



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #
Date: December 8, 2008

MEMORANDUM

DATE: December 8, 2008

TO: Montgomery County Board of Appeals

FROM: Renée M. Miller, AICP, Senior Planner *RM*
Development Review Division (301-495-4723)

VIA: Rose Krasnow, Chief, Development Review Division *RK*
Ralph D. Wilson, Zoning Supervisor *RDW*

SUBJECT: Special Exception Modification Request (CBA-864-B: Potomac Swim Club)

MASTER PLAN: Potomac Subregion Master Plan

FILING DATE: August 13, 2008

PLANNING BOARD: December 18, 2008

PUBLIC HEARING: January 9, 2009

Staff Recommendation: Denial. The applicant is proposing to modify the existing community swimming pool special exception to include an outdoor exercise area, increased office space, an additional tennis court, a temporary tennis bubble, and light fixtures for evening tennis play. Although elements of the proposed improvements satisfy the statutory standards for approval, the planned size of the tennis bubble would be out of scale with nearby residential homes and clearly in view of the homes located to the northwest and southeast sides of the site. The special exception is not on an isolated site. It is surrounded by one-family detached residential homes. The tennis bubble would have a footprint of approximately 18,600 square feet and present an unacceptable visual feature in the neighborhood.

I. Application Summary

- A. Site Size and Location:** Site size is approximately 4.8 acres. The site is described as Parcel N317, Williamsburg Garden Subdivision. The site is located at the intersection of Oaklyn Drive and Oaklyn Terrace, approximately 900 feet south of Falls Road, in Potomac. (See Attachment 1.)

B. Zone and Proposed Use: The site is classified in the R-200 Zone. The applicant is seeking approval to expand a non-profit community pool.

C. Scope of Operations: The number of tennis courts located adjacent to Oaklyn Drive would be increased from two to three courts (and the total on-site will increase from five to six courts), and a seasonal tennis cover would be added to cover these tennis courts. Also included is lighting on the lower courts only to support evening play and the addition of one staff member. An outdoor exercise area is also including as part of the application.

D. Master Plan: The 2002 Potomac Subregion Master Plan

E. Applicant: Potomac Swim and Recreation Association

II. Application Background

The Potomac Swim and Recreation Association (Swim Club) is a non-profit, community-owned organization. This site has a long history, which started with the grant of a special exception (BOA #864) for a 400 member community swimming pool in 1960. Between 1962 and 1975, the Board of Appeals approved several modifications to add the existing five tennis courts, and a second pool. Table 1 below, describes the special exception history for the site.

Table 1. Special Exception History

Case No.	Year	Request
CBA 864	1960	Approved for a community swimming pool.
BA-1233	1962	Approved for 2 tennis courts for use of the members.
BA-2397	1968	Approved for a new swimming pool plus two additional tennis courts.
S-380	1975	Approved for one additional tennis court.
CBA 864-A	1992	Approved the extension of the existing covered pavilion and an addition to the existing storage/staff building.
CBA 864-A BA-1233 BA-2397 S-380	2006	(Administrative) Approved the renovation of the bath house, resurfacing and modification to shallow portion of main pool, shed, and the addition of picnic tables and benches.

According to the applicant, the Swim Club's membership has steadily declined and is significantly less than the 400-family membership cap the Board of Appeals approved in 1960. The decline in membership, according to the applicant, is due to the combined effects of a shift in demographics (e.g., the population has aged) and a change in recreational habits (e.g., summer travel).

The applicant, through an administrative modification to the special exception, has recently upgraded the amenities at the site by resurfacing the pool, replacing the covered pavilions, and renovating of the pool house. The Swim Club is now requesting a modification to further expand the tennis program to include the following improvements: (1) addition of a sixth tennis court; (2) a seasonal tennis cover; (3) a support office; and (4) limited lighting of

the tennis courts. In addition, the applicant is proposing to provide an outdoor stationary exercise area and relocate the existing dumpster.

The tennis program operates in the spring, summer and fall. The Swim Club employs two tennis professionals who provide instruction and training to members. The typical clinic includes approximately five players per court. Clinics for children may involve up to 7 children per court. Fall and spring clinics for children generally are conducted after school, between 4:00 P.M. and 7:00 P.M. Private lessons are also offered. The applicant states that the existing five tennis courts are at capacity during the summer months.

III. Applicant's Submittal

The core improvements are the construction of an additional tennis court and an 18,600 square foot tennis bubble designed to cover three tennis courts for six months of the year. The total number of tennis courts available to members would be six. (See Attachment 2.)

The applicant would add twelve, 20-foot high outdoor lighting fixtures to illuminate three of the tennis courts. Post-type lighting would be added to illuminate the existing parking facility. The light fixtures would be operational up to 10:00 P.M. between May 1 and September 30. The fixtures would be removed in the winter months to accommodate the tennis bubble. The tennis bubble would be opaque and made of a green canvas designed not to emit any light. The bubble would be up six months of the year; however, the mechanical area, which houses the equipment for the tennis bubble (361 square feet enclosure), would be located on-site, year-round. The bubble would be located 12-feet from the nearest side yard property line. Evergreen landscaping is proposed at this location to provide a certain amount of shielding from the adjacent property.

The applicant is also proposing a stationary outdoor exercise area. The equipment would be permanent and would be located in a grassy area adjacent to the upper tennis court.

There are no proposed modifications to the existing parking area, nor is the applicant adding any new parking spaces. The existing dumpster would be re-located to a location in the front yard of the site. The dumpster would be landscaped with evergreens around the three sides that face Oaklyn Drive.

IV. Neighborhood and Site Conditions

The site is approximately 4.8 acres in size and is primarily a wooded lot. The site has unusual grades that make each portion of the site's amenities "stepped." The lot is generally at a higher elevation than Oaklyn Drive and is fronted by a large swale that runs along the length of the site. There are two access points (one entrance and one exit). (See Attachment 3.) The site contains an existing pool and associated accessory uses, such as a pool house, bike racks, pavilions, and picnic areas. Currently, there is no outdoor lighting on-site. This site also contains five tennis courts (three "upper" courts, located on the back of the site and two "lower" courts, adjacent to Oaklyn Drive).

The site is located along Oaklyn Drive in a residential area of Potomac. Other special exceptions in the general vicinity include a Montessori School and a religious institution. (See Attachment 4.) Surrounding the site are many large lot residential homes classified in the RE-2 and R-200 zones.

V. Master Plan

The subject site is located within the 2002 Potomac Subregion Master Plan area. This Master Plan does not address this specific property, but provides the following general guidance for considering special exceptions in the Potomac area.

- *Adhere to Zoning Ordinance requirements to examine compatibility with the architecture of the adjoining neighborhood; and*
- *Limit the impact of existing special exceptions in established neighborhoods.*

Community-Based Planning in its analysis found the proposed tennis bubble to be inconsistent with master plan guidelines. The bulk and scale of the proposed bubble would dwarf the nearest residential dwelling, which is directly southeast and approximately 192-feet from the proposed bubble. Other tennis bubbles in the county are similar in scale, but all are located on acreage significantly larger than the subject site. Examples in the Potomac region include Bretton Woods Country Club, approximately 280 acres, and Bullis School, approximately 77 acres. One other tennis bubble exists on a similar-sized property; however, this site, the Potomac Tennis Club, is surrounded on three sides by the Falls Road golf course and the Manor Health Care facility.

The additional activity, lighting, and noise from a generator to maintain air in the bubble, would be contrary to master guidelines intended to limit the impact of special exceptions in established neighborhoods. (See Attachment 5).

VI. Transportation Analysis

Transportation staff stated that based on the traffic statement submitted by the applicant, the existing Potomac Swim Club will not increase the weekday peak hour traffic, since the number of memberships is to remain at 400 families. In addition, the statement indicates that limited tennis activity during the summer season is not projected to generate 30 peak hour trips during the A.M. and P.M. peak periods. Thus, the subject special exception application is not subject to the Local Area Transportation Review (LATR) and the Policy Area Mobility Review (PAMR). There is no change on the existing access points and the internal traffic circulation. (See Attachment 6).

VII. Environmental Analysis

This site has an approved Final Forest Conservation Plan (FCP), CBA-864-A, dated June 2, 2008. The approved FCP protects 0.23 acres of on-site tree cover in a Category I conservation easement and 0.93 acres of forest in an off-site mitigation bank. The modifications proposed will result in the removal of six large trees and one specimen tree;

however, the FCP does not provide protection for these individual trees. The submitted modification to the existing special exception conforms to the approved FCP. (See Attachment 7.)

VIII. Community Comments

Staff has not received any written or oral comments regarding the application.

IX. ANALYSIS

The Zoning Ordinance establishes both general and specific standards for most special exceptions. However, 59-G-2.56 of the ordinance expressly exempts a community swimming pool from the General Conditions contained in 59-G-1.21(a). As established in previous cases, the General Development Standards of 59-G-1.23 apply to special exception modifications only to the extent that the modifications impact the general development standards. The Neighborhood Need Standard of 59-G-1.24 applies only to the original application for a community swimming pool. In this case, the community swimming pool already exists.

An application to modify a community swimming pool is subject to the following general and specific standards:

A. §59-G-1.23 - General Development Standards Applicable standards only)

(a) Development Standards. Special exceptions are subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.21 or in Section G-2.

Staff Analysis: The table below compares the proposed modification with the applicable R-200 development standards. In a previous modification case, it was concluded based on a DPS interpretation that tennis bubbles are not accessory structures and do not require a waiver from the minimum setback requirements of §59-G-2.56. The Department considers such tennis bubbles to be “temporary structures” as that term is defined by the Zoning Ordinance, but not “buildings: subject to the special setback provisions of Section 59-G-2.56(a). Specifically, it is the Department’s position that a temporary tennis bubble structure is not subject to the 75-foot setback from the nearest property line, the 125-foot setback from any existing single-family or two-family dwelling, or the 25-foot setback from publicly owned land, commercially/industrially zoned property or railroad right-of-way requirements of Section 59-G-2.56(a). Although the proposed tennis bubble conforms to the setback provisions, as provided below the proposed tennis bubble satisfies the setback stands based on DPS interpretation. The Hearing Examiner noted in the previous case that the DPS interpretation of the word “structure” does not fully coincide with the zoning ordinance definition; however, the expertise of the agency must be respected and accorded deference with respect to its interpretation of the statute it administers.

Table 2: Applicable Development Standards of the R-200 Zone.

Development Standards	Requirement	Provided	
<i>Lot Area (§59-G-2.31(1))</i>	20,000 sf	208,216.8 sf (4.78 ac)	
<i>Lot Width (§59-C-1.322(b)):</i> @ Front of Bldg Line @ Street	100 ft 25 ft	±478 ft ±478 ft	
<i>Yard (Setback) Requirements (§59-G-2.56(a))</i> <i>§59-C-1.326 Yard Requirements for an accessory building or Structure</i> <i>(a) From Street: 65 ft</i> <i>(b) From a rear yard: 7 ft</i> <i>(c) From a side lot line: 12 ft</i>	75 feet from the nearest property line nor closer than 125 feet from any existing single-family or two-family dwelling provided, that where the lot upon which it is located abuts a railroad right-of-way, publicly owned land or land in a commercial or industrial zone, such pool may be constructed no less than 25 feet at any point from such railroad right-of-way, publicly owned land or commercial or industrial zone	Office >75 ft >125 ft	Tennis bubble 12 ft >125 ft
	Any buildings erected on the site of any such pool must comply with the yard requirements of the zone in which the pool is located.	±81 ft ±280 ft ±179 ft	N/A.
<i>Building Height (maximum) (§59-G-2.31(6))</i>	50 ft	Office ±16 ft	Bubble 35 ft (@ peak)
<i>Coverage (maximum net lot area) (§59-C-1.328)</i>	25%	1.8%	

(b) Parking Requirements. Special Exceptions are subject to all relevant requirements of Article 59-E.

Staff Analysis: The applicant is not proposing to increase the number of parking spaces.

(c) Minimum Frontage. In the following special exceptions the Board may waive the requirement for a minimum frontage at the street line if the Board finds that the facilities for ingress and egress of vehicular traffic are adequate to meet the requirements of section 59-G-1.21:

- (1) Rifle, pistol and skeet-shooting range, outdoor;*
- (2) Sand, gravel or clay pits, rock or stone quarries;*

- (3) Sawmill;
- (4) Cemetery, animal;
- (5) Public utility buildings and public utility structures, including radio, and TV broadcasting stations and telecommunication facilities;
- (6) Riding stables;
- (7) Heliport and helistop.

Staff Analysis: The minimum lot width at the street line is 25 feet in the R-200 zone. The subject site is approximately 478 feet. The proposed modifications satisfy this standard.

- (d) *Forest conservation. If a special exception is subject to Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.*

Staff Analysis: This site has an approved FCP.

- (e) *Water quality plan. Not Applicable.*
- (f) *Signs. The display of a sign must comply with Article 59-F.*

Staff Analysis: No new signs are proposed.

- (g) *Building compatibility in residential zones. Any structure that is constructed, reconstructed or altered under a special exception in a residential zone must be well related to the surrounding area in its siting, landscaping, scale, bulk, height, materials and textures, and must have a residential appearance where appropriate. Large building elevations must be divided into distinct planes by wall offsets or architectural articulation to achieve compatible scale and massing.*

Staff Analysis: Structures associated with the proposed modification include: (1) new office space, (2) a temporary tennis bubble, and (3) lighting fixtures. The new office space would not be incompatible with adjacent properties. The office space would be similar to that of the existing pool house and not exceed a height of 16 feet to the top of the roof. (See Attachment 8.) Although the height of the bubble does not exceed the height of the nearby homes, its size and bulk makes it incompatible with the surrounding residential area. The overall footprint of the tennis bubble would be approximately 18,600 square feet. For comparison purposes, the footprint of the nearest home is about 1,500 square feet. The placement of the tennis bubble would be within a foot of the side yard setback line. Existing and proposed landscaping would not provide adequate buffering or reduce visual impacts effectively. Lighting at the property lines does not exceed 0.1 foot-candles and would not adversely impact adjoining properties. A full discussion of the proposed lighting is discussed in paragraph (h).

(h) *Lighting in residential zones. All outdoor lighting must be located, shielded, landscaped or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be satisfied unless the Board requires different standards for a recreational facility or to improve public safety:*

- (1) *Luminaries must incorporate a glare and spill light control device to minimize glare and light trespass.*
- (2) *Lighting levels along the side and rear lot lines must not exceed 0.1 foot-candles.*

Staff Analysis: The lighting plan shows several different light fixtures to be used on-site for evening play. All lights are proposed to be placed on the lower courts and lower parking area, both near Oaklyn Drive. The lighting plan includes standard box lighting, with shields and decorative lighting in the parking area nearest to Oaklyn Drive. The box light fixtures will be located on the tennis courts. There are ten single-headed and eight double-headed fixtures within the tennis court area and all lights poles will be a maximum of 20-feet (from grade to top of the pole). The decorative lights in the parking lot are 10 feet in height, from grade to the top of the light. Although light poles are not desirable in a residential neighborhood, given the nature of the use and the appropriate screening, it does not adversely affect the residential character of the neighborhood. Lighting at the property lines does not exceed 0.1 foot-candles. (See Attachment 10.)

Additionally, the light fixtures on the lower courts will be removed during the winter play, when the tennis bubble is inflated. Lights will hang from the interior bubble and no light is omitted, since the bubble is made from opaque materials.

B. Specific Standards (§59-G-2.56, Swimming Pool, Community)

The provisions of subsection 59-G-1.21(a) do not apply to this section. In any zone, a community swimming pool may be allowed provided that such use of land will conform to the following minimum requirements:

- (a) The swimming pool, including the apron and any buildings, must not at any point be closer than 75 feet from the nearest property line nor closer than 125 feet from any existing single-family or two-family dwelling; provided, that where the lot upon which it is located abuts a railroad right-of-way, publicly owned land or land in a commercial or industrial zone, such pool may be constructed no less than 25 feet at any point from such railroad right-of-way, publicly owned land or commercial or industrial zone. Any buildings erected on the site of any such pool must comply with the yard requirements of the zone in which the pool is located.

Staff Analysis: The location and size of the existing swimming pool and pool house were approved in 1960. Since the applicant is not proposing to modify

either the swimming pool or the pool house, their location is not an issue in this case. However, the location of the proposed tennis bubble and office area is subject to review. The subject lot abuts publicly-owned Oaklyn Drive and the right-of-way for the Great Falls Railroad, and therefore, a 25 foot setback from Oaklyn Drive and the railroad right-of-way applies. The new office building is located approximately 90 feet from the road, and the tennis bubble would be located approximately 55 feet from the road. They both comply with setbacks provided in this provision. In addition, the new office building is well within the yard requirements of the accessory building/structure setbacks of the R-200 zone.

Staff does not support the location of the relocated dumpster. First, the trash pick-up truck most likely will not turn properly into the dumpster pad area. Second, the dumpster is located in the front yard, within the 65-foot front yard setback for accessory structures. While the dumpster enclosure is not a “structure” the proposed location is too close to the street and front of the property.

- (b) A public water supply must be available and must be used for the pool or use of a private supply of water for the pool will not have an adverse affect on the water supply of the community.

Staff Analysis: The water supply is not an issue with this request, as there is nt intent to increase the pool size or demand of the pool on the water system.

- (c) When the lot or which any such pool is located abuts the rear or side lot line of, or is across the street from, any land in a residential zone, other than publicly owned land, a wall, fence or shrubbery must be erected or planted so as to substantially screen such pool from view from the nearest property of such land in a residential zone.

Staff Analysis: Since the swimming pool has been previously approved and is not changing, the issue of screening with respect to the pool should not be re-evaluated. However, there is not sufficient planting, nor screening of any type, that would reasonably shield the visual impact of the tennis bubble.

- (d) The following additional requirements must also be met: Special conditions deemed necessary to safeguard the general community interest and welfare, such as provisions for off-street parking, additional fencing or planting or other landscaping, additional setback from property lines, location and arrangement of lighting, compliance with County noise standards and other reasonable requirements, including a showing of financial responsibility by the applicant, may be required by the Board as a requisite to the grant of a special exception. Financial responsibility must not be construed to mean a showing of a 100% cash position at the time of application, but is construed to mean at least 60%.

Staff Analysis: Staff has no issue with the parking, fencing, setbacks, and

lighting as set forth in the site plan. However, there is a concern with the bulk and size of the proposed tennis bubble. The applicant will retain most of the landscaping that now exists, but intends to modify the landscape to include lighting and some additional row Leyland Cypress along the southeast side of the bubble. The proposed row of Leyland Cypress, along the southeast portion of the bubble, would buffer approximately 80 feet of the 120 foot long tennis bubble. The height of the trees can get up to 30 feet; however, these rapidly growing trees are prone to disease and toppling over in very wet seasons.

The applicant is not required to demonstrate financial responsibility because the swim club is an ongoing operation under an existing special exception, and none of the proposed modifications impact the financial responsibility of the swim club.

C. 59-G-1.2.1 Standard for Evaluation

The standard for evaluation under 59-G-1.2.1 requires consideration of the inherent and non-inherent effects of the proposed use at the proposed location. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects, alone, are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are the physical and operational effects not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with inherent effects, are a sufficient basis to deny a special exception. The inherent and non-inherent effects must be analyzed to determine whether the effects are acceptable or would create adverse impacts sufficient to request in a denial of the application.

The inherent characteristics of a community swimming pool include: (1) vehicular trips to and from the site by members, staff, and visitors to the swimming pool; (2) noise associated with the various activities on the site; (3) lighting, and (4) visual disturbance that would normally be created by operation of a swimming pool. The layout of the site, the size of the membership, the number of swim meets, and additional activities such as basketball, exercise equipment, and outdoor and indoor tennis courts are non-inherent characteristics of a community swimming pool.

The location of the 4.8 acre property is in a neighborhood of one-family detached homes. As such, the impacts of the additional improvements must be analyzed to determine whether the effects are acceptable or would create adverse impacts sufficient to result in denial. The light fixtures associated with the tennis courts are designed to not have any spillover into the neighboring properties. The lights, although not desirable in a residential area, will not adversely impact the neighborhood. The proposed light fixtures in the tennis court area are equipped with shields, which direct the light down toward the ground and not outward. The photometric plan indicates that the lights on the property in the summer months will not exceed 0.1 footcandles at the property line.

The additional tennis court, exercise equipment, and support office are not likely to result

in any unacceptable noise related problems, traffic disruption, or environmental impacts. However, the addition of a tennis bubble would not be a compatible use at the proposed location. The planned size of the tennis bubble is out of scale with the nearby residential homes. It would clearly be in view of the homes located to the northwest and southeast sides of the site. The majority of the landscaping is provided by tall, shade trees, which lose leaves during the winter season when the bubble will be inflated, increasing the visibility of the structure. Although the applicant is proposing a green canvas-type bubble, there is not sufficient buffering to mitigate visual impacts on nearby properties. Staff finds that the adverse impacts of the proposed tennis bubble are non-inherent and a sufficient basis to deny the modification application.

X. CONCLUSION

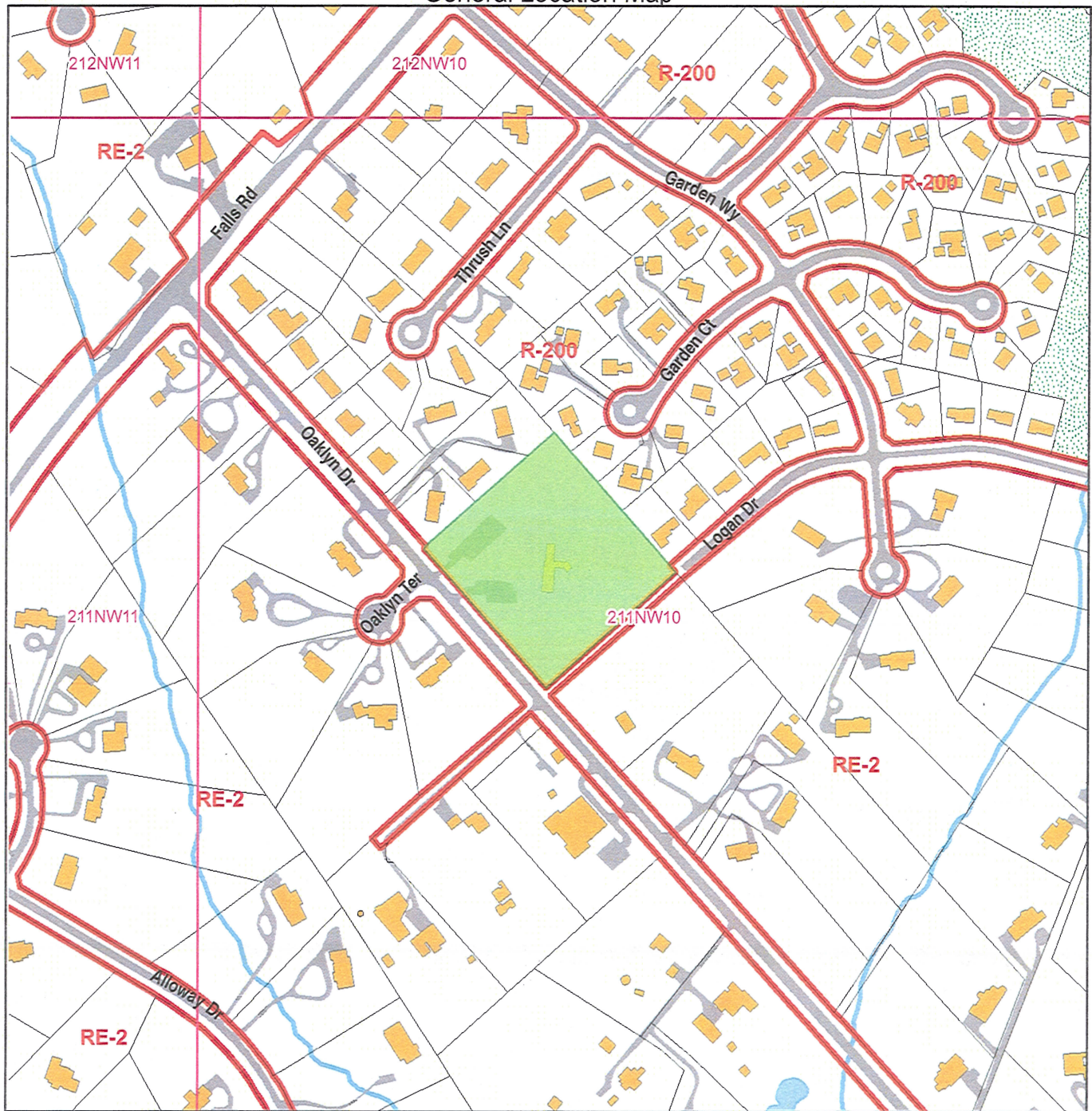
Although elements of the proposed modification satisfy the statutory standards for approval, the planned size of the tennis bubble would be out of scale with nearby residential homes and clearly in view of the homes located to the northwest and southeast sides of the site. The special exception is not on an isolated site. It is surrounded by one-family detached residential homes. The tennis bubble would have a footprint of approximately 18,600 square feet and would be an unacceptable visual feature in the neighborhood. The new location for the dumpster is also unacceptable. For these reasons, staff recommends that application CBA-864-B for expansion of the Potomac Swimming Club be denied.

ATTACHMENTS

- Attachment 1-** General Location Map
- Attachment 2-** Landscape and Lighting Plan, submitted November 17, 2008
- Attachment 3-** Potomac Swim Club Site Pictures
- Attachment 4-** Surrounding Area and Special Exception Map
- Attachment 5-** Memorandum from Callum Murray, Community-Based Planning Division, to Ralph Wilson, Zoning Supervisor, Development Review Division, November 22, 2008
- Attachment 6-** Memorandum from Ki Kim, Transportation Planning Division, to Renée M. Miller, AICP, Development Review Division, November 24, 2008
- Attachment 7-** Memorandum from Mary Jo Kishter, Environmental Planning Division, to Renée M. Miller, AICP, October 20, 2008
- Attachment 8-** Correspondence from David Niblock, Department of Permitting Services, to Soo Lee-Cho, Miller, Miller & Canby, dated July 22, 2008
- Attachment 9-** Cross Sections, received November 17, 2008
- Attachment 10-** Photometric Plans, submitted November 17, 2008
- Attachment 11-** Architectural Drawing, August 2008
- Attachment 12-** Color Renderings, December 4, 2008

ATTACHMENT 1

General Location Map



LEGEND

-  Proposed SE
-  Special Exception
-  Building
-  Paved Area
-  Lake and Pond
-  Stream and River

NOTICE:

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended.

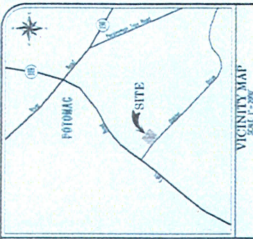
1 inch = 400 feet
Address: 10531 Oaklyn Dr, Potomac

Key Map



ATTACHMENT 2

Landscape and Lighting Plan (November 17, 2008)



PLANT LIST

KEY #	BOTANICAL NAME	COMMON NAME	SIZE*	QUANTITY	REMARKS
1	Comptonia perfoliata	Upright Fern	5' - 6' H.	18	B.B. 1/4" & 1/4" spaced, along central hedges
2	Impatiens chlorata 'Sea Green'	Sea Green Impatiens	2.5' - 3' H. & 6" W.	11	B.B. 8" or customer, 4/4' plants
3	Prunella spicata	Black Spice	7' - 8' H.	3	B.B. 1/4" 1/4" spaced, symmetrical branching
4	Quercus garlandifolia	Pine Oak	3.5' - 4' tall / 1.5' - 2" W.	6	B.B. 1/4" & 1/4" spaced, 1/4' hards
5	Prunus tinctoria	White Pine	7' - 8' H.	3	B.B. 1/4" & 1/4" spaced, symmetrical branching
6	Thuja occidentalis 'Nanzy'	Dark Green American Arborvitae	5' - 6' H.	22	B.B. 8" only, closely spaced hedges

*SIZE - Height measured to top of 1/4" & 1/4" stakes to 1/4" tall, with branches, 1/4" dimensions, spread / width, etc. as indicated in "Inventory Schedule for Nursery Stock" (MSD 300) or, most recent edition, published by the American Nursery & Landscape Association, Washington, DC.

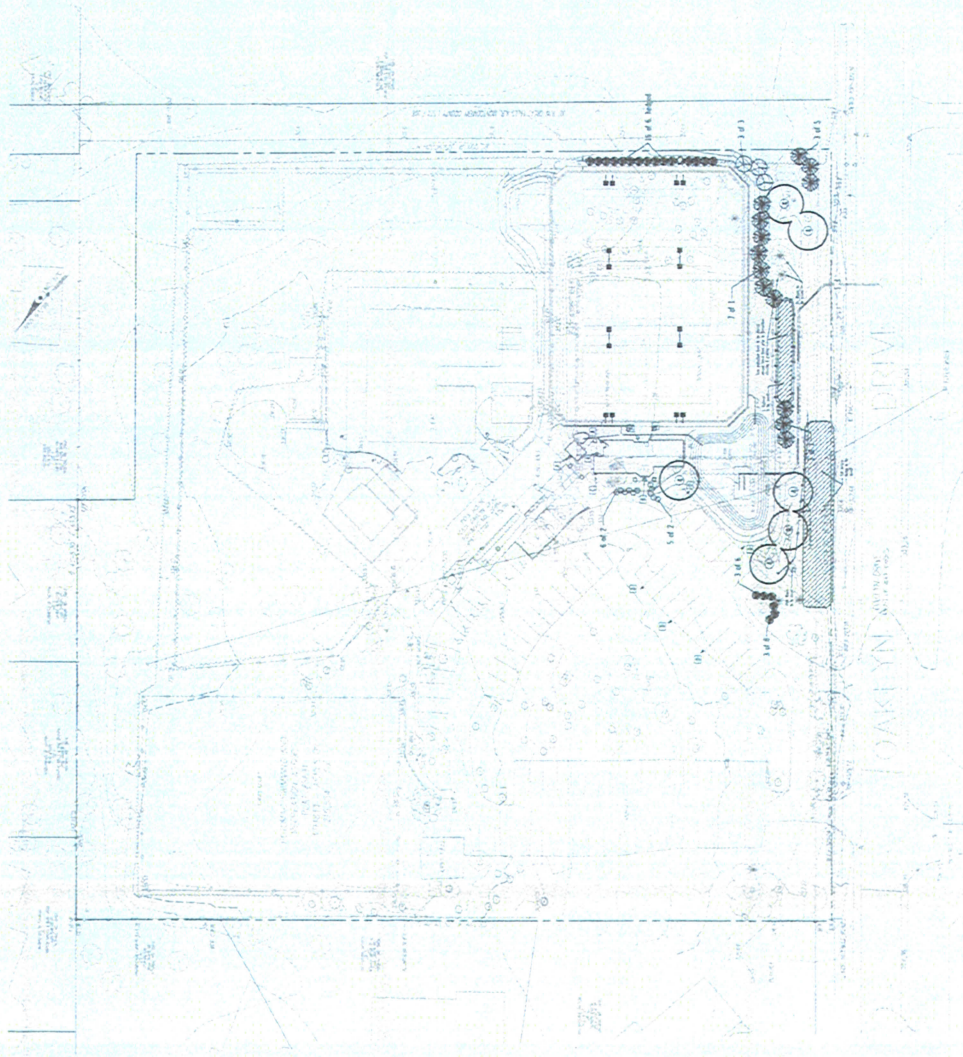


SCALE: 1" = 30'

SITE LIGHTING KEY

SYMBOL	QUANTITY	TYPE	SPECIFICATION
(O)	5	Concrete pole and mount	Manufacturer: Uplight Type: 11' H., wood, surface mount Lamp: (2) 150W
(E)	1	Concrete pole and mount	Manufacturer: Uplight Type: 11' H., wood, surface mount Lamp: (2) 150W
(E1)	1	Concrete wall mount double head	Concrete head light, not to exceed 200W incandescent
(E2)	5	Post light in parking area	Manufacturer: Lustron by Gully Type: 200' Concrete, 200W, 150' Dia Lamp: 200' Concrete, 200W, 150' Dia Type: 15' H. 150' Dia Lamp: 15' H. 150' Dia
(E3)	1	Items Court Light	Manufacturer: Road Lighting Type: 200' Pole, 200' Dia Lamp: 200' Pole, 200' Dia Type: 200' Pole, 200' Dia

NOTE: See Site Lighting Plan for additional site lighting information.



SITE SOLUTIONS, INC.
 8815 GREENBRIAR DRIVE, SUITE 200
 GREENBELT, MARYLAND 20884-0000
 (301) 440-0000 FAX: (301) 440-1500
 WWW.SITESOLUTIONS.COM

OWNER:
 Potomac Swimming & Recreation Association, Inc.
 10000 Potomac Avenue
 Potomac, MD 20854
 Mrs. M. Ted Stone, President

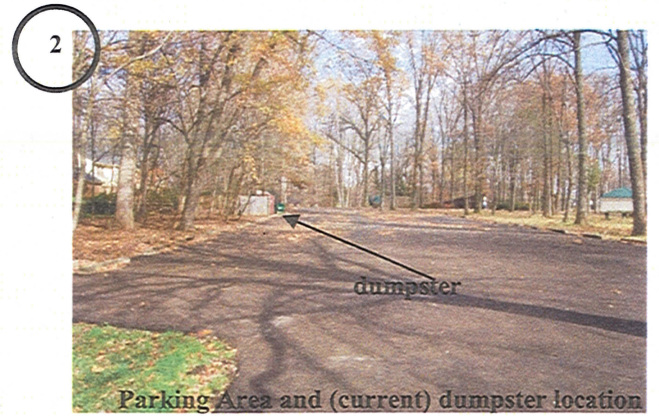
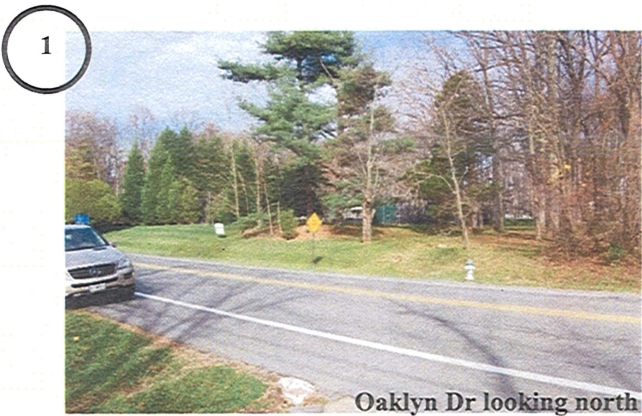
SPECIAL DESCRIPTION SITE PLAN - TENNIS IMPROVEMENTS - LANDSCAPE & SITE LIGHTING PLAN
 POTOMAC SWIM & TENNIS CLUB
 MONTGOMERY COUNTY, MARYLAND

DATE: 11/17/08
 DRAWN BY: [Signature]
 SCALE: 1" = 30'

ATTACHMENT 3

Potomac Swim Club Pictures







Oaklyn Drive (property frontage).
(Top): Generally looking east
(Bottom): Generally looking west.

Note: Property is generally higher than Oaklyn Drive, however, is flat from east to west of property's extents. The bubble would be in the area of the bottom picture.



Existing Tennis Courts.

(Top): Generally looking east towards SF house (±192-ft from proposed courts and bubble)
(Bottom): SF house to the SW of tennis bubble.

Note: The area is heavily wooded; however, several trees will be removed and replaced by evergreens. The existing courts are to be removed and relocated 13-feet from the side yard setback. Currently, the courts are 80-feet from the side yard.



ATTACHMENT 4

Surrounding Area and Special Exception Map



1 inch = 500 feet



ATTACHMENT 5

MONTGOMERY COUNTY PLANNING DEPARTMENT THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

NOV 25 2008

DATE: November 22, 2008

TO: Ralph Wilson, Zoning Supervisor, Build Division

VIA: Glenn Kreger, Acting Chief *GK*
Vision Division

FROM: *CM*
Callum Murray, Team Leader, Potomac and Rural Area

SUBJECT: Special Exception No. CBA 864-B

RECOMMENDATION

Vision Division staff recommends that the application be DENIED for reasons of neighborhood incompatibility.

ANALYSIS

Application CBA No. 864-B requests a modification to an existing special exception use, the Potomac Swim and Tennis Club. The property is located at 10531 Oaklyn Drive in the Potomac Planning area, and is 5.081 acres in size. The site is zoned R-200 and is developed with 5 tennis courts, a swimming pool, wading pool, basketball court, playground, bath house, gazebo and parking lot.

The applicant requests a seasonal opaque tennis bubble to cover two relocated courts and one additional court, additional lighting, a one story building adjacent to the existing pool house, an outdoor stationary exercise area, and relocation of a dumpster.

The property is located within the 2002 Approved and Adopted Potomac Subregion Master Plan area. The master plan does not address this specific property, but provides guidance on special exceptions, including the following:

Adhere to Zoning Ordinance requirements to examine compatibility with the architecture of the adjoining neighborhood (Master Plan page 36)

The proposed tennis bubble is incompatible with the adjoining neighborhood by reason of its bulk and character. The cross sections submitted on November 21, 2008 are the first graphics to truly depict the potential visual effect of the structure. At approximately

18,600 square feet in area and 35 feet in height, this opaque structure would dwarf the adjacent dwelling house at 10501 Oaklyn Drive, some 192 feet distant. The one story dwelling house has a footprint (scaled) of approximately 1500 square feet. The proposed landscaping would not sufficiently mitigate the effects of such a large monolithic structure.

Seasonal tennis bubbles similar in size but translucent in character exist at the 280-acre Bretton Woods Country Club and the 77-acre Bullis School in Potomac. Both properties are much larger in area than the 5-acre Potomac Swim and Tennis Club site. Two translucent bubbles exist at the 3.9-acre Potomac Tennis Club property on Potomac Tennis Lane, but this site is surrounded on three sides by the Falls Road golf course and the Manor Health Care facility. In contrast to the subject proposal, the visual impact of these bubbles on residential neighborhoods is non-existent in the first two instances, and negligible in the third.

Limit the impact of existing special exceptions in established neighborhoods (Master Plan page 35)

At the West Montgomery County Citizens Association meeting of October 1, 2008, neighbors complained about violations of the existing special exception, including parking in the neighborhood where on-site parking was required, sale of tennis services to non-members, and poor maintenance of the dumpster area. Given the potential additional activity, lighting, and noise from a generator to maintain air in the bubble, Vision staff believes that approving this application would be contrary to the Master Plan guidance to limit the impact of existing special exceptions in established neighborhoods.

ATTACHMENT 6



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

November 24, 2008

MEMORANDUM

TO: Renee Miller
Development Review Division

FROM: Ki H. Kim, Planner Coordinator *KHK*
Transportation Planning Division

SUBJECT: Potomac Swim Club
Special Exception Case No. CBA-864-B

NOV 23 2008
DEVELOPMENT DIVISION

This memorandum represents Transportation Planning staff's Adequate Public Facilities (APF) review and recommendations on the subject special exception case.

Based on the traffic statement submitted by the applicant, the existing Potomac Swim Club does not increase the weekday peak hour traffic since the number of membership is to remain at 400 families and a limited tennis activity during the summer season is not projected to generate 30 peak hour trips during the AM and PM peak periods. Thus, the subject special exception application is not subject to the Local Area Transportation Review (LATR) and the Policy Area Mobility Review (PAMR). There is no change on the existing access points and the internal traffic circulation.

Transportation Planning staff recommends no condition for transportation requirements related to approval of this application.

ATTACHMENT 7



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

TO: Renee' Miller, Senior Planner, Development Review Division

VIA: Mark Pfefferle, Supervisor, Environmental Planning Division *MP*

FROM: Mary Jo Kishter, Senior Planner, Environmental Planning Division *mjk*

DATE: October 20, 2008

SUBJECT: Board of Appeals Petition No. CBA-864-B, Potomac Swim & Tennis Club
10531 Oaklyn Drive, Potomac, Maryland

Recommendation

Environmental Planning staff recommends **approval** of CBA-864-B, a request for a modification to an existing special exception (CBA-864-A) for the construction of a tennis court and related structures. The subject site has an approved Final Forest Conservation Plan (CBA-864-A) and all conditions associated with that approval shall remain in effect.

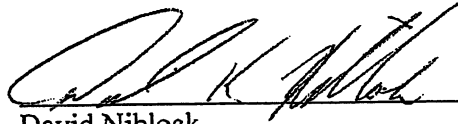
Forest Conservation

The subject site has an approved Final Forest Conservation Plan (FCP), CBA-864-A, dated June 2, 2008. The approved FCP protects 0.23 acres of on-site tree cover in a Category I conservation easement and 0.93 acres of forest in an off-site mitigation bank. The modifications proposed by the submitted plan include the construction of a tennis court, which will result in the removal of approximately six large trees (five 24 – 29 inch diameter tulip trees and one 24-inch white pine) and one specimen tree (32-inch diameter tulip tree). The approved FCP does not provide protection for these individual trees. The submitted modification to the existing special exception conforms to the approved Final Forest Conservation Plan.

G:/FinalPB/CBA864B_PotomacSwimTennis_MJK

ATTACHMENT 8

I HAVE READ THE ABOVE AND, HEREBY, CONFIRM THAT THE DEPARTMENT OF PERMITTING SERVICES' INTERPRETATION OF THE APPLICABILITY OF SECTION 59-G-2.56(a) OF THE ZONING ORDINANCE TO TEMPORARY TENNIS BUBBLE STRUCTURES IS AS INDICATED IN THIS LETTER.



David Niblock
Department of Permitting Services

cc: Elias Farrah
Ted Sears
Kurosh Nasser
Al Blumberg
John Reinhard
Jody S. Kline, Esquire



LAW OFFICES
MILLER, MILLER & CANBY

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SOO LEE-CHO (CA)
AMY C.H. GRASSO
CHRISTINE E. BUCKLEY

** All attorneys admitted in Maryland and where indicated*

SLCHO@MMCANBY.COM

July 22, 2008

Mr. David Niblock
Department of Permitting Services
255 Rockville Pike, 2nd Floor
Rockville, MD 20850

RE: Interpretation of Section 59-G-2.56(a);
Treatment of Temporary Tennis Bubble Structures

Dear Dave,

The following is to request confirmation of the Department of Permitting Services' interpretation of Section 59-G-2.56(a) and its applicability to a temporary tennis bubble structure erected over open tennis courts during the fall/winter/early spring months (from October 15 to April 15).

It is our understanding that the Department considers such tennis bubbles to be "structures" as that term is defined by the Zoning Ordinance, but NOT "buildings" subject to the special setback provisions of Section 59-G-2.56(a). Specifically, it is the Department's position that a temporary tennis bubble structure is NOT subject to the 75 foot setback from the nearest property line, the 125 foot setback from any existing single-family or two-family dwelling, NOR the 25 foot setback from publicly owned land, commercially/industrially zoned property or railroad right-of-away requirements of Section 59-G-2.56(a).

If the above accurately describes the Department's interpretation/position on this matter, please countersign this letter in the space provided below. Thank you for your assistance.

Sincerely yours,

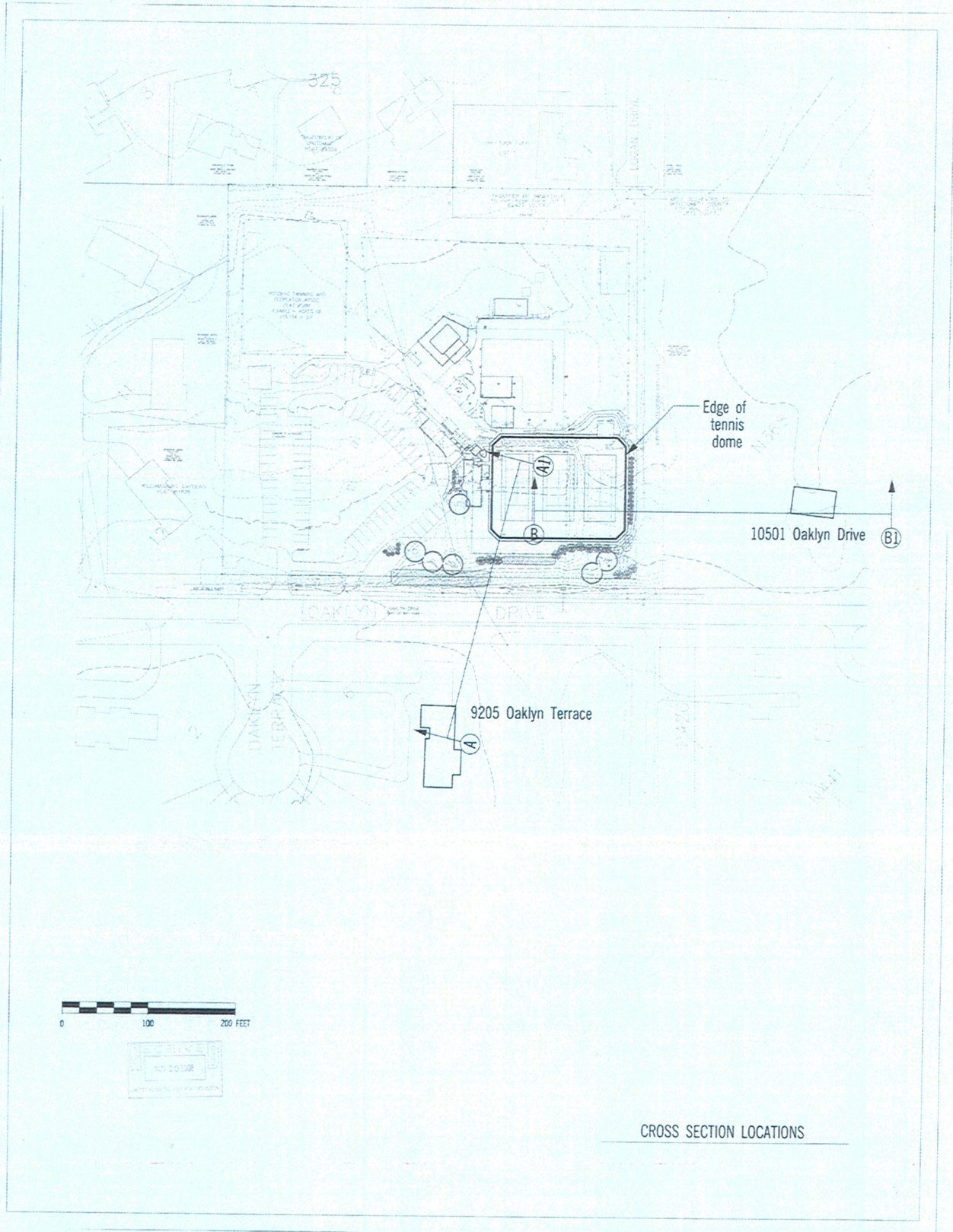
MILLER, MILLER & CANBY

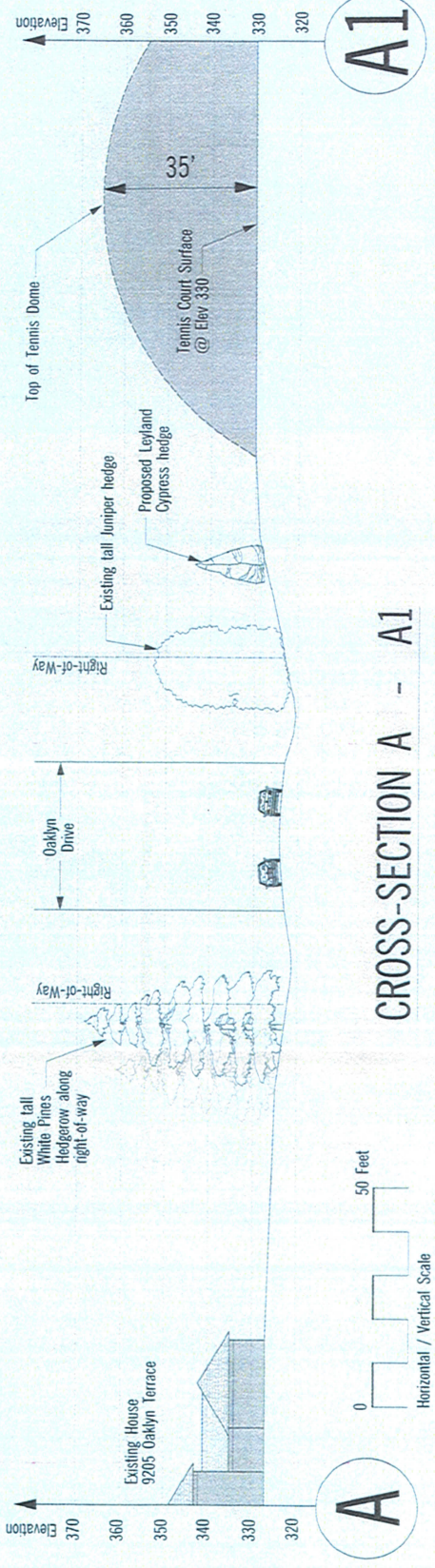


Soo Lee-Cho

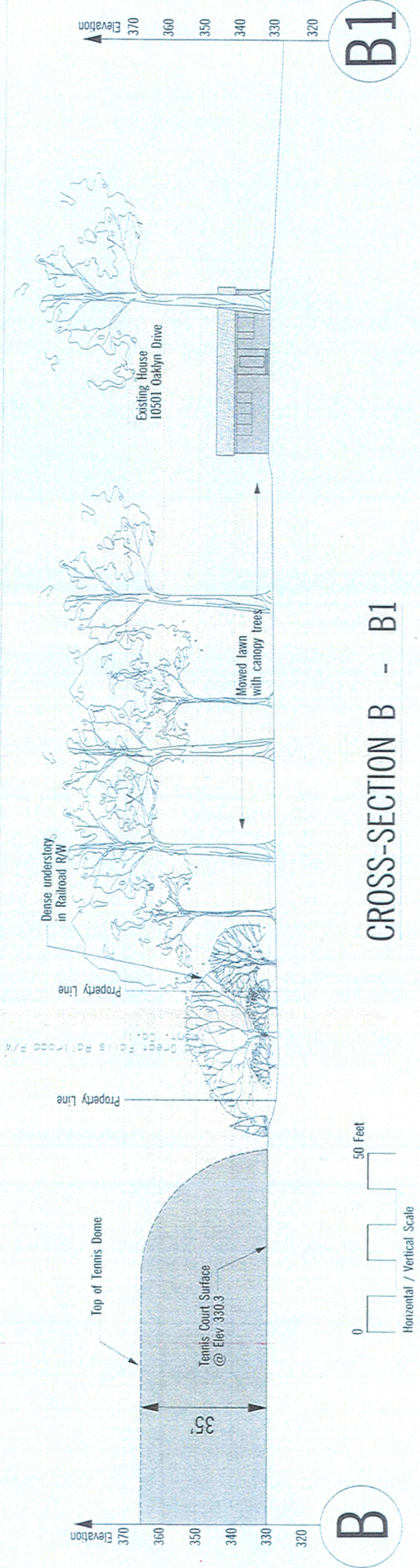
ATTACHMENT 9

Potomac Swim Club Cross Sections (November 17, 2008)





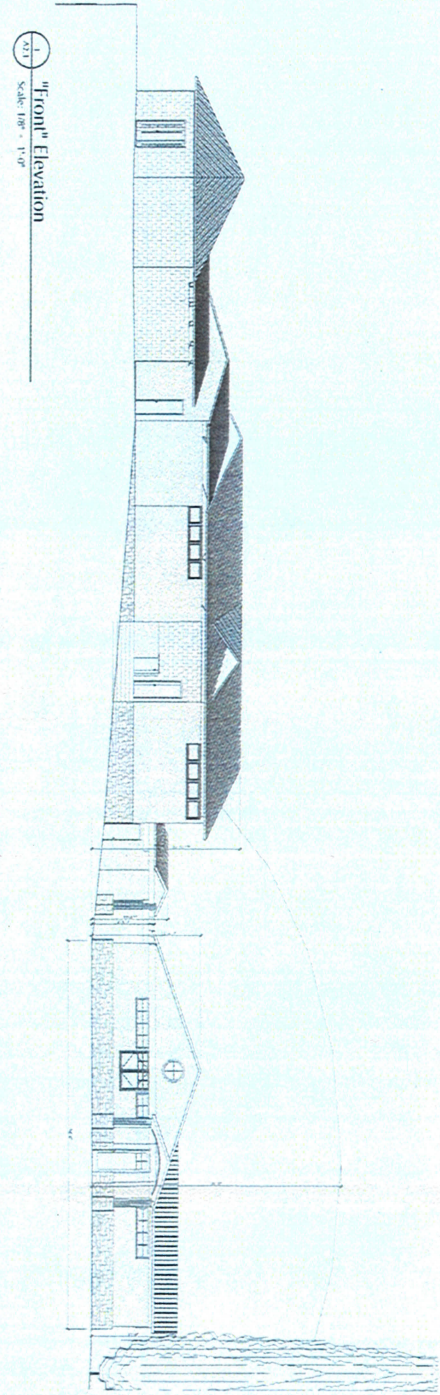
CROSS-SECTION A - A1



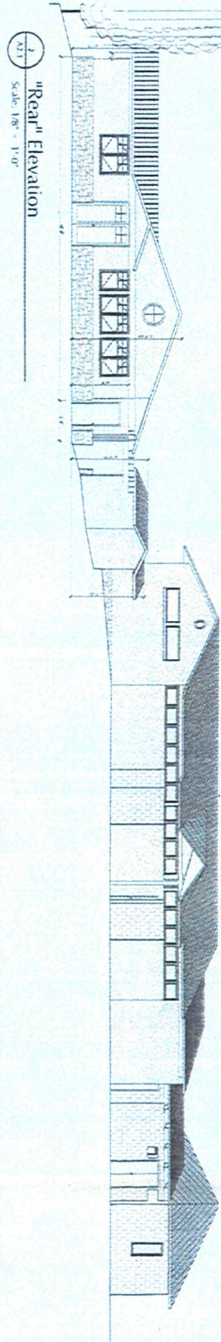
CROSS-SECTION B - B1

ATTACHMENT 11

Architectural Drawing



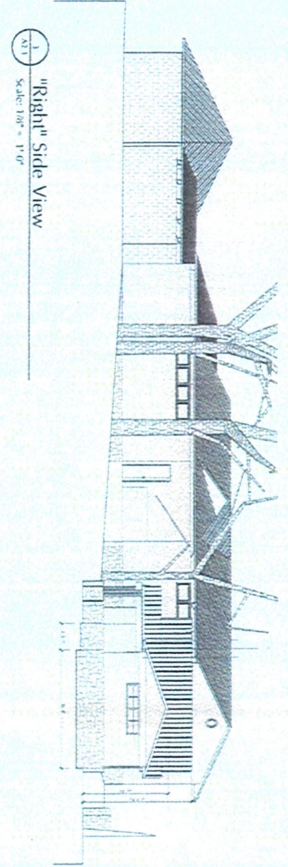
1
N17
"Front" Elevation
Scale: 1/8" = 1'-0"



1
N17
"Rear" Elevation
Scale: 1/8" = 1'-0"



1
N17
"Left" Side Elevation
Scale: 1/8" = 1'-0"



1
N17
"Right" Side View
Scale: 1/8" = 1'-0"

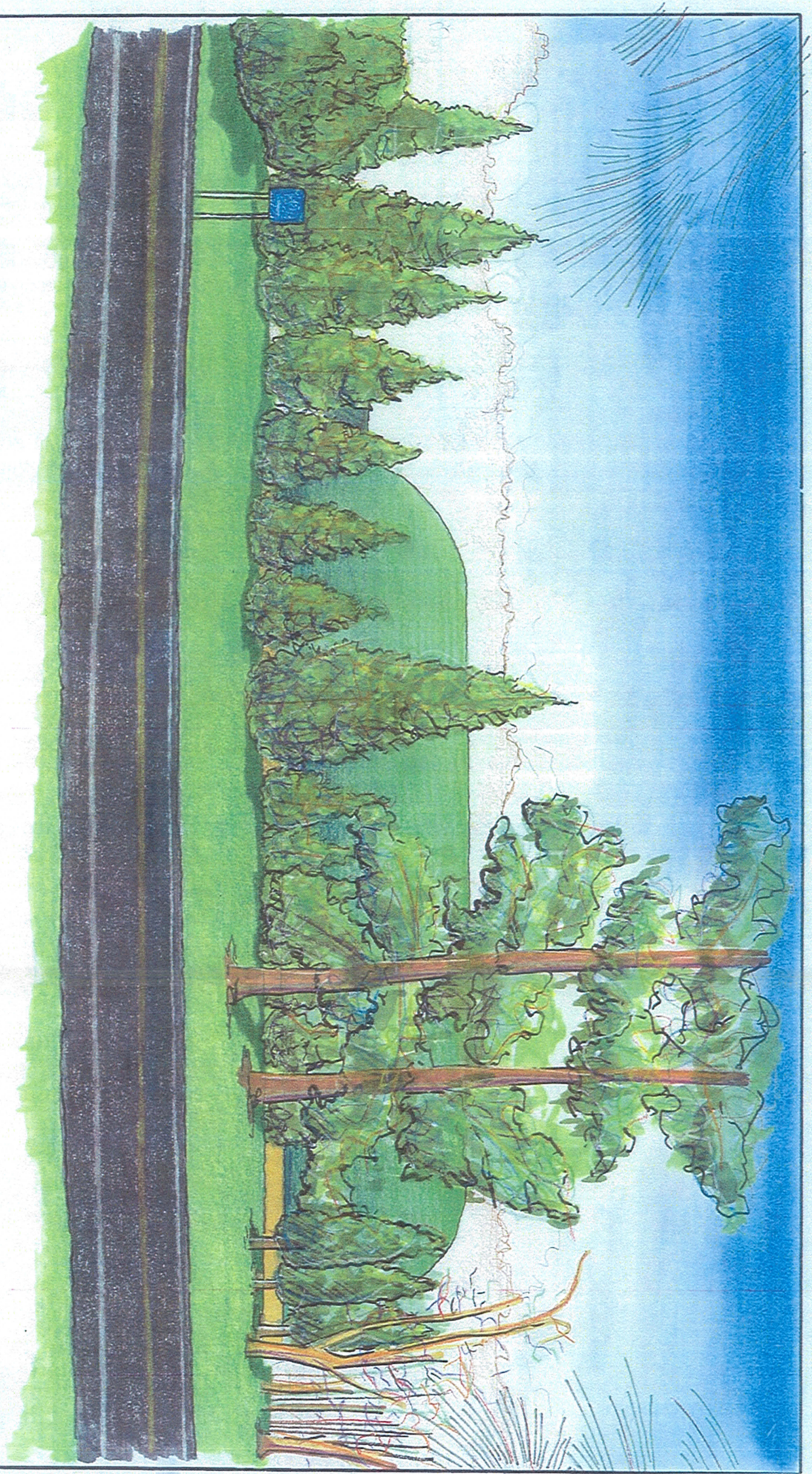
	SCALE	<small> All drawings are to be read in conjunction with the specifications and contract documents. The architect is not responsible for the accuracy of the information provided by others. The architect is not responsible for the accuracy of the information provided by others. The architect is not responsible for the accuracy of the information provided by others. </small>	Elevations	Potomac Swim & Tennis Club 10531 Oaklyn Drive Potomac, MD 20854	
	A2.1 <small>SECTION 2</small>				

ATTACHMENT 12

Color Rendering

Potomac Swim & Tennis Club
View from club parking





Potomac Swim & Tennis Club

View from Oaklyn Drive

