



**Pre-Preliminary Plan No. 720130040: Potomac Highlands**

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**Completed: 05/16/13**

**Description**

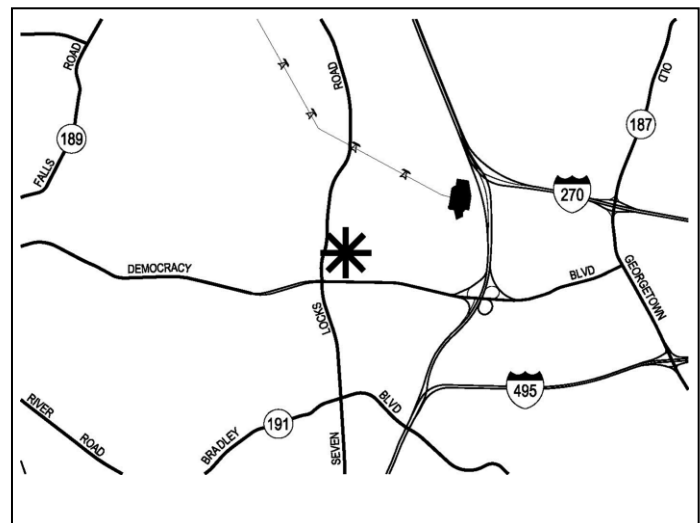
**Pre-Preliminary Plan No. 720130040: Potomac Highlands**

23 Townhomes requested including 4 MPDUs, located on the east side of Seven Locks Road, 1600 feet north of Democracy Boulevard, 5.24 acres, R-90 Zone, Potomac Subregion Master Plan.

**Staff Recommendation:** *Approval with Conditions*

**Application received:** *January 23, 2013*

**Applicant:** *Winchester Homes, Inc.*



**Summary**

- Staff recommendation: **APPROVAL with conditions.**
- The application request is for Board approval of the overall concept for development, under the Alternative Procedure for Pre-application Submission, (Chapter 50, Sec. 50-33A.) with a focus on the following issues:
  - That the project conforms to the provisions of the Zoning Ordinance, in particular that development with 100 percent townhouses is supported.
  - That the project is consistent with the Master Plan.
  - That the plan conforms to the Subdivision Regulations.
  - That public facilities are adequate, particularly for transportation and schools.

**RECOMMENDATION:** Approval, subject to the following conditions:

- 1) No more than 23 townhouse lots may be included on a future preliminary plan containing a 100 percent townhouse layout.
- 2) An application for a preliminary plan shall be filed within ninety (90) days following the action of the Board on the pre-application submission; otherwise the concept plan shall expire, unless extended by action of the Board.
- 3) The preliminary plan application must contain the statement of the Board's action on the pre-application submission concept plan.
- 4) The preliminary plan application must be in substantial conformance with the pre-application submission concept plan.

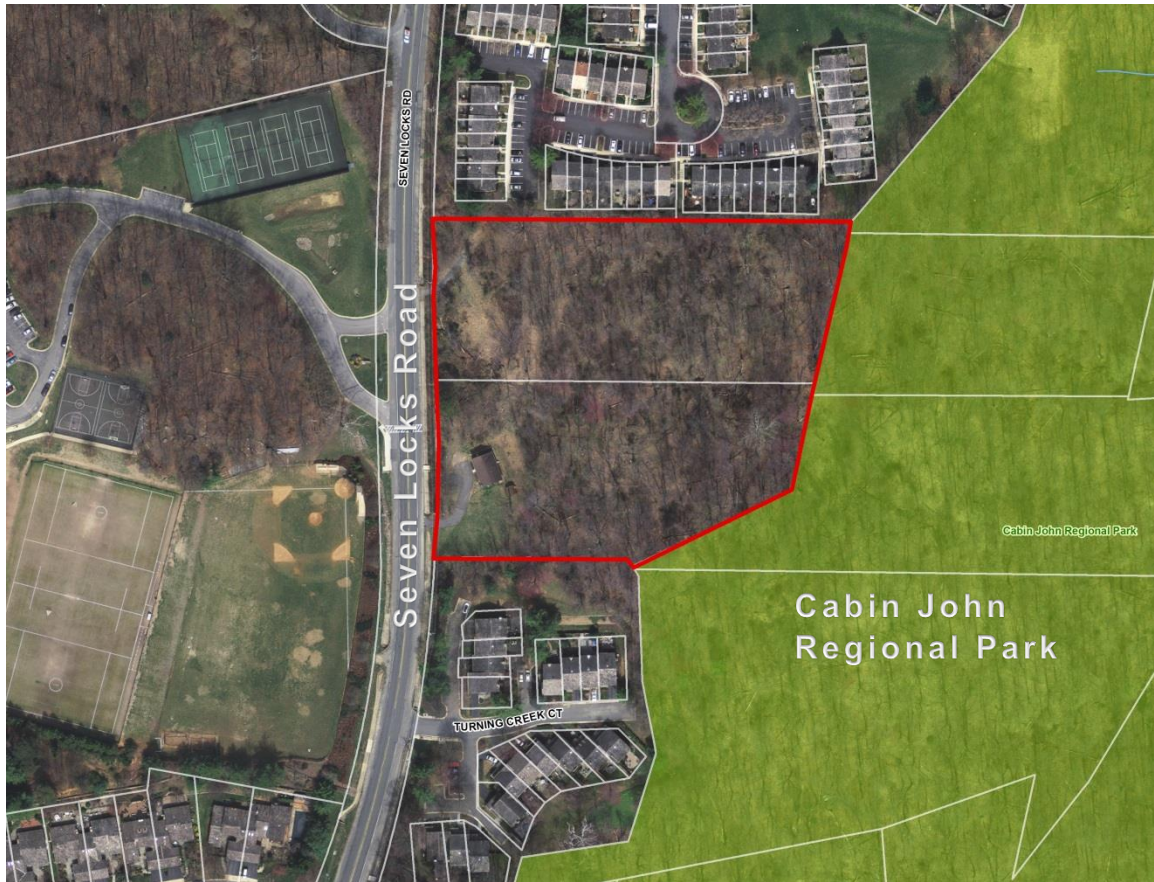
**BACKGROUND**

Winchester Homes, Inc. ("Applicant"), the contract purchaser of approximately 5.24 acres of land located on the east side of Seven Locks Road (10401 and 10525 Seven Locks Road and commonly referred to as the Burley Property) (the "Property") (Figure 1) and part of the Potomac Subregion Master Plan has submitted a Pre-Preliminary or Concept Plan ("Plan") for development of the Property. The Applicant requests that the Board review this Plan pursuant to the alternative procedure for pre-application submission contained in Section 50-33A of the Montgomery County Subdivision Regulations and make binding findings on the following:

- That the Plan conforms to the provisions of the Zoning Ordinance. More particularly, that development of the Property with 100% townhouses is supported.
- That the Plan is consistent with the Potomac Master Plan.
- That the Plan conforms to the purposes and other requirements of the Subdivision Regulations.
- That the Plan satisfies the Adequate Public Facilities Ordinance, particularly for transportation and schools.

**BRIEF SUMMARY OF PROCEDURE UNDER Sec. 50-33A.**

The Board is required to provide the applicant a statement of its action with respect to the Plan within five days from the hearing date. Approval of any feature of a concept plan does not limit the ability of the Board to impose further conditions as required by subdivision regulations on features of the preliminary plan not included in the concept plan. In their review of a preliminary plan submitted within ninety (90) days of the Board action, neither the Board's staff nor the agencies to which the plan is referred can recommend modifications to the pre-application conditions imposed by the Board, unless requested in writing by the applicant, or unless the applicant substantially changes some feature of the approved concept plan. The Board, in its review of the plan, can consider only those features of the plan which are not in conformity with the conditions it imposed in the pre-application review, plus any features not considered or acted upon in that review.



**Figure 1 - Burley Property depicted in red**

## **SITE DESCRIPTION**

The subject site, known as the Burley property, (Figure 1) consists of two parcels, P361 and P417, with a total of approximately 5.24 acres. It is located on the east side of Seven Locks road, approximately 1,600 feet north of its intersection with Democracy Boulevard. It is almost rectangular in shape and has approximately 458 feet of frontage on Seven Locks road and a maximum depth of approximately 569 feet. Presently, the site is developed with a single detached dwelling unit in the southwest corner of the site. A winding steep driveway provides access from Seven Locks Road to the dwelling unit. An additional overgrown driveway is located in the northwest area of the site and leads up a steep slope to a more level area of the property close to the northern property line.

With the exception of a cleared area surrounding the dwelling unit in the south west corner, the site is heavily forested, with significant large specimen trees and steep slopes. The site rises from a low point in the southwest corner at 264 feet to a high point of 339.8 feet in a linear distance of 458 feet, an overall grade of 16.5 percent. The site falls from this high point towards Cabin John Regional Park to a low point of 312.5 feet in the northwest corner, an overall grade of 9.4 percent. The steepest slopes are to the west with the slope from the western midpoint of the site to the 315 contour reaching 21.2 percent and from the southwest corner to the 300 contour reaching 24 percent.

## Zoning History

- 1964 Two contiguous forested parcels (P400 and P455), abutting the subject site to the east, were acquired by M-NCPPC from the Burley estate by mutual agreement and now constitute part of Cabin John Regional Park.
- 1969 The subject property was reclassified from the R-90 Zone to the R-T Zone by LMA F-419, permitting densities up to 12.5 dwelling units per acre.
- 1973 At the request of the owner, and in order to avoid the increased tax burden, the previous rezoning was reversed and the property reclassified from the R-T 12.5 Zone back to the R-90 Zone by LMA F-903.
- 1992 The Planning Board, in the Final Draft Potomac Subregion Master Plan, recommended acquisition of the property as an extension to Cabin John Regional Park. The owner objected and the County Council disapproved the Planning Board recommendation.
- 2003 The owner filed an application for the R-T 8 Zone, with a schematic development plan (SDP) for 30 units (reduced from original 34). Citing environmental concerns and the absence of concept approval for stormwater management, planning staff recommended deferral/denial, and the owner requested deferral.
- 2004 A contract purchaser of the Property filed a Local Map Amendment application (G-809) for the R-T 8 Zone with a schematic development plan for 32 units.
- 2005 The application was amended to depict 31 units (Attachment A). The Planning Board unanimously recommended approval, subject to revision of the number, size and layout of the units at subdivision and site plan to protect the environment. The Board agreed that the schematic development plan was compatible with adjacent development in terms of unit type, density and setbacks, but indicated concern regarding preservation of natural features, erosion control and stormwater management. The Board indicated that the number of units might need to be reduced at site plan, pending a level of engineering detail that was not available at the schematic plan stage.
- 2006 The County Council enacted a legislative change, reducing the threshold for Moderately Priced Dwelling Units (MPDUs) from 35 to 20 units. The Hearing Examiner concluded that the Property would be appropriate for RT zoning but recommended that the applicant further address stormwater management and traffic concerns. The Council permitted the applicant to withdraw the application, without prejudice. Thus, the property remains in the R-90 zone.
- 2013 A new contract purchaser filed a pre-application concept plan under the R-90 Zone. As the G-809 case in 2006 was the last time the property was examined in detail, staff preparing this report leaned heavily on the Hearing Examiner's findings in that case.

## **RELATIONSHIP TO NEIGHBORHOOD**

The Property is zoned R-90. (Figure 2) The Plan proposes the development of the 5.24 acre tract of land (gross tract area is 5.41 acres) with 23 townhouse dwelling units (19 market rate and 4 Moderately Priced Dwelling Units) at a density of 4.39 units per acre. The Property immediately abuts a series of townhouse developments, (Figure 3) as follows:

North: Inverness North	Zone RT-12.5	11.33 acres	122 units	Density 10.8 per acre
Scotland	Zone RT-12.5	8.99 acres	100 units	Density 11.1 per acre
Bells Mill Spring	Zone RT-12.5	4.10 acres	48 units	Density 11.7 per acre
South: Turning Creek	Zone RT-6	3.00 acres	18 units	Density 6.0 per acre

To the east of the site is the Cabin John Regional Park, and directly across Seven Locks Road to the west is a private educational institution, the Heights School zoned R-90. South and west of the Heights School, the properties are zoned R-90 and developed with single-family detached dwelling units. North of the Heights School, the property is zoned R-90 and developed with the Inverness Forest subdivision, consisting of single family and townhouse units.

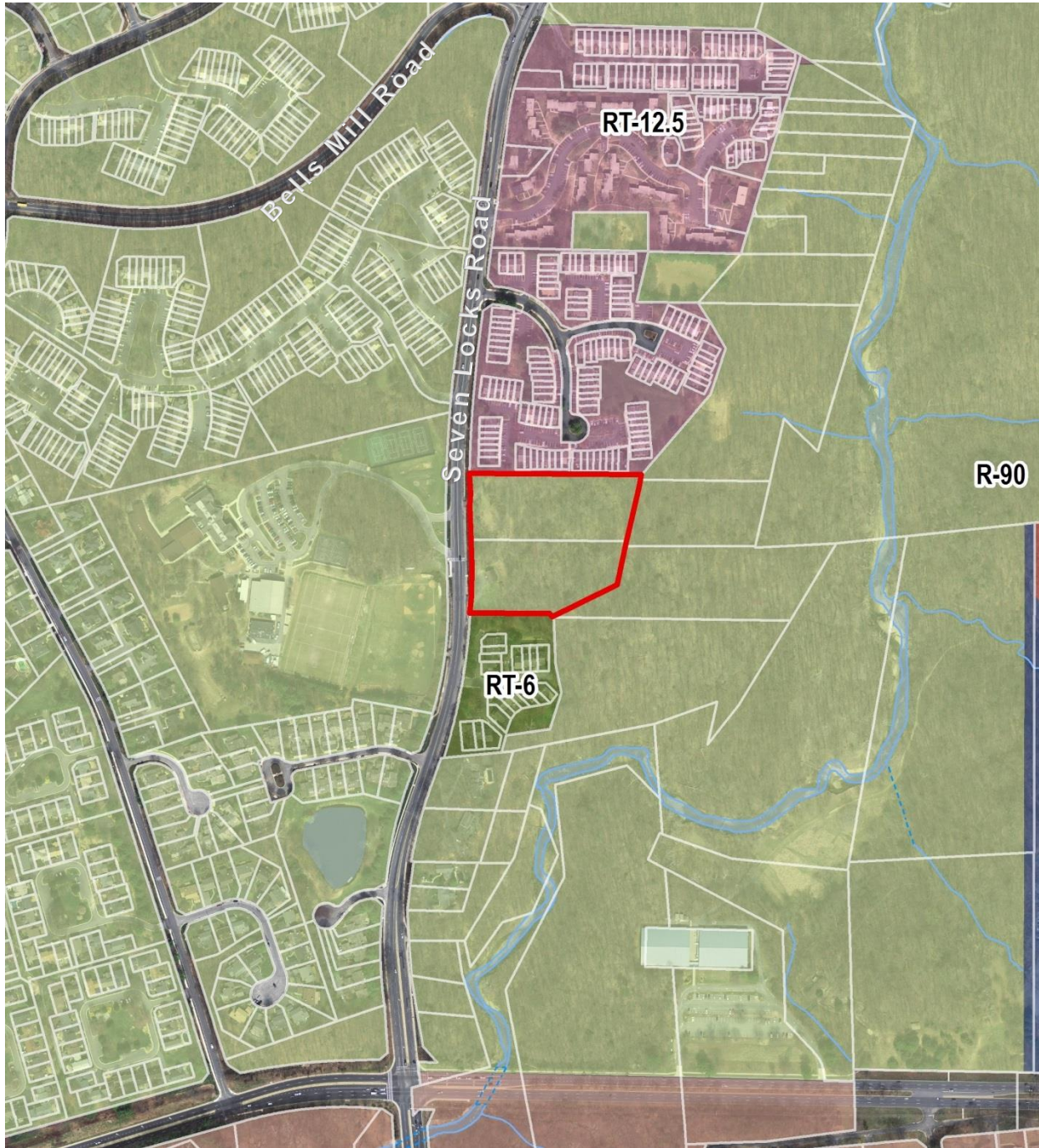


Figure 2 – Zoning

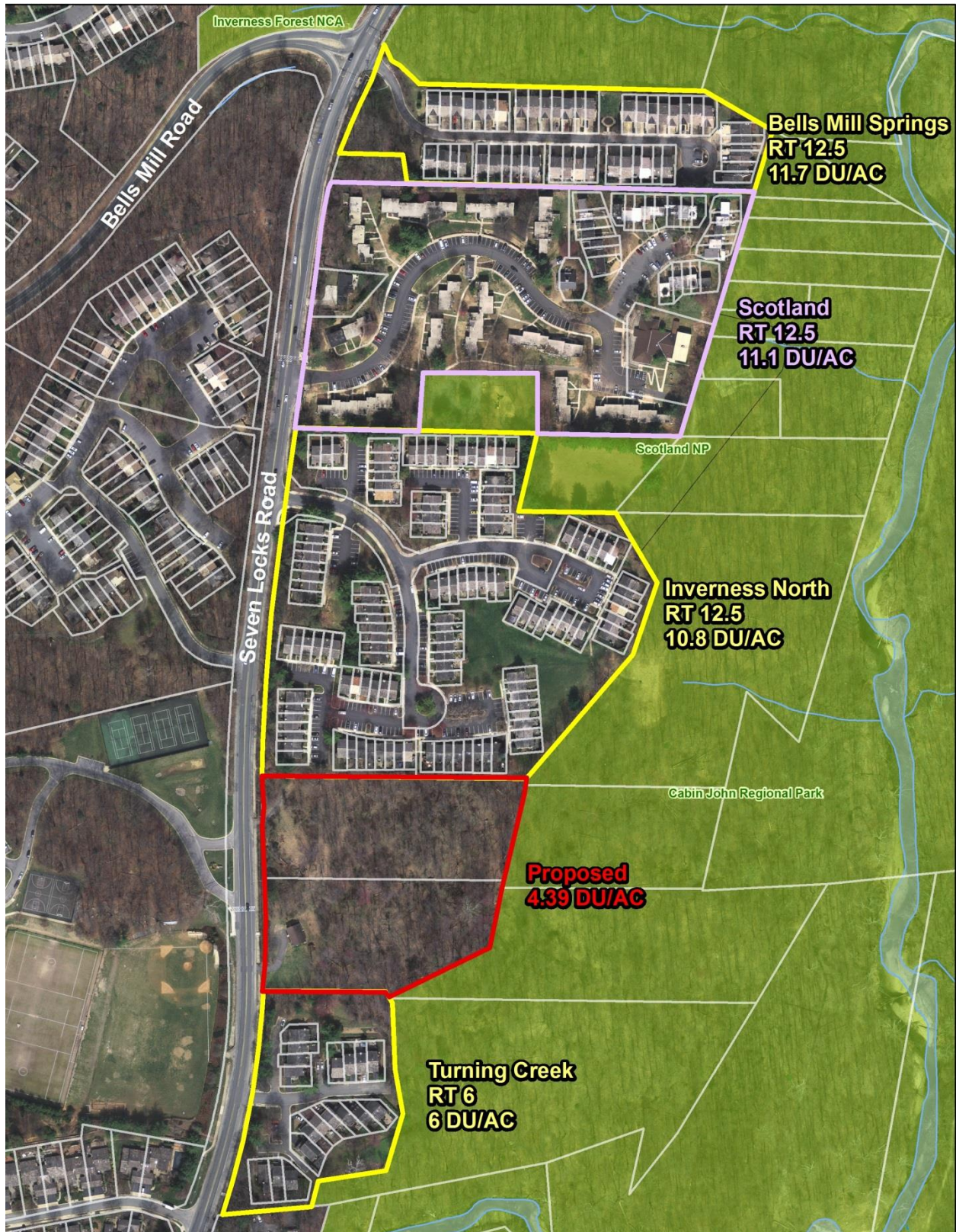


Figure 3 - Density

The application depicts a general representation of the contemplated layout of 23 units. (Figures 4, 5 and 6) The project is proposed to be developed under Section 59-C-1.6 of the Zoning Ordinance, Development including Moderately Priced Dwelling Units. Under this section, townhouses are permitted in the R-90 zone. The application proposes 19 market lots and volunteers 4 MPDUs (15 percent) for a density of 4.39 dwelling units/acre, which is the maximum number of dwelling units per acre of usable area in the R-90 Zone. The density is below the townhouse densities of the adjacent properties (see above) and significantly below that previously approved by a prior LMA or thereafter proposed for the Property (see zoning history).

The application proposes the minimum lot size of 1,500 square feet for townhouses, meets the maximum building height permitted, and exceeds the minimum parking and green area requirements.

**NOTES**

1. OWNER: MASA E. BIRLEY  
POTOMAC, MARYLAND 20854  
PARCEL 411  
L. 2451 F. 001  
TAX PARCEL 408  
10205 SEVEN LOCKS ROAD  
10205 SEVEN LOCKS ROAD 2.
2. APPLICANT/DEVELOPER: PINCHETER HOMES  
6009 ROCKLEDGE DRIVE, SUITE 200  
ATLANTA, GA 30328  
TEL: (404) 803-4000
3. BOUNDARY INFORMATION BY: GUTSCHICK, LITTLE & KEENER P.A., 2002  
FIELD RUN TOPOGRAPHY BY: 6/14, 2002.
4. AERIAL TOPOGRAPHY BY: PATTON HARRIS & ASSOCIATES, 2006.  
FIELD RUN TOPOGRAPHY BY: 6/14, 2002.
5. THE SITE IS LOCATED IN THE LITTLE SENEGA CREEK WATERSHED USE  
CLASS III-P, AND MIDDLE GREAT SENEGA CREEK WATERSHED USE CLASS  
III-F.
6. EXISTING WATER AND SEWER CATEGORIES: 5-3 PH.
7. THIS PROPERTY WILL BE SUBJECT TO A FOREST CONSERVATION PLAN.  
TRAFFIC STUDY BY: LEMHART TRAFFIC CONSULTING, INC., FEBRUARY, 2002.  
UPDATED NOVEMBER 24, 2002.
8. THIS PROPERTY DOES NOT CONTAIN A SITE LISTED ON THE INVENTORY  
OF HISTORIC SITES.
9. DEVELOPMENT PROGRAM:  
THIS PLAN WILL BE DEVELOPED IN A SINGLE PHASE.
10. HOGE LOCATIONS, FOOTPRINTS AND GRADINGS ARE ILLUSTRATIVE AND  
DO NOT CONSTITUTE A CONTRACT. THE BUILDING PERMIT BASED ON THE  
BUILDING STANDARDS ATTACHED TO THIS PLAN.
11. ALL UTILITIES ARE SHOWN AND MUST BE SET AS SHOWN.
12. UTILITIES ARE TO BE DELETED AND RELOCATED AS SHOWN.
13. APPROPRIATE APPROVED FINAL UTILITY CONSTRUCTION PLANS  
CRITICAL HABITATS ON-SITE.
14. THERE ARE NO KNOWN RARE, THREATENED OR ENDANGERED SPECIES OR  
CRITICAL HABITATS ON-SITE.
15. THERE IS NO FLOODPLAIN ON THIS SITE. THERE ARE NO KNOWN WETLANDS  
ON THIS SITE.
16. INSURPED BY: GUTSCHICK, LITTLE & KEENER P.A.  
APPROVED: 4/20/05-DATED NOVEMBER 21, 2002.
17. SHW CONCEPT HAS BEEN SUBMITTED AND IS UNDER REVIEW.

**SITE DATA**

Site Area: 5.61 Ac.  
Previous road dedication: 0.17 Ac.  
Net Site Area: 5.44 Ac.  
Existing (open): 0.34 Ac.  
Development Type: Single Family Dwelling  
Density: R-40 Base Zone (5.41 Ac x 3.6 DU) = 19.48 DU  
Density Allowed: 19 DU  
MFDs Required: 198  
MFDs Allowed: 198  
Proposed percentage of single family attached proposed DU: 100%  
Proposed percentage of duplexes proposed DU: 0%  
Proposed percentage of townhomes proposed DU: 0%  
Green Area Required (2,000 SF per DU): 38,960 SF  
Green Area Provided: 46,000 SF  
Green Area Excess: 7,040 SF

\*Note - Section 54-C-16 (outside #).  
The Applicant is requesting the Planning Board to approve a development in  
which 100% of the total number of units are one-family townhomes.

**ZONING STANDARDS R-40**

ALLOWED	PROPOSED
SINGLE-FAMILY ATTACHED (SEPA)	1500 SF
MINIMUM LOT AREA	1500 SF
MINIMUM LOT WIDTH AT A PUBLIC STREET FRONT	25 FEET
BUILDING SETBACKS	0 FEET
REAR SETBACK	0 FEET
REAR BULK	5 FEET
MAXIMUM BUILDING HEIGHT	40 FEET
MAXIMUM LOT COVERAGE	NA
	NO LIMIT

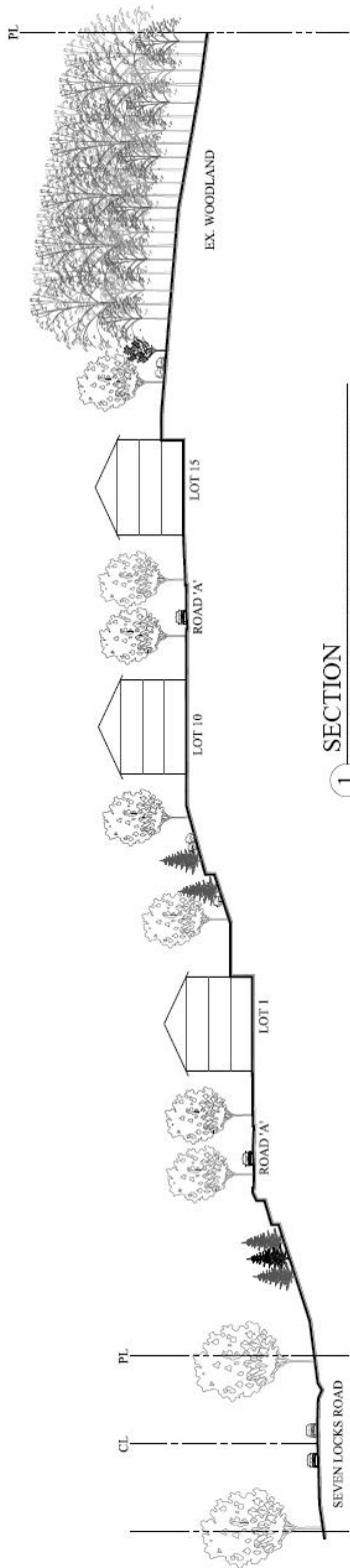


Figure 4 - Pre-Preliminary Plan

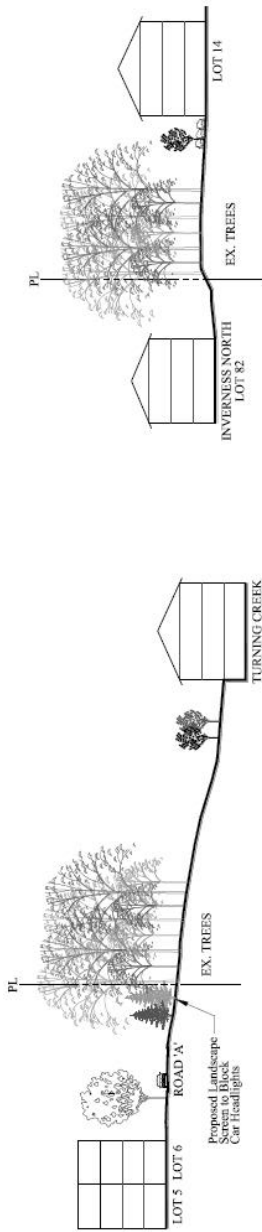




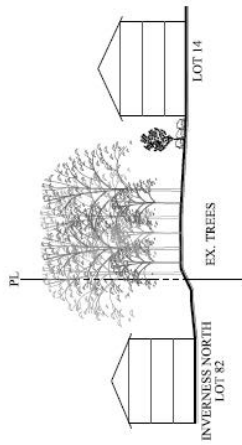
Figure 5 - Rendering



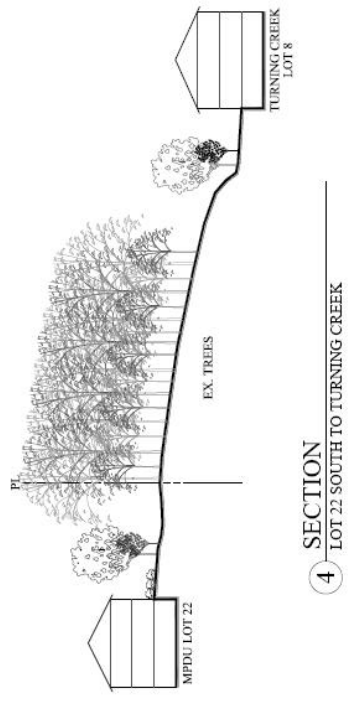
1 SECTION SEVEN LOCKS ROAD TO REAR PROPERTY LINE



2 SECTION LOT 6 SOUTH TO TURNING CREEK



3 SECTION LOT 14 NORTH TO INVERNESS NORTH



4 SECTION LOT 22 SOUTH TO TURNING CREEK

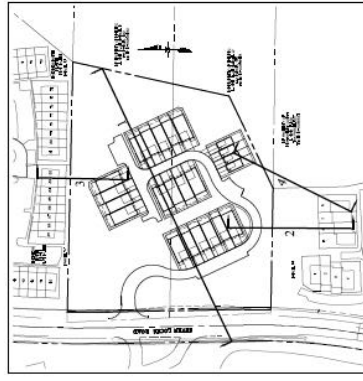


Figure 6 - Sections

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**

The Project meets the relevant recommendations contained in the Master Plan for the Property. It is consistent with the Plan's recommendation of residential land use, and consistent with its zoning recommendation, which calls for retaining the R-90 Zone. The Project also provides affordable housing, a goal specifically recommended on page 38 of the Master Plan:

*"One goal of this Master Plan is to retain and expand the supply of affordable housing in the Potomac Subregion. The Plan supports the Montgomery County Housing Policy and endorses opportunities that will result in meeting the Policy's objectives. The Plan also supports measures to provide affordable housing in the Subregion and recommends continuing to seek ways to fill this need."*

The proposed development will provide for 15% MPDU's or a total of 4 additional affordable housing units in an area of Montgomery County that is currently under served, and that otherwise would not be provided under standard development for single family detached dwelling units.

### **Compliance with the Zoning Ordinance**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 59 ("Zoning Ordinance"). The proposed lots meet the dimensional requirements for area, frontage, and width for townhouses in the R-90 zone. Setbacks for townhouse developments with MPDUs are typically determined at site plan.

In the R-90 zone, the Zoning Ordinance states that the maximum number of one-family attached dwelling units, semidetached dwelling units or townhouses allowed in a subdivision is 50% of the total units.

Section 59-C-1.62. Footnote 1 states: *"However, the Planning Board may approve a development in which up to 100% of the total number of units are one-family attached dwelling units, one-family semidetached dwelling units, or townhouses upon a finding that a (1) proposed development is more desirable from an environmental perspective than development that would result from adherence to these percentage limits, or (2) limits on development at that site would not allow the applicant to achieve MPDUs under Chapter 25A on-site. The Board also must find that any dwelling unit type above the standard percentage allowed must achieve not less than the same level of compatibility as would exist if the development were constructed using the standard percentage of that type of dwelling unit and that any development that exceeds the maximum percentage of allowable dwelling unit types must be compatible with adjacent existing and approved development."*

Section 59-C-1.629. (Special Optional Method of Development Requirements for MPDU Projects with 20 or fewer dwelling units) allows an applicant proposing 20 or fewer dwelling units to voluntarily provide MPDUs in such a development.

*"An applicant who voluntarily builds at least 12.5 percent MPDUs in a development with 20 or fewer dwelling units may use the optional method development standards of Sec. 29-C-1.62, except: (1) any perimeter lot that is adjacent, abutting, or confronting one or more existing one-family detached dwellings must conform to the lot area and yard requirements of the standard method of development; (2) the MPDU buildings must be similar in size and height to the market rate dwellings in that*

*development, and (3) the maximum percentage of townhouses must not exceed 40% of the total residential dwellings in that development; however, the Planning Board may approve a development in which up to 100 percent of the units consist of townhouses, if the Board finds that the increased use of townhouses is more desirable for environmental reasons and the increased use of townhouses is compatible with adjacent development.”*

The Application satisfies the provisions of the Zoning Ordinance under these sections for the following reasons:

**Environmental rationale**

- 100% townhouses will preserve a greater number of specimen trees and allow the Applicant to save the forest conservation threshold of twenty (20) percent of the property (1.05 acres) on site. By way of comparison, Exhibit 61 for LMA G-809 (Attachment B) depicted an illustrative layout for 17 single family detached lots at a minimum lot size of 5,000 square feet. The green space areas depicted were as follows:

Exhibit 61	1.05 acres forest*
	0.93 acres open space
Total	1.98 acres

(\* Note - the forest save areas depicted would not meet today’s standards for minimum width of 50 feet or area (10,000 square feet) and combinations of unit types were not depicted.)

- Standard R-90 development would require a larger impact to the site and existing forest due to the requirements and design standards for public road access. Although a private road would have the same width and area of pavement as a public road, setbacks would be measured from the right-of-way for standard development. The concept plan depicts 3.69 acres of combined forest conservation area and green space. A 100 percent townhouse layout would thus provide more significant open space than would occur if the Property were site planned for single family dwelling units with private yards. (Attachment B) (Staff notes that impervious surface area comparisons are difficult without reviewing alternative site plans.)

**Compatibility**

- There are no single family detached dwellings adjacent to the proposed development. All adjacent areas are either parkland or existing townhouse developments. Thus, the first clause of the section 59-C.1.629 is not applicable.
- The proposed development with 100% townhouses will be compatible with the abutting Inverness North townhouse development to the north and the Turning Creek townhouse development to the south. It will also be significantly less dense than both of its neighbors. It will be an appropriate use of the property and continue the existing townhouse residential character along the east side of Seven Locks Road.

**MPDUs**

- Section 59-C-1.62. Footnote 1 of the Zoning Ordinance states:

*“The Planning Board may approve a development in which up to 100% of the total number of units are one-family attached dwelling units, one-family semidetached dwelling units, or*

*townhouses upon a finding that .....or (2) limits on development at that site would not allow the applicant to achieve MPDUs under Chapter 25A on site.”*

The limits on development at the Burley property (size, steep grades, forest conservation, stormwater management) together with the history of the site suggest strongly that standard R-90 development would not generate sufficient dwelling units to reach the threshold for MPDUs. Despite this footnote, applicants who volunteer MPDUs still have to meet the requirement of Section 59-C-1.629 that increased use of townhouses is more desirable for environmental reasons.

- The application text states that the proposed MPDU units will be similar in width, appearance, height (3 story), and unit type (front load garage) as the market rate units. The text does not comport with the concept plan, which depicts the 4 units as narrower than the market units. This item would need to be addressed at preliminary plan stage.

### **Adequate Public Facilities**

#### **Roads**

As detailed in Council Resolution 17-601, Subdivision Staging Policy applies to any application for a Preliminary Plan of Subdivision filed on or after January 1, 2013. The Subdivision Staging Policy establishes the “Local Area Transportation Review (LATR) and Transportation Policy Area Review (TPAR) Guidelines”. The Guidelines require a Traffic Statement to determine the applicability and Status of LATR and TPAR requirements as they apply to the project. The Applicant provided a Traffic Statement prepared by Lenhart Traffic Consulting, Inc., (Attachment C).

The Traffic Statement states that the projected trip generation for the project is based on the rates for townhouse units obtained from the LATR Guidelines, and that the facility will generate eleven (11) trips in the morning peak hour and nineteen (19) in the evening peak hour. The project is thus not subject to LATR because it would generate less than 30 peak hour trips. The project is located in the Potomac Policy Area which is exempt from the Roadway Test, but is deemed inadequate under the Transit Test.

The TPAR Transportation Mitigation Payment is equal to 25% of the General District transportation impact tax for the subdivision. The new Development Impact Tax rate for single family attached dwellings for July 1, 2013 through June 30, 2015 is \$11,050 per dwelling unit. TPAR will apply if and when a Preliminary Plan is filed for the project.

MCDOT will determine improvements to the public right-of-way at the preliminary plan stage. At a minimum, dedication of right-of-way in accordance with the Master Plan for the arterial Seven Locks Road will be required, together with storm drain capacity and impact analysis and sight distance evaluation. Potential improvements include curb and gutter, enclosed storm drainage, concrete sidewalk, street trees, street lights, removal of existing driveway aprons, utility relocations, and upgrade to an existing crosswalk and RideOn bus facility.

It is therefore not possible at this stage to determine from the concept plan application that transportation public facilities are adequate.

## **Schools**

The Property is in the Churchill School Cluster. According to the County Council Adopted FY 2013 Capital Budget and FY 2013-2018 Capital Improvements Program, the Subdivision Staging Policy Results of School Test for FY 2013 have deemed capacity as adequate for the Cluster at all levels, elementary, middle and high school.

## **Other Public Facilities and Services**

Public water and sewer and other public utilities are available to and currently serve the Property.

## **ENVIRONMENT**

### **Forest conservation**

Both forest conservation and stormwater management have historically been significant issues pertaining to this property. Although the property is heavily forested, the County Council decided not to have the Potomac Master Plan recommend that it be acquired for park purposes. In LMA G-809, the Hearing Examiner stated in his Report (page 28):

*“We have to assume that it may be developed with residential units even under the present R-90 Zone, and that would also result in destruction of forest. It is not clear from this record that the proposed townhouse development under the R-T 8 Zone would cause significantly more destruction than a detached house development under the R-90 zone. Given the Council’s determination not to require preservation of this property as parkland, the Hearing Examiner finds that rezoning to the R-T 8 Zone would not cause an inappropriate loss of forest.”*

It should be noted that the application before the Hearing Examiner was for 31 townhouse units and that the present concept plan is for 23 units.

The Applicant has received approval to a Natural Resources Inventory/Forest Stand Delineation prepared for the Property. (Figure 7) A Preliminary Forest Conservation Plan is required with a Preliminary Plan of Subdivision application.

### **Water quality and quantity**

The Hearing Examiner noted that the thorniest policy issue in the G-809 case (Page 28) involved the possible impact on the environment from inadequately controlled stormwater runoff.

*“As stated by the Planning Board: the Planning Board agreed that the schematic development plan was compatible with adjacent development in terms of unit type, density, and setbacks, but indicated concern regarding preservation of natural features and erosion control, topics highlighted by neighboring citizens in their testimony. During discussion, the Planning Board agreed with staff that the indicated layout of the development was not a binding element and, in the event of the application obtaining the approval of the District Council, the layout must be revised during the preliminary plan and site plan process to meet environmental requirements. Because of the steep slopes and natural features of this site, proposed site grades, slope maintenance, stormwater management facilities, drainage*

*swales, access to the rear of several properties, proposed landscaping, and protection of critical root zones will need to be closely scrutinized at later stages of the development process. Some or all of the units may need to be reduced in size or the number of units cut to meet all site plan requirements, pending a level of engineering detail not available at the schematic development stage."*

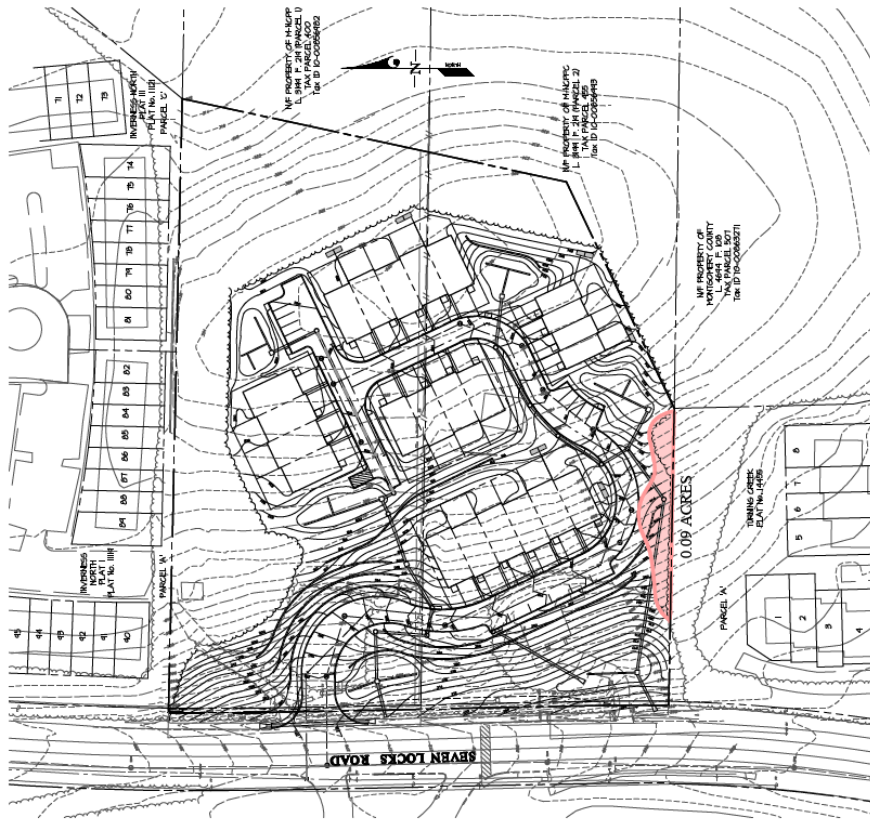
Many of these comments are pertinent today regarding the present concept plan. But there are several significant differences:

1. The number of proposed units today is 23, not 31 as in G-809. This will provide a more compact development footprint. Sec. 50-32 of the Subdivision Regulations empowers the Planning Board to: *"Restrict subdivision of any land which it finds to be unsafe for development because of possible flooding or erosive stream action, soils with structural limitations, un-stabilized slope or fill, or similar environmental or topographical conditions."*
2. In 2006, MCDPS gave the applicant a total waiver of all stream channel protection (i.e. water quantity controls). The current applicant elected to submit a Stormwater Management Concept Plan (Figure 8) to the Water Resources Section of the Montgomery County Department of Permitting Services as part of this application. The Concept Plan proposes to meet required stormwater management goals via micro-bioretenion and dry wells. The concept has been deemed acceptable by MPDPS, (Attachment D) and does not include waivers.
3. Potential increased flooding and erosion on Turning Creek land to the south was a significant issue in 2006. The current applicant has addressed this issue by proposing that the drainage area from the Subject property to the Turning Creek parcel 'A' to the south would be reduced by ninety (90) percent from the present 0.92 acres to 0.09 acres. This would alleviate the situation pertaining today. (Figure 9)



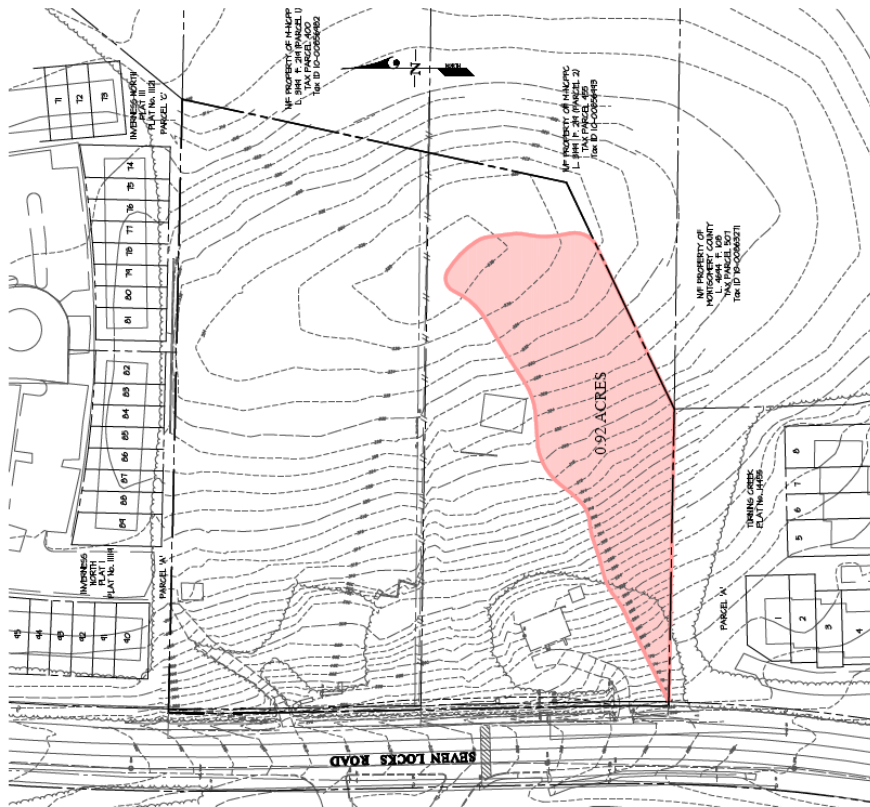






PROP. DRAINAGE TO TURNING CREEK PARCEL 'A'

SCALE: 1" = 50'



EX. DRAINAGE TO TURNING CREEK PARCEL 'A'

SCALE: 1" = 50'

Figure 9 - Drainage Area

## **COMMUNITY OUTREACH**

The applicant notified adjacent and confronting property owners of the pre-preliminary plan submission, as required. The Applicant also conducted a public meeting regarding the Pre-Preliminary Plan Application on January 8, 2013 at the Seven Locks Elementary School, and has arranged another meeting at the same venue on May 16, 2013. To date, staff has had inquiries from two citizens of Inverness North, whose primary concerns related to stormwater management issues.

## **CONCLUSION**

Staff recommends that the Planning Board encourage the Applicant to file a Preliminary Plan consistent with the overall concept proposed in the Application.

1. The Property has previously been zoned R-T 12.5. (Albeit with much less rigorous forest conservation and stormwater management regulations.)
2. The County Council, in denying park use, indicated its wish for residential development.
3. Residential development, under the R-90 Zone, is in substantial compliance with the recommendations of the Potomac Subregion Master Plan.
4. In 2005, the Planning Board recommended a re-zoning to R-T 8, with a schematic development plan of 31 townhouses.
5. In 2006, the Hearing Examiner recommended that the R-T 8 rezoning be remanded with instructions requiring a sufficient reduction in the number of townhouses such that MCDPS could approve a stormwater management concept plan without waiving channel protection requirements. The current application, in the R-90 zone, depicts such a reduction.
6. Standard R-90 development would require a larger impact to the site and existing forest due to the requirements and design standards for public road access.
7. A development with 100 percent townhouses and MPDUs will provide some affordable housing in Potomac that would not occur via standard development.
8. The concept plan is very compatible with adjacent developments in unit type.
9. The concept plan is much less dense than adjacent developments.
10. Public facilities and services are currently adequate, with the exception of transportation facilities, where it is premature to make such a finding.
11. A preliminary plan and site plan will be necessary to determine compliance with the Subdivision Regulations and the standards of the R-90 Zone under the MPDU method of development.

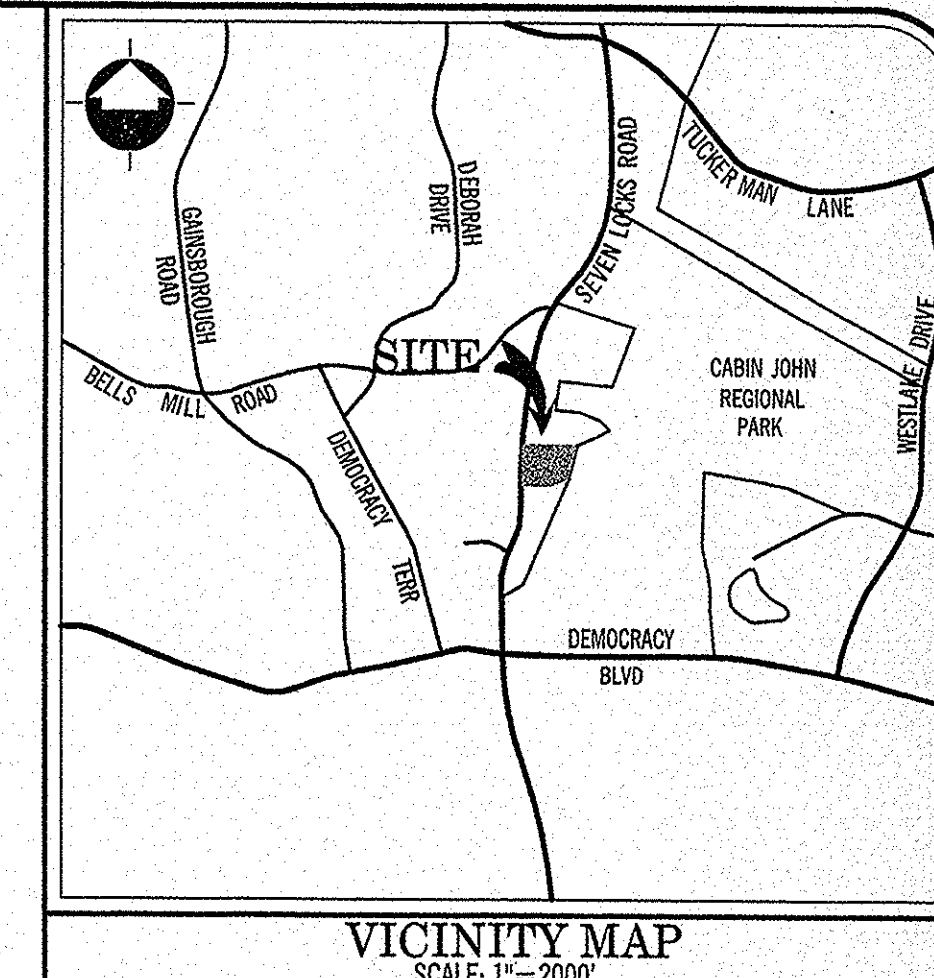
## **Attachments**

Attachment A – Schematic development plan for 31 attached units – G-809 5/27/05

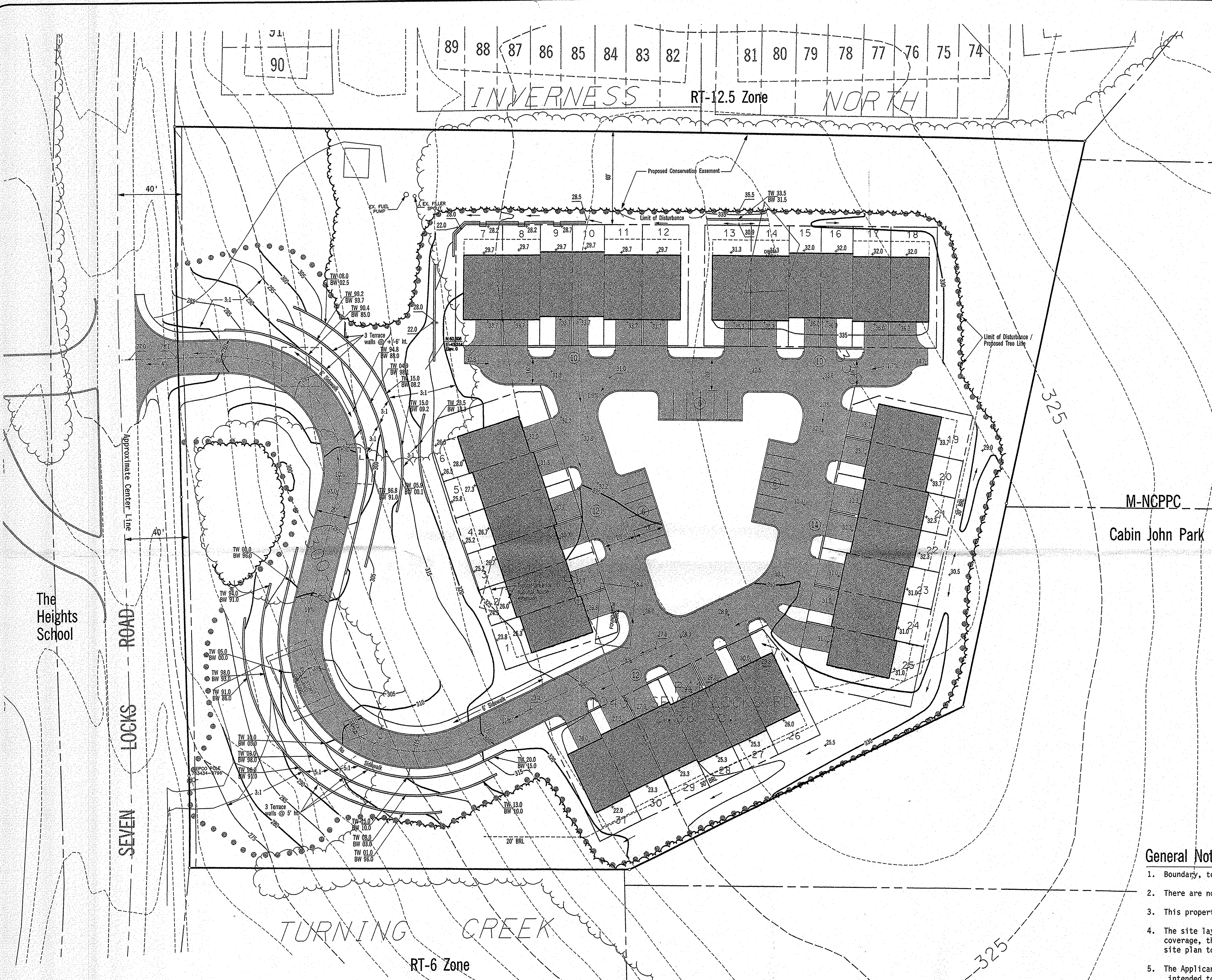
Attachment B – Illustrative of 17 single family cluster detached units – G-809 2005

Attachment C – Applicant’s traffic statement

Attachment D – MCDPS Approval Letter April 30, 2013



VICINITY MAP  
SCALE: 1"=2000'



**SITE DATA**

1. Gross Tract Area	5.23621 Acres (228,090 sq.ft.)
2. Planning Area	Potomac Subregion
3. Existing Zoning	R-90
4. Proposed Zoning	RT-8
5. Number of Units Proposed	31
6. Density Proposed	5.92 DU / Acre
7. Off-Street Parking Required	62 Spaces (2.0 spaces / unit)
8. Off-Street Parking Proposed	76 Spaces (2.45 spaces / unit) 27 units have 2 car garages, 4 units have 1 car garages. Two and one space per lot counted respectively, plus 18 spaces in bays.

**BINDING ELEMENTS**

DEVELOPMENT STANDARD	PERMITTED / REQUIRED	BINDING ELEMENT
1. Land Use	As per Sec. 59-C-1.7	Exclusively one-family attached dwelling units
2. Density	41 one-family attached dwelling units	Not more than 31 (thirty-one) one-family attached dwelling units
3. Building Coverage	35% or 79,832 sq.ft.	Not more than 20% or 45,600 sq.ft.
4. Green Space	50% or 114,045 sq.ft.	Not less than 65% or 148,300 sq.ft.

**DEVELOPMENT STANDARDS**

STANDARD	PERMITTED / REQUIRED	PROPOSED
Minimum Tract Area	20,000 sq.ft.	228,090 sq.ft. (5.23 acres)
Maximum Density	41 DU (8 DU / Ac.)	31 DU (5.9 DU / Ac.)
Setbacks:		
From SFD Zone	30'	30'
From Public Street	25'	160'
From Adjoining Lot		
End of proposed unit	10'	10'
Rear of proposed unit	20'	20'
Maximum Building Height	35'	35'
Maximum Building Coverage	35% of tract	Not more than 20% of tract
Minimum Green Area	50% of tract	Not less than 65% of tract
Off-Street Parking	2.0 Spaces per unit (62 spaces)	2.45 Spaces per unit (76 spaces)

**General Notes**

- Boundary, topography and surface feature information shown on this plan are from M-NCPPC digital files - Tile #213NW8.
- There are no known historic resources on this property.
- This property is not within a Special Protection Area.
- The site layout shown on this Schematic Development Plan is illustrative, and Applicant agrees that the building coverage, the green area, and the number, size and layout of the units may have to be revised at subdivision and site plan to protect the environment.
- The Applicant acknowledges that conditions of approval at subdivision and site plan review may include measures intended to improve transportation capacity and traffic flow, including an additional turning lane from Seven Locks Road into the site.
- Applicant to dedicate area as necessary at the time of subdivision to achieve 40 feet of right-of-way from the center line of Seven Locks Road.

Note: Landscaping indicated on this plan is for illustrative use only.

**SSI SITE SOLUTIONS, INC.**  
 18650 Club House Road, Suite 105  
 Gaithersburg, Maryland 20886-3039  
 (301) 947-8900 Fax (301) 947-7704  
 Planning Engineering Landscape Architecture

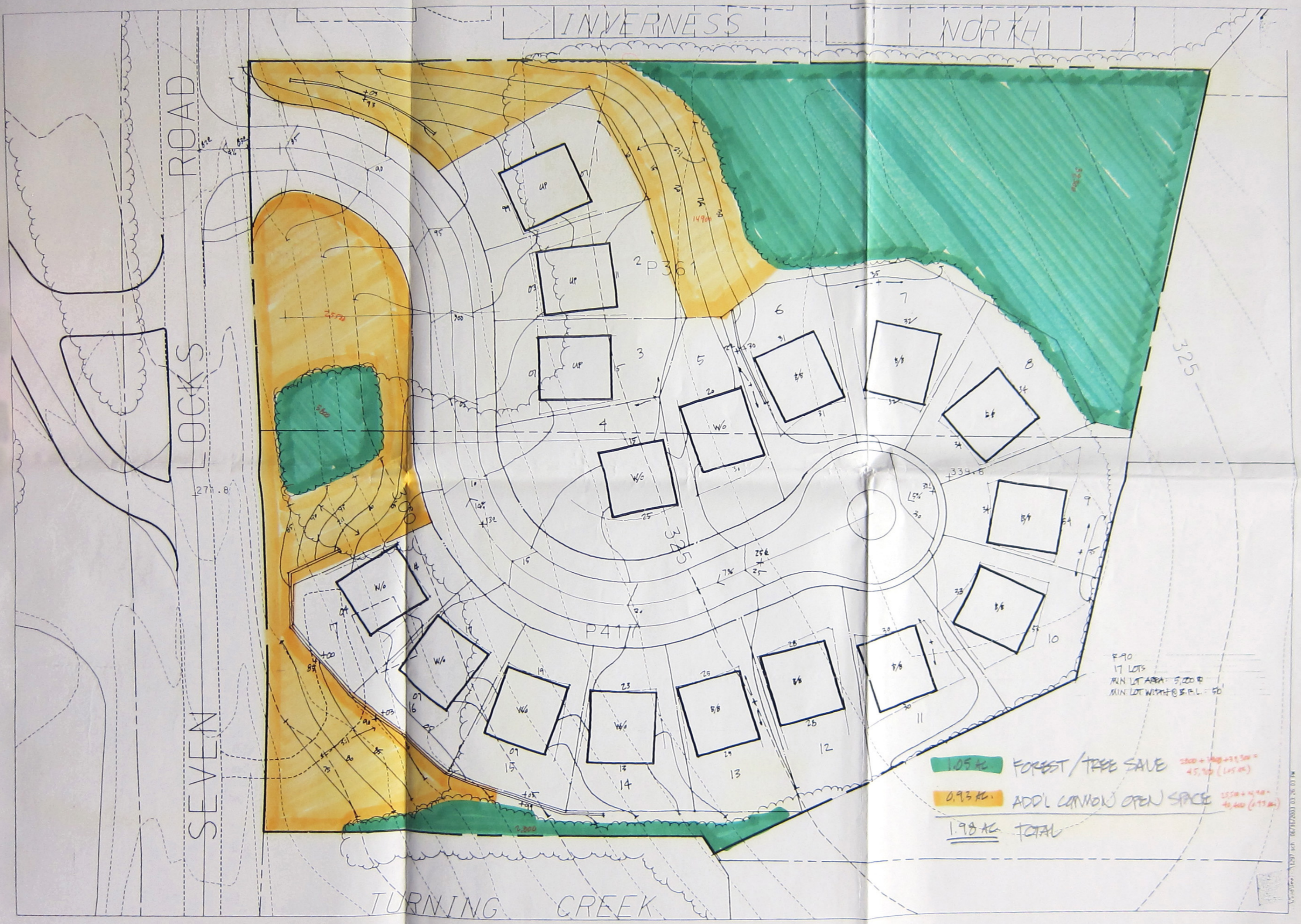
APPLICANT: **CENTEX HOMES**  
 15890 Gaither Drive  
 Gaithersburg, Md. 20877  
 Attn: Martin Mankowski  
 (866) 783-6401

1	Add Development Standards	4/27/05
2	Add clarifying notes	5/20/05
NO	REVISION	DATE

**SCHEMATIC DEVELOPMENT PLAN**  
**BURLEY PROPERTY**  
 PARCEL P417 & P361- MAGRUDERS DISCOVERY  
 POTOMAC ELECTION DISTRICT #10  
 MONTGOMERY COUNTY, MARYLAND

DWR	SCALE	1"= 30'
DESIGN		
ASS		
CHECKED		
DATE	SHEET	1 OF 1
5/27/2005	PROJ. No.	1406

10/10 D-



R-90  
 17 LOTS  
 MIN LOT AREA = 5,000 SF  
 MIN LOT WIDTH @ S.E.L. = 50'

1.05 AC	FOREST/TREE SAVE	2500 + 1400 + 1150 = 45,000 (1.05 AC)
0.93 AC	ADD'L NARROW OPEN SPACE	2550 + 1400 = 49,500 (0.93 AC)
<u>1.98 AC</u>	TOTAL	

**Lenhart Traffic Consulting, Inc.**  
Transportation Planning & Traffic Engineering

**Memorandum:***Date:* November 29, 2012

TO: MNCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

FROM: Mike Lenhart

RE: Traffic Statement for Burley Property

The purpose of this report is to provide a Traffic Statement for the Burley Property as required in the Montgomery County 2012-2016 Subdivision Staging Policy. The property is located in the Potomac Policy Area along the east side of Seven Locks Road approximately 1/3 mile north of Democracy Boulevard. A site location map is shown on Exhibit 1.

The property consists of approximately 5.41 acres of R-90 zoned land. The applicant is proposing to use the MPDU optional method; therefore, the project will consist of 19 dwelling units plus four (4) MPDU's for a total of 23 townhouse units.

The Subdivision Staging Policy establishes the "Local Area Transportation Review (LATR) and Transportation Policy Area Review (TPAR) Guidelines". These Guidelines are utilized by the Montgomery County Planning Board for the Administration of the Adequate Public Facilities Ordinance. As detailed in Council Resolution 17-601, the Subdivision Staging Policy applies to any application for a Preliminary Plan of Subdivision filed on or after January 1<sup>st</sup>, 2013.

The applicant is preparing a Pre-Preliminary Plan application at this time, and it is anticipated that the Preliminary Plan will be submitted after January 1<sup>st</sup> of 2013. The Guidelines require a Traffic Statement to determine the applicability and status of the LATR and TPAR requirements as it applies to the project.

The attached Trip Generation Table for the project (Exhibit 2) contains the trip generation totals for the project. The projected trip generation is based upon the trip generation rates for townhouse units (<100 units) and was obtained from the LATR Guidelines. Based on this information, the facility will generate eleven (11) trips in the morning peak hour and nineteen (19) trips in the evening peak hour.

The project is located in the Potomac Policy Area which is exempt from the Roadway Test, but is inadequate under the Transit Test. Therefore, the TPAR Transportation Mitigation Payment is equal to 25% of the General District transportation impact tax for the subdivision.

# Lenhart Traffic Consulting, Inc.

Transportation Planning & Traffic Engineering

The site is located along the east side of Seven Locks Road approximately 1/3 mile north of Democracy Boulevard.

- The Potomac Subregion Master Plan (2002) designates Seven Locks Road (A-79) as an arterial roadway (80' ROW & 2 lanes) from Bradley Boulevard to the Rockville City Line. Excerpts from the Master Plan are included in Appendix A.
- The 2005 Countywide Bikeways Functional Master Plan identifies Seven Locks Road as a Dual Bikeway (DB-3) with a shared use path and signed shared roadway from Wootton Parkway to MacArthur Boulevard. The Master Plan calls for the use of the existing 5' path on the west side south of Bradley Boulevard; the existing 8' sidewalk on the west side between Wootton Parkway and Montrose Road; and the existing wide shoulder between Montrose Road and Bradley Boulevard. Excerpts from the Master Plan are included in Appendix A.

Based on the information contained in this report:

- The project is located in the Potomac Policy Area.
- The Subdivision Staging Policy the TPAR Transportation Mitigation Payment is equal to 25% of the General District transportation impact tax for the subdivision.
- The project generates fewer than 30 peak hour trips, therefore is exempt from LATR.

Thanks,

Michael Lenhart  
P.E., PTOE

**Trip Generation Rates**

Townhouse Units (Montgomery County, <100 Units)

**Trip Distribution (In/Out)**

Morning Trips = (0.48 x Units)  
 Evening Trips = (0.83 x Units)

17/83  
 67/33

**Trip Generation Totals**

	AM Peak			PM Peak		
	In	Out	Total	In	Out	Total
Townhouse Units (Montgomery County, <100 Units)	2	9	11	13	6	19
<b>Total:</b>	<b>2</b>	<b>9</b>	<b>11</b>	<b>13</b>	<b>6</b>	<b>19</b>

Trip Generation Rates obtained from the Local Area Transportation Review Guidelines

Traffic Impact Analysis  Lenhart Traffic Consulting, Inc. Traffic Engineering & Transportation Planning	Trip Generation for Site	<b>Exhibit 2</b>





## DEPARTMENT OF PERMITTING SERVICES

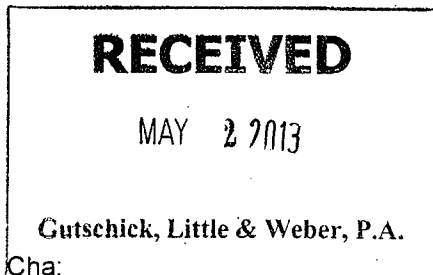
Isiah Leggett  
County Executive

April 30, 2013

Diane R. Schwartz Jones  
Director

Mr. David Cha  
Gutschick, Little & Weber, P.A.,  
3909 National Drive  
Burtonsville, MD 20866

Re: Stormwater Management **CONCEPT** Request  
for Potomac Highlands (Burley Property)  
Preliminary Plan #: Pending  
SM File #: 246951  
Tract Size/Zone: 5.24 acres / R-90  
Total Concept Area: 5.24 acres  
Lots/Block: NA  
Parcel(s): P417  
Watershed: Cabin John Creek



Dear Mr. Cha:

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 proposes to meet required stormwater management goals via Micro-Bioretenention and Dry Wells.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. The Pe calculation used for the basis of the ESDv computation for this submission was based on the developed RCN for the property. Although it is acceptable for this project, DPS has not formally approved this method for computing the target ESDv for projects.


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 me at 240-777-6338.

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: jb mce

cc: C. Conlon  
SM File # 246951

ESD Acres:	5.24
STRUCTURAL Acres:	na
WAIVED Acres:	na