

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

January 10, 2002

MEMORANDUM

TO: Montgomery County Planning Board

VIA: John A. Carter, Chief *JAC*
Community-Based Planning Division

FROM: Callum Murray, Team Leader, Potomac Team *CM*
Community-Based Planning Division

SUBJECT: Planning Board Work Session #9
Referrals by County Council of new zoning requests submitted during public hearings on the Planning Board Draft Potomac Subregion Master Plan

At the County Council public hearing on December 4, 2001, on the Planning Board Draft Potomac Subregion Master Plan, the chairman of the Planning, Housing and Economic Development Committee instructed Council staff to refer new requests for zoning changes to the Planning Board for their recommendations. These are requests not previously submitted during preparation of the Planning Board Draft.

The following four requests have been submitted to the County Council:

Sutton Property, RE-2 Zone, requests RE-2C Zone.
Piney Meetinghouse Road Property, RE-2 Zone, requests RE-2C Zone.
Potomac Shopping Center, Potomac Village, R-200 Zone, requests C-1 Zone.
Hugh and Barbara Richards, 10511 Glen Road, RE-2 Zone, request RE-1 Zone.

The Planning Board's recommendations regarding the above properties will be considered by the Planning, Housing and Economic Development Committee on January 22, 2002 at 2:00 p.m. or January 28, 2002 at 2:30 p.m.

Work Session #9 Agenda

Topic A	Sutton Property	Pages 2-22
Topic B	Piney Meetinghouse Property	Pages 23-29
Topic C	Potomac Shopping Center	Pages 30-39
Topic D	Richards Property	Pages 40-43

TOPIC A: SUTTON PROPERTY

STAFF RECOMMENDATION:

Confirm the Planning Board Draft Master Plan recommendation to retain the existing RE-2 zone with no provision of public sewer service. Exclude properties adjacent to the Palatine subdivision from the adjacent sewer service policy. The only exception would be for single hookups for public health cases where WSSC determined that service is technically feasible and consistent with their grinder pump policies.

PLANNING BOARD DRAFT PLAN RECOMMENDATIONS:

Although this property was not specifically referenced by the draft plan, the Planning Board considered a request for sewer service at Work Session No. 7 on September 13, 2001. At that time, the Board considered a letter from the applicant's attorney that stated; "The applicant, of course, has no objection to the continuation of the RE-2 zone category." The Board recommendation to the County Council was to retain the existing RE-2 zoning outside the recommended sewer service envelope.

SUMMARY OF TESTIMONY TO COUNTY COUNCIL:

The contract purchaser of the property now seeks RE-2C zoning and repeats the request for access to the adjacent Palatine subdivision pressure sewer system. In addition he proposes to dedicate 11.51 acres, including one of the stream valleys that bisect the property, for a local park including a soccer field.

DISCUSSION AND CONCLUSION:

Existing Conditions

This 24.85-acre site is located in the Sandy Branch subwatershed of Watts Branch. It is bisected by two forested tributaries to the Sandy Branch. The contiguous landscape business to the west has intruded on this site and there is a small upland forest on the north side of the property. The rest of the property is open grassland.

Proposed Park Dedication:

Park staff conducted a site visit to the Sutton property to determine the suitability of the northern section of the property for a soccer field and parking. Although 11.51 acres are proposed for dedication, stream buffers considerably decrease the available area for recreation or parking.

Sites suitable for park facilities are planned with a number of criteria in mind: visibility from the street for security, buffering to minimize adverse affects on residential neighbors, sizing of the site to allow multiple facilities, examination of the geographic distribution of existing and planned facilities, and checking of current PROS recreation facility needs in the area.

The site's location is internally isolated and with inadequate access within an established subdivision. The road frontage at the site is negligible. The proposed site would have impacts on adjacent residences and the historic Mount Prospect site. The site would allow one soccer field but insufficient parking. The site is also near the planned Greenbriar Local Park scheduled for completion within the current six year CIP.

Although the Potomac Subregion needs 12 fields by the year 2010, most of the deficit can be met by developing vacant or surplus school sites, by the proposed North Potomac Community Recreation Center and by dedications for local parks elsewhere. The Parks Department is also attempting to move away from isolated, small, single purpose parks to develop sites with a minimum of two fields and complimentary facilities that allow economies of scale with maintenance and scheduling.

It is park planning staff's recommendation that the site is not suitable for community needs and that decisions regarding clustering or sewer service should be made without active recreation considerations.

Proposed RE-2C Development

The contract purchaser for the Sutton Property has submitted an RE-2C cluster plan in testimony, and cites the Planning Board's recommendations for the PMH Joint Venture/Fling properties (RE-2C Zone) and the Lower Greenbriar properties (RNC Zone) as justification for the new request.

The development standards for cluster development in the RE-2C Zone state that no development shall be permitted with an area of less than 50 acres. The Sutton property is 24.85 acres. The minimum area requirement may be waived by the Planning Board upon a finding that the cluster development is more

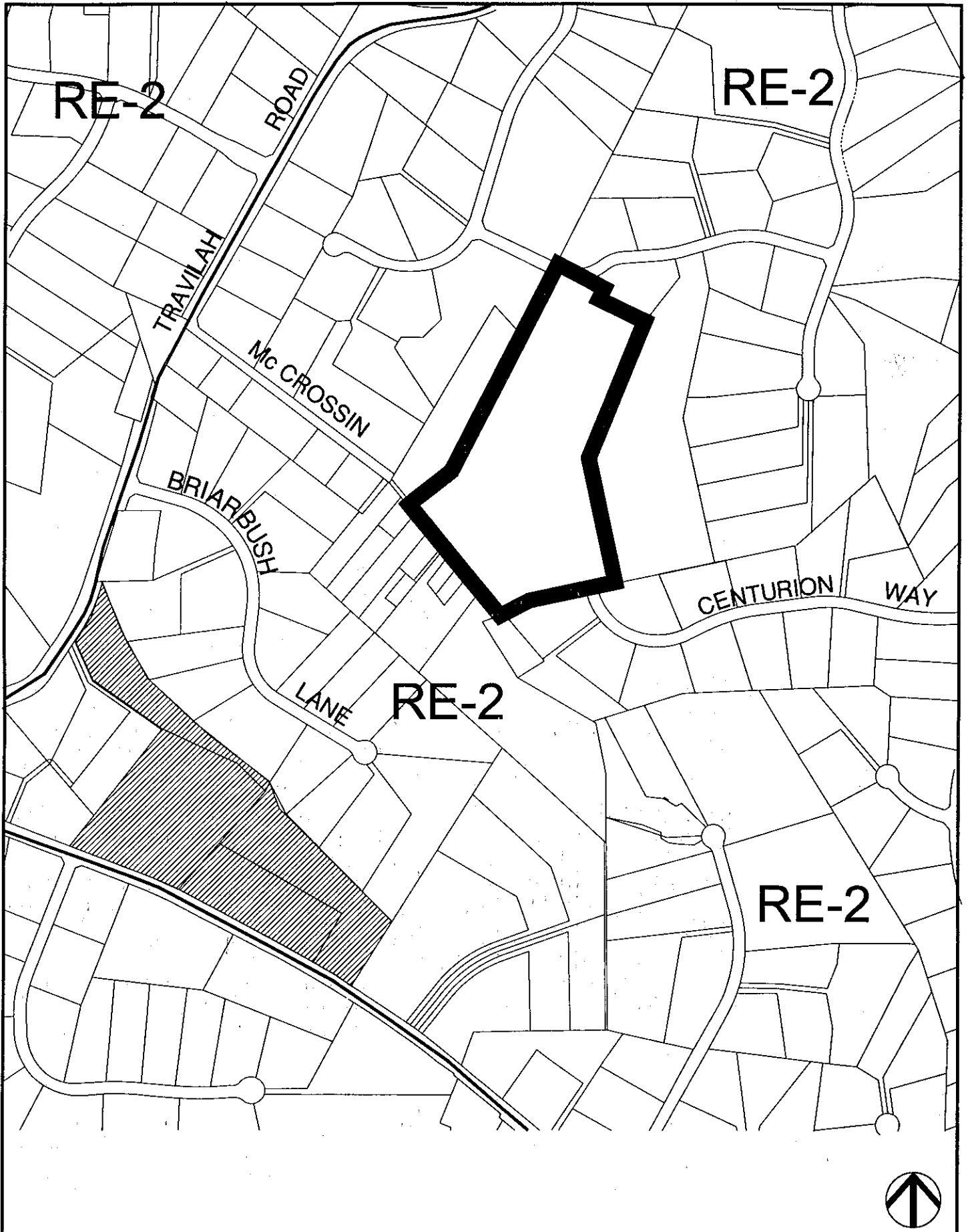
desirable for environmental reasons. In the case of the PMH Joint Venture/Fling properties, the Planning Board finding was that a net environmental gain would be achieved by the clustering of development on a non-conforming and degraded commercial lumberyard of approximately 7 acres with a Category 1 conservation easement on approximately 22 acres of forest.

In the case of the Lower Greenbriar properties, previously recommended by staff for acquisition in its entirety as conservation parkland due to the existence of rare, threatened and endangered species, the Planning Board recommended the RNC Zone to the County Council, with a condition that 60 of a total of 144 acres be dedicated. The 60 acres contain the majority of the rare threatened and endangered species.

Given the Parks Department finding regarding the unsuitability of the offered property as a local park, staff believe that no environmental justification exists for a waiver of the minimum area requirement for the proposed cluster development. Staff therefore recommends no change to the Planning Board Draft Potomac Subregion Master Plan.

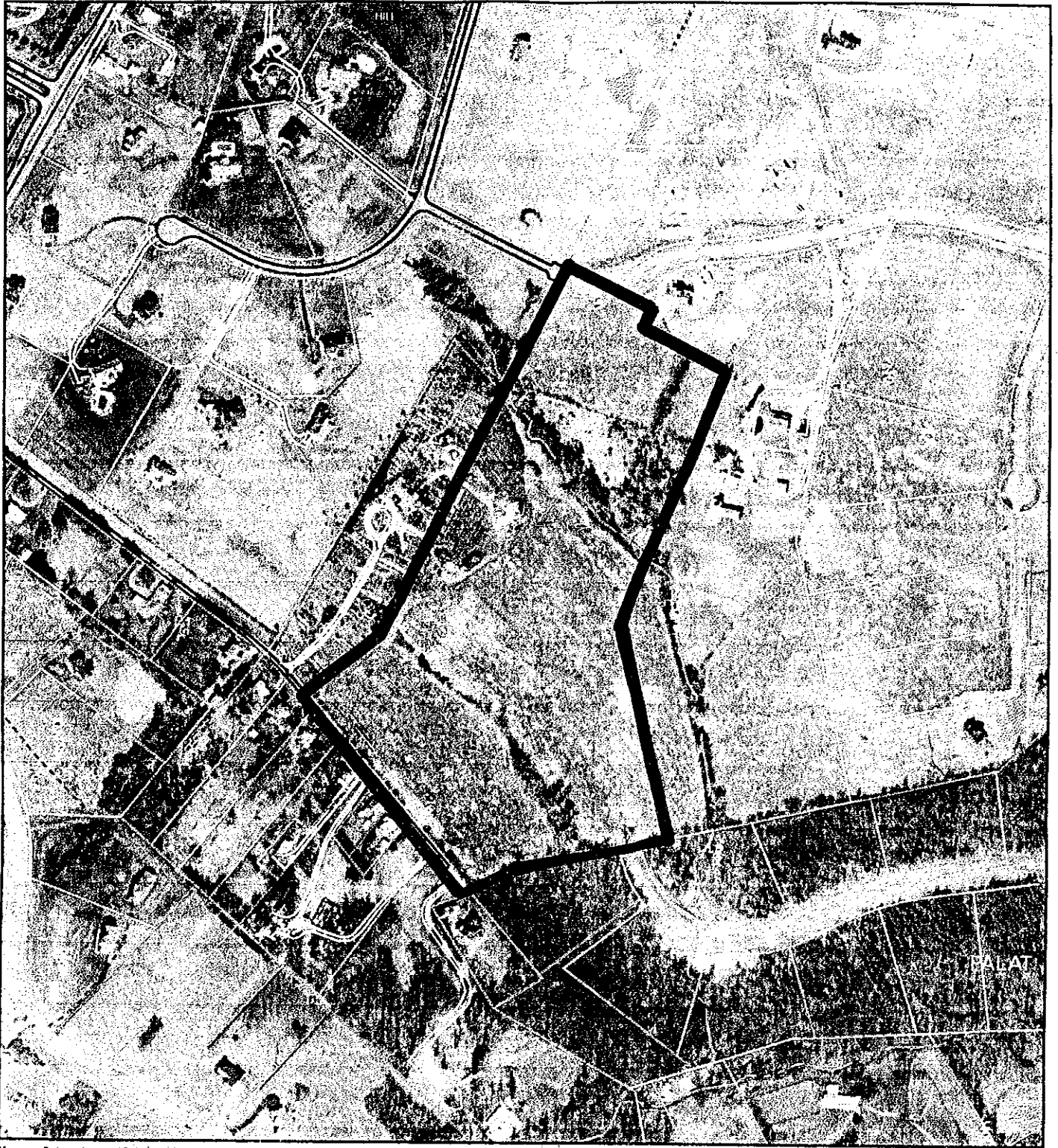
BOARD RECOMMENDATION:

Sutton Property



M-NCPPC

VICINITY MAP FOR
SUTTON PROPERTY



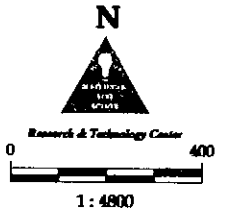
Map compiled on January 06, 2002 at 4:33 PM | Site located on base sheet no - 217NW12 | Data of Orthophotos - March 1996 | Orthophoto Images Licensed from WURGE LLC.

NOTICE

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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 8787 Georgia Avenue - Silver Spring, Maryland 20910-5760

1:4800

LINOWES AND BLOCHER LLP

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December 4, 2001

Stephen Z. Kaufman
301.650.7056
szk@linowes-law.com

Mr. Steven Silverman, President
Members, Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Re: Sutton Property; Request that Potomac Master Plan Amendment recommend rezoning to RE-2C Cluster and inclusion in sewer service envelope

Dear President Silverman and Members of the Council:

With regard to the above-referenced property, our firm represents Dumont Oaks Corporation, the contract purchaser of the property. The purpose of this letter is to request the Council consider recommending the property for rezoning to the RE-2C cluster zone and inclusion in the sewer service envelope in order that it may be developed similarly to the Greenbriar Preserve and the Foo/Fling properties in the Potomac subregion. In support of this request, we bring your attention to the following information:

1. Two projects have been recommended for sewer in this Master Plan by the Park and Planning Commission: 1) The Greenbriar Preserve and the Estates of the Greenbriar Preserve, and 2) the Foo/Fling Property. Both of these Projects recommended for approval are seeking RE-2C zoning and are proposing to dedicate substantial land as open space or to public use. The Sutton Property is substantially similar to the above Projects in the following ways:

A) We are seeking RE-2C zoning.

B) It is our understanding that this area of Potomac is eleven (11) soccer fields short of the desired number. We propose to dedicate 11.51 acres to open space, most of which will accommodate a soccer field and parking lot off of Riding Fields Road, as depicted on our Exhibit entitled "Site Plan". This dedication includes more land than is contained in the proposed lots (11.40 acres).

2. The WSSC required that the existing public water line running through Palatine on Centurion Way that ends at the Sutton Property be oversized, so that the WSSC system could eventually be "looped" through the Sutton Property to the existing water line in Riding

Mr. Steven Silverman, President
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Fields Road. Approval of this Request and subsequent development of the Sutton Property will result in completion of this water system loop, providing redundancy and greater reliability for the water system.

3. The Sutton Property is an open field, with few trees. The tree cover will be greatly expanded due to the afforestation requirements of the Forest Conservation Ordinance, which requires that 3.4 acres of the Sutton Property be afforested. See our Exhibit entitled "Site Plan" for afforestation areas shown in dark green.

4. There are no endangered species of flora or fauna on the Sutton Property. Furthermore, the Sutton Property contains no serpentine rock.

5. Development of the Sutton Property is consistent with the existing land utilization and zoning.

6. Approval of this Request will complete the sewer envelope in this area, as depicted on our Exhibit entitled "Piney Meetinghouse Road/Glen Road Sewer Policy Area Map" and will not result in a proliferation of applications, as demonstrated by our Exhibit entitled "Local Vicinity Map Showing Existing Housing". The Sutton Property is the only remaining undeveloped parcel, surrounded by completed subdivisions, and will not result in additional Requests for Water and Sewer Service Area Category Changes from adjoining properties. The existing residential developments to the north and south are fully developed as RE-2 lots. The existing residential developments to the west are fully developed at a higher density than RE-2 lots. The property to the east is designated Historic Site (Mount Prospect 25/8) and cannot be developed, and east thereof is fully developed as RE-2 lots. Furthermore, the Miller and Smith property to the east of Palatine is being acquired under the Legacy Open Space program. The property to the west of Palatine is the Greenbriar Preserve and the Estates of the Greenbriar Preserve property, being recommended for sewer by the Park and Planning Commission. The Sutton Property, north of the Palatine, is the only undeveloped property remaining.

7. Approval of this Request will complete Centurion Way, and the neighborhood as originally conceived.

8. Greenhorne and O'Mara, the project engineers, assure us that adequate hydraulic capacity to handle the sewage flows from the proposed units does, in fact, exist. The sewer system will be designed to comply with WSSC criteria. We agree with the suggestion of Ken Dixon, the WSSC representative at the Master Plan Hearing before the Planning Board, in a

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Members, Montgomery County Council
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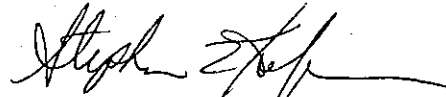
Memo to Mr. Murray of the Planning Staff dated August 29, 2001, relating to the Greenbriar Preserve and Estates of Greenbriar Preserve, in which he writes, "The design and implementation of the pressurized wastewater system serving these properties must meet the standards and satisfaction of the WSSC's Engineering and Construction Team", and we believe that this suggestion should apply to any and all developments, including the Sutton Property.

9. Currently, Riding Fields Road is constructed at two sides with approximately one fifty (150') feet missing. It was designed to connect on the northern side of the Sutton Property. Approval of this Request will result in our dedicating the missing portion of Riding Fields Road as shown on our Exhibit entitled "Site Plan".

In summary, for all the reasons stated above, we respectfully request that this property be recommended for RE-2C zoning and inclusion in the sewer service envelope as part of the current Master Plan amendment. Thank you for consideration of this request, and we look forward to working with you and your staff at the upcoming worksessions.

Sincerely,

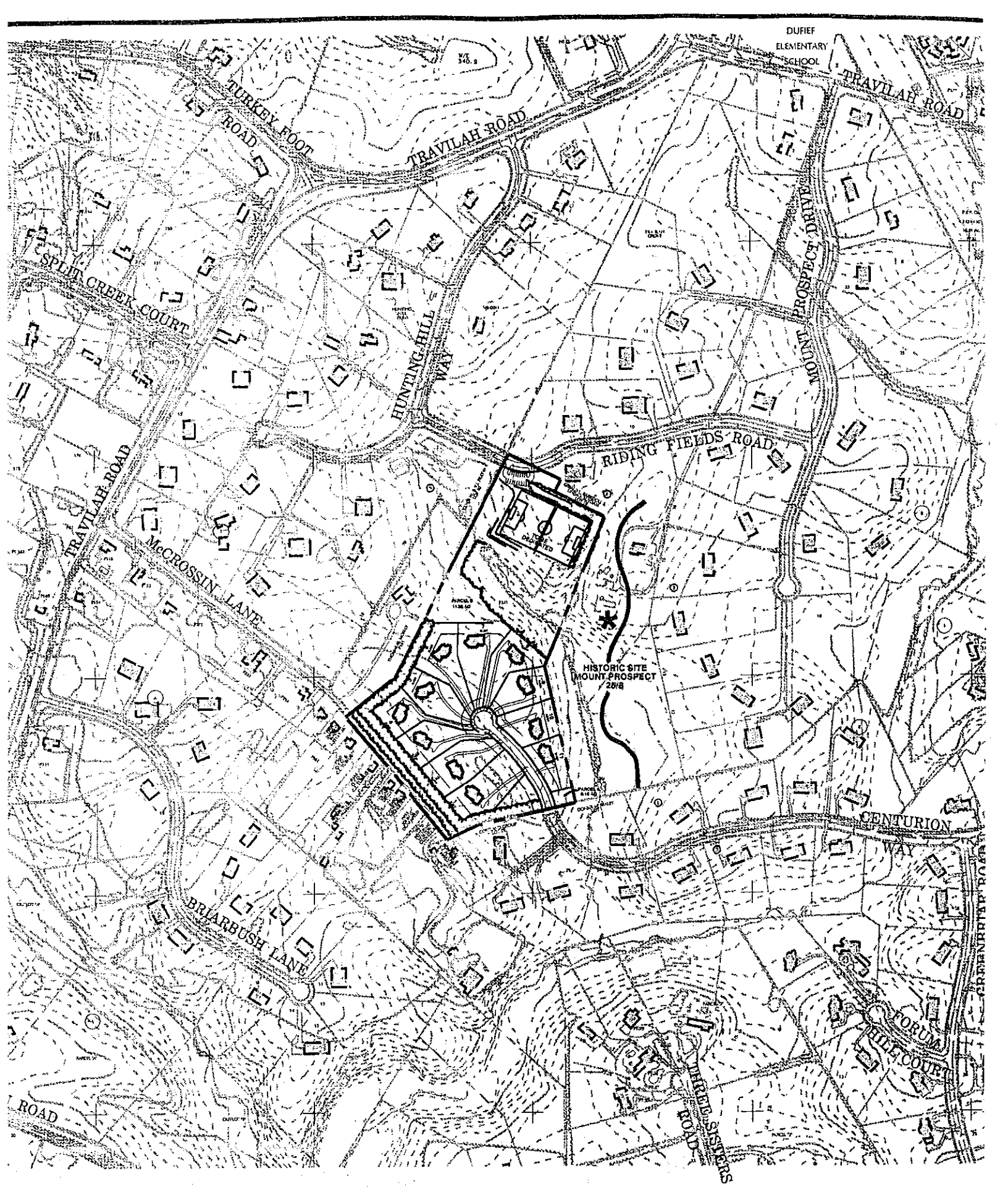
LINOWES AND BLOCHER LLP




Stephen Z. Kaufman

SZK:bta

cc: Robert P. Hillerson



NO.	REVISION	DATE	BY


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TRANSPORTATION
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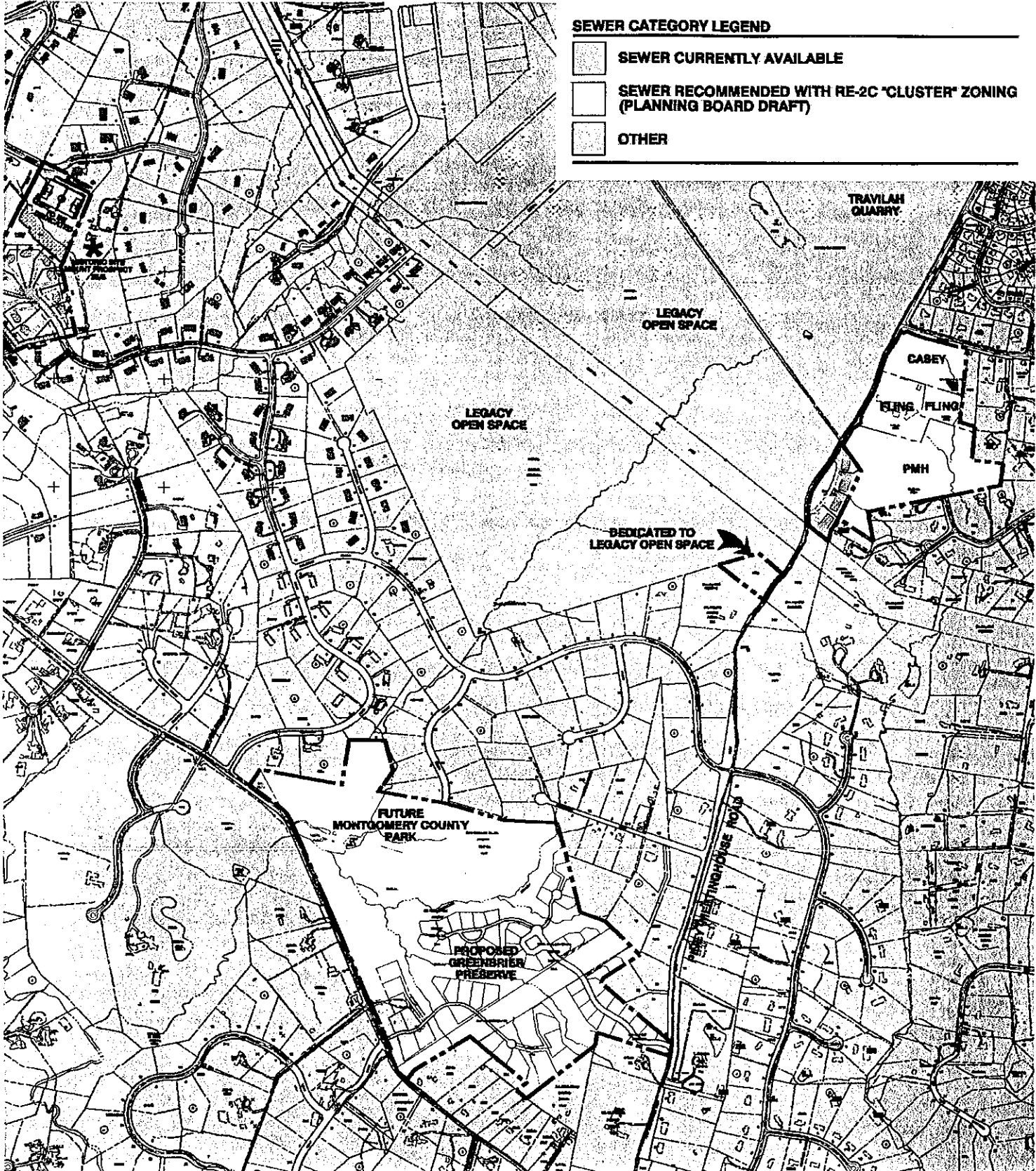
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PINEY MEETINGHOUSE ROAD/GLEN ROAD SEWER POLICY AREA MAP



SEWER CATEGORY LEGEND

- SEWER CURRENTLY AVAILABLE
- SEWER RECOMMENDED WITH RE-2C 'CLUSTER' ZONING (PLANNING BOARD DRAFT)
- OTHER



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September 5, 2001

RECEIVED
SEP 05 2001

Stephen Z. Kaufman
301.650.7056
szk@linowes-law.com

BY HAND

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Mr. Arthur Holmes, Jr., Chairman, and Members
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Potomac Master Plan Amendment; Request for Extension of Public Sewer Service to the Sutton Property Located Adjacent to the Existing Palatine Community

Dear Chairman Holmes and Members of the Board:

With respect to the above identified Master Plan and property, please be advised that our firm represents the contract purchaser of the Sutton property and the developer of the Palatine subdivision. Specifically, the purpose of this letter is to address the proposed staff recommendations concerning both properties, which are within the Potomac Master Plan draft amendment currently before you for finalization and transmittal to the County Council. The Sutton property is requesting a recommendation of extension of sewer service in order that it be authorized to connect to the existing pressure sewer system, which serves the Palatine subdivision.

Additionally, a further purpose of this letter is to very strongly oppose the proposed removal of the existing developed Palatine subdivision from the sewer service envelope. We also object to the alternative staff recommendation that properties adjacent to the Palatine be excluded from the sewer service policy area. Moreover, we wish to correct erroneous information in the staff recommendation on which the Board will be basing its recommendation concerning the capacity of the Palatine system to be expanded and references that there have been odor problems experienced on and off site from the Palatine system.

Essentially, staff has stated that sewer service should be denied to the Sutton property 1) to preclude a proliferation of category change requests seeking service via access to this system, and because your staff has been advised by the WSSC staff that 2) attempting to tie additional pressure mains to the Palatine system is not technically feasible and 3) the system has odor problems.

Mr. Arthur Holmes, Chairman, and Members

September 5, 2001

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1) The Sutton property is the only remaining undeveloped parcel, surrounded by completed subdivisions (see Exhibit "A" attached), and will not result in additional requests for sewer service area category changes from adjoining properties. Specifically, the Miller and Smith property to the east of Palatine is being acquired under the Legacy Open Space program. The property to the west of Palatine, the Greenbriar Preserve and the Estate of the Greenbriar Preserve, is being recommended for sewer service. The Sutton property, north of the Palatine, is the only undeveloped property remaining (with the exception of a couple of small parcels north of Greenbriar Road). Furthermore, approval of this request will complete the Palatine neighborhood as originally conceived.

2) This information is incorrect. Specifically, Greenhorne & O'Mara and WSSC staff (Craig Fricke) have had significant conversations confirming the following:

"A second issue discussed dealt with odor problems resulting from pressure sewer grinder pump systems. Mr. Fricke stated that within the on-site Palatine system itself there are no odor problems. However, odor problems were encountered at the transition manhole along Piney Meetinghouse Road where the pressure sewer outfall discharges into a gravity sewer outfall, and in houses connected to this gravity sewer outfall within 500 feet of this transition manhole. WSSC acknowledged that this transition manhole in Piney Meetinghouse Road, and not within the Palatine subdivision itself, was designed to be sealed to eliminate predictable odors, and that WSSC personnel broke the seal, thereby causing an odor problem. WSSC has subsequently resealed the transition manhole, correcting their error and thereby solving this problem. Furthermore, the gravity sewer outfall was designed to WSSC criteria and, at the direction of the County to be limited access; i.e., specifically, it was designed not to serve the properties along Piney Meetinghouse Road. After the line was constructed as designed and accepted into the WSSC system, the County revised its policy and permitted houses to connect to this gravity outfall. This resulted in odor problems in these houses. WSSC has subsequently eliminated this problem by incorporating a design change at the sewer house connections for these houses.

We also briefly discussed adding house connections to the Palatine system. Mr. Fricke indicated that from an engineering and practical standpoint (versus a political approach), the additional units will not impact the odor issue at all or the performance of the system to any significant degree as long as there is capacity within the system. We

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discussed that the Myers centrifugal pumps used at the Palatine create the flexibility to add additional houses. Accordingly, Craig Fricke was very clear that pressure sewer grinder pump systems are here to stay, that they are reliable, and that they are extensively utilized elsewhere in the country." (Excerpts from Greenhome & O'Mara memo to applicant dated August 22, 2001, a copy of which is in the record).

Thus, it is clear that the Sutton property request would not cause odor problems.

3) Furthermore, Greenhome & O'Mara advises my clients that, in fact, there is sufficient hydraulic capacity in the Palatine system to handle the flows from the proposed residential units, and that their computer simulations will be submitted to the WSSC verifying that sufficient capacity exist. We further agree with WSSC's Mr. Dixon's position stated in his memo to Mr. Murray dated August 29, 2001 regarding the Greenbriar Preserve and Estates of Greenbriar Preserve, and believe that the Sutton property should be recommended for approval subject to the same standard, as follows:

The design and implementation of the pressurized wastewater system serving these properties must meet the standards and satisfaction of the WSSC's Engineering and Construction Teams.

In other words, providing sewer service to the Sutton property is very technically feasible, logical and economical. The applicant, of course, has no objection to the continuation of the RE-2 zone category.

The second point that we wish to bring to your attention is that to remove the Palatine system from the sewer envelope, we very strongly suggest, such action would set a wrong and dangerous precedent in that the Palatine sewer system is installed and accepted as part of the WSSC System. However, several homes have not yet been constructed in the Palatine. To remove the Palatine from the sewer envelope could have long-term serious impacts on owners of lots who have not yet commenced construction of their homes by precluding them from hooking up to the WSSC system, and on the existing homes and the property values of those homes, as they would become a legal non-conforming use and if for any reason service was discontinued, service might not be renewable.

More importantly, it is clear that the proposal to remove the Palatine from the sewer service system simply serves as a way to justify and implement staff's desire to support a position factually that there should not be proliferation of sewer service in this neighborhood, by first

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Mr. Arthur Holmes, Chairman, and Members

September 5, 2001

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taking the Palatine out of the system and then saying that there is no adjacent policy serviceable area from which sewer to adjacent properties can be extended.

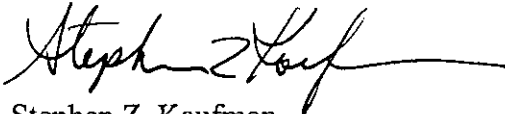
The Palatine was always intended to receive sewer service in accordance with the 1980 Potomac Master Plan. The only issue in the 1980 Master Plan for Phase 4 of development was whether it was economical and logical to extend service to the property. The engineering issue related only to the method by which it would be served, either by a force main to a pump station that was removed by a subsequent amendment to the water and sewer service Master Plan or by the present system. Staff's comment that "It [Palatine] therefore exists as a leftover from a change in policy within the Sandy and Greenbriar Branch watersheds," is incorrect. Revisionist history is not the way to proceed with an orderly and comprehensive Master Plan.

Accordingly, the Sutton property is unique in that it is essentially the only property that would be served by a small extension of the Palatine system, which is very technically feasible, and approval of this request for sewer service will not result in a proliferation of such requests from adjoining properties. This request of the applicant is seeking to finish this neighborhood, which was appropriately included in the sewer system. To deny this property and to further exacerbate the problem by removing the Palatine itself from the sewer policy system is inappropriate. It is not accurate with regard to the facts that have occurred in the past, and it would be just wrong to do so.

Thank you for your consideration of these comments. Please include this in the record of these proceedings.

Very truly yours,

LINOWES AND BLOCHER LLP



Stephen Z. Kaufman

cc: Mr. Callum Murray

Subj: RE: Fwd[2]:Action Items from last TAG Meeting
Date: 8/30/2001 8:57:09 AM Eastern Daylight Time
From: JRETTERRER@G-and-O.com (RETTERRER, Jeff)
To: RHillerson@aol.com (RHillerson@aol.com)

Bob,
I am up and running.
When meeting with Callum this morning I would suggest that the Ken Dixon's language in his second to last paragraph apply to any and all developments.
"The design and implementation of the pressurized wastewater system serving these properties must meet the standards and satisfaction of the staff in the WSSC's Engineering and Construction Team." For them to stated that a system does not meet their standards this early in the review of a system does not allow for the full analysis, modifications and/or tweaking to get the system to perform.
I am sure that the two other properties have been through numerous analysis in-house prior to going to WSSC to start their review processes.
To come out and deem a system addition to Palatine as unfeasible, seems premature and predetermined.
Jeff

-----Original Message-----
From: RHillerson@aol.com [mailto:RHillerson@aol.com]
Sent: Wednesday, August 29, 2001 5:10 PM
To: jretterer@g-and-o.com
Subject: Fwd: Fwd[2]:Action Items from last TAG Meeting

-----Headers-----
Return-Path: <JRETTERRER@G-and-O.com>
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Received: from gomail-G-and-O.com ([63.119.167.199]) by rly-yg01.mx.aol.com (v80.17) with ESMTP id MAILRELAYINYG12-0830085319; Thu, 30 Aug 2001 08:53:19 -0400
Received: by GOMAIL with Internet Mail Service (5.5.2653.19)

Greenhorne & O'Mara, Inc.

Memo

To: Bob Hillerson
From: Jeff Retterer
Date: 08/30/01
Re: Pressure Sewer Memo Regarding the Palatine Subdivision in Montgomery, County

The attached memorandum was to be forwarded to Craig Fricke; WSSC Planning Group Leader based upon the discussion we had at our meeting on August 22, 2001. The purpose of giving Mr. Fricke a chance to review the memo was to make sure that I had restated correctly the information that we exchanged in our discussion held the week before. I have tried several times to contact Mr. Fricke since that meeting and have not been able to reach him. He is out of the office and will not return until September 4.

Because time is of the essence, I am forwarding you and the others listed, this memo with the understanding that it has not been review by the other party for confirmation. I will continue to try to reach him and seek his review of this document.

Greenhome & O'Mara, Inc.

Memo

Date: August 22, 2001

To: Bob Hillerson
David Weiss
Ed Lisee
Steve Kaufman, Esq.

From: Jeff Retterer

Subject: Craig Fricke call by Jeff Retterer
Re: Palatine Pressure Sewer Grinder Pump System

This memo is to advise you of the information exchanged with Craig Fricke, WSSC Planning Group Leader, in my phone conversation of Wednesday, August 15, 2001.

My call to Mr. Fricke was made after you contacted me regarding the Master Plan Public Work Session for the Potomac Region attended by Mr. Hillerson. At that meeting on Thursday, June 21, 2001, Mr. Hillerson reported to me that a substantial amount of information regarding pressure sewer grinder pump systems was presented to the Planning Commission, which you believed was erroneous, and which could lead the Planning Commission and others to incorrectly conclude that pressure sewer grinder pump systems are not a viable means of moving sewer effluent through the WSSC system. I was asked by you to meet with Craig Fricke and to determine exactly what problems the Palatine system was experiencing, if any, and to provide any technical assistance and information necessary to correct any misunderstandings.

On Wednesday, August 15, 2001 at 10:00 a.m., Craig Fricke returned my call to discuss the above. We talked for nearly an hour about the reliability and the practicality of the utilization of pressure sewer systems within the WSSC service area, and any problems that WSSC has encountered with this type of system.

One issue discussed dealt with the reliability of the Palatine system. Craig Fricke performed the original review of the Palatine system in the early 1990's and is cognizant that it actually consists of three (3) onsite systems, and two (2) pressure outfalls, and one (1) gravity outfall. He confirmed that the system is designed with Myers Pumps and that all of the Palatine systems are operating at a very acceptable level of reliability.

A second issue discussed dealt with odor problems resulting from pressure sewer grinder pump systems. Mr. Fricke stated that within the onsite Palatine system itself there are no odor problems. However, odor problems were encountered at the transition manhole along Piney

Meetinghouse Road where the pressure sewer outfall discharges into a gravity sewer outfall, and in houses connected to this gravity sewer outfall within 500 feet of this transition manhole. WSSC acknowledged that the transition manhole was designed to be sealed to eliminate predictable odors, and that WSSC personnel broke the seal, thereby causing this problem. WSSC has subsequently resealed the transition manhole, correcting their error and thereby solving this problem. Furthermore, the gravity sewer outfall was designed to WSSC criteria and, at the direction of the County to be limited access; i.e. specifically, it was designed not to serve the properties along Piney Meetinghouse Road. After the line was constructed as designed and accepted into the WSSC system, the County revised its policy and permitted houses to connect to this gravity outfall. This resulted in odor problems in these houses. WSSC has subsequently eliminated this problem by incorporating a design change at the sewer house connections for these houses.

We also briefly discussed adding house connections to the Palatine system. Mr. Fricke indicated that from an engineering and practical standpoint (versus a political approach), the additional units will not impact the odor issue at all or the performance of the system to any significant degree as long as there is capacity within the system. We discussed that the Myers centrifugal pumps used at the Palatine create the flexibility to add additional houses. In contrast, with the Enviro I System, you are locked into the number of operating units that the system is designed to initially accommodate.

All other issues discussed related to pressure sewer grinder pump systems in general. One such issue related to detention times of the sewer effluent within pressure sewer systems. WSSC has determined that more than three (3) hours of detention time is unacceptable because it allows anaerobic action (the formation of sulfuric acid and methane gas in the pressure sewer lines). The detention time is design related, so WSSC is fine-tuning its computer model design criteria.

Mr. Fricke clarified that the pressure sewer information transmitted to the Staff of the Park and Planning Commission was intended to relate specifically to the Greenbriar Preserve and the Estates of Greenbriar Preserve properties, where WSSC design criteria had, at that time, not been met. He indicated that he would fax a document to me regarding the Greenbriar Preserve and the grinder pumps assessment that was completed on July 31, 2001, a copy of which is attached hereto. This is a clarification of information disseminated at the prior hearing and a June 19th memorandum responding to an inquiry to that system.

Accordingly, Craig Fricke was very clear that pressure sewer grinder pump systems are here to stay, that they are reliable, and that they are extensively utilized elsewhere in the Country. We discussed environmental advantages to the pressure sewer grinder pump system, including, no seepage of sewage into the ground or infiltration of water into the system, the reduced amount of tree clearing necessitated by this system versus the gravity system, but most significantly the fact that the need to construct outfalls in the stream valleys is eliminated, thereby avoiding clear cutting of trees in the stream valleys, and the wicking affect created by the gravel beds on which the outfalls are layed (which alters the geohydrology of the stream valley). WSSC is becoming more experienced with pressure sewer grinder pump systems, and fine tuning their operation and maintenance criteria. He feels that the residential units are not the source of WSSC's concern; rather it is commercial applications that are causing WSSC's problems. Attempting to make effluent predictions by creating a model of a system with no

reliable data relating to actual use has altered WSSC's opinion as to the viability of using a grinder pressure system for commercial use; e.g. will this commercial building contain a furniture store or a restaurant, an administrative office or a doctor's office, all of which uses generate widely different amounts of effluent. Mr. Fricke indicated that approvals of the pressure system for commercial uses will be very limited, and will require very strict adherence to WSSC criteria. An example of this problem is an Enviro I system on Lindberg Drive in the Montgomery Airpark just east of Maryland Route 124, and south of Airpark Road.

I was further advised that the WSSC is forming a study group to better refine it's criteria. I invited myself to participate in the study group because of my experience designing pressure sewer grinder pump systems, including several small systems, as well as three large subdivisions in Montgomery County: the Lake Potomac grinder pressure system, which is an Enviro I System, with 23 houses connected, the Willows in Darnestown which is an Enviro I pressure sewer system that includes 131 houses, and the Palatine that has 133 houses on a Myers based pressure sewer system. Mr. Fricke indicated that experience has demonstrated that the Myers centrifugal pump system is more reliable than the Enviro I System in housing applications throughout the County.

Mr. Fricke concluded by saying that he and his group are meeting at the Department of Environmental Protection to explain to Allen Soukup and David Lake the particulars of the pressure sewer grinder pump systems and that they are compatible with the rest of the WSSC system as long as the WSSC design criteria is adhered to.

I asked Mr. Fricke if he would keep me apprised and if I could check in with him on a monthly basis to see how things were moving along with the various study groups and he had no problem with that.

Date: 08/27/2001
Sender: Dolan
To: Murray
Priority: Normal
Subject: Fwd: Action Items from last TAG Meeting

Forward Header

Subject: Action Items from last TAG Meeting
Author: "Dixon, Kenneth" <kDixon@wsscwater.com>
Date: 8/27/2001 3:13 PM

Good afternoon, Park & Planning friends:

I believe that when we (Sewer TAG) last met, you asked me for some response to some information you had requested. The first was dealing with the proposed layout of the development on the Sutton property in the Potomac Master Plan area. The second was to inform you of the standing of our current grinder pump policy. Third, you asked me for some language to insert into the Potomac Master Plan regarding the development proposal for grinder pumps in the Greenbriar Preserve, etc., properties. I have listed the responses to your requests below:

Sutton Property Feasibility

According to Mr. David Shen of our Systems Infrastructure Group, the existing grinder pump system in Palatine/Centurion Way does not have adequate hydraulic capacity to handle flows from the proposed units. Beth Forbes of WSSC's Development Services Group has transmitted comments stating this unfeasibility to Montgomery County DEP in the Development Services Group's comments on the Service Category Change Request Organizational Review.

WSSC Grinder Pump Policy

We are starting work using an in-house task force with consultation from Montgomery County's Department of Environmental Protection and Prince George's County's Department of Environmental Resources to verify if a more consistent and up-to-date policy or design standards is required for grinder pump systems in the WSSD. We will keep M-NCP&PC informed of the task force's findings or recommendations. Otherwise, all grinder pump submissions will be assessed under existing WSSC policy, established by Dave Coe, April, 1994.

Greenbriar Preserve and Estates of Greenbriar Preserve

My suggestion is that language in the Potomac Master Plan should state that for this development, "The design and implementation of the pressurized wastewater system serving these properties must meet the standards and satisfaction of staff in the WSSC's Engineering and Construction Team."

Any questions, clarifications, or concerns, please do not hesitate to contact me. Thank you. Look forward to seeing you at the next Sewer TAG Meeting.

Kenneth C. Dixon
Planning Unit Coordinator
Planning Group
Washington Suburban Sanitary Commission
14501 Sweitzer Lane, Laurel, MD 20707-5902
301-206-8809 (direct)
301-206-8867 (FAX)
kdixon@wsscwater.com (E-mail)

TOPIC B: PINEY MEETINGHOUSE PROPERTY

STAFF RECOMMENDATION:

Confirm the Draft Master Plan recommendation to retain the existing RE-2 zone with no provision of public sewer service.

PLANNING BOARD DRAFT PLAN RECOMMENDATIONS:

Confirm the existing restricted access sewer policy for the West Piney Branch sub-watershed.

Confirm the existing RE-2 zoning without public sewer service.

SUMMARY OF TESTIMONY:

The contract purchaser of the property requests the RE-2C Zone for this 7.95-acre fragmented property with access to public sewer service for five lots.

DISCUSSION AND CONCLUSION:

This property consists of two disconnected parcels straddling Piney Meetinghouse Road and located just north and south of the Pepco right-of-way. One approximately 2.75-acre parcel (parcel A) is south of and contiguous to the Miller and Smith property and south of the power lines. The other approximately 5-acre parcel is on the east side of Piney Meetinghouse Road just north of the power lines. This second parcel is bisected by the 3-foot and 5-foot diameter WSSC water mains, which generally follow Piney Meetinghouse Road in this location. It is also bisected by a stream tributary of the western Piney Branch.

Both parcels are located in the western Piney Branch subwatershed of Piney Branch with less than one acre on parcel A located in the Greenbriar Branch subwatershed. They are therefore restricted from access to community sewer service due to the County Council's Restricted Access policy for the Piney Branch watershed. Both parcels are also located on the large serpentinite outcrop with a thin layer of Chome soil, which is commonly associated with this geologic formation. Except for the WSSC right-of-way, both parcels are entirely forested. No rare plant surveys have been done on this property to determine the presence of rare species. However, it is in all likelihood part of the rare ecosystem known as the serpentine barrens.

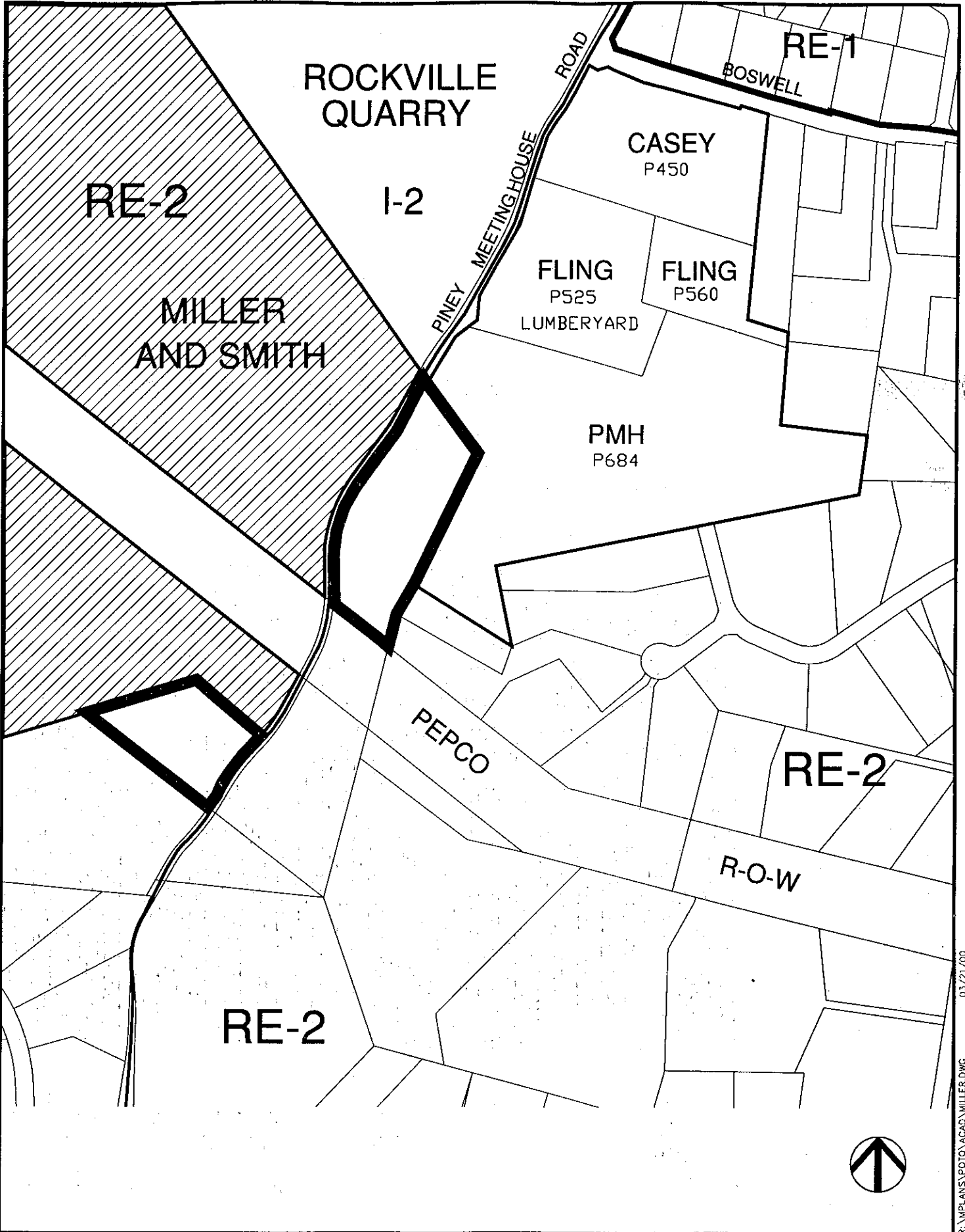
The owner argues that this property should be treated in a similar fashion to the PMH Joint Venture/Fling and Lower Greenbriar properties. Staff disagrees that this property is similar to the Lower Greenbriar properties for the same reasons as stated above regarding the Sutton property. Furthermore, this property is in a different watershed, contains no significant or interior forest and is small and fragmented.

The Planning Board recommendation for the PMH Joint Venture/Fling property was proposed as the sole exception to the West Piney Branch Restricted Access Policy in order to achieve a net environmental gain for the area. This new request is a classic 'leapfrog' proposal submitted as a result of the Board's recommendation to the Council vis-à-vis the PMH Joint Venture/Fling property. This property is small and it is fragmented. The open space depicted on the larger parcel is un-developable under any zoning scenario because of the existence of large diameter water lines. The submitted site plan shows five dwelling units but three is the maximum allowed under RE-2 or RE-2C, and that is assuming aggregation of the sites. The larger parcel would generate only two.

No environmental justification reason exists to waive the 50-acre minimum area requirement for the proposed zone. Staff therefore recommends no change to the Planning Board Draft Potomac Subregion Master Plan.

BOARD RECOMMENDATION:

Piney Meetinghouse Property



M-NCPPC

R:\PLANS\OTO\ACAD\MILLER.DWG 03/21/00

VICINITY MAP FOR
PINEY MEETINGHOUSE PROPERTY



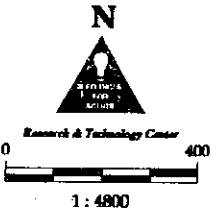
Map compiled on January 06, 2002 at 4:04 PM | Site located on base sheet no - 217NW11 | Date of Orthophotos - March 1998 | Orthophoto Images Licensed from WARGIS LLC.

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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

30

LINOWES AND BLOCHER LLP

ATTORNEYS AT LAW

1010 Wayne Avenue, Tenth Floor
Silver Spring, MD 20910-5600
301.588.8580
Fax 301.495.9044
Website: www.linowes-law.com

December 4, 2001

DEC 6 2001

Stephen Z. Kaufman
301.650.7056
szk@linowes-law.com

Mr. Steven Silverman, President
Members, Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Re: Piney Meetinghouse Road Property; Request for recommendation of rezoning to RE-2C and inclusion in the sewer service envelope as part of the Potomac Master Plan Amendment

Dear President Silverman and Members of the Council:

With regard to the above-referenced property, our firm represents Dumont Oaks Corporation, the owner of the property. This evening, the purpose of this letter is to request the Council consider recommending the property for rezoning to the RE-2C cluster zone and inclusion in the sewer service envelope in order that it may be developed similarly to the Greenbriar Preserve and the Foo/Fling properties in the Potomac subregion. In support of this request, we bring your attention to the following information:

1. Two projects have been recommended for sewer in this Master Plan by the Park and Planning Commission: 1) The Greenbriar Preserve and the Estates of the Greenbriar Preserve, and 2) the Foo/Fling Property. Both of these Projects recommended for approval are seeking RE-2C zoning and are proposing to dedicate substantial land as open space or to public use. The Piney Meetinghouse Road Property is substantially similar to the above Projects in the following ways; accordingly:

A) We are seeking RE-2C zoning.

B) We propose to dedicate 2.3 acres to Legacy Open Space, which property is on the northwest side of Piney Meetinghouse Road, with the Miller and Smith Legacy Open Space property contiguous to the North and East, as depicted on our Exhibit entitled "Site Plan." This dedication represent approximately 46% of the area of the proposed lots.

2. The property being proposed for dedication to Legacy Open Space, we believe, does contain endangered species of flora and fauna, and does contain serpentine rock,

■ **LINOWES AND BLOCHER LLP**

Mr. Steven Silverman, President
Members, Montgomery County Council
December 4, 2001
Page 2

substantially similar to the contiguous Miller and Smith property being acquired for Legacy Open Space. Therefore, approval of this Request is supportable for environmental reasons.

3. Development of the Piney Meetinghouse Road Property is consistent with the recommended land utilization and zoning for the contiguous Foo/Fling properties.

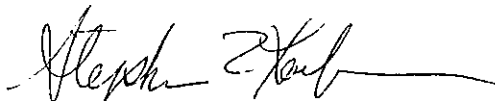
4. Approval of this Request will not result in a proliferation of Requests for Water and Sewer Service Area Category Changes from adjoining properties, as demonstrated by our Exhibit entitled "Site Plan." As indicated, you can see the Piney Meetinghouse Road Property to be developed is contiguous on the west to the Foo/Fling properties being recommended for approval under RE-2C zoning by the Park and Planning Commission. The Piney Meetinghouse Road Property is the only remaining undeveloped parcel East of the Pepco Transmission property. All of the property on the north side of Piney Meetinghouse Road is Legacy Open Space and cannot be developed.

5. Greenhorne and O'Mara, the project engineers, assure us that adequate hydraulic capacity to handle the sewage flows from the proposed units does, in fact, exist. The sewer system will be designed to comply with WSSC criteria. We agree with the suggestion of Ken Dixon, the WSSC representative at the Master Plan Hearing before the Planning Board, in a Memo to Mr. Murray of the Planning Staff dated August 29, 2001, relating to the Greenbriar Preserve and Estates of Greenbriar Preserve, in which he writes, "The design and implementation of the pressurized wastewater system serving these properties must meet the standards and satisfaction of the WSSC's Engineering and Construction Team", and we believe that this suggestion should apply to any and all developments, including the Sutton Property.

In conclusion, for all the reasons stated above, we respectfully request that this property be recommended for RE-2C zoning and inclusion in the sewer service envelope as part of the current Master Plan amendment. Thank you for consideration of these comments and as always, we look forward to working with you and your staff at the upcoming worksessions.

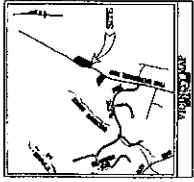
Sincerely,

LINOWES AND BLOCHER LLP



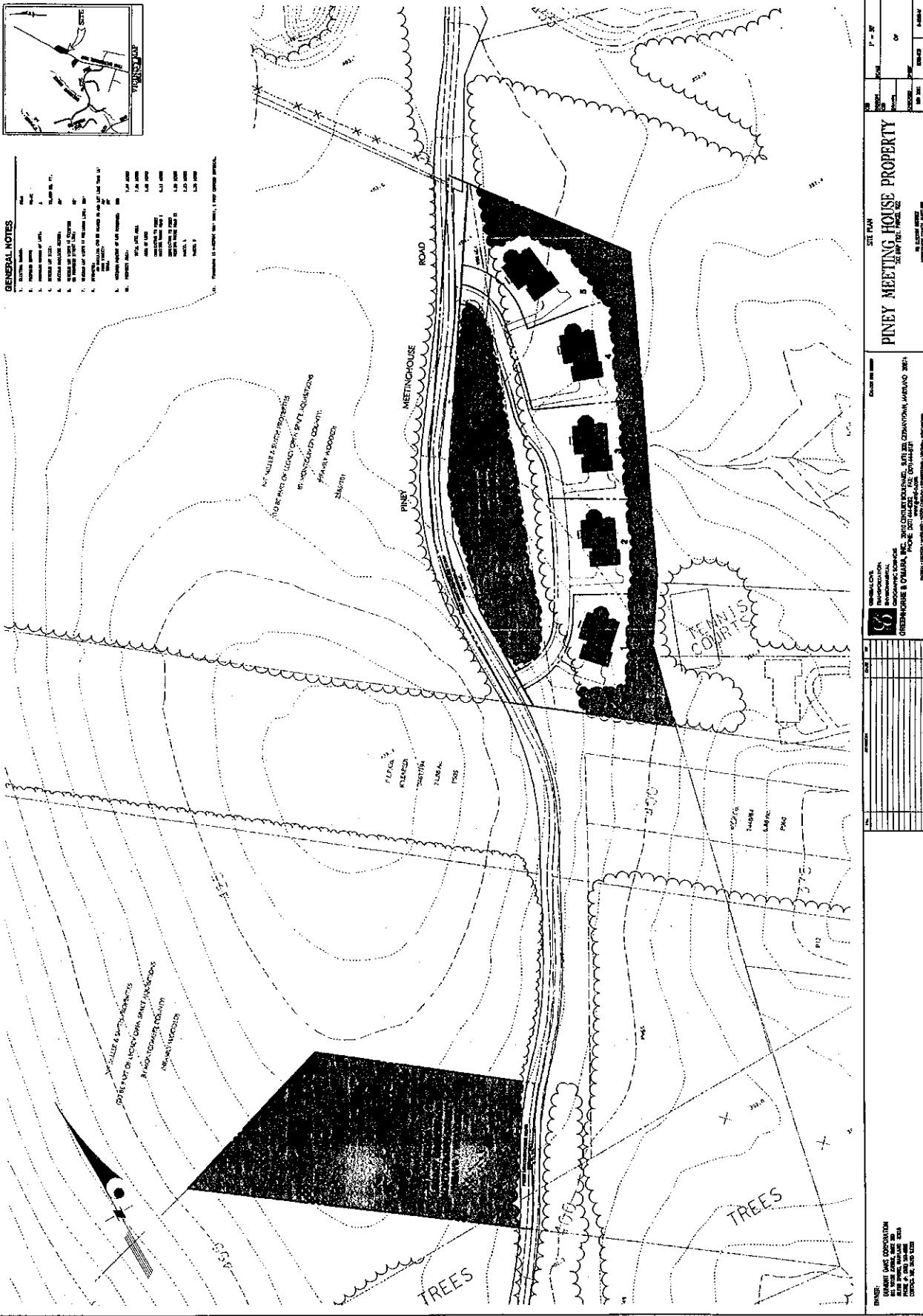
Stephen Z. Kaufman

cc: Robert P. Hillerson



GENERAL NOTES

1. EXISTING CONDITIONS
2. PROPOSED IMPROVEMENTS
3. EXISTING UTILITIES
4. EXISTING ELEVATIONS
5. EXISTING DIMENSIONS
6. EXISTING DISTANCES
7. EXISTING BEARING
8. EXISTING AREA
9. EXISTING PERIMETER
10. EXISTING VOLUME
11. EXISTING WEIGHT
12. EXISTING MASS
13. EXISTING ENERGY
14. EXISTING MOMENTUM
15. EXISTING FORCE
16. EXISTING PRESSURE
17. EXISTING TEMPERATURE
18. EXISTING HUMIDITY
19. EXISTING VELOCITY
20. EXISTING ACCELERATION



<p>DESIGNER: UNIVERSITY LAND CONSULTANTS 1000 UNIVERSITY AVENUE, SUITE 200 ANN ARBOR, MI 48106 PHONE: 734.763.1234 FAX: 734.763.1235</p>		<p>DATE: 10/15/03</p>	
<p>PROJECT: PINEY MEETINGHOUSE PROPERTY 1000 UNIVERSITY AVENUE, SUITE 200 ANN ARBOR, MI 48106 PHONE: 734.763.1234 FAX: 734.763.1235</p>		<p>SCALE: 1" = 20'</p>	
<p>CLIENT: UNIVERSITY LAND CONSULTANTS 1000 UNIVERSITY AVENUE, SUITE 200 ANN ARBOR, MI 48106 PHONE: 734.763.1234 FAX: 734.763.1235</p>		<p>DATE: 10/15/03</p>	
<p>PROJECT: PINEY MEETINGHOUSE PROPERTY 1000 UNIVERSITY AVENUE, SUITE 200 ANN ARBOR, MI 48106 PHONE: 734.763.1234 FAX: 734.763.1235</p>		<p>SCALE: 1" = 20'</p>	

TOPIC C: POTOMAC SHOPPING CENTER

STAFF RECOMMENDATION:

No change to the Planning Board Draft Plan recommendation.

PLANNING BOARD DRAFT PLAN RECOMMENDATION:

Retain current zoning pattern.

SUMMARY OF TESTIMONY:

The attorneys for the Potomac Village Shopping Center request that lots at both ends of the site, which are currently zoned R-200 with a special exception for commercial parking, be rezoned to C-1. It is argued that since commercial parking is no longer a special exception use in the R-200 zone, the parking areas may not be rebuilt in the event they are destroyed. The shopping center would then lose parking and access.

The West Montgomery Citizens Association and the adjacent community on Limestone Court are opposed to this proposed zoning change because of concern regarding potential C-1 redevelopment on these lots.

DISCUSSION AND CONCLUSION:

This request is to rezone sites at both ends of the center. The first – site A, at the northeast corner, is a triangular area of approximately 18,500 SF, which may accommodate approximately 20 parking spaces. Access to this site is provided from the adjacent C-1 lot. The second site – site B, at the southwest corner, comprises approximately 28,000 SF and may accommodate approximately 34 parking spaces. Access to this lot is also from the adjacent C-1 site.

Staff analyzed the development potential for both sites under the C-1 zone and under the R-200 zone. The R-200 zone includes several special exception uses. However, a minimum lot area of 20,000 SF is required.

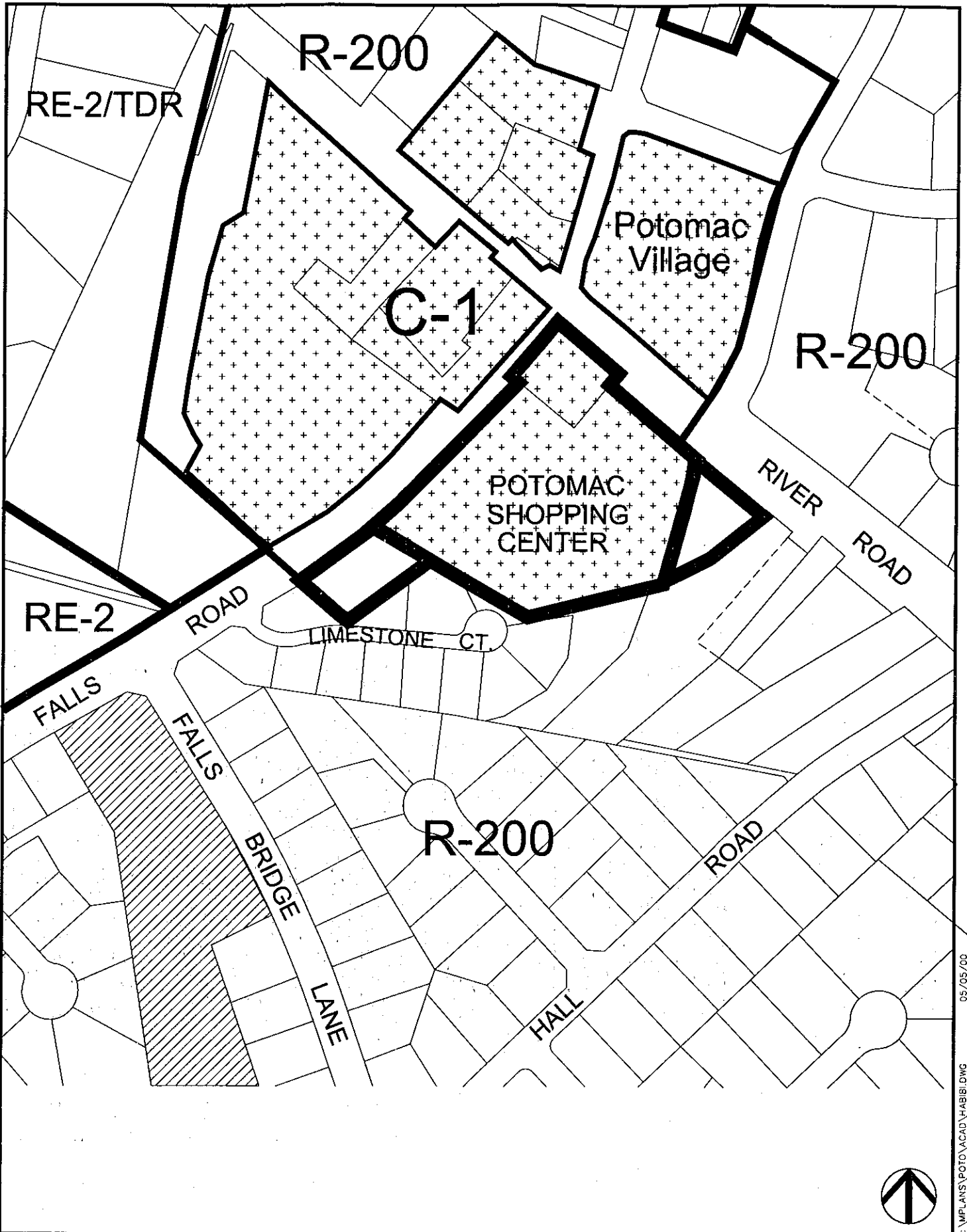
If developed under C-1 standards, site A may support a building of approximately 8,000 SF foot print and up to two stories, if parking is provided elsewhere. Site A would not be developable under the R-200 zone, as it comprises less than 20,000 SF.

If redeveloped per C-1 standards, site B may support a building with approximately 15,000 SF foot print and up to two stories, if parking is provided elsewhere. Site B may also be developed under the R-200 standards. The maximum 25% lot coverage would result in a maximum building footprint of approximately 7,000 SF. However, since parking would be provided on site, the resulting structure would be significantly smaller.

Staff concludes that rezoning to C-1 may potentially result in a significant expansion of the commercial building envelope. The parking lots are currently grand fathered and may be altered, renovated, or enlarged by 5%. Staff finds no compelling reasons for the requested change, as the likelihood of destruction of the existing parking lots is very small. Staff therefore recommends no change to the Planning Board Draft Potomac Subregion Master Plan.

BOARD RECOMMENDATION:

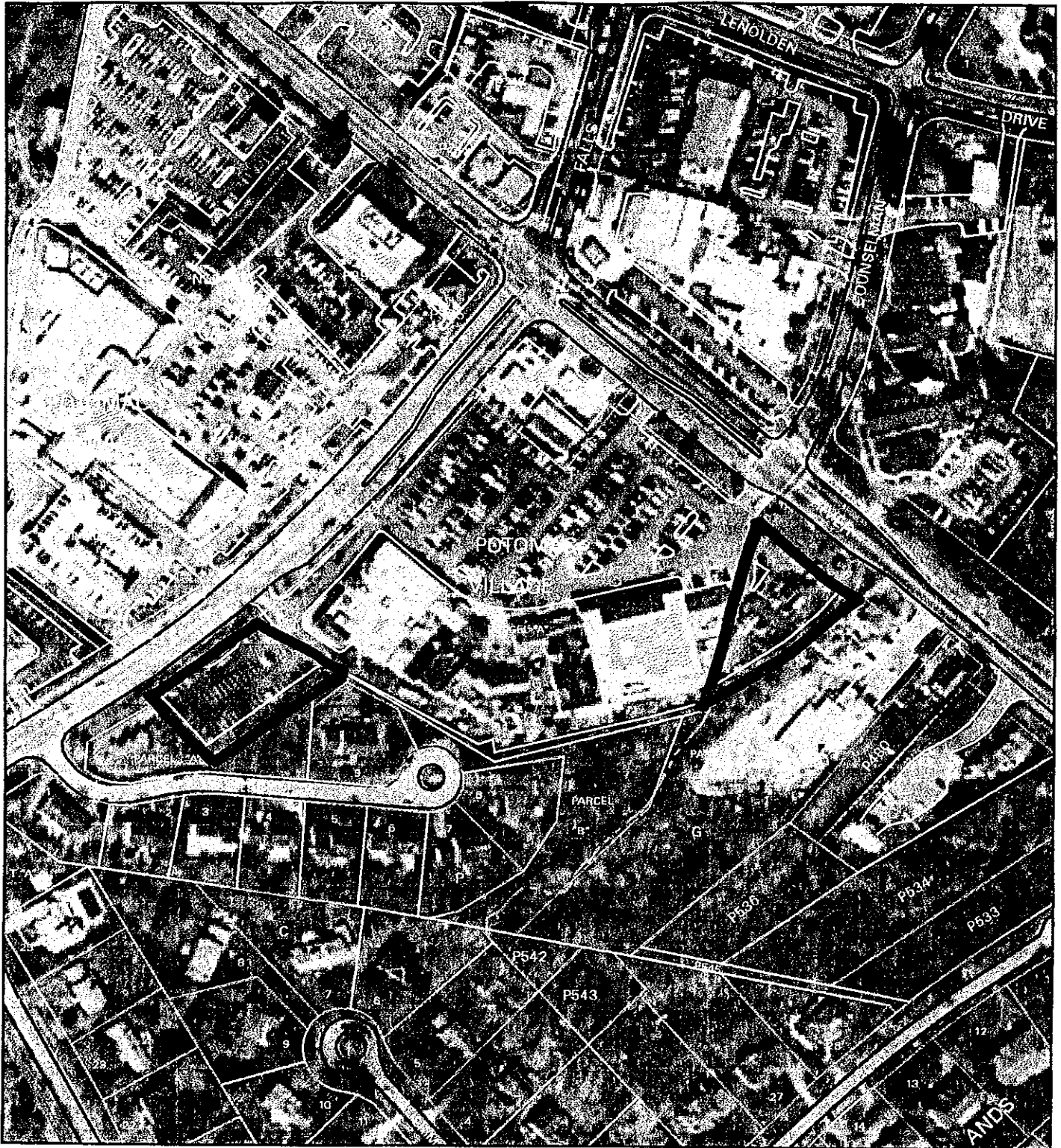
Potomac Shopping Center



M-NCPPC

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VICINITY MAP FOR
POTOMAC SHOPPING CENTER



Map compiled on January 10, 2002 at 1:29 PM | Site located on base sheet no - 212NW10 | Date of Orthophotoes - March 1998 | Orthophoto Images Licensed from VNRGIS LLC.

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Key Map



N



Research & Technology Center



1: 2400

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

1787 Georgia Avenue - Silver Spring, Maryland 20910-1760

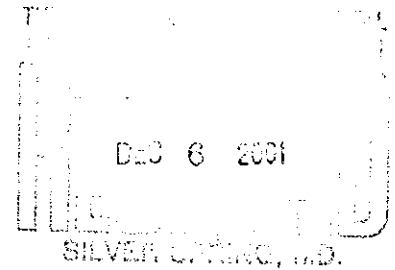
Writer's Direct Dial Number:

(301) 230-5228
tdugan@srgpe.com

POTOMAC SUBREGION MASTER PLAN HEARING

December 4, 2001

Testimony of Timothy Dugan
Attorney for Zuckerman Gravely
Owners of
The Potomac Shopping Center¹



Members of the District Council:

I am the attorney for the owners of the Potomac Shopping Center in the Village. The Safeway, Strosnider's, CVS, and other stores are located there.

We request that the Master Plan recommend rezoning, from R-200 to C-1, two, small, portions of the Center's parking area, that have been used for parking for the past 35 years.

The two areas are located at the opposite ends of the Center. The triangular-looking area fronts along River Road near the gazebo. The rectangular-looking area fronts on Falls Road, along and behind the CVS.

They are illustrated on the two attachments:

- Exhibit 1. The subdivision record plat.
- Exhibit 2. The zoning map.

The two parking areas are zoned R-200, and are being used under the special exception granted about 35 years ago.² The rest of the Center is zoned C-1.

¹ Parcel A, Block G, Potomac Village, 10th Election District, Plat No. 8339, recorded in 1966.

² Special Exception No. BAE 2047, granted in 1966.

December 4, 2001

Testimony of Timothy Dugan
Attorney for Zuckerman Gravely
Owners of
The Potomac Shopping Center¹

*The dilemma is that commercial parking in the R-200 zone, to support land zoned C-1, is not permitted, as a matter of right, and is no longer permitted by special exception.*³

The two areas should be zoned the same as the rest of the Center. If either or both of the two areas were destroyed by water or wind,⁴ or some other cataclysm, they could not be rebuilt, without new legislation. Consequently, the Center might lose access and parking.

We believe the request is reasonable and consistent with the Potomac Master Plan objectives. The recommendation would not foster a commercial use creeping outward into the residential areas. The parking areas have been there since 1966. The recommendation would only simplify the zoning of a long-standing use in the Village.

Thank you for your consideration.

Attachments:

- The subdivision record plat.
- The zoning map.

cc: Mr. Callum Murray, M-NCPPC Community Based Planning
Ms. Kathy Reilly, M-NCPPC Community Based Planning
Mr. Vincent Renzie, West Montgomery County Citizens Association
Mr. Charles Gravely, Zuckerman Gravely
Mr. James Crawford, Zuckerman Gravely
Mr. James Rich, Zuckerman Gravely

\\SR31VOLI\lawyers\5\ZUCKERMAN GRAVELY 089014 POTOMAC SHOPPING CTR\MASTER PLAN\POTOMAC SUBREGION MASTER PLAN HEARING TESTIMONY.doc

³ Section 59 C-4.345. Off Street Parking.

The off street parking required by Article 59-E must be provided on land, which is in the C-1 zone, except as required in the special exception provisions of section 59-G-2.39

[Special Exception Provisions]:

Section 59-G-2.39:

A special exception may be granted for off-street parking of motor vehicles in connection with commercial uses, subject to the following findings and requirements:

(b) The commercial uses to be served by the facility are not in the . . . C-1 zone, . . .

[The "grandfather" exceptions do not appear to apply to the Potomac Shopping Center.]

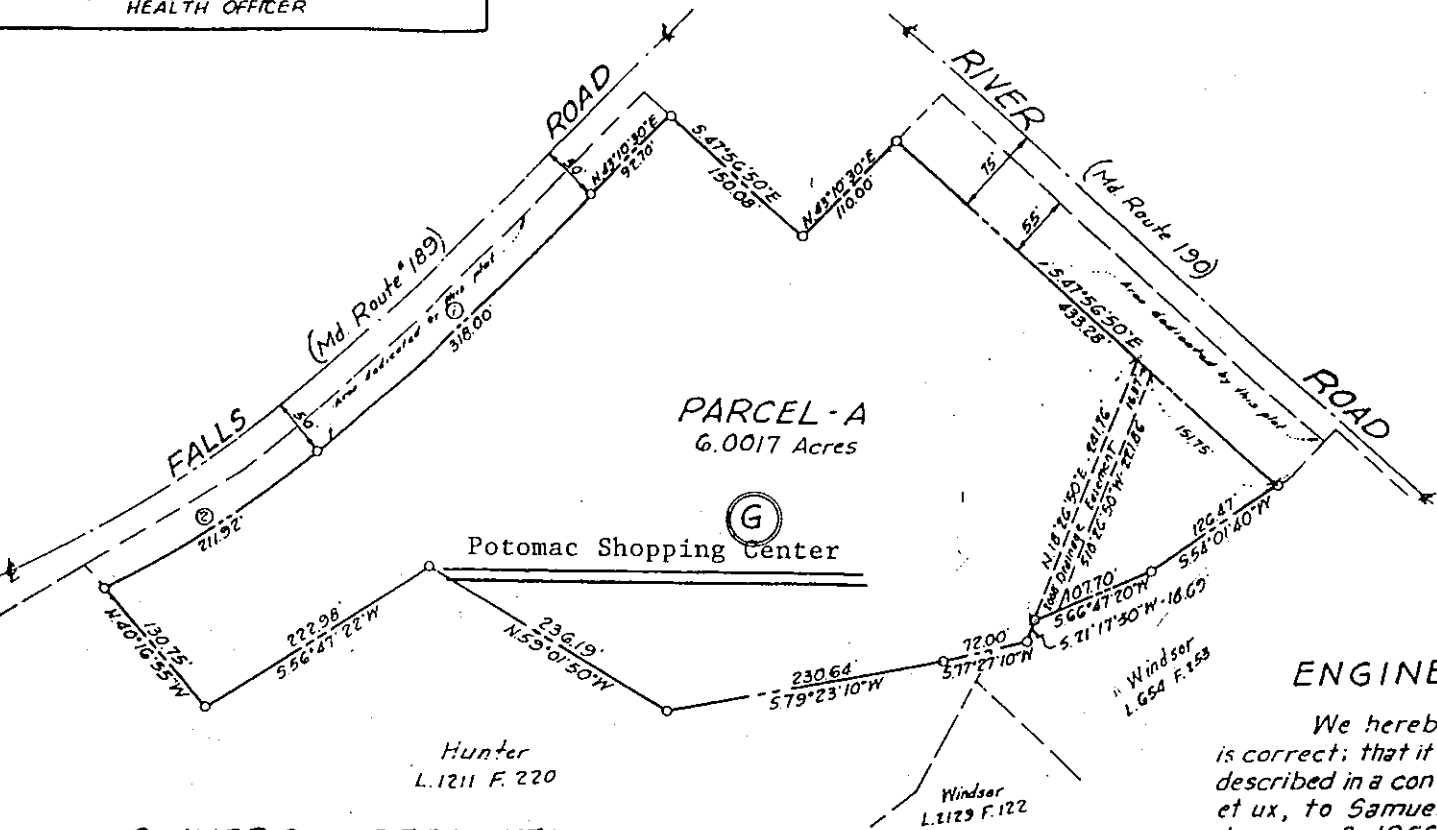
⁴ From June 20-23, 1972, Hurricane Agnes dropped an average of 6-10 inches in the Mid Atlantic Region. In the Rock Creek tributary, floods in excess of the 100-year frequency level were observed. Such flooding could destroy a parking lot, as could other severe weather conditions.

Exhibit 1
 POTOMAC SUBREGION MASTER PLAN HEARING
 December 4, 2001
 Testimony of Timothy Dugan
 Attorney for Zuckerman Gravely
 Owners of
 The Potomac Shopping Center

DEPARTMENT OF HEALTH
 MONTGOMERY COUNTY, MARYLAND
 APPROVED: 15 July 66
Roy P. Judy MD
 HEALTH OFFICER

FLAT No 8339

NOTE:
 Area of street dedication is
 46,853 f



ENGINEERS C

We hereby certify that this plan is correct; that it is a subdivision described in a conveyance from [unclear] et ux, to Samuel E. Bogley, January 3, 1966 and recorded Folio 405 among the Land Records of Montgomery County, Maryland and that the easements thus shown are in place where shown.

Date: July 18, 1966 STE

[Signature]
 REGISTER

FILED
 AUG 11 1966

OWNERS DEDICATION

We, Samuel E. Bogley and Rose Marie Bogley, his wife, owners of the property shown and described hereon hereby adopt this plan of subdivision, establish the minimum building restriction lines, dedicate the street to public use and establish the storm drainage easements and grant slope easements as shown.

Date: July 12, 1966

[Signature] SAMUEL E. BOGLEY
[Signature] ROSE MARIE BOGLEY
 WITNESS: *[Signature]* GILLIS
 WITNESS: *[Signature]* GILLIS

We assent to this plan of subdivision.

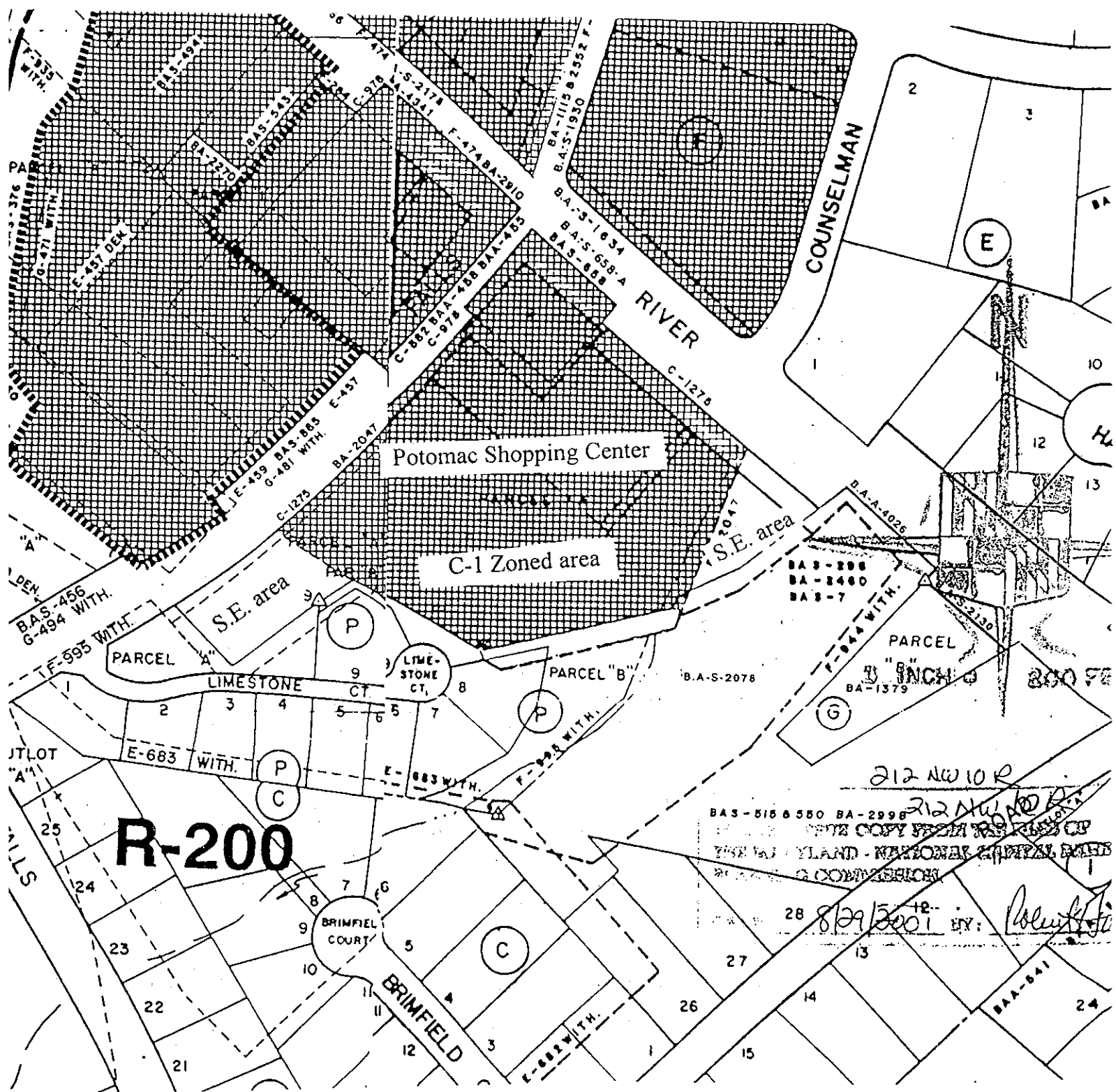
Date: July 15, 1966

[Signature] WILLIAM K. COPENHAVER, Trustee
[Signature] E. DUVAL TALIAFERRO, Trustee
 WITNESS: *[Signature]* TALIAFERRO
 WITNESS: *[Signature]* RICHETTE

CURVE DATA				
NO	RAD.	ARC	Δ	CHL
1	2579.46	318.00	7° 03' 49"	N.46
2	104174	211.92	11° 39' 20"	N.56

PARCEL-A B11

Exhibit 2
 POTOMAC SUBREGION MASTER PLAN HEARING
 December 4, 2001
 Testimony of Timothy Dugan
 Attorney for Zuckerman Gravely
 Owners of
 The Potomac Shopping Center



From: Ginny Barnes [ginnybarnes@juno.com]
Sent: Thursday, January 10, 2002 8:22 PM
To: Murray, Callum
Subject: Safeway parking

West Montgomery County Citizens Association
December 26, 2001

The Honorable Steven Silverman, President
Montgomery Country Council
100 Maryland Avenue
Rockville, Maryland 20850

Dear Mr. Silverman and Council members,

We write to voice our opposition to a request to rezone portions of the Potomac Place Shopping Center parking lot which is located on the Southeast corner of the intersection of River Road and Falls Road in Potomac.

At the Council's December 4, 2001 hearing on the Potomac Master Plan, Mr. Timothy Dugan requested that the Council consider rezoning two portions of the Potomac Place Shopping Center parking lot from the R-200 zone to the C-1 zone. Mr. Dugan explained that since these areas are currently zoned residential, they could not be replaced in the event they were completely destroyed.

We oppose the requested rezoning for the following reasons.

1. Given that the complete destruction of the parking lot is unlikely, we believe that the dramatic step of rezoning is unnecessary. First, to our knowledge, no parking lot has ever been destroyed in the Potomac area due to a hurricane or flooding of a "Rock Creek tributary". Second, even if the parking lot were partially damaged, the Zoning Ordinance does not prevent repairs. In fact, as we recall, the parking lot has been completely resurfaced on occasion.

2. Granting the requested rezoning at this point would allow the Shopping Center owners to circumvent the Master Planning process which has proceeded carefully for two years. The public would be given neither the appropriate notice nor the opportunity to participate in the necessary public hearings. Ample time was given for all interested parties to bring their concerns to the Planning Staff, the Master Plan Advisory Group and the Planning Board.

3. We oppose all attempts to slip zoning changes into the Master Plan process at this late date.

4. Rezoning of the areas on which these portions of the parking lot at issue are located to C-1 would allow the property owners, if they desired, to replace those parking lots with buildings, accommodating the parking requirements with decked parking, itself objectionable. Our concern is that this is the true purpose of the request. Currently these areas can only be used for parking or residential uses.

5. The portions of the parking lot at issue provide buffers with the surrounding residential properties. If these portions of the parking lot were replaced with buildings, those buildings would be unacceptably close to homes.

In conclusion, we submit that rezoning is the most extreme remedy to a bogus "problem". We suggest leaving the lots as they are.

Thank you for the opportunity to comment on this issue.

Sincerely,

Ginny Barnes, President
301.762.6423
10311 Glen Road
Potomac, MD 20854

TOPIC D: RICHARDS PROPERTY

STAFF RECOMMENDATION:

Confirm the Planning Board Draft Plan recommendation to retain the existing RE-2 Zone.

PLANNING BOARD DRAFT RECOMMENDATION:

Confirm the existing RE-2 zoning.

SUMMARY OF TESTIMONY:

Hugh and Barbara Richards, owners of 10511 South Glen Road, zoned RE-2, request the RE-1 Zone for a single lot.

DISCUSSION AND CONCLUSION:

The Richards property is located at the northeast quadrant of the intersection of South Glen Road and Lockland Road. It is a 2.03-acre lot in an established RE-2 subdivision. This request appears to be based on the mistaken assumption that the 2.06-acre abutting lot to the south-east has been subdivided or has the possibility of subdivision in the future. Neither is the case. The adjacent lot is split-zoned R-200 and RE-2, an anomaly that is prevalent in many parts of the Potomac Subregion, and one that staff proposes to rectify via the Sectional Map Amendment that will follow adoption of the Master Plan. The appropriate zoning for both the Richards property and the adjacent lot is RE-2 and staff therefore recommends no change to the Planning Board Draft Potomac Subregion Master Plan.

BOARD RECOMMENDATION:

#23

Hugh & Barbara Richards
10511 South Glen Road
Potomac, MD 20854

November 1, 2001

Hon. Blair Ewing
President
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Dear Mr. Ewing:

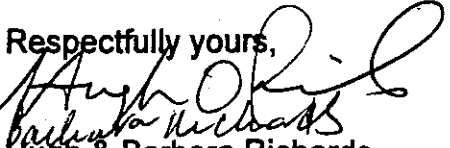
This letter is to request a Special Exception for the subdivision of our property located at: 10511 South Glen Road, Potomac, MD 20854, into two 1-acre lots.

We purchased our property 4 years ago for investment towards our retirement. We were led to believe that we would be able to subdivide it, and get the finances to purchase our retirement property. Our purchase was based on the fact that there were prior subdivisions on our block, resulting in a mixture of lot sizes ranging from 1/2 to 1 acre lots. In fact, the current Master Plan shows a subdivision on our next door neighbor's 2 acre lot: affording him a 1/2 acre subdivision portion with access to Glen Road South. Our property is a corner lot, which lends itself to two separate entrances, exit 1 on Glen Road South and the other on Lockland Road, alleviating any further traffic congestion. Also, the present house on our property is situated on one acre of its two plus acres.

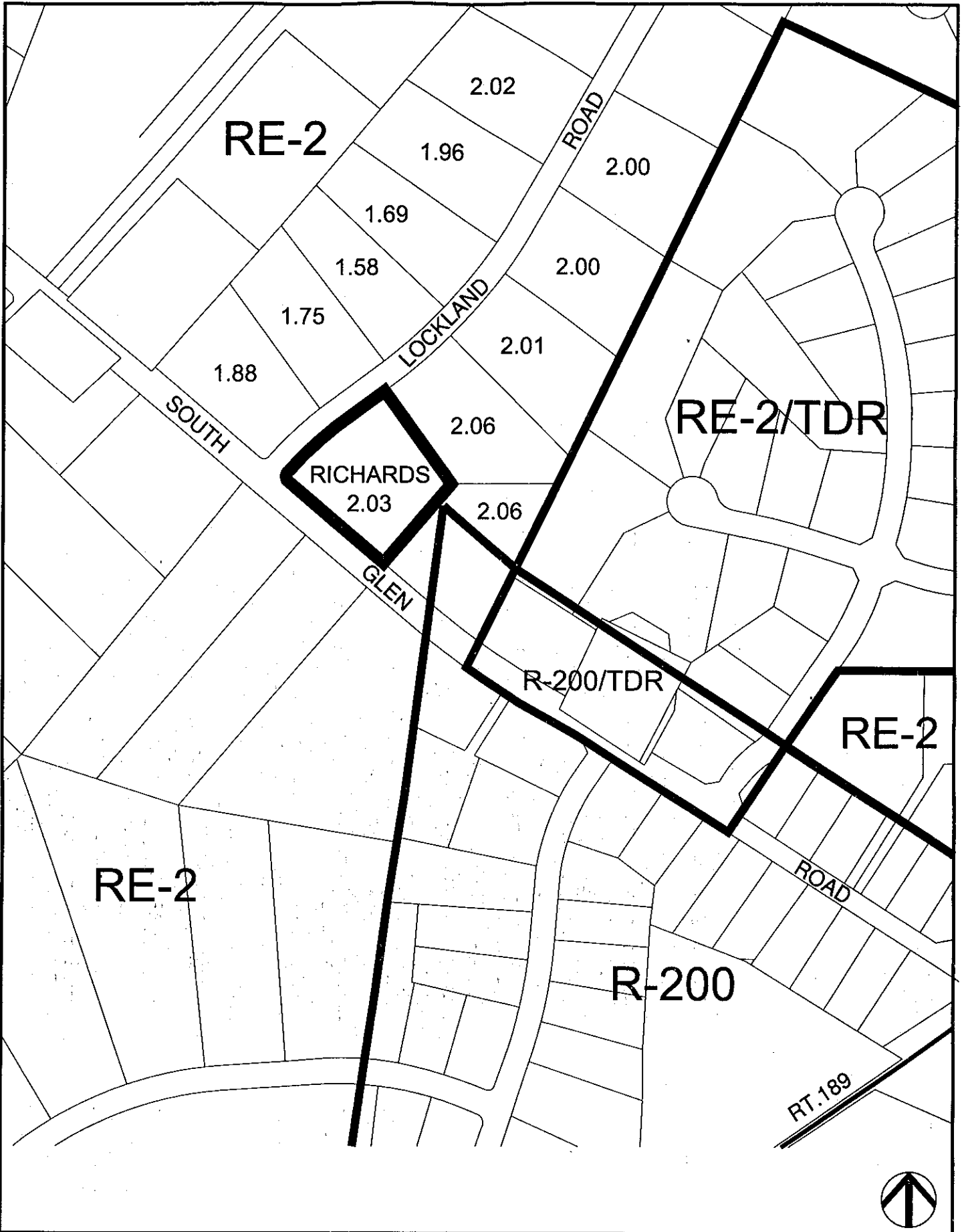
We were in the process of filling out forms, getting surveys to subdivide, and was shocked to learn of your proposed Master Plan. This Master Plan would definitely hinder our plans that we have made for our retirement. Therefore, we are asking your council to grant us the Special Exception for our property to be subdivided, to allow us to have two one acre homes on the property.

The property is 38 years old and is in need of renovations, that includes improvement of its sewer, water system, and its energy efficiency. Water and sewer capacity is available from WSSC, and we have already installed natural gas from Washington Gas. After receiving several estimates from renovators and appraisals, the fact still remains that we would not be able to recoup our investment without having the opportunity to subdivide the property.

Therefore, we need your careful consideration in granting us this Special Exception, because with a simple stroke of your pen you could drastically alter the future of our lives.

Respectfully yours,

Hugh & Barbara Richards
(301) 765-5956

Richards Property



M-NCPPC

VICINITY MAP FOR
RICHARDS PROPERTY



Map compiled on January 06, 2002 at 12:14 PM | Site located on base sheet no - 213NW10 | Date of Orthophotos - March 1998 | Orthophoto Images Licensed from WARGIS LLC.

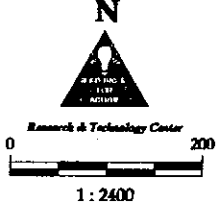
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Key Map



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 8787 Georgia Avenue - Silver Spring, Maryland 20910-3760