

OLNEY TOWN CENTER MIXED USE ZONING PROPOSAL

TALKING POINTS FOR COMMUNITY

WHY YOU SHOULD BE CONCERNED: The Draft Olney Master Plan proposes to place all of Olney Town Center, 90 acres, in a new Mixed Use Zone which will potentially allow a total of more than 3 million square feet of commercial and 1,500 residential units in buildings ranging from three to five stories in Olney Town Center. Currently, there is 820,000 square feet of commercial space constructed in Olney Town Center and the C-2 Zone (the current zone covering the Olney Town Center and Olney Village Mart Shopping Centers) limits the height of new construction to three stories. If Olney Town Center is placed in the new Mixed Use Zone the Freeman Companies, which owns the adjoining shopping centers (Olney Town Center and the Olney Village Mart), indicated in a letter to the County Council on September 21, 2004, that it will redevelop the Centers to include approximately 500,000 square feet of commercial space (they currently include approximately 250,000 square feet), approximately 500 residential units (there are currently none), and elevated parking garages in buildings up to five stories in height. Freeman also indicates that it will eventually connect Appomattox from Marksman Circle to Hillcrest Avenue.

BACKGROUND: The Planning Board Draft of the Olney Master Plan has been forwarded to the Montgomery County Council for review and adoption. The Draft Plan is a comprehensive revision of the 1980 Olney Master Plan and will guide Olney's development over the next 20-25 years. The Plan recommends a new Mixed-use Town Center Zone (MXTC) for the Olney Town Center, which has also been transmitted along with the Draft Plan for adoption by the Montgomery County Council.

The Draft Plan is the product of over two years of work by the lead planner assigned to the Plan by the Montgomery County Planning Board, Khalid Afzal, and the Master Plan Advisory Committee, which included approximately 40 volunteers who sat for 29 meetings and reviewed various portions of the Draft Plan while it was being drafted by Mr. Afzal. No members of Environ were on the Advisory Committee, so there has been little direct communication between the Committee and the community regarding the Plan.

PUBLIC HEARING: A public hearing on the Draft Plan was heard by the County Council on September 21, 2004. No decision on the Plan was made at that time, and the Plan was simply forwarded to a subcommittee of the Council, known as the PHED Committee, for further review. The next public hearing on the Plan is scheduled for January 18, 2005 at 1:30 pm, in the County Council Hearing Room on the 6th floor of the County Council Office Building located at 100 Maryland Avenue, Rockville, Md. At this hearing the Council will consider whether to adopt the recommendations of the Plan for the Olney Town Center as well as the text of the new MXTC Zone. This is the first, and potentially only, public

hearing on text of the MXTC Zone. At the end of the hearing the Council will vote either to adopt the recommendations of the Plan for Olney Town Center as well as the text of the MXTC Zone, make amendments to the Plan and the language of the Zone, or defer a decision until further hearings are held. This is the only scheduled hearing on these two issues, so it is vital that the community be heard at this time.

The Greater Olney Civic Association meets on the second Tuesday of each month at 7:30 pm at the Longwood Recreation Center on Georgia Avenue in Olney. During its next meeting GOCA will consider its position on this portion of the Plan and on the text of the MXTC Zone, which was only made public in December. Therefore, if community members wish to be heard by GOCA they should attend its meeting on Tuesday, January 11, 2005 at 7:30 pm. at the Longwood Recreation Center. GOCA does not have any decision making authority on the Plan or on the text of the MXTC Zone; however, the Council will consider it's testimony very seriously and it would therefore be helpful to obtain GOCA's assistance in reducing the height and density of the proposals for Olney Town Center.

PLAN RECOMMENDATIONS FOR OLNEY TOWN CENTER: Olney Town Center includes an area of approximately 90 acres in the center of Olney. The Plan recommends that the entire area be re-zoned to the MXTC Zone, as a means of encouraging the redevelopment of the area by increasing the density and allowing a mixture of uses in Town Center. Currently, the zoning is primarily commercial, which only allows retail and office uses, but no residential development.

Under the proposed MXTC Zone a landowner has two options, using the standard method of development which allows development of 8 residential units per acre, plus commercial and retail property of up to a .35 FAR (floor area ratio), meaning the square footage of the density of the commercial and retail development can equal up to 35% of the square footage of the land. The second option is to use the optional method of development, under which a developer can develop up to 15 residential units per acre, plus commercial and retail development of up to a 1.0 FAR (1 square foot for every one square foot of land). In order to use the optional method, the Zone requires that the landowner provide public amenities in return.

The public amenities proposed in the new Zone include "major public open space and community-oriented uses including, but not limited to, library, services center, community rooms and other civic functions". The Zone also requires that optional method developments must be in conformance with the recommendations of the Master Plan. What this means is that a developer who seeks to increase his density above the standard method must show that his development complies with the recommendations of the Master Plan. Therefore, by including language in the Plan, the County Council can restrict use of the optional method and/or require that developers seeking to use the optional method provide certain amenities

or comply with certain requirements in the Plan.

The Zone allows a height of 3 stories under the Standard Method and 5 stories under the optional method, although the height may not exceed any limitations in the Master Plan. Thus, the Master Plan can restrict the location of any buildings which may exceed 3 stories. The Plan currently states that building heights along Georgia Avenue and Route 108 should be higher than elsewhere in Town Center and located closer to the street to discourage large parking lots, that buildings in the core of Town Center can be as high as five stories, and that buildings along the edges can be three to four stories high depending on the height of existing buildings in the adjoining residential area.

The Zone also requires that developers include a “street wall” on at least 75% of any new development. This means that the new development must be located within 10 feet of the lot line along the street or the public use space along the street. It is intended to encourage an old town type of urban development where the commercial buildings are located along the street instead of behind large parking lots.

The text of the Draft Plan can be viewed at:

<http://www.mc-mncppc.org/community/index.shtm>. The specific portions dealing with Olney Town Center are found on pages 44-57 of the Plan.

The language of the MXTC Zone can be found at:

http://www.mc-mncppc.org/board/meetings_archive/04_meeting_archive/agenda_120904/item3_120904_opt.pdf.

******* CONCERNS*******

During the annual meeting for Environ on December 20, 2004, residents raised a number of concerns regarding the proposals for Olney Town Center. These can be categorized in the following areas.

TRANSPORTATION: All of the development in Olney Town Center will be utilizing Route 108 and Georgia Avenue, which are already congested and have no extra capacity for the additional homes being proposed in Olney Town Center. **Traffic using the intersection of Route 108 and Georgia Avenue in the center of Olney already exceeds the capacity of this intersection, and no improvements are proposed in the Olney Master Plan.** Furthermore, no new roads being proposed which will alleviate the traffic using this intersection. **By placing so much new housing in Olney Town Center, it virtually guarantees that the gridlock at the Route 108/Georgia Avenue intersection will get worse, not better.**

Some increases in density are being proposed for the Golden Bear Golf Site located in lower Olney near Rout 28 and Georgia Avenue. Increasing density at this site makes more sense than increasing it in Olney Town Center, because homes constructed in lower Olney will not be increasing congestion at the intersection of Route 108 and Georgia Avenue.

PEDESTRIAN ACCESS: Environ does not have a safe pedestrian access across either Spartan or Appomattox to the Olney Village Center. Mr. Afzal indicated that this is not an item to be addressed in the Master Plan, but is an “operational issue” to be addressed by the Department of Transportation. The community was not satisfied with this response and believes that **language needs to be added to the text of the Master Plan indicating that safe pedestrian access, such as brick walkways built into the pavement, pedestrian stop lights, an overhead walkway, or other measures must be taken to ensure that pedestrians have safe access to the Town Center from the Environ Community.** These safety measures need to be coordinated with the construction of any redevelopment of the Olney Town Center Shopping Center. Otherwise, the Shopping Center will be redeveloped long before any pedestrian improvements are constructed.

DENSITY: The proposed residential density in Olney Town Center is too high. If residential units are to be constructed in Olney Town Center, the density should be limited to nine units per acre, which is the existing density for Environ, which was developed under the PD-9 Zone (Planned Unit Development, 9 Units per acre), and was planned as the densest residential development in Olney in the 1980 Master Plan. The density in Environ is already much higher than the surrounding community and the town character has already been established at that density. Any increase in density above the ceiling established in Environ will change the character of the community from a suburban satellite town to an urban core, which is out of keeping with the existing character of the community and is not what current residents envisioned when they moved to Olney.

The residential density being proposed will create the need for large, elevated garages, and large, tall buildings to create the density being proposed. This will be entirely out of keeping with the current character of Olney.

The community agrees with the use of the optional method as an incentive to increase density in return for providing amenities to the community, such as a public space in the center of the existing Olney Town Center Shopping Center, or a building which can provide public uses such as a library, services center, police substation, community rooms, etc.; however, to increase the density above 9 units per acre is simply too much. Therefore, **Environ suggests a base density of 5 units per acre, with the optional method allowing a density of 9 units per acre.** While 9 units per acre may not seem very high for a Town Center Mixed Use Zone, if the Zone is truly intended to promote redevelopment of the retail and

commercial uses, which was the original intent for Olney Town Center, only a portion of any redevelopment will be in residential uses. Therefore, 9 units to an acre will actually yield a much higher density on the portions of the property which are actually used for residential development. For example, if one third of the 13 acre Olney Town Center Site is used for residential use, this means that after the MPDU bonus is added (i.e. a 20% increase in density, taking it from 9 to 10.8 units per acre), approximately 140 homes could be built on the 4 acres used for that purpose, or approximately 35 homes per acre. This is already a very high density, and to put 200 homes on the site, as Freeman proposes, is simply too much. Placing too high a residential density on the site will result in too much of it being used for residential development, leaving too little for the retail and commercial needs of the community. Limiting the residential development will ensure that a high percentage of the property is still used for retail uses, which is the main function of Olney Town Center.

VIABILITY OF THE COMMERCIAL/RETAIL USES: The new Zone is intended to increase the viability of the commercial and retail uses in Olney Town Center. However, Mr. Afzal acknowledged that **this is a new zone and no examples of similar development exist**. Therefore, many residents were concerned that the zone may not, in fact, improve the viability of the commercial/retail core in Olney. Indeed, if the zone does not work, and homes (most likely condominiums) on the sites are sold to homeowners, it will be impossible to undue the damage and redevelop it in the future.

Residents were concerned that developers may use the Mixed Use Zone to construct residential units and four to five story office buildings, which are very profitable, leaving the retail component as an afterthought which may not be improved if it is not as profitable. This means market forces will dictate redevelopment, and it may mean the community could lose the retail focus of Olney Town Center, forcing residents to get in their cars and drive elsewhere to shop, increasing traffic on our roads, and causing property values to plummet.

In order to guarantee that the Safeway and Giant centers remain, with surface parking for residents to use, they should remain in the C-2 zone (the current zone), which would discourage redevelopment of these sites. While street level parking may be out of vogue with planners, it is useful to residents who need it to perform their daily food shopping as conveniently as possible. Leaving the current zoning on these properties would ensure that they remain as grocery stores to serve the public.

In order to ensure that people visit the redeveloped shopping centers owned by the Freeman Companies, an attraction must be created for people to visit the new Town Center. This could be in the form of a restaurant core around the “major public open space” being proposed for the center of the property; however, without an entertainment attraction such

as a revitalized movie theater, bowling alley, or some other type of public attraction, it may end up being a dead center, which is only visited by residents living in Olney Town Center. The language of the proposed MXTC Zone already requires that a developer with more than five acres is required to go through site plan approval, which is an extra step not ordinarily required. **Language should be added to the text of the Master Plan stating that “any development which is required to obtain site plan approval must work with the community and with Park and Planning to obtain community input into the type and scope of retail and entertainment uses on its site in order to ensure that the needs of the community are met.”**

BUILDING HEIGHT: Environ understands that GOCA is going to request that the height of the buildings be limited to four stories, with a height restriction expressed in terms of a footage limitation as well. Currently, the C-2 Zone (which includes the Town Center and Village Mart Shopping Centers), allows buildings up to 3 stories or 42 feet, and the C-1 Zone (which includes the area along Hillcrest Avenue and the area on the opposite side behind Jerry’s) allows buildings up to 30 feet in average height. GOCA believes that raising the height of the average building from 3 stories to 4 stories provides a 25% increase in density, which is necessary to allow the Town Center to grow for the duration of the Master Plan, which is likely to last from 20 to 25 years.

Environ citizens were very concerned that the proposed height will alter the character of the Town Center from a neighborhood retail district to an urban core, which will dwarf the adjoining residential developments. The Environ community felt that buildings up to five stories in height are much too high for the Olney area, and that buildings even four stories in height are too high. However, recognizing that an increase in density, along with a mixed use zone, appears to be a foregone conclusion, **the community believes that a four story limit, which is only permitted in the center of properties which exceed five acres in size, would be appropriate. Along the edges, no more than three stories should be permitted, and where it adjoins residential development the height should be limited to the height of the adjoining homes.** This would permit three story buildings along Route 108, but would limit the height of buildings along Spartan and Appomattox to two to three stories in height.

COMPATIBILITY: The proposed MXTC Zone requires a 20 foot setback from adjoining residential development, which Environ supports. **The Master Plan should include language requiring the construction of residential townhomes on at least 50% of the frontage of any properties adjoining residential development.** A waiver could be allowed from this requirement, but it would establish a presumption that townhomes would create the best buffer to nearby residential development, particularly along Spartan and Appomattox Way.

The Freeman Companies has submitted a “concept drawing” showing townhomes along Appomattox and Spartan Road; however, these are merely concept drawings and there is no assurance that they will not substitute retail, office or structured parking at a later date.

The plan indicates on page 56 that structured parking garages should be incorporated into the main building instead of stand alone structures. This could be improved by adding language indicating that **“to the extent possible, structured parking should be located away from adjoining residential development and constructed in such a fashion that it is compatible with the main street appearance of any new development.”** **Language should also be added stating that “the street front of any structured parking garage should be devoted to retail and commercial uses.”** This would prevent unsightly garages from being seen by nearby residents or visitors to Olney Town Center.

STORMWATER MANAGEMENT: Environ has been exploring the installation of a mechanical device in the stormdrain which flows into the lake at Waterview to collect the trash and debris that flows into the lake from the Olney Town Center. The Master Plan indicates that any redevelopment should “incorporate extraordinary stormwater management features that contribute to the restoration of the James Creek and Upper Olney Mill tributaries.” Language should be added on page 56 indicating that **“steps should also be taken to prevent trash and debris from flowing into the regional stormwater management pond in the Environ community from the commercial development in Olney Town Center.”** This would give the Planning Board leverage to require developers to contribute to the cost of installing this device.

SIZE OF OLNEY TOWN CENTER: The area included in Olney Town Center includes the Olney Elementary School site and the Olney Town Townhouse site on Georgia Avenue, across from the elderly housing currently being built. Neither of these sites were in the commercial core of Olney Town Center when the last Master Plan was adopted, and neither are in the commercial core today. **There is no reason to include the Olney Elementary School or the Olney Town Townhouse Site in the area to be re-zoned, since doing so will only encourage the redevelopment of both sites, which adjoin residentially zoned properties, and are not appropriate for inclusion in the MXTC Zone.**

THE DRAFT PLAN’S HOUSING PROJECTIONS ARE MISLEADING AND MISTAKEN: The Draft Master Plan indicates that the proposed mixed use zone is based on approximately 400 residential units being constructed in the Olney Town Center, including the 100 elderly housing units presently being constructed on the Finneyfrock property and another 300 in the rest of Olney Town Center. However, **the Plan acknowledges that up to 1500 residential units could be constructed, which is far too many for the area to accommodate while retaining its primary purpose as the retail and**

commercial hub of Olney. Unfortunately, the Planning Board’s projections are mistaken. Already, **the Freeman Companies indicates that it will provide between 400 and 500 residential units on the 30 acres it owns in Olney Town Center and Olney Village Mart.** **This means that the 300 units projected by the Planning Board will be exceeded on these two properties alone!**

This miscalculation is similar to what happened when the current Olney Master Plan was adopted in 1980. That Plan projected a “maximum theoretical zoning capacity” of 10,800 units (page 131), yielding a population of 31,600. However, the Draft Plan now projects a current housing estimate of 13,200 units, a projected maximum build out of 15,300 and a projected population of 41,100 to 46,600. Obviously, more homes were built than were projected, and many more people have moved to Olney than projected. This means that if the residential densities in the new MXTC Zone is based on the Planning Board projections of only 400 residential units being constructed, the community will be very sorely taxed by the influx of new residents far beyond the Planning Board’s projections.

SCHOOL CAPACITY: Many Environ residents were concerned about the impact of any redevelopment on the school capacity of Brooke Grove Elementary School, which is already beyond its capacity. The Planning Board considers Olney to have sufficient school capacity for the proposed development and that no new school sites are required. At this level of planning, this is all that the Planning Board needs to consider.

The community is not satisfied with this approach and believes that the Plan should acknowledge that some of the elementary schools in Olney are already over their intended capacity, and that **the area within Olney Town Center should be placed in an underutilized school district in order to minimize any changes to existing school boundaries.** Language could also be added stating that **the maximum residential densities allowed under the optional method of development can only be used if there is existing school capacity in adjoining elementary school districts, without the need to modify school boundaries in adjoining residential neighborhoods.**

***** CONTACTS *****

Please write or e-mail to the President of the County Council with any comments you may have on this plan. If you write, please send a copy to your District 2 Representative, Council Member Mike Knapp. The Council is the body that will adopt both the Olney Master Plan and the language in the proposed MXTC Zone.

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