



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

MCPB  
Item #  
3/04/10

February 22, 2010

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Damon B. Orobona, Senior Zoning Analyst *DAMON*  
Rose Krasnow, Chief of Development Review *RK*  
Ralph Wilson, Supervisor of Zoning *RW*

SUBJECT: Local Map Amendment G-884

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RECOMMENDATION: *Approval.*

The applicant owns three parcels, totaling approximately 171 acres, generally located along Quince Orchard Road and Tralivah Road in Gaithersburg. The applicant is requesting a rezoning of this area from the RE-2 Zone to the PD-2 Zone. The applicant is proposing a 187-unit residential development that will incorporate a 10 acre local park and large open spaces into the framework of the surrounding area.

Staff is recommending approval of the rezoning and the associated development plan because the application complies with the purpose clause of the PD Zone, the proposed development is compatible with existing uses in the area, and the applicant's proposal is consistent with the Potomac Subregion Master Plan recommendation for the site. Further, staff recommends the Planning Board approve the applicant's request for a variance from one section of the Forest Conservation Law.

## SUMMARY OF REPORT

Public Hearings:	March 4, 2010 (Planning Board) March 12, 2010 (Hearing Examiner)
Overview of Site:	The site is comprised of approximately 171 acres of land within the Potomac Subregion Master Plan boundary located along Quince Orchard Road and Travilah Road, directly west of the Potomac Horse Center. The land is zoned RE-2 and has been farmed for three generations.
Proposed Zone and Use:	The applicant is proposing to develop 187 single-family detached homes and townhouse and attached dwellings on the property. 12.5 percent of the homes will be MPDUs. At least 35 percent of the units will be single-family detached, and at least 35 percent will be townhouse and attached. A network of trails will connect the development to a proposed 10 acre local park and other amenities. The PD-2 Zone is being proposed to accomplish these objectives.
Master Plan Consistency:	The project is consistent with the recommendations of the 2002 <i>Potomac Subregion Master Plan</i> . The Master Plan specifically recommends PD-2 zoning for the site, along with specific goals and a conceptual layout that is significantly akin to the applicant's proposal.
Zoning Provisions:	The project satisfies the purpose clause and regulations of the PD-2 Zone.
Recommendation:	Approve the PD-2 Zone at this location.
Subsequent Review:	If the County Council approves the rezoning request, the applicant will need to undergo both subdivision and site plan review.

## I. PROCEDURAL HISTORY

Application G-884 seeks a local map amendment (rezoning) to reclassify approximately 171 acres from the RE-2 Zone to the PD-2 Zone.

The applicant filed for the PD-2 zoning reclassification on June 1, 2009. After working closely with the Montgomery County Planning Department (staff) to determine the best way to eliminate a substantial environmental impact discovered in the original proposal, the applicant revised the proposed layout to its current iteration. The revision results in less environmental impact, larger lots with no driveway access along Travilah Road, and an increased open space buffer between the adjacent Hunting Hills community and the proposed development.

The Office of Zoning and Administrative Hearings has scheduled a public hearing date on this application for March 12, 2010, in the Stella B. Werner Council Office Building at 100 Maryland Avenue, Rockville, Maryland. Before the Hearing Examiner's proceedings, the Montgomery County Planning Board will conduct an initial public review of the application on March 4, 2010, at 8787 Georgia Avenue, Silver Spring, Maryland.

## II. THE PROPOSAL

### A. Overview

*The Site.* The site is comprised of three parcels measuring approximately 171 acres in size. The site has approximately 600 feet of street frontage along Turkey Foot Road, 1,000 feet of frontage along Travilah Road, and 1,600 feet along Quince Orchard Road.

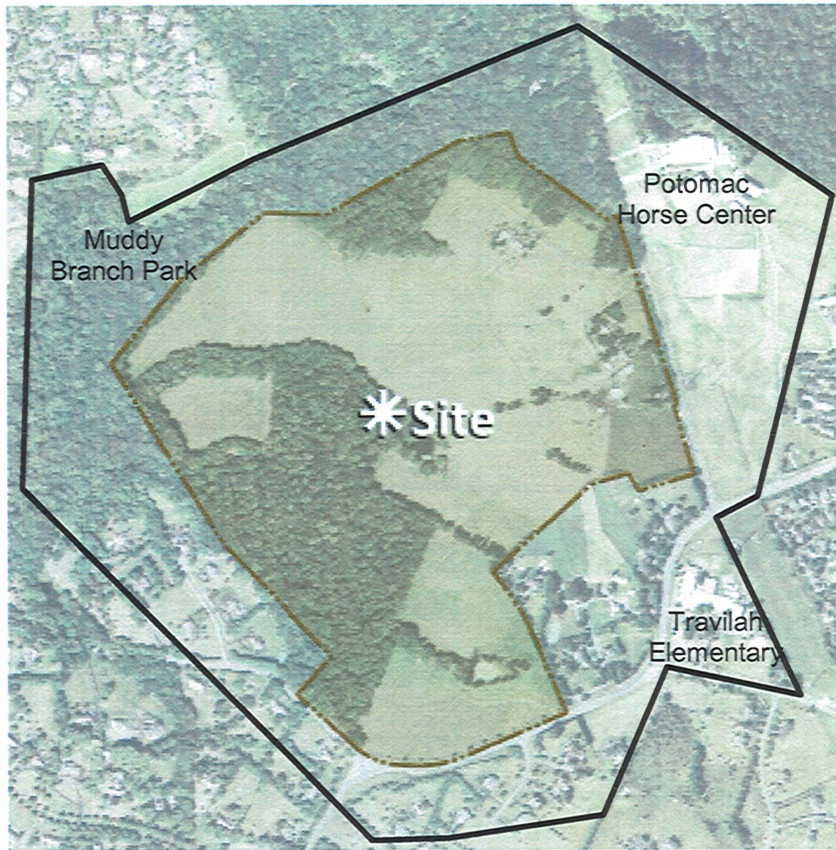
The subject property is currently zoned RE-2 and has only a few residential or farm-related structures on the entire 171-acre site. According to the applicant, the property has been used as a family-operated farm for the past three generations. Activities on-site have included raising cattle, harvesting grain, and producing timber. Approximately one-third of the property is forested,

with the remaining area used for crops or pasture. Two farm ponds are located in the center and southeastern corner of the site, respectively. Four intermittent tributaries exist on the property, flowing to the adjacent Muddy Branch Stream Valley Park. These tributary areas are generally forested.

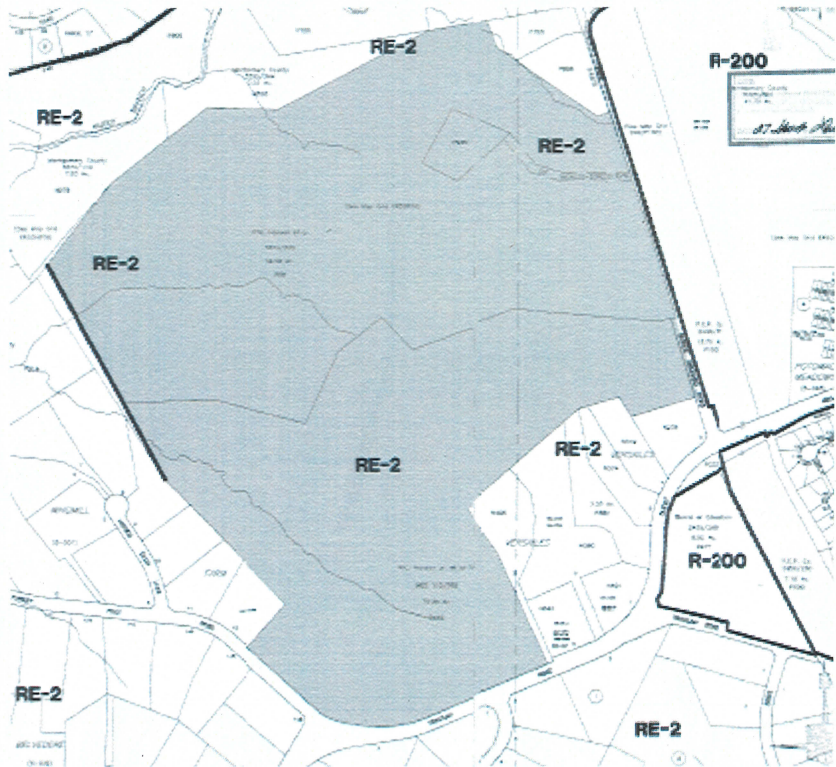
*The Surrounding Area.* A surrounding area must be identified in a floating zone application so compatibility can be properly evaluated. The applicant has defined the surrounding area as generally formed by the Muddy Branch Stream Valley Park to the north, the Potomac Horse Center and Travilah Elementary School to the east, and the residential properties located along Travilah Road and Turkey Foot Road to the south and west. Staff finds this area appropriate for determining whether the proposed zone will be compatible with surrounding uses since it captures virtually all nearby properties that may be affected by the rezoning and demonstrates the predominant land use patterns of the area.

Although the surrounding area is predominantly residential in character, the area contains commercial, institutional, and parkland uses. The Muddy Branch Stream Valley Park makes up the entire northern half of the surrounding area. The Potomac Horse Center, a smaller-scale commercial enterprise, and Travilah Elementary School, an institutional use, comprise the eastern boundary of the surrounding area. The larger single-family detached homes to the south and west of the site are typical of the residential character of this area. Most of the surrounding area is zoned RE-2, with the horse center and elementary school zoned R-200. The surrounding area is shown below.

### Surrounding Area



### Zoning Map



*The Development Plan.* Notwithstanding the subject zoning application, the applicant has stated a commitment to continue the farming operations on the land for as long as possible. According to the applicant, the rezoning is being sought for estate planning purposes and there are no immediate plans for redevelopment if the application is approved. The applicant's intent is to position the property, through the public process with input from the Planning Department and community representatives, for a future point in time when the family will no longer be able to continue farming operations.

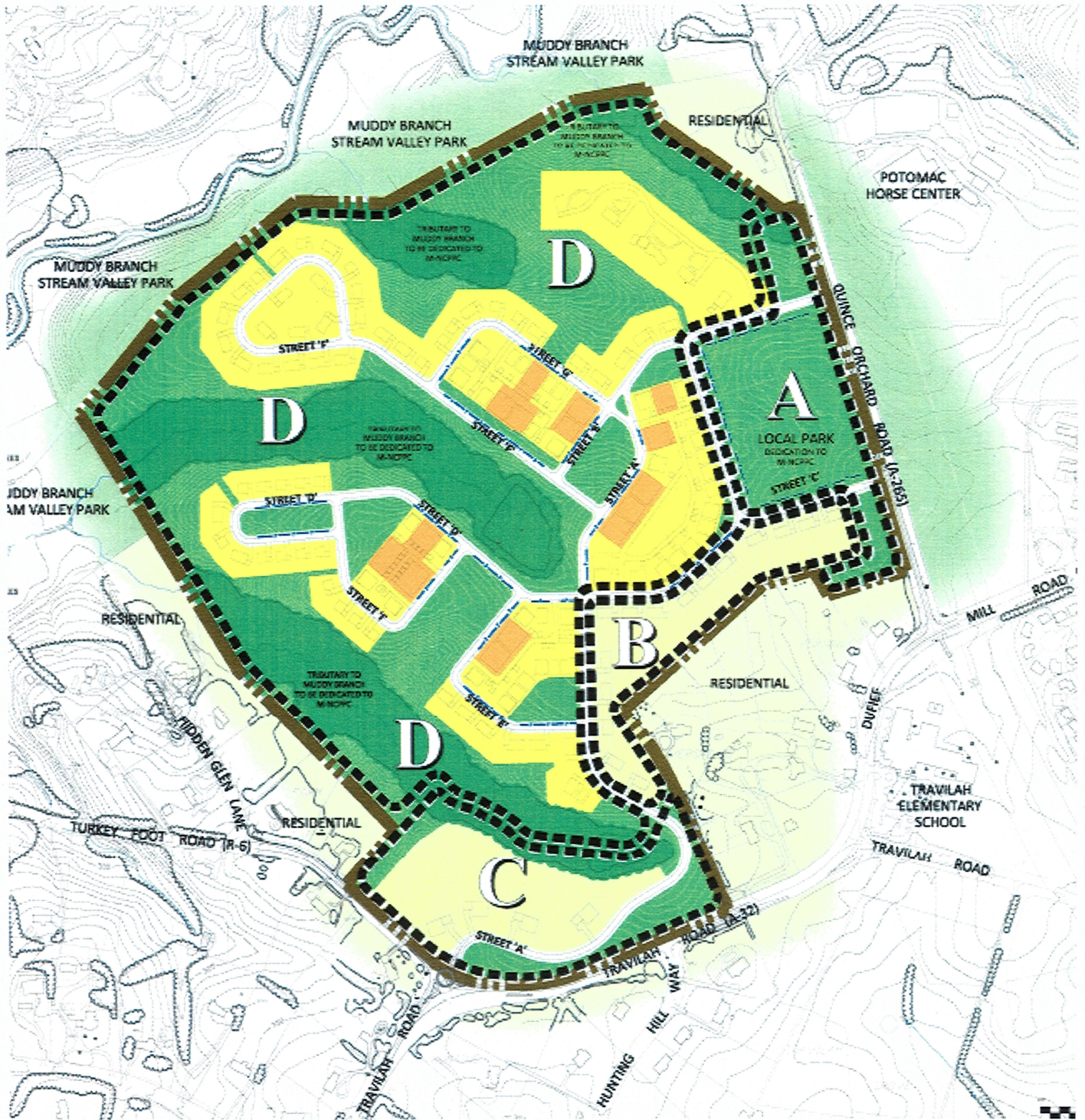
The applicant has proposed a Development Plan that closely follows the goals and conceptual layout shown in the Potomac Subregion Master Plan. The proposed development will be a residential community totaling 187 units, including 12.5 percent moderately-priced dwelling units. As required by the PD-2 Zone, at least 35 percent of the units will be single-family detached homes and at least 35 percent will be townhouse and attached units. The proposed layout guides development and infrastructure away from environmentally sensitive resources on the property. A variety of unit types are proposed to provide differing housing opportunities for people.

Larger single-family detached homes are strategically placed on the perimeter of the property to fit within the established residential patterns to the south and east of the site. Similarly, large areas of parkland and open space are proposed to the north and east of the site to fit the existing character of the area. Smaller lots and attached homes are grouped toward the center of the site, away from existing patterns of development along Travilah and Quince Orchard and buffered by forested areas. A significant portion of the property will be preserved as open space, including the creation of a ten acre local park along Quince Orchard Road. A network of pedestrian, biking, and equestrian paths will connect internal open spaces to the ten acre park, the adjacent Potomac Horse Center, and the Muddy Branch Stream Valley Park.

Three entrances are proposed to the property. Two entrances will be located along Quince Orchard Road, and one entrance will be located along Travilah Road at its intersection with Turkey Foot Road. A traffic circle is

proposed at the Turkey Foot intersection to slow traffic and help preserve Turkey Foot as a rustic road. While a roundabout is not typically a feature or entryway to a rustic road, staff recognizes that this is a unique location and the roundabout addresses concerns raised by the community. Staff reviewed this rustic road along with the Rustic Roads Advisory Committee (RRAC) and found that by utilizing a roundabout, the applicant is able to preserve trees on Turkey Foot Road ensuring that the rustic road will retain its character. The RRAC will provide comments on the roundabout design as part of the preliminary plan review process.

# Development Plan





**BINDING ELEMENTS:**

1. The total area to be rezoned to PD-2 is 170.77 acres+/. The limits of the property to be rezoned are based on the Identification Plat and Metes & Bounds description.
2. The total number of residential units shall not exceed 187 units. A minimum of 35% of the total units will be single-family detached and a minimum of 35% of the total units will be townhouses or attached. No commercial uses are proposed.
3. The developed area of the site shall not exceed 50% of the total site area, excluding the local park. The developed area is all of the proposed residential lots and road rights of way.
4. Parking will be provided through a combination of on-lot parking (in driveways and/or garages) and on-street parking. A minimum of 51 on-street parking spaces shall be provided in Land Bay A to satisfy the parking demand for the local park. The total number of on-street parking spaces shall not exceed 193 for Land Bays B, C, and D.
5. The local park site shall be dedicated to M-NCPPC and must be at least 10 acres in size and free and clear of any existing structures as required by M-NCPPC
6. The project shall provide 12.5% of the total number of units as Moderately Priced Dwelling Units (MPDU's)








**NON-BINDING (ILLUSTRATIVE) ELEMENTS:**

1. This Development Plan generally depicts the overall and unified concept for the Hanson Property and the conformance to the Potomac Subregion Master Plan and Zoning Ordinance.
2. Building and parking locations shown hereon are approximate. Specific building and structure locations, footprints, parking locations, roadways, trails and other design details will be refined and finalized during the Subdivision and Site Plan proceedings.
3. The exact limits of the areas to be dedicated to public use may be refined at future planning stages.
4. This plan is to be developed in one or two phases except as otherwise required to satisfy future AGP staging requirements, construction sediment control requirements, or other standards as required during future regulatory review.
5. The shading for the offsite areas are for illustrative purposes only to identify adjacent land uses.
6. There shall be no more than six (6) bedrooms per unit.
7. Rights of way for the following confronting roads will be dedicated as required at the time of Preliminary Plan approval:
  - a. Quince Orchard Road (80' right of way)
  - b. Travilah Road (80' right of way)
  - c. Turkey Foot Road (70' right of way)
8. At the Subdivision or Site Plan review stage, any units that are unable to be located within either Land Bays B or C may be relocated to Land Bay D and any reduced open space and undeveloped area within Land Bay D as a result of this transfer may be relocated to Land Bays B or C.

# Network of Pathways



**LEGEND**

-  EXISTING VARIABLE-WIDTH SOFT SURFACE TRAIL
-  PROPOSED VARIABLE-WIDTH SOFT SURFACE TRAIL
-  PROPOSED HARD SURFACE TRAIL
-  PROPOSED CLASS 1 BIKEWAY
-  COUNTY CLASS 1 BIKEWAY (BY OTHERS)
-  OFF-SITE INTERPRETIVE FEATURE
-  OFF SITE TRAIL HEAD PARKING AREA (BY OTHERS)

## **B. Master Plan Consistency**

The property is located within the geographic area covered by the 2002 Potomac Subregion Master Plan. The Master Plan makes specific recommendations for the subject property on pages 70 through 75. In pertinent part, the Plan states:

- *“Rezone the site from RE-2 to PD-2 with a TDR option, to encourage more compact development, expand the regional stream valley system, protect sensitive areas, provide community facilities, and promote walking and biking.”*

The development plan proposes PD-2 zoning and will use the TDR option to increase density and encourage a more compact development.

- *“Limit the allowable density to maximum of 170 dwelling units, including MPDUs. The Council is considering a text amendment to provide a TDR option in the PD zone. If this change is approved, TDR density incentives may be used to increase the maximum number of dwelling units by 10 percent, to 187.”*

The development plan proposes using the maximum of 170 dwelling units with TDR incentives, increasing the maximum number of dwelling units by 10 percent to have 187 total dwelling units on site.

- *“Include large lots at the perimeter to buffer existing residences, generally on the south and east.”*

The development plan proposes large lots along the perimeter of the existing homes found near the southeastern portion of the site as well as large lots along the southern portion of the site near Travilah Road.

- *“Retain both existing Hanson residences and incorporate them into the fabric of the new community.”*

The development plan proposes to keep only one of the Hanson residences found on the northern portion of the site. Staff finds it acceptable that the other

Hanson residence be removed from the site since it conflicts with the proposed recreation field.<sup>1</sup>

- *“Dedicate land for the North Potomac Community Recreation Center if the County Council does not select the preferred site for the center on Travilah Road. (See Community Facilities Plan.)”*

The North Potomac Community Recreation Center site was selected and will be located adjacent to Big Pines Local Park on Travilah Road. The development plan proposes instead that a 10 acre local park be created dedicated to MNCPPC.

- *“Maintain adequate setbacks between playing fields and the adjacent homes.”*

This development plan provides adequate setbacks between the playing fields and the adjacent homes.

- *“Provide links from the local park to the Muddy Branch Stream Valley Park.”*

The development plan provides hard surface as well as soft surface trails linking the local park to the Muddy Branch Stream Valley Park.

- *“Development on this site should meet this Plan’s general design principles.”*

This development meets the Potomac Subregion general design principles. The proposed access road on Travilah deviates from the conceptual figure, but provides a better design solution by creating a roundabout with Turkey Foot Road, Travilah Road, and the site’s entrance and avoids disrupting an existing stream.

- *“Cluster development away from environmentally sensitive resources.*

The development plan locates development away from environmentally sensitive resources. The proposed access road also avoids the stream.

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<sup>1</sup> See Parks Department Interoffice Memorandum at attachment 1.

- *“Dedicate a 12- to 13-acre site for a community recreation center along Quince Orchard Road to ultimately include the existing farm. The site should accommodate a 24,000 net square foot recreation center, playing fields, and adequate parking. If the County Council selects the preferred community recreation center site on Travilah Road,[...], then the [following bullet point] appl[ies] for alternative recreation facilities at Hanson Farms.”*
- *“Dedicate a ten-acre site as a local park, sufficient to accommodate two ball fields and adequate parking.”*

A community recreational building is not in the proposal since a site was selected elsewhere in North Potomac. The development plan proposes a 10-acre local park to accommodate two ball fields with adequate on-street parking.

- *“Development on this site must not exceed 50 percent of the total site area, excluding the potential community recreation center.”*

The development on this site is less than 50 percent of the total site area.

- *“Expand the regional stream valley park system by dedicating:
 
  - Forested area along northernmost tributary, including the existing farm road, which can be incorporated into the trail system.
  - Areas of sensitive features, such as steep slopes and a 200 foot buffer along the Muddy Branch main stem.
  - Forested area adjacent to Travilah Road and adjacent stream valleys to connect with the existing stream valley park.”*

The development plan expands the stream valley park system by proposing to dedicate several stream valley and sensitive areas to MNCPPC as well as incorporating existing roads into a trail system.

- *“Provide paths between the community center or local park, the Potomac Horse Center, Travilah Road, and the stream valley park.”*

The development plan proposes hard and soft surface trails to the Muddy Branch Stream Valley Park as well as to the local park, the Potomac Horse Center, and Travilah Road.

- *“Provide frequent pedestrian links to the trail system in the stream valley park that provide community access to the park.”*

The development plan provides several pedestrian links to various places as stated in the above sections.

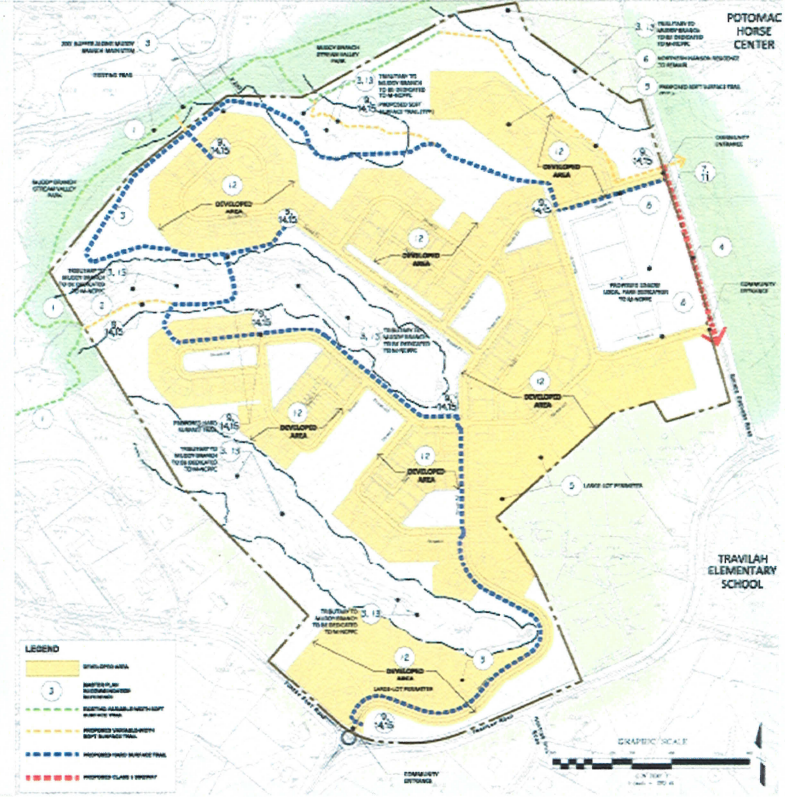
In comparing the Potomac Subregion Master Plan recommendations and the proposed development plan, the proposal supports almost all of the Master Plan recommendations. While a slight deviation in road configuration from the Master Plan's conceptual layout is shown on the applicant's plans, this configuration is necessary as it avoids an adverse environmental impact to a stream on the property and an unworkable distance between two access points. Staff finds the proposed rezoning from RE-2 to PD-2 consistent with the 2002 *Potomac Subregion Master Plan*.<sup>2</sup>

### Master Plan Comparison

ADOPTED MASTER PLAN ILLUSTRATIVE PD-2 DEVELOPMENT CONCEPT (Figure 7, pp. 74)



PROPOSED PD-2 DEVELOPMENT PLAN



<sup>2</sup> See Community-based Planning Interoffice Memorandum at attachment 2.

### III. ZONING PROVISIONS

#### A. The Development Plan Findings

##### §59-D-1.61 – Findings

*Before approving an application for classification in any of these zones, the District Council must consider whether the application, including the development plan, fulfills the purposes and requirements set forth in article 59-C for the zone. In doing so, the district council must make the following specific findings in addition to any other findings which may be necessary and appropriate to the evaluation of the proposed reclassification:*

- (a) That the zone applied for is in substantial compliance with the use and density indicated by the Master Plan or Sector Plan, and that it does not conflict with the general plan, the county capital improvements program or other applicable county plans and policies;*

As indicated previously, the PD-2 Zone is in compliance with the use and density recommendations of the Master Plan for this area.

- (b) That the proposed development would comply with the purposes, standards and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.*

As further explained in section III.B. of this report, the proposed development complies with the purposes, standards, and regulations of the PD-2 Zone. The proposal achieves compatibility with the surrounding uses by matching open space on the northern and western portions of the site to the open space provided from the existing Muddy Branch Stream Valley Park. Larger homes are proposed along the eastern and southern portions of the site to match existing development along Quince Orchard and Travilah. Smaller lots are clustered toward the center of the site. The proposal will provide maximum safety, convenience, and amenities to the residents of the development because features of the site have been designed in a safe and efficient manner.

*(c) That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient;*

The internal vehicular and pedestrian circulation systems for the project have been designed to provide clear drive aisles, equestrian trails, pedestrian pathways, and sidewalks that connect to features within the development and to adjacent amenities.

*(d) That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3;*

The site has been designed with the natural features of the property in mind. Proposed development and infrastructure has been situated away from natural tributaries and forested land. Two existing ponds have been incorporated into the site layout. The stormwater management approach, which has a concept approval from the County's Department of Permitting Services<sup>3</sup>, is consistent with principles of environmental site design and low impact development.

*(e) That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common of quasi-public purposes are adequate and sufficient.*

The applicant has provided a homeowners association declaration of covenants that describes the ownership and maintenance of common areas.

## **B. Requirements of the PD-2 Zone**

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<sup>3</sup> See DPS Letter at attachment 3.



*Purpose Clause.* The PD Zone purpose clause is reproduced in its entirety below, with relevant analysis and conclusions for each paragraph following.

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 balance 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.

*First Paragraph: Master Plan Implementation.* A primary purpose of the Master Plan recommendation for the subject property is to encourage more compact development, expand the stream valley system, protect sensitive areas, promote walking and biking, and provide community facilities. The Plan seeks to achieve this goal, in part, through the application of the PD-2 Zone to the property. The development plan provides more compact housing, internalized within the site, than could be provided in the base RE-2 Zone. Further, the proposal expands the stream valley system and protects environmentally-sensitive areas through dedication of tributaries and a 10 acre local park. Additionally, the layout is designed to incorporate these natural areas throughout the development and connected to adjacent areas so as to promote walking, biking, and equestrian activities in the surrounding area.

*Second Paragraph: Social and Community Interaction, Distinctive Visual Character, and Balanced Mix of Uses.* The proposed development will provide several greens, squares, and open spaces to allow gathering space for the community and encourage social and community interaction. The proposal will incorporate two existing ponds and various tributary areas into the fabric of the community. A local park with ball fields will be located along Quince Orchard Road. A network of pedestrian and equestrian paths will connect the open areas to the proposed residences and to adjacent developments. These natural

features will contribute to a distinctive visual character of the area. The Master Plan does not envision commercial activity at this location.

*Third Paragraph: Broad Range of Housing Types.* The proposed development will provide for a combination of single-family detached and townhouse and attached units on differing sized lots to allow for varying housing choices.

*Fourth, Fifth, and Sixth Paragraphs: Trees, Grading, Open Space, and Pedestrian Networks.* The areas to be developed as part of this proposal are primarily on existing open fields; the development plan will preserve much of the existing forest on the property. The proposal will provide several greens, squares, and open spaces and a 10 acre local park with ball fields to allow an area for community recreation. A network of pedestrian, biking, and equestrian paths is provided to encourage community activity.

*Seventh Paragraph: Scale.* The development plan includes an assemblage of parcels to allow for a more comprehensive development of residential use, with differing housing types, at a scale that achieves the purpose of the zone. The proposal provides amenities and facilities for the residents as well as the community at large.

*Eighth Paragraph: Safety, Convenience, Amenity, and Compatibility.* The development plan maximizes safe connections between the proposed development and the surrounding area. Trails and sidewalks connect the residences to open areas and amenities. The provision of single-family detached homes and open areas around the perimeter of the development helps ensure compatibility with surrounding uses.

*Ninth Paragraph: Three Findings.* The development plan is appropriate for the development of the County and in keeping with the purposes of the zone and in substantial compliance with the General Plan and Master Plan. By combining

parcels and developing under the PD zone, the development plan is able to achieve the goals and policies of the Plans.

*Specific Findings for PD Zone.*

§59-C-7.121. *Master Plan Density.* Pursuant to this provision, “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.” Here, the property is recommended for the PD-2 Zone in the Potomac Subregion Master Plan.

§59-C-7.122. *Minimum Area.* This section specifies several criteria, any of which may be satisfied to qualify land for reclassification to the PD Zone. The subject application satisfies the first of these criteria, which states the following:

That [the property] contains sufficient gross area to construct 50 or more dwelling units under the density category to be granted.

The property is approximately 171 acres in size, more than large enough to construct 50 dwellings.

§59-C-7.131. *Residential Uses.* Pursuant to this section, all types of residential uses are permitted, but parameters are established for the unit mix. A PD-2 development with less than 200 units must have at least 35 percent single-family detached units and at least 35 percent townhouse and single-family attached units. The proposed Development Plan provides for at least 35 percent single-family detached units and at least 35 percent single-family townhouse and attached units, satisfying this requirement.

§59-C-7.132. *Commercial Uses.* Commercial uses are permitted but not required under the PD Zone. Parameters established for commercial uses are not applicable to the subject application, which is limited to residential uses.

§59-C-7.133. *Other Uses.* Under this provision of the PD Zone, any nonresidential, noncommercial use is permitted at the discretion of the District Council on a finding that such use is compatible. Although the 10 acre park could be considered a nonresidential, noncommercial use, the park will be open to the

public and not exclusive to the use of the residents of the proposed development. Therefore, no finding is necessary here.

§59-C-7.14. *Density of Residential Development.* This provision, under subsections (b) and (e), provides the following directions for the District Council in considering a request for the PD Zone:

(b) The District Council must determine whether the density category applied for is appropriate, taking into consideration and being guided by the general plan, the area master or sector plan, the capital improvements program, the purposes of the planned development zone, the requirement to provide [MPDUs], and such other information as may be relevant.

(e) The District Council may approve a density bonus of up to 10 [percent] above the maximum density specified in the approved and adopted master plan for the provision of TDRs, if the use of TDRs is recommended for the site.

The density category applied for, PD-2, is the lowest density available in the PD Zones, and is specifically recommended in the Potomac Subregion Master Plan. All materials reviewed indicate that this density category is appropriate for the site. The applicant is applying for 10 percent more density than is recommended in the Master Plan by using the TDR option under subsection (e). The effective density of placing 187 units on an approximate site of 171 acres is 1.09 dwelling units per acre.

§59-C-7.15. *Compatibility.* This section requires that a proposed development be compatible internally and with adjacent uses. It also establishes minimum parameters for setbacks and building height that are designed to promote compatibility. As discussed previously, the proposal will be compatible both internally and with surrounding development. The provision states that where land classified under the PD Zone adjoins land that the area master plan recommends as a single-family detached zone, no building other than a single-family detached residence may be constructed within 100 feet of the adjoining land, and no building may be constructed at a height greater than its distance from the adjoining land. The proposal provides solely for single-family detached housing or vast stretches of open space around the perimeter of the development.

Further, the single-family detached homes will require setback distances from the perimeter of the development that are at least as great as the height of the homes.

§59-C-7.16. *Green Area.* The PD-2 Zone requires a minimum of 30 percent green area. The proposed development plan depicts green area at 56 percent of the property, which calculates to approximately 96 acres.

§59-C-7.17. *Dedication of Land for Public Use.* This section requires that land necessary for public streets, parks, schools and other public uses must be dedicated to public use, with such dedications shown on all required development plans and site plans. The development plan depicts a 10 acre local park and a substantial amount of tributary area associated with the Muddy Branch Stream Valley Park being dedicated to MNCPPC. Additionally, the development plan shows illustrative street right-of-way dedications for Quince Orchard, Travilah, and Turkey Foot Roads, with final dedications to be established at the time of Preliminary Plan.

§59-C-7.18. *Parking Facilities.* Off-street parking must be provided in accordance with the requirements of Article 59-E of the Zoning Ordinance. As shown on the Development Plan, the proposed project will provide two spaces for each dwelling unit proposed, the number of spaces required by code. Further, the proposal provides for ample on-street parking throughout the development and adjacent to the local park.

### **C. Compatibility**

As previously discussed, the proposed development is compatible both internally and with the surrounding area. Only residential uses are proposed on site, with large areas of open space and natural resources distributed throughout the development. The amenities are connected to adjacent properties by a network of sidewalks, pathways, and roads, extending the existing pattern of the area.

### **D. The Public Interest**

The rezoning must bear sufficient relationship to the public interest to justify its approval. When evaluating the public interest it is customary to consider master plan conformance and other public interest factors such as adverse impacts on public facilities or the environment. As previously stated, the proposal furthers the specific recommendations of the 2002 Potomac Subregion Master Plan and is consistent with its objectives and language. Further, the dedication of a new 10 acre public park and substantial open space and tributary areas to the Muddy Branch Stream Valley Park also further the public interest. For these reasons, the application bears a sufficient relationship to the public interest to justify its approval.

#### **IV. SECONDARY ISSUES**

##### **A. Adequate Public Facilities**

*Water and Sewer.* The rezoning application and schematic development plan were reviewed by the Washington Suburban Sanitary Commission (WSSC). WSSC found that the reclassification from the RE-2 Zone to the PD-2 Zone and the subsequent proposed development will not burden the water systems of the area. The impact to the existing sewer system will likely require the applicant to relieve some downstream sewer segments.<sup>4</sup>

*Transportation and Roadways.* The proposed development will have two access points from Quince Orchard Road and one access point at the intersection of Travilah and Turkey foot Road. The applicant proposes construction of a traffic circle for the entrance at the Travilah/Turkey Foot Road intersection. Montgomery County Department of Transportation (MCDOT) has approved the proposed traffic circle.<sup>5</sup>

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<sup>4</sup> See WSSC Memorandum at attachment 4.

<sup>5</sup> See MCDOT Memorandum at attachment 5.

Staff finds the proposed access to the site to be safe and adequate. Staff also finds that the internal vehicular and pedestrian circulation provides for a safe and adequate movement of traffic.

A traffic study was submitted to determine the impact of the proposed development on the area's transportation system. Three local intersections were identified as critical for analysis to determine whether they meet the applicable congestion standard of 1,350 Critical Lane Volume (CLV) for the Rural West Policy Area. The proposed development trips were added to the existing traffic to determine total future traffic. There is no background traffic (trips from approved but unbuilt development) in this area. The total future traffic was assigned to the critical intersections to evaluate the total future CLVs.

	Existing		Total	
	AM	PM	AM	PM
MD 124/MD 28	1,245	1,183	1,246	1187
MD 190/Piney Meetinghouse Rd	1,292	1,011	1,307	1,020
Dufief Mill Rd /Quince Orchard Rd	428	499	453	615

As shown in the above table, all existing intersections are currently operating at the acceptable congestion standard and this standard is projected to continue under total future traffic conditions. Therefore, this application meets the LATR requirements of the APF review.

The site is located in the Rural West Policy Area where there is no PAMR mitigation requirement. Therefore, the subject application also satisfies the PAMR requirements of the APF review.

The proposed development under the PD-2 Zone will not have an adverse impact on the surrounding roadway network.<sup>6</sup>

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<sup>6</sup> See Transportation Planning Interoffice Memorandum at attachment 6.



*Schools.* Staff received comments from Montgomery County Public Schools (MCPS) regarding the proposal's potential impact on the school system. The site is located within the Travilah Elementary School, Robert Frost Middle School, and Wootton High School attendance areas. Enrollment at the elementary school is currently within capacity and is projected to remain within capacity. Enrollment at Robert Frost Middle School is currently over capacity, although enrollment is trending down and is expected to be within capacity by the 2014-2015 school year. Enrollment at Wootton High School is currently over capacity and is projected to remain over capacity. The current growth policy school test (FY 2010) finds capacity adequate in the Wootton Cluster.<sup>7</sup>

## **B. Environmental Considerations**

Staff supports the approval of the preliminary forest conservation plan (PFCP). The PFCP shows 14.68 acres of forest clearing and 38.01 acres of forest retention. This level of forest retention exceeds the amount necessary to avoid reforestation, while also protecting priority forest within and contiguous to the stream valley buffer on site. The details necessary to bring this plan to final approval will be formalized during subsequent reviews before the Planning Board. The approval of the PFCP includes and is dependent upon the approval of a forest conservation variance for removal of certain trees.

Maryland recently passed legislation that identifies certain individual trees as a high priority for protection. If a forest conservation plan cannot be altered to protect these individual trees, the applicant is required to submit a variance to remove the trees. The variance provision applies to all trees 30 inches DBH and greater. Since the applicant is proposing to remove 41 trees that are greater than 30 inches DBH, the applicant has requested a variance.

Montgomery County Forest Conservation Law §22A-21(c) requires the Planning Board to refer a copy of each request to the County Arborist in the Montgomery County Department of Environmental Protection for a written

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<sup>7</sup> See Montgomery County Public Schools Memorandum at attachment 7.

recommendation prior to acting on the request. The County Arborist has elected not to review the variance request, so the recommendation is presumed to be favorable.

§22A-21(e) states that the Planning Board must make findings that the applicant has met all requirements of this section before granting a variance. Subsection (d) states that a variance must *not* be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

*Will confer on the applicant a special privilege that would be denied to other applicants.* The requested variance will not confer on the applicant any special privileges that would be denied to other applicants. The trees requested to be removed are located interior to the project site within existing forest and the development has been clustered to significantly exceed and protect the minimum amount of forest retention for the site. The trees range in size from 30 to 48 inches DBH but are not champion trees or 75 percent of the DBH of the state champion tree for that species. The loss of a tree(s) under the new legislation is quite common. Staff recommendations strive to be consistent, with outcomes that do not grant a special privilege that would be denied to other applicants.

*Is based on conditions or circumstances which are the result of the actions by the applicant.* The requested variance is not based on conditions or circumstances which are the result of actions by the applicant. The requested variance is based on site layout and design for the development within the PD-2 Zone which provides forest retention (including specimen trees) well beyond minimums to avoid reforestation. Nevertheless, efficient site layout and design necessitates the removal of these trees within the development area.

*Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.* The requested variance is a result of the proposal which promotes an efficient site design and layout for the subject property and not as a result of land or building use on a neighboring property.

*Will violate State water quality standards or cause measurable degradation in water quality.* The requested variance will not violate State water quality standards nor cause measurable degradation in water quality. Under §22A-16(d), “[t]he Board or Director may treat any forest clearing in a stream buffer, wetland or special protection area as creating a rebuttable presumption that the clearing had an adverse impact on water quality.” In this case, the specimen trees proposed to be removed are not within a stream buffer, wetland or a special protection area and as such it is presumed that the removal of these individual trees would not cause degradation to water quality.

As a result of the above findings, Staff recommends the Planning Board approve the applicant’s request for a variance from Forest Conservation Law to remove specimen trees as shown on the proposed preliminary forest conservation plan.

This plan is in compliance with Environmental Guidelines. The proposal is consistent with the Master Plan’s environmentally-based recommendations and Land Use and Design Guidelines. Through clustering forest retention and dedicating parks, the proposed plan protects environmentally sensitive areas and expands the regional stream valley park system. Environmental planning staff is supportive of the zoning change and recommends approval of the associated Preliminary Forest Conservation Plan.<sup>8</sup>

### **C. Community Issues**

As of the date of this report, staff has received only one letter regarding the proposal.<sup>9</sup> This letter, from the Hunting Hills Homeowners Association, was

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<sup>8</sup> See Environmental Planning Interoffice Memorandum at attachment 8.

<sup>9</sup> Found at attachment 9.

received in late 2009, as staff and the applicant weighed the originally proposed access point on Travilah Road. The letter reflected the Homeowners Association's strong opposition to an access point being considered opposite from Hunting Hill Way. An alternative option, as shown on the current layout, was decided upon by staff and the applicant, so the concerns listed in the letter are no longer relevant. Since the amended application has been filed, no correspondence from the community has been received.

## **V. CONCLUSION**

Staff recommends that Local Map Amendment G-884 be approved.

## **VI. ATTACHMENTS**

1. Parks Department Interoffice Memorandum
2. Community-based Planning Interoffice Memorandum
3. DPS Memorandum
4. WSSC Memorandum
5. MCDOT Memorandum
6. Transportation Planning Interoffice Memorandum
7. MCPS Memorandum
8. Environmental Planning Interoffice Memorandum
9. Community Letter

9/14/08

Attachment 1

**TO:** Damon Orobona, Zoning Review, Development Review Division  
Cathy Conlon, Subdivision Supervisor, Development Review Division  
Robert Kronenberg, Site Plan Supervisor, Development Review Division

**FROM:** Doug Powell, Plan Review Coordinator, Park Planning and Stewardship  
Division, Department of Parks

**RE:** Park Planning and Stewardship Issues involved in plan G-884, Hanson  
Property

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**G-884  
Hanson Property**

Dedication of sufficient land suitable for construction of a full sized Local Park, to include two full-sized athletic fields, on-site parking, and other amenities reasonably necessary to meet a diversity of needs for all age groups. Land to be a minimum of 10 acres, but may need to be larger, depending on the land's limitations, to accommodate all needed recreational facilities. Dedicated park area not to include any existing homes or other structures.

Dedication of additional land adjacent to Muddy Branch Stream Valley Park and tributaries to Muddy Branch in accordance with the Potomac Subregion Master Plan.

Provide adequate public access to Muddy Branch Stream Valley Park and other dedicated parkland.

Any hard surface trails through the development to avoid parkland and stream buffer areas.



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

February 4, 2010

**MEMORANDUM**

**TO:** Damon Orobona  
Development Review Division

**FROM:** Callum Murray, Team Leader, Potomac and Rural Area (301-495-4733)  
Katherine Holt, Senior Planner (301-495-4549)  
Community-Based Planning Division

**SUBJECT:** Rezoning of three parcels from RE-2 to PD-2.  
Hanson Farm, Potomac - Local Map Amendment: G-884  
Master Plan Compliance

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**RECOMMENDATION**

Staff finds that this Local Map Amendment is consistent with the 2002 Approved and Adopted Potomac Subregion Master Plan. The Development Plan closely follows the Master Plan concept and development guidelines. Community-Based Planning staff recommends approval.

**DESCRIPTION**

The Hanson Farm consists of three parcels with a combined total of 171 acres located in the RE-2 zone on Travilah Road, in the Potomac Subregion. Currently, the property is an active farm, located south of, and abutting the Muddy Branch Stream Valley Park, and bounded by Quince Orchard Road to the east and Travilah Road and Turkey Foot Road to the south.

**MASTER PLAN COMPLIANCE**

**Potomac Subregion Master Plan (2002)**

Specific recommendations for the Hanson Farm can be found in the Master Plan on pages 70 to 75. The Plan states:

- *“Rezone the site from RE-2 to PD-2 with a TDR option, to encourage more compact development, expand the regional stream valley system, protect*

Vision Division, 301-495-4555, Fax: 301-495-1304  
8787 Georgia Avenue Street, Silver Spring, Maryland 20910  
[www.MontgomeryPlanning.org](http://www.MontgomeryPlanning.org)

*sensitive areas, provide community facilities, and promote walking and biking.”*

The development plan proposes PD-2 zoning and anticipates using the TDR option to encourage a more compact development.

- *“Limit the allowable density to maximum of 170 dwelling units, including MPDUs. The Council is considering a text amendment to provide a TDR option in the PD zone. If this change is approved, TDR density incentives may be used to increase the maximum number of dwelling units by 10 percent, to 187.”*

The development plan proposes using the maximum of 170 dwelling units with TDR incentives, increasing the maximum number of dwelling units by 10 percent to have 187 total dwelling units on site.

- *“Include large lots at the perimeter to buffer existing residences, generally on the south and east.”*

The development plan proposes large lots along the perimeter of the existing homes found near the southeastern portion of the site as well as large lots along the southern portion of the site near Travilah Road.

- *“Retain both existing Hanson residences and incorporate them into the fabric of the new community.”*

The development plan proposes to keep one of the Hanson residences found on the northern portion of the site. The other Hanson residence will be removed from the site since it conflicts with the proposed recreation field.

- *“Dedicate land for the North Potomac Community Recreation Center if the County Council does not select the preferred site for the center on Travilah Road. (See Community Facilities Plan.)”*

The North Potomac Community Recreation Center site was selected and will be located adjacent to Big Pines Local Park on Travilah Road. The development plan proposes a 10-acre local park to be dedicated to M-NCPPC.

- *“Maintain adequate setbacks between playing fields and the adjacent homes.”*

This development plan provides adequate setbacks between the playing fields and the adjacent homes.

- *“Provide links from the local park to the Muddy Branch Stream Valley Park.”*

The development plan provides hard surface as well as soft surface trails linking the local park to the Muddy Branch Stream Valley Park.

### **Land Use and Design Guidelines**

- *“Development on this site should meet this Plan’s general design principles. (See Figure 6.)”*

This development meets the Potomac Subregion general design principles as seen in Figure 6. The proposed access road deviates from the conceptual figure, but provides a better design solution by creating a roundabout with Turkey Foot Road, Travilah Road, and the site’s entrance.

- *“Cluster development away from environmentally sensitive resources.*

The development plan locates development away from environmentally sensitive resources such as the stream valley. The proposed access road also avoids the stream.

- *“Dedicate a 12- to 13-acre site for a community recreation center along Quince Orchard Road to ultimately include the existing farm. The site should accommodate a 24,000 net square foot recreation center, playing fields, and adequate parking.”*

This development plan proposes a 10-acre local park with enough space for a ball field and a soccer field. However, a community recreational building is not in the proposal since a site was selected elsewhere in North Potomac. There will be 65 on-street parking spaces per the development plan.

- *“Dedicate a ten-acre site as a local park, sufficient to accommodate two ball fields and adequate parking.”*

This development plan proposes a 10-acre local park to accommodate two ball fields with on-street parking.

- *“Development on this site must not exceed 50 percent of the total site area, excluding the potential community recreation center.”*

The development on this site is less than 50 percent of the total site area.

- *“Expand the regional stream valley park system by dedicating:
  - Forested area along northernmost tributary, including the existing farm road, which can be incorporated into the trail system.
  - Areas of sensitive features, such as steep slopes and a 200 foot buffer along the Muddy Branch main stem.
  - Forested area adjacent to Travilah Road and adjacent stream valleys to connect with the existing stream valley park.”*



The development plan expands the stream valley park system by proposing to dedicate several stream valley and sensitive areas to M-NCPPC as well as incorporating existing roads into a trail system.

- *“Provide paths between the community center or local park, the Potomac Horse Center, Travilah Road, and the stream valley park.”*

The development plan proposes hard and soft surface trails in the Muddy Branch Stream Valley Park as well as to the local park, the Potomac Horse Center, and Travilah Road.

- *“Provide frequent pedestrian links to the trail system in the stream valley park that provide community access to the park.”*

The development plan provides several pedestrian links to various places as stated in the above sections.

As part of the application, a “Statement in support of local map amendment” was submitted. The statement compares the Potomac Subregion Master Plan recommendations and land use and design guidelines regarding the site with the proposed Development Plan. While a new road configuration is shown on the applicant’s plans, staff supports this configuration and believes that the Development Plans supports all of the master plan recommendations.

The applicant has met the required statement to “cluster development away from environmentally sensitive resources.” The proposed access has been amended to locate it further from existing homes and to avoid a stream crossing.

Turkey Foot Road is a rustic road (p. 110-111). The applicant has proposed a roundabout to improve safety and slow traffic at Travilah Road and Turkey Foot Road. While a roundabout is not a feature found on a rustic road or as an entryway to a rustic road staff recognizes that this is a unique location and the roundabout addresses concerns raised by the community. Staff reviewed this rustic road along with staff to the Rustic Roads Advisory Committee (RRAC) and found that by utilizing a roundabout, the applicant is able to preserve trees on Turkey Foot Road ensuring that the rustic road will retain its character. The RRAC will provide comments on the roundabout design as part of the preliminary plan review process.

Staff believes that these are good faith efforts to improve access and safety, and to reduce community impact. Having reviewed several prior alternatives, staff agrees that this is the best solution to minimize and avoid environmental constraints as well as improve access and safety, while reducing impacts to the community and addressing their concerns.

## **CONCLUSION**

Community-Based Planning Staff supports the proposed Local Map Amendment for the Hanson Farm from RE-2 to PD-2 since it is consistent with the recommendations of the 2002 Approved and Adopted Potomac Subregion Master Plan.



## Attachment 3

### DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

October 7, 2009

Carla Reid  
Director

Mr. Timothy J. Stemann  
Rodgers Consulting  
19847 Century Boulevard, Suite 200  
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request  
for Hanson Property  
SM File #: 235849  
Tract Size/Zone: 170.8 acres/RE-2  
Total Concept Area: 170.8 acres  
Parcel(s): 412, 20, 945  
Watershed: Muddy Branch

Dear Mr. Stemann:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site channel protection measures via dry ponds; on-site water quality control and onsite recharge via various nonstructural environmental site design methods.

The following **conditions** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Additional infiltration should be designed into the final design of the project.
2. Alternative surfaces must be used wherever possible.
3. All proposed facilities must meet State of Maryland and Montgomery County standards in place at the time of detailed sediment control submittal.
4. Limit the use of excessive cuts and fills.
5. Maintain existing drainage patterns.
6. Disperse facilities more evenly throughout the site.
7. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
8. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
9. An engineered sediment control plan must be submitted for this development.
10. There is no guarantee that this concept will fully comply with the most recent changes to the Maryland Stormwater Design Manual. The concept will need to be resubmitted at the preliminary plan stage to assure compliance with the most current regulations.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Nadine Vurdelja Piontka at 240-777-6334.

Sincerely,



Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB:dm

cc: C. Conlon  
M. Pfefferle  
SM File # 235849

QN -onsite; Acres: 171  
QL - onsite; Acres: 171  
Recharge is provided

WASHINGTON SUBURBAN SANITARY COMMISSION

DEVELOPMENT PROPOSAL REVIEW  
FOR A  
REZONING APPLICATION

SEP 03 2009

APPLICATION NO.: G-884

DATE: JULY 27, 2009

APPLICANT: JOHN HANSON

LOCATION: QUINCE ORCHARD ROAD, TURKEY FOOT ROAD AND DUFIEL MILL ROAD

COUNTY: MONTGOMERY

200' SHEET NO.: 218NW12

PRESENT ZONING: RE-2

PROPOSED ZONING: PD-2

SIZE OF PARCEL: 170.77 Acres

DWELLING UNITS: 187 Detached SF or 187 TH

OTHER:

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**WATER INFORMATION**

1. Water pressure zone: 560D
2. There are 2 alignment alternatives that could be used to serve the subject property.

The first alternative would require an 800-foot-long water extension to serve the property. This extension would connect to contract no. 83-5785A in Quince Orchard Road, and would abut approximately 1 other property in addition to the applicant's. At this time it is not certain whether or not this extension would need to be a CIP-sized water main.

The second alternative would require a 1,900-foot-long water extension to serve the property. This extension would connect to contract no. 65-4143 in Travilah Road, and would abut approximately 7 other properties in addition to the applicant's. This water extension most likely would need to be a CIP-sized water main.

3. Local service is adequate.
4. Program-sized water main extensions (16 inches in diameter or greater) may be required to serve the property.
5. The impact from rezoning this property would be negligible.

**SEWER INFORMATION**

1. Basin: Muddy Branch
2. Two sewer extensions would be required to serve the property.

The first required sewer extension to serve the subject property would be an 800-foot-long non-CIP-sized sewer extension. Rights-of-way would be required. Construction of this extension would disturb the Muddy Branch stream valley in Muddy Branch Park, and will most likely require the removal of mature trees.

The second required sewer extension to serve the subject property would be a 300-foot-long non-CIP-sized sewer extension. Rights-of-way would be required. Construction of this extension would disturb the Muddy Branch stream valley in Muddy Branch Park, and will most likely require the removal of mature trees.

3. Flow from the present zoning: 2,050 GPD  
Flow from the requested zoning: 94,600 GPD  
Flow from the proposed development: 57,000 GPD
4. Relief of existing downstream program-sized sewer lines may be required to serve the property.
5. Interceptor capacity is deficient.
6. The impact from rezoning this property would not be negligible. The impacts from rezoning this property may require relief for some existing downstream trunk sewer segments.

*Statements of adequacy/inadequacy are made exclusively for this application at this time. Further analysis of adequacy will be part of the review at the time of application for water/sewer service.*

*Reviewed by Bruce MacLaren (301) 206-8817*



DEPARTMENT OF TRANSPORTATION

Irish Leggett  
County Executive

October 23, 2009

Arthur Holmes, Jr.  
Director

Mr. Ki Kim  
Transportation Planning  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Local Area Transportation Review/  
Policy Area Mobility Review for  
Hanson Property  
G-884

Dear Mr. Kim:

We have completed our review of the Traffic Impact Study dated April 3, 2009 for the above referenced project prepared by the Traffic Group. The site is located in the Rural West Policy Area and has a congestion standard of 1450.

LATR

We agree that all critical intersections will have acceptable Critical Lane Volumes.

PAMR

We also agree that Policy Area Mobility Review is not required because the site is located in the Rural West Policy Area.

CONCLUSION

In Summary, this application for Hanson Property, passes both LATR and PAMR.

Please correct the pedestrian walking speed used for the intersection of Darnestown Road at Quince Orchard Road on page 16. The assumed walking speed of 3 foot per second is incorrect; the current published standard is 4 foot per second. We are designing our signal improvements based on what will be the new standard of 3.5 foot per second. Please revise the report accordingly.

Division of Traffic Engineering and Operations

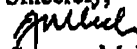
100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878  
Customer Service 240-777-6000 • Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
trafficops@montgomerycountymd.gov

Mr. Ki Kim  
Hanson Property  
Traffic Impact Study  
October 23, 2009  
Page 2

If the site access proposed on Travilah Road is denied, this document should be updated at the preliminary plan stage to redistribute the site trips and analyze their impacts.

Thank you for the opportunity to review this Traffic Impact Study. If you have any questions or comments regarding this letter, please contact Sam Farhadi at (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager  
Development Review Team

cc: Wes Guckert, the Traffic Group Inc.  
Gary Erenrich, DOT  
Bruce Mangum, DOT  
Sam Farhadi, DOT TEO

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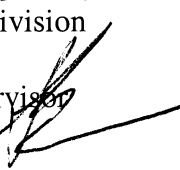





February 12, 2010

**MEMORANDUM**

TO: Damon Orobona, Zoning Analyst  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning 

FROM: Ki H. Kim, Planner/Coordinator  
Transportation Planning 

SUBJECT: Zoning Application No. G-884  
Hanson Property  
Potomac

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This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject zoning application. The application includes 171 acres of land, the Hanson Property, located along west side of Quince Orchard Road and north of Travilah Road in the Potomac area. The subject site is currently zoned RE-2 and proposed to be developed for 187 single-family residential dwelling units under the PD-2 zone.

**RECOMMENDATIONS**

Based on our review of the submitted traffic analysis and Schematic Development Plan (SDP), Transportation Planning staff recommends the following condition as part of the APF test for transportation requirements related to approval of this zoning application.

1. Total development under the proposed zoning application is limited to 187 single-family residential dwelling units.

**DISCUSSION**

**Site Access and Vehicular/Pedestrian Circulation**

The proposed Hanson Property development will have three access points, two from Quince Orchard Road and one from the intersection of Travilah Road and Turkey Foot Road. The applicant proposed construction of a traffic circle at the entrance from the Travilah Road/Turkey Foot Road intersection that is approved by MCDOT.

Staff finds the proposed access to the site, as shown on the Schematic Development Plan, to be safe and adequate. Staff also finds that the internal vehicular/pedestrian circulation and walkways as shown on the Schematic Development Plan to provide for a safe and adequate movement of pedestrian traffic.

Local Area Transportation Review (LATR)

A traffic study was submitted to determine the impact of proposed development on area transportation system. Three local intersections were identified as critical for analysis to determine whether they meet the applicable congestion standard of 1,350 Critical Lane Volume (CLV) for the Rural West Policy Area. The proposed development trips were added to the existing traffic to determine the total future traffic. There is no background traffic (trips from approved but unbuilt development) in this area. The total future traffic was assigned to the critical intersections to evaluate the total future CLVs. The result of CLV calculation is shown in the following table.

**Table I**

	Existing		Total	
	AM	PM	AM	PM
MD 124/MD 28	1,245	1,183	1,246	1187
MD 190/Piney Meetinghouse Rd	1,292	1,011	1,307	1,020
Dufief Mill Rd /Quince Orchard Rd	428	499	453	615

As shown in the above table, all existing intersections are currently operating at acceptable congestion standard and is projected to continue under the total future traffic condition. Therefore, this zoning application meets the LATR requirements of the APF review.

Policy Area Mobility Review (PAMR)

The site is located in the Rural West Policy Area where there is no PAMR mitigation requirement. Therefore, the subject application satisfies the PAMR requirements of the APF review.

**CONCLUSION**

Staff concludes that the 187 single-family dwelling unit residential development of the Hanson Property proposed under PD-2 will not have an adverse impact on the surrounding roadway network.

KK:tc



**MONTGOMERY COUNTY PUBLIC SCHOOLS**  
MARYLAND

www.montgomeryschoolsmd.org

February 17, 2010

Mr. Damon B. Orobona  
Development Review Division  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Dear Mr. Orobona:

This letter is sent in response to Zoning Application No. G-884, known as the Hanson property. This 171-acre property is located along Quince Orchard and Travilah roads, northwest of Travilah Elementary School. The proposed rezoning, from RE-2 to PD-2, would result in 187 housing units. I understand that the number of units that would be single-family detached and the number that would be townhouses is variable but that at least 66 units (35 percent of the total units) would be townhouses. If this were the case, then the total mix would be 121 single-family detached and 66 townhouse units. This mix and number of housing units would generate approximately fifty seven (57) elementary, twenty seven (27) middle, and seventeen (17) high school students, at full build-out.

This property is located within the Travilah Elementary School, Robert Frost Middle School, and Wootton High School attendance areas. Enrollment at Travilah Elementary School is currently within the capacity of the school and is projected to remain within capacity. Enrollment at Robert Frost Middle School is currently over the capacity of the school. Middle school enrollment is trending down and is expected to be within capacity by the 2014–2015 school year. Enrollment at Wootton High School is currently over the capacity of the school and is projected to remain over capacity. See enclosed pages from the Montgomery County Public Schools' *Recommended FY 2011 Capital Budget and FY 2011–2016 Capital Improvements Program* (CIP).

For your information, the current growth policy school test (FY 2010) finds capacity adequate in the Wootton Cluster.

Sincerely,

Bruce H. Crispell, Director  
Division of Long-range Planning

BHC:lmt

Enclosure

Copy to: Mr. Bowers, Mr. Lavorgna, Ms. Turpin

**Division of Long-range Planning**

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2096 Gaither Road, Suite 201 ♦ Rockville, Maryland 20850 ♦ 240-314-4700 ♦ Fax 240-314-4707



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

**MEMORANDUM**

TO: Damon Orobona, Senior Planner, Development Review

VIA: Stephen D. Federline, Master Planner, Environmental Planning *SH*

FROM: Joshua Penn; Senior Planner, Environmental Planning *JP*

DATE: February 1, 2010

SUBJECT: Hanson Property: Preliminary Forest Conservation Plan  
(Local Map Amendment #G-884)

Recommendation: Approval of the zoning change from RE-2 to the PD-2 zone, including the Development Plan and the associated Preliminary Forest Conservation Plan. Staff supports the approval of the preliminary forest conservation plan including the required variance for specimen tree removal, subject to Board affirmation of staff recommendations and subsequent District Council approval as part of the Council's action on the Development Plan in accord with Section 59-D-1.4.

**BACKGROUND**

The 170.77-acre property is located at 14100 and 14200 Quince Orchard Road and Turkey Foot Road. The project site is bounded by Quince Orchard Road on the east, Turkey Foot Road and Travilah Road on the south, single family residences and parkland on the west north. Currently, the property is active farmland. The applicant is seeking to change the zoning from RE-2 to PD-2 and build 187 single-family attached and detached residences.

**Environmental Inventory**

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved by Environmental Planning staff on December 3, 2008. There are two ponds and four streams on-site. The property contains 52.69-acres of forest, 33.87-acres of stream valley buffer (SVB), and 0.32-acres of wetlands. Of the 52.69-acres of forest on-site 23.13-acres are within environmentally sensitive areas.

The topography of the property is generally rolling hills and valleys across the site. There is some grade relief of 25% or greater leading down the valleys to stream channels. There is a variety of upland and lowland soil types on the project site including, 1B and 1C Gaila Silt Loam, 2B and 2C Glenelg Silt Loam, 4B Elioak Silt Loam, and 16D highly-erodible Brinklow-Blocktown Channery Silt Loam.

## **Forest Conservation**

Staff finds that the plan meets all applicable requirements of the county Forest Conservation Law, Chapter 22A. Staff supports the approval of the preliminary forest conservation plan (PFCP).

The PFCP shows 14.68 acres of forest clearing and 38.01 acres of forest retention. This level of forest retention exceeds the amount necessary to avoid reforestation, while also protecting priority forest within and contiguous to the stream valley buffer on the site.

The details necessary to bring this plan to final approval shall be formalized during subsequent reviews before the Planning Board. The approval of the PFCP includes and is dependent upon the approval of the forest conservation variance discussed below.

## **Forest Conservation Variance**

On October 1, 2009, Maryland State Senate Bill 666 (SB 666) became law statewide and mandated new criteria into all local forest conservation laws. Bill 666 identifies certain individual trees as high priority for protection. If a forest conservation plan cannot be altered to protect these individuals, the applicant is required to submit a variance to remove trees. In general, the variance provision of Bill 666 applies to all trees 30" DBH and greater, trees that are 75% the diameter of the county champion for that species, and rare, threatened and endangered species. Since this project did not obtain approval of a Preliminary Forest Conservation Plan prior to October 1, 2009 and the applicant is proposing to remove 41 trees greater than 30 inches DBH a variance is required. The applicant has requested a variance to remove the trees.

Montgomery County Code 22A (Forest Conservation Law (FCL)) Section 22A-21(c) requires the Planning Board to refer a copy of each request to the County Arborist in the Montgomery County Department of Environmental Protection and other appropriate officials or agencies for a written recommendation prior to acting on the request. The County Arborist has 30 days to comment. If the County Arborist does not provide a recommendation within 30 days the recommendation is presumed to be favorable. In this case, the variance request was referred to the Montgomery County Arborist within the Montgomery County Department of Environmental Protection (DEP) on November 24, 2009. The County Arborist has elected not to review the variance request in a letter dated December 3, 2009.

FCL, Section 22A-21(e) states that the Planning Board must make findings that the applicant has met all requirements of this section before granting a variance. FCL Sect. 22A-21(d) states that a variance must *not* be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;

2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

## Findings

1. *Will confer on the applicant a special privilege that would be denied to other applicants.*

The requested variance will not confer on the applicant any special privileges that would be denied to other applicants. The trees requested to be removed are located interior to the project site within existing forest? and the development has been clustered to significantly exceed and protect the minimum amount of forest retention for the site.. The trees range in size from 30" DBH up to 48" DBH but are not champion trees or 75% of the DBH of the state champion tree for that species. The loss of a tree(s) covered under SB 666 is quite common: this circumstance is not unique. Our staff recommendations strive to be consistent, with outcomes that do not grant a special privilege that would be denied to other applicants.

2. *Is based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the applicant. The requested variance is based on site layout and design for the development within the PD-2 zone which provides forest retention (including specimen trees) well beyond minimums to avoid reforestation. Nevertheless, the efficient site layout and design necessitates the removal of these trees within the development area.

3. *Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.*

The requested variance is a result of the proposal which promotes an efficient site design and layout for the subject property and not as a result of land or building use on a neighboring property.

4. *Will violate State water quality standards or cause measurable degradation in water quality.*

The requested variance will not violate State water quality standards or cause measurable degradation in water quality. Under section 22A-16(d) of the County code "*The Board or Director may treat any forest clearing in a stream buffer, wetland or special protection area as creating a rebuttable presumption that the*

*clearing had an adverse impact on water quality.*” In this case, the specimen trees proposed to be removed within the LOD are not within a stream buffer, wetland or a special protection area and as such it is presumed that the removal of these individual trees would not cause degradation to water quality.

As a result of the above findings Environmental Planning staff recommends the approval of the applicant’s request for a variance from Forest Conservation Law to remove specimen trees within the LOD as shown on the proposed preliminary forest conservation plan.

**Environmental Guidelines**

This plan is in compliance with the Montgomery County Environmental Guidelines and all environmentally sensitive areas are being shown as protected.

**Master Plan Considerations**

The site is in the Potomac Subregion Master Plan Area. The proposal is consistent with the Plan’s, environmentally based, recommendations and Land Use and Design Guidelines. Through clustering forest retention, and park dedication the proposed plan protects environmentally sensitive areas and expands the regional stream valley park system.

**Recommendation:**

Environmental planning staff recommends approval of the zoning change from RE-2 to the PD-2 zone, including the Development Plan and the associated Preliminary Forest Conservation Plan.

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NORMAN G. KNOPF

October 19, 2009

Via Email  
[Damon.orobona@mncppc-mc.org](mailto:Damon.orobona@mncppc-mc.org)

Damon Orobona  
Development Review Section  
Maryland National Capital Park &  
Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Hanson Farm Rezoning G-884

Dear Damon Orobona:

This letter is sent on behalf of the Hunting Hills Estates Homeowners Association, which this firm represents.

The Hunting Hills Estates is a RE-2 community located opposite the Hanson Farm site. Hunting Hills Estates has a number of concerns with the proposed rezoning application. I am pleased to advise that representatives of Hunting Hills Estates have been meeting with the applicant and its representatives to discuss these concerns. We are hopeful that the parties will be able to reach agreement as to how these concerns may be resolved, so that the Hunting Hills Estates HOA would not be in the position of opposing the rezoning.

Should these efforts prove unsuccessful, we will contact the staff and request an opportunity to meet with you to make our concerns known.

During the course of our discussions with Hanson Farm representatives, we were advised that it has been suggested by some staff at Park & Planning that the location of the access road proposed by the applicant at Travillah Road and Turkey Foot Road, with a traffic circle, be relocated. The relocation would move the road to a point opposite Hunting Hill Way.

The Hunting Hill Estates HOA believes that the road access proposed by the applicant is the most appropriate one and *Hunting Hills Estates HOA strongly opposes the relocation of the access road to opposite Hunting Hill Way.* Among the reasons for this opposition are:



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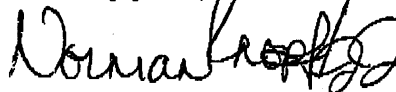
1. Access at this location would be unsafe. Hunting Hill Way and Travillah Road are currently used as the pick-up and drop-off point for school busses for the three public schools that service the area: Travillah Elementary School, Frost Middle School, and Wootton High School. As a result, the Travillah/Hunting Hill Way intersection, as well as the portion of Hunting Hill Way close to that intersection, is congested with cars of parents who have taken their children to the school bus stop and are awaiting the busses. These cars park on the streets and shoulder. Locating an access road to the Hanson Farm development at this point will exacerbate the already unsafe conditions.

2. This location will result in "cut-through" traffic through the Hunting Hill Estates community. Under construction presently is an extension of Riding Fields Way, which will connect the Hunting Hills Estates community with the adjacent Travillah Grove community. This will permit travel through Hunting Hill Way to the Riding Fields Way extension, through the Travillah Grove community to Mount Prospect Road, which connects to Travillah Road. This permits cars to avoid that portion of Travillah Road which contains the elementary school and the congestion generated by that school traffic. Needless to say, the community does not want any cars cutting through the community.

3. The relocation of the road will make ingress and egress from Travillah onto Hunting Hill Way even more difficult. There currently is considerable traffic on Travillah, making turning movements in and out of Hunting Hill Way difficult and time consuming. Constructing a road opposite Hunting Hill Way will make this situation more difficult, and inconsistent with the rural/rustic character of the area, which lead the Hunting Hills Estates homeowners to purchase their homes.

Accordingly, we urge the Planning Board staff to endorse the access road location as proposed by the applicant.

Sincerely yours,



Norman G. Knopf  
Attorney for the Hunting Hills Estates HOA

cc: Callum Murray, MNCPPC (via email: [Callum.Murray@mncppc-mc.org](mailto:Callum.Murray@mncppc-mc.org))  
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