number of Moderately Priced Dwelling Units	-100
Number of parking spaces	53
Building Height	48 feet
Setback from One-Family Zone	100 feet
Green Space	73.1%

Development Program - All proposed development will take place at one time. There will be no phased construction for this project.

Binding Elements:

1. The number of units will be 100.
2. A once per week transportation service to and from off site amenities or shopping areas for residents of the project shall be provided.

3. The applicant will provide for the future dedication of the right-of-way for Appomattox Avenue for construction by others, as shown on the development plan if required by the Montgomery County Planning board at the time of preliminary plan approval. If the future dedication of right-of-way for Appomattox Avenue is not required at the time of preliminary plan, then the applicant will be allowed to construct an access driveway in the area of Appomattox Avenue right-of-way as shown on the development plan or otherwise utilize the area of the Appomattox Avenue in the right of-way for any purposes permitted in the PD-9 zone.

The subdivision and development of this property depend on the rezoning to the PD-9 Zone. In addition to this rezoning application, other approval processes for this site will include a preliminary plat of subdivision, a site plan and a final plat of subdivision.

E. Zoning History:

1. Comprehensive Zoning:
 - a. SMA -G-256 R-30 and R-90 Zones to R-200 and C-1 Zones mapped 10/28/80
 - b. SMA - E-998 R-R Zone to R-30 and R-90 Zones mapped, 7/5/67.
 - c. 1958 Countywide Comprehensive Zoning: R-R Zone mapped.

F. Master Plan Recommendations:

1. Land Use: Convenience Commercial and Residential One-family
2. Zoning: C-1 and R-200

G. Public Facilities:

1. Water and Sewer Service
 - a. Service Categories: The subject property is in Water Category W-1 and Sewer Category S-1.
 - b. Water and Sewer Service: Local water and sewer service are deemed adequate to serve the subject property.
2. Roads

Georgia Avenue (MD 97): In the vicinity of the site, is a major highway, M-8, that transitions from a two lane undivided roadway north of the site to a four lane road with turn lanes at its intersection with Olney-Sandy Spring Road south of the site. A 120-foot Master Plan right-of-way is recommended along the property frontage. Access to the site is directly from Georgia Avenue via one driveway with right turn access only.

Georgia Avenue is classified as a major highway under the Olney Master Plan.

Olney-Sandy Spring Road (MD 108): South of the site, Olney-Sandy Spring Road, M-60, is a four-lane major highway with 120-foot recommended Master Plan right-of-way.

Appomattox Avenue: Appomattox Avenue, B-4, is a proposed business street under the 1980 Olney Master Plan and the Master Plan of Highways. Appomattox Avenue is proposed as an alternative connection to Georgia Avenue within the Olney Town Center area to relieve congestion at the Georgia Avenue and Olney –Sandy Spring Road intersection and promote circulation within the town center. The proposed right-of-way (approximately 0.58 acres) for Appomattox Avenue crosses the Olney Manor property in such a way that approximately 0.93 acres of the 4.85 acre property is north of the right-of-way, while the remainder is to the south. Appomattox Avenue is defined in the Master Plan as a two-lane roadway with an 80-foot recommended right-of-way. Two access points are proposed via Appomattox Avenue into the subject site.

Tidewater Court: Tidewater Court is not a Master Plan classified roadway. It serves as access to a condominium complex, but does not connect through to any other street.

Hillcrest Avenue: Hillcrest Avenue, B-3, located south of the site is classified in the Olney Master Plan as a business street with a recommended 80-foot right-of-way. Hillcrest Avenue provides access to some homes and businesses located between Georgia Avenue and the Olney Village Mart Shopping Center. Hillcrest Avenue ends at the shopping center property, makes a right angle turn and connects to Olney-Sandy Spring Road. Extension of Hillcrest Avenue through to the constructed portion of Appomattox Avenue is not possible at this time due to conflicts with the Olney Village Mart site plan as adopted by the Montgomery County Planning Board on March 30, 2000.

Prince Philip Drive: Prince Philip Drive, A-46, located approximately 1,000 feet north of the site is classified as an arterial roadway with a recommended 80-foot right-of-way under the Olney Master Plan. Prince Philip Drive connects Georgia Avenue to Olney-Sandy Spring Road east of the site. South of Olney-Sandy Spring Road, Prince Philip Drive loops west and again connects to Georgia Avenue, creating a loop around the Olney Town Center on the east side of Georgia Avenue.

ANALYSIS

A. Purposes of the Zone: A floating zone requires an evaluation of the purpose clause of the zone. The purpose of the PD 9 zone is as follows:

Sec. 59-C-7.1. P-D zone-Planned development zone.

59-C-7.11. Purpose.

It is the purpose of this zone to implement the general plan for the Maryland-Washington Regional District and the area master plans by permitting unified development consistent with densities proposed by master plans. It is intended that this zone provide a means of regulating development which can achieve flexibility of design, the integration of mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity than the procedures and regulations under which it is permitted as a right under conventional zoning categories. In so doing, it is intended that the zoning category be utilized to implement the general plan, area master plans and other pertinent county policies in a manner and to a degree more closely compatible with said county plans and policies than may be possible under other zoning categories.

It is further the purpose of this zone that development be so designed and constructed as to facilitate and encourage a maximum of social and community interaction and activity among those who live and work within an area and to encourage the creation of a distinctive visual character and identity for each development. It is intended that development in this zone produce a balanced and coordinated mixture of residential and convenience commercial uses, as well as other commercial and industrial uses shown on the area master plan, and related public and private facilities.

It is furthermore the purpose of this zone to provide and encourage a broad range of housing types, comprising owner and rental occupancy units, and one-family, multiple-family and other structural types.

Additionally, it is the purpose of this zone to preserve and take the greatest possible aesthetic advantage of trees and, in order to do so, minimize the amount of grading necessary for construction of a development.

It is further the purpose of this zone to encourage and provide for open space not only for use as setbacks and yards surrounding structures and related walkways, but also conveniently located with respect to points of residential and commercial concentration so as to function for the general benefit of the community and public at large as places for relaxation, recreation and social activity; and, furthermore, open space should be so situated as part of the plan and design of each development as to achieve the physical and aesthetic integration of the uses and activities within each development.

It is also the purpose of this zone to encourage and provide for the development of comprehensive, pedestrian circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities, and thereby minimize reliance upon the automobile as a means of transportation.

Since many of the purposes of the zone can best be realized with developments of a large scale in terms of area of land and numbers of dwelling units which offer opportunities for a wider range of related residential and nonresidential uses, it is therefore the purpose of this zone to encourage development on such a scale.

It is further the purpose of this zone to achieve a maximum of safety, convenience and amenity for both the residents of each development and the residents of neighboring areas, and, furthermore, to assure compatibility and coordination of each development with existing and proposed surrounding land uses.

This zone is in the nature of a special exception, and shall be approved or disapproved upon findings that the application is or is not proper for the comprehensive and systematic development of the county, is or is not capable of accomplishing the purposes of this zone and is or is not in substantial compliance with the duly approved and adopted general plan and master plans. In order to enable the council to evaluate the accomplishment of the purposes set forth herein, a special set of plans is required for each planned development, and the district council and the planning board are empowered to approve such plans if they find them to be capable of accomplishing the above purposes and in compliance with the requirements of this zone.

Staff believes the rezoning request meets the purpose clause of the PD zone. It will help implement the goals and objectives of the existing Olney Master Plan as well as the General Plan and county housing policies. The proposed use for this site, senior housing, will increase the range of housing types available within the Olney Town Center. The PD zone and proposed development will be constructed and designed to facilitate and encourage social and community interaction and activity among future residents of this site and individuals who currently live and work in the area. Social and community interaction will be facilitated through proposed sidewalks and streets bordering the site and that will connect to the existing pedestrian circulation network in the surrounding community and to the nearby commercial and community uses. The site contains environmental features such as wetlands, streams and floodplain. The requested rezoning allows flexibility in the development's design that will preserve on site environmental features as open space as well as minimize the amount of grading necessary for construction. With the proposed pedestrian circulation system, the preservation of on site environmental features, and the proposed housing type, staff concludes the subject application meets the purpose clause of the PD Zone.

59-C-7.12. Where applicable.

59-C-7.121. Master plan. 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.

The existing R-200 zoning allows residential densities of 2 dwelling units per acre.

59-C-7.122. Minimum area. No land can be classified in the planned development zone unless the district council finds that the proposed development meets at least one of the following criteria:

- (b) That it would be a logical extension of an existing planned development;

The properties northeast of the subject site are zoned PD-9. These properties comprise 68.03 acres of land known as the Olney Town Center that were rezoned under application G-303 and approved in 1982 by the District Council. Under that rezoning application, 148 townhouses, 132 garden apartments, and

297 condominium units and 150 apartments for senior housing were approved. In 1996, the approved Development Plan was amended to remove the 150 apartments for senior housing and to remove the PD-9 Zone from 3.5 acres of the entire 68 site. This amendment was approved and townhouse units were constructed in place of the 150 senior housing apartments. Staff believes the proposed application for the PD-9 Zone is a logical extension of the existing and abutting residential development as it completes the "full lifestyle" housing choices available within the Olney Town Center. Furthermore, the proposed senior housing fulfills the vision of providing an elderly housing component as envisioned by the Olney master plan.

59-C-7.13. Uses permitted.

59-C-7.131. Residential. All types of residential uses are permitted, including accessory uses. These include the following, provided they are shown on the development plan: housing and related facilities for senior adults or persons with disabilities, a group home, and a life care facility. A life care facility is subject to the provisions of Section G-2.35.1. The various dwelling unit types must be planned and constructed in accordance with the following table. The table establishes, by density category and size of development, the minimum percentage required for each dwelling unit type within a planned development. All remaining dwelling units not included in the minimum requirements may be of any type or combination of types permitted in the applicable density category and development size, provided the maximum percentage is not exceeded in any instance.

Not applicable. See Section 59-C-7.14 (d) (5) in this report for a more complete explanation.

59-C-7.132. Commercial.

There are no commercial uses proposed under this rezoning application.

59-C-7.133. Other uses.

(a) Noncommercial community recreational facilities which are intended exclusively for the use of the residents of the development and their guests may be permitted.

According to the applicant's written submission, the proposed elderly housing project will contain the following non-commercial recreational facilities for its residents: a library, exercise/aerobic workout room, media room, internet/computer center, game room arts and crafts room, large multipurpose rooms a hospitality suite for visits with friends and family.

59-C-7.14. Density of residential development.

(a) An application for the planned development zone must specify one of the following density categories and the district council in granting the planned development zone must specify one of the following density categories:

<u>Density Category</u>	<u>Maximum Density (Dwelling Units per Acre)</u>
Medium PD-9	9

The rezoning application requests the PD-9 zone, 9 dwelling units per acre.

(d) Notwithstanding the density provisions of this zone, the District Council may approve an increase in density for housing for senior adults or persons with disabilities, as defined in Section 59-A-2.1, 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 moderately priced dwelling units in accordance
- (2) The density for the remainder of the property shall not exceed the density permitted under the density category requested with Chapter 25A of this Code.

The base density in the PD-9 Zone is 9 dwelling units per acre. The applicant is requesting a density increase 3 times above the base or 27 dwelling units per acre. Under this requested density increase, the total number of dwelling units allowed would be 131. The total number of dwelling units proposed is 100 or a density of 21 dwelling units per acre. All of the proposed dwelling units will meet or be below the income levels for Moderately Priced Dwelling Units. The remaining portion of the property will not be developed.

- (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 and persons with disabilities;
 - (c) That housing for the senior adults or persons with disabilities 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 comprises 4.85 acres. The site will have adequate accessibility to private transportation as the applicant is proposing a once a week shuttle service to serve the site. This shuttle service will transport future residents to nearby medical services and shopping areas along MD 108 and to recreational and other community services in the Olney area. The proposed senior housing will be situated on approximately 1.03 acres or 21% of the total site. The proposed increase in density to accommodate senior housing is in the public interest. The building's design will minimize its size and bulk through staggered façade and elevations and will not impact existing public facilities.

- (4) A copy of the application and pertinent information submitted by the applicants in support of the request for increased density for housing for senior adults or persons with disabilities must be transmitted to the Department of Health and Human Services and to the Department of Housing

and Community Affairs by the Hearing Examiner's office, within 5 days after the zoning application is filed, for their recommendation to the Hearing Examiner.

According to the applicant's statement, a copy of this rezoning application was sent to the Department to Health and Humans Services and the Department of Housing and Community Affairs.

(5) The table in Section 59-C-7.13 containing the minimum requirements for the mixture of residential housing types within a planned development shall not apply to housing for the senior adults or persons with disabilities approved in accordance with this section.

The submitted rezoning application proposes a building that consists entirely of housing for senior adults which is permitted in the PD-9 Zone. Because the applicant is proposing housing for senior adults, a mixture of housing types, including minimum and maximum percentages of unit types, as specified in the table of Section 59-C-7.13 is not required.

59-C-7.15. Compatibility.

(a) All uses must achieve the purposes set forth in section 59-C-7.11 and be compatible with the other uses proposed for the planned development and with other uses existing or proposed adjacent to or in the vicinity of the area covered by the proposed planned development.

The proposed use will achieve the goals and objectives of the Olney Master Plan and county housing policies by providing a housing component for senior adults. Of the proposed 100 units, approximately 80% of the units will be restricted to senior households with income 60% or less than the area wide median and 20% of the units will be restricted to households earning 40% or less than the area wide median income, thereby, meeting county housing policies of providing affordable senior housing.

This proposed use and the requested density are compatible with the existing PD-9 zoned property located northeast of the subject site as well as the R-200 zoned properties located north of the subject site. The R-200 zoned land also adjoins this existing PD-9 zoned land on the northeast. The proposed senior housing has been located on the subject site to meet the 100-foot setback from the one-family residentially zoned land. This setback maintains the compatibility established between the one-family residentially zoned land and the existing and adjoining PD 9 zoned land. The properties to the south are zoned C-1 and the requested PD zone is compatible with these uses.

(b) In order to assist in accomplishing compatibility for sites that are not within, or in close proximity to a central business district or transit station development area, the following requirements apply where a planned development zone adjoins land for which the area master plan recommends a one-family detached zone:

(1) No building other than a one-family detached residence can be constructed within 100 feet of such adjoining land; and

(2) No building can be constructed to a height greater than its distance from such adjoining land.

The proposed site is not within or in close proximity to a central business district or a transit station. The properties adjoining to the north of the site are recommended for the R-200 (one-family detached) zone. As shown on the submitted development plan, the proposed building will be located approximately 100 feet from the adjoining residentially zoned land. The PD-9 Zone allows a building height of four stories, the proposed building will be 48 feet high or four stories which is less than the 100 foot distance required by the adjoining one family zone.

59-C-7.16. Green area.

Green area must be provided in amounts not less than indicated by the following schedule:

Density Category Green Area (Percent of Gross Area)

Medium PD-9 40

According to the submitted Development Plan the green area will be approximately 73.1% of the gross area of the site.

59-C-7.17. Dedication of land for public use.

Such land as may be required for public streets, parks, schools and other public uses must be dedicated in accordance with the requirements of the county subdivision regulations, being chapter 50 of this Code, as amended, and the adopted general plan and such adopted master plans and other plans as may be applicable. The lands to be dedicated must be so identified upon development plans and site plans required under the provisions of article 59-D.

The Olney Master Plan and the Master Plan of Highways indicate that Appomattox Avenue is to be dedicated as a public street. The submitted Development Plan shows the dedication of this roadway. Furthermore, the applicant has proffered a binding element to dedicate this roadway if required at the time preliminary plan approval. The design and dedication of this roadway will be addressed during the preliminary plan review of this project.

59-C-7.18. Parking facilities.

Off-street parking must be provided in accordance with the requirements of article 59-E.

According to the development plan, the applicant proposes 30 1 bedroom and 70 2 bedroom senior housing units. Based on Sect. 59-E-3.7 of the Zoning Ordinance, housing for senior adults requires 1 parking space for each 1-bedroom unit and 1.35 parking spaces for each 2-bedroom unit. Thus, the applicant would be required to provide 125 parking spaces.

Sect. 59-E.3.3 (b) of the Ordinance allows the following percentage reductions in parking requirements: provision of units at or below the price levels for MPDU's – 20% and provision of private shuttle service for a minimum of seven years – 10%. The applicant is providing all MPDU's on this site and has proffered under the binding elements a private shuttle service. Based on this 30% reduction, the total number of parking spaces would be 87 spaces. The submitted plan proposes 53 parking spaces. The applicant is seeking a waiver of 34 spaces.

A parking analysis submitted by the applicant used data collected at similar facilities in Montgomery and Prince Georges counties. The parking demand ratios were 0.57 and 0.39, respectively, for each of these independent living senior housing facilities. From this data, 0.48 was the average parking ratio for independent senior housing. Under the proposed senior housing the applicant proposes a parking ratio of 0.53, which is above the 0.48 average determined at the other facilities. Based on this 0.53 average parking ratio and provision of a once a week shuttle bus services by the applicant, staff believes the 53 proposed parking spaces will be adequate to accommodate future residents of this site. Finally as allowed under Sect. 59 E.3.3 (b) (2) of the Zoning Ordinance, the details of the proposed shuttle will be reviewed and finalized during site plan review of this project.

59-C-7.19. Procedure for application and approval.

(a) Application and development plan approval must be in accordance with the provisions of division 59-D-1.

The information required by Sect.59-D-1 has been provided under Development Plan A.

(b) Site plans must be submitted and approved in accordance with the provisions of division 59-D-3.

If this application is approved, a site plan will be required.

B. Master Plan Recommendation - The proposed project is located in the Olney Town Center and is covered by the Olney Master Plan, which was last updated in 1980. The proposed use is consistent with the goals and objectives stated in the Master Plan, such as: to provide for housing diversity and lifestyle diversity choices; to provide housing choice at every phase of the lifecycle; and to provide low to moderate cost housing units in the Town Center.

According to the Master Plan, “a mix of dwelling types detached townhouses, and apartments is proposed to accommodate different age and economic groups. A mix of housing types contributes to the vitality of a community by attracting a diverse of range of lifestyles. It also fosters greater stability by providing housing choices throughout the lifecycle. A diverse housing stock would allow for all these choices, enabling people to remain in the community by meeting their changing housing needs”.

The master plan does not have specific guidance for the proposed site. The Town Center Chapter has language that suggests that the Master Plan considered the Town Center as a desirable location for senior citizen housing because of the proximity of shopping areas, churches, library, hospital, and community facilities. The Plan states that allocating part of the projected development in the Town Center to senior citizen housing would be consistent with the Plan goal to provide a full lifecycle community. The Master Plan recommended PD-9 for the area immediately to the north of Appomattox Avenue (east of the proposed site), which was intended to include a mix of

single-family detached units, townhouses, apartments and housing for the elderly. The elderly housing portion of that PD-9 zoned land was removed and another housing type was developed. Staff finds that the proposed development would provide the elderly housing units envisioned by the master plan in the vicinity of the commercial core of the Town Center and that the senior housing is an appropriate use for this property.

C. Transportation – Transportation Planning staff recommends approval of the subject rezoning application with the following issues to be addressed during either the subsequent preliminary plan or site plan review process.

1. Provide improvements in accordance with the requirements of the Maryland State Highway Administration (SHA).
2. Provide the four-foot concrete median between the proposed southern inbound entrance and Tidewater Court.
3. Provide a sidewalk along the entire property frontage and along both sides of Appomattox Avenue to create safe pedestrian access to the Olney Town Center area.
4. Provide handicap ramps at transition points between pavement and sidewalks.
5. Define the proposed shuttle services as stated in the binding elements of the development plan.
6. Dedicate right-of-way for Appomattox Avenue across the width of the property.
7. Reevaluate the location of the Appomattox Avenue/Georgia Avenue intersection with respect to Tidewater Court and the SHA median extension.

The applicant submitted a traffic statement indicating that the proposed development will generate three trips in the weekday morning peak hour (6:30 a.m. to 9:30 a. m.) and six trips in the weekday evening peak hour (4:00 p.m. to 7:00 p.m.). These trip numbers are well below the Local Area Transportation Review Guidelines threshold of 50 trips that requires a Traffic Study.

Elderly housing is a low trip generator. This project can be expected to generate fewer trips than would be generated under the existing combination of R-200 and C-1 zoning. This is desirable since several previous traffic studies indicated a congestion problem at the Georgia Avenue (MD 97) and Olney-Sandy Spring Road (MD 108) intersection. The reduced number of trips can be accommodated on the existing road network.

With respect to the dedication of Appomattox Avenue, this roadway will pass through a stream valley. Flexibility will be permitted at preliminary plan in the design of Appomattox Avenue to minimize environmental impacts without compromising the intended function of the roadway. Previous right-of-way dedications and partial construction of Appomattox Avenue to the east of the subject site determine that the location of the remaining portion will be on the Olney Manor Property.

As of January 31, 2003, the Olney Policy Area had no capacity for additional housing units. Olney Manor, however, will qualify for the Annual Growth Policy's alternative review procedure under the Special Ceiling Allocation for Affordable Housing and can be approved by the Planning Board.

D. Environmental -The Environmental Planning staff has reviewed the submitted rezoning application and development plan and offers the following comments that are integral to recommending approval of this application

- No impervious surface shall be placed within the stream valley buffer.
- No temporary (grading) shall encroach on forested portions of the stream valley buffer (except for necessary stormwater management outfalls), unless the encroachment is unavoidable. Unavoidable encroachments shall be minimized using all available planning and zoning options as determined at preliminary and site plan review.
- Best management practices shall be implemented to compensate for forest loss and stream valley buffer encroachment, and to meet "nonconformance requirements" for existing nonconforming areas within the Patuxent River Primary Management Area (PMA) Transition Area. The following best management practices, above and beyond all other requirements, shall be approved on the Final Forest Conservation Plan at the time of site plan approval, unless found infeasible by the implementing agency (shown in *italics*):
 - Reforestation of all unforested areas on site. (*MNCPPC*)
 - An invasive species removal and management plan. (*MNCPPC*)
 - Category I Forest Conservation Easement placed on all forested and reforested areas on site. (*MNCPPC*)
 - Bio-retention facilities, located outside existing forest, used to fulfill water quality requirements for stormwater management. (*DPS*)
 - Other stormwater management and sediment and erosion control best management practices. (*DPS*)

The subject site is severely constrained by the length and location of the stream valley buffer making reasonable development under any zone difficult. Staff believes the flexibility inherent in the proposed PD zone is able to deal with this constraint. Staff has worked with the applicant to achieve a comprehensive package that avoids and minimizes stream buffer encroachment and highest priority forest loss. It provides compensation for encroachment that staff believes will provide greater overall benefit to stream protection, water quality and forest enhancement than would absolute avoidance.

This application has an approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD). A Preliminary Forest Conservation Plan has been submitted and approved in concept. The submitted Preliminary Forest Conservation Plan is substantially in

compliance with the Forest Conservation Law, showing that minimum retention requirements have been met on site as required in the PD-9 zone. Approximately 3,000 square feet of high priority forest located within the stream valley buffer and two of the five existing specimen trees will be removed under the proposed development plan. The Forest Conservation Law states that “*any available planning and zoning options that would result in the greatest possible forest retention*” be employed for highest priority forest stands.” “Highest priority forest stands include “trees, shrubs, and other plants located in sensitive areas including intermittent and perennial streams and their buffers, slopes over 25 percent (not man-made), nontidal wetlands and their buffers, erodible soils on slopes of 15% or more, 100-year floodplains, and critical habitats. Additionally individual trees that are specimens of a species are considered high priority. Subsequent plan reviews shall further examine options to fully accomplish environmental, forest, and development objectives.”

This property is located in the Upper James Creek subwatershed of the Hawlings River watershed. This subwatershed has poor stream and poor habitat conditions. It is designated as a Watershed Restoration Area by Countywide Stream Protection Strategy (CSPS). CSPS indicates that high land use densities within this subwatershed have resulted in degradation to the stream system. Measures, to address the Environmental Guidelines, Forest Conservation Law, and stormwater management, proposed by this plan should minimize impact on the stream.

The Hawlings River watershed is designated Use IV-P by the Maryland Department of the Environment. Use IV – P indicates that the waters are capable of holding or supporting adult trout for put and take fishing and that this watershed drains to a source of public drinking water supply. Since the Hawlings River watershed drains into the Patuxent River, the Environmental Guidelines include it in the Patuxent River Primary Management Area (PMA). The PMA is a water quality protection and restoration area where land use activities are managed to protect and enhance water quality in the rivers and streams. The entire subject property falls into the PMA Transition Area because it is within 660 feet 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 can be recognized as an “existing area in non-conformance”, since the existing and proposed 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).

This site drains to a regional stormwater management facility. Concept and final stormwater management plans will provide water quality measures and water quantity

recharge on site. Stormwater discharge from this site will maintain both stream channel conditions and effectiveness of the regional facility. A stormwater concept plan has been submitted to DPS and is under review. The final stormwater management and sedimentation and erosion control plans, approved by the DPS, must be consistent with the final Forest Conservation Plan approved by MNCPPC, Environmental Planning.

E. Public Facilities - The subject property is located within the Olney Policy Area. The Olney policy area currently shows a deficit for 33 housing units which means that the area is in moratorium for new housing approvals until either: 1) additional transportation facilities are programmed by the County or state, or provided by the private sector; or 2) the applicant agrees to provide the required component of affordable housing needed to meet the requirements of the Annual Growth Policy's Special Ceiling Allocation for Affordable Housing. The affordable housing requirement states that at least 20 percent of the units must be affordable to families earning no more than 50 percent of the area median income, or 40 percent of the units must be affordable to families earning 60 percent of the area's median income. Although such determinations are made at subdivision, it appears at this time that the applicant easily meets the minimum requirements for the Special Ceiling Allocation for Affordable Housing.

F. Citizen Concerns - Letters of support for the requested rezoning application and letters in opposition to the extension of Appomattox Avenue are both contained in Appendix 1.

CONCLUSION - With respect to the subject application, staff finds that the purpose clause and the requirement for the Planned Development Zone to provide a broad range of housing types, to minimize the amount of grading necessary for construction through flexibility of building and site design, and to provide a pedestrian network that links to commercial and residential areas in the surrounding Olney Town Center has been met. Staff believes that the requested zone is a logical extension of the existing PD 9 development located east of the subject site. The Planned Development Zone is compatible with the surrounding uses. Therefore, staff recommends approval of the Planned Development Zone of PD 9. Staff also recommends approval of the Development Plan that accompanies this application and limits the development to a maximum of 100 dwelling units for senior adult housing and shows the dedication of Appomattox Avenue or in the alternative the access driveway. Staff believes that the following concerns need to be addressed by the applicant during either the preliminary plan or detailed site plan review of this application:

1. Provide improvements in accordance with the requirements of the Maryland State Highway Administration (SHA).
2. Provide the four-foot concrete median between the proposed southern inbound entrance and Tidewater Court.
3. Provide a sidewalk along the entire property frontage and along both sides of Appomattox Avenue to create safe pedestrian access to the Olney Town Center area.
4. Provide handicap ramps at transition points between pavement and sidewalks.

5. Define the proposed shuttle services as stated in the binding elements of the development plan.
6. Dedicate right-of-way for Appomattox Avenue across the width of the property.
7. Reevaluate the location of the Appomattox Avenue/Georgia Avenue intersection with respect to Tidewater Court and the SHA median extension.
8. No impervious surface shall be placed within the stream valley buffer.
9. No temporary (grading) shall encroach on forested portions of the stream valley buffer (except for necessary stormwater management outfalls), unless the encroachment is unavoidable. Unavoidable encroachments shall be minimized using all available planning and zoning options as determined at preliminary and site plan review.
10. Best management practices shall be implemented to compensate for forest loss and stream valley buffer encroachment, and to meet “nonconformance requirements” for existing nonconforming areas within the Patuxent River Primary Management Area (PMA) Transition Area. The following best management practices, above and beyond all other requirements, shall be approved on the Final Forest Conservation Plan at the time of site plan approval, unless found infeasible by the implementing agency (shown in *italics*)
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 - Other stormwater management and sediment and erosion control best management practices. (*DPS*)