

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation with Modifications,  
(Motion of Comm. Keeney, seconded by Comm. Floreen, with a  
vote of 4-0; Commissioners Keeney, Floreen, Bauman and  
Hewitt voting in favor, with Comm. Henry being absent).

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-89044

NAME OF PLAN: SENECA HIGHLANDS

On 01-19-89, DARNESTOWN LIMITED PART. , submitted an application for the approval of a preliminary plan of subdivision of property in the C1 zone. The application proposed to create 1 lots on 12.18 ACRES of land. The application was designated Preliminary Plan 1-89044. On 11-16-89, Preliminary Plan 1-89044 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing , the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-89044 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-89044, subject to the following conditions:

APPROVAL of 1 lot and 1 outlot, subject to:

- . Agreement with Planning Board limiting development to 43,256 square foot retail establishment and the construction of a left-turn lane on westbound Route 28 to be under construction prior to issuance of building permit
- . Conditions of DEP stormwater management and Health Department approvals
- . Dedication of Route 28 for 120' right-of-way and additional dedication if necessary for improvement of left turn lane (as stated in #1 above)
- . All existing structures located on outlot to be removed
- . Prior to MCPB release of building permit, submit verification from MDSHA's acceptance for dedication of right-of-way for portions of parcels #531 and

PRELIMINARY SUBDIVISION PLAN APPLICATION FILE NO: 1-89044  
withdrew or superseded: N another plan on property? file no: -  
NAME OF SUBDIVISION: SENECA HIGHLANDS DATE OF APPLIC: 01-19-89  
SPECIAL EXCEPTION OR ZONING CASE NO: DATE OF SRC: 01-19-89  
THRESHOLD: PRE-PRELIMINARY PLAN FOR THIS PROPERTY, ENTER IT: -  
LOCATION

A. OF OF  
200 BASE MAP NO: 220NW14 MPDUS PROPOSED: 0  
NO. LOTS PROPOSED: 1 NUMBER OF RESIDENTIAL UNITS PROPOSED: 0  
TYPE OF UNITS: CM, ZONING: C1  
NUMBER OF UNITS: 1 0 0 0 0 ZONING: R200  
PROPOSED SANITARY FACILITIES: WATER: PUBLIC SEWER: SEPTIC  
NUMBER OF TDRS: 0 REQUEST CLUSTER OPT: N REQUEST MPDU WAIVER: N  
REQUEST STORM WATER MANAGEMENT WAIVER: N HISTORIC SITE OR DISTRICT?: N  
OWNER NAME: DARNESTOWN LIMITED PART.  
ADDRESS: 4710 BETHESDA AVE TELEPHONE NO: 301-657-4600  
BETHESDA, MD, 20814  
CONTRACT PURCHASER NAME:  
ADDRESS: 0 TELEPHONE NO: - -  
CONVEY AREA: 12.18 ACRES INCLUDE AREA: 12.18 ACRES PLAN FEE: \$552.00

RESTRICTIONS:  
NONE

ENGINEER OR SURVEYOR: KIDDE CONSULTANTS, INC.  
ADDRESS: 50 WEST MONTGOMERY AVE TELEPHONE: 301-762-7910  
ROCKVILLE, MD, 20850

MPDU REQUIRED: 0 MPDU APPROVED: 0 NO. OF LOTS APPROVED: 1  
UNITS APPROVED: TYPE OF UNITS: CM,  
NUMBER OF UNITS: 1 0 0 0 0  
DATE OF PLAN ACTION: 11-16-89 PLANNING BOARD ACTION: APPROVED  
PLAN EXTENSION: DATE GRANTED: 00-00-00 EXPIRATION: 00-00-00  
AGING SCHEDULE? YEAR:  
NUMBER OF LOTS:

200 BASE MAP NO: 220NW14 MASTER PLAN AREA: 24 TAX MAP NO: ES121  
COORDINATE TAX MAP YEAR: CENSUS TRACT & BLOCK: 06006780  
COORDINATE PLANNING AREA: 24 TRAFFIC ZONE: 276

WERSHED NO: SEWER AUTHORIZATION NO:  
FORM WATER MGMT. WAIVER GRANTED: STREAM CHANNEL MODIFICATION:  
A PERMIT NEEDED:  
PARKLAND ACRES: REC FACIL: PLAYGROUND: PLAYFIELD: OTHER:

#532 and transfer of remaining area of  
parcels #531 and #532 to M-NCPPC  
Parks Department

Necessary easements

Any structures on outlot and property dedi-  
cated to Parks Department will be removed prior  
to dedication

Wells on property for Parks Department  
to be capped prior to dedication

Survey to be conducted on Parks  
Department parcel

SEP 1 1 1998

1657C



**LANDOW & Co. . . . .** PARK PLANNING AND DEVELOPMENT DIVISION MONTGOMERY COUNTY BUILDERS

4710 BETHESDA AVENUE, BETHESDA, MARYLAND 20814 • 301/657-4600

September 1, 1998

Mr. William E. Gries  
Land Acquisition Specialist  
Montgomery County Department of Parks and Planning  
M-NCPPC  
9500 Brunett Avenue  
Silver Spring, Maryland 20901

Re: **Parcels 532 and 531 (the "Parcels"): Darnestown, Maryland**

Dear Mr. Gries:

As you may recall, pursuant to the conditions of Preliminary Plan No. 1-89004 (Seneca Highlands), in August, 1995, Darnestown Limited Partnership ("DLP") deeded the above referenced Parcels to the M-NCPPC, which intends to construct a park thereon.

Recently, I was contacted by Mr. Bruce Deppa of the Greater Darnestown Civic Association ("GDCA"), who requested that DLP permit visitors to the proposed park to use the parking facilities at the Darnestown Village Center Site (the "DVC"), which is currently being constructed by DLP. DLP is happy to grant its permission for this use subject, however, to the following terms and conditions:

1. The parking facilities may not be used until a final Use and Occupancy Certificate is issued for the Food Lion store.
2. Our lease with Food Lion, Inc. ("FLI") requires that we maintain a specific parking ratio; accordingly, we reserve the right to rescind our permission to permit visitors to the proposed park to use the DVC parking facilities if, at any time and/or for any reason whatsoever, DLP, in its sole and absolute discretion, determines that,
  - (a) it is unable to satisfy its parking ratio obligation to FLI because of the park's visitors' use of the DVC parking facility; or
  - (b) additional leasing at DVC (which is eventually planned), requires that DLP set aside more parking spaces for the patrons of FLI and DVC's other tenants; or
  - (c) the park's visitors' use of the DVC parking facilities is, in any way, detrimental to the use, occupancy and enjoyment of any portion of DVC (including, by way of illustration only and not limitation, extra-ordinary wear and tear to the parking facility).

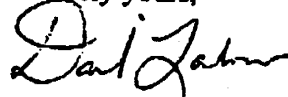
Mr. William E. Gries  
September 1, 1998  
Page two

3. DLP further reserves the right to rescind its permission to permit visitors to the proposed park to use the DVC parking facilities if, at any time and/or for any reason whatsoever, FLI notifies DLP, in writing, of FLI's objection to such use of the DVC parking facilities. DLP agrees that, in the event of any such objection by FLI, DLP will immediately inform the M-NCPCC and the GDCA about FLI's objection. DLP will reinstate such permission if a resolution to the objection is reached to the mutual satisfaction of FLI and DLP, in their sole, absolute and unrestricted discretion.

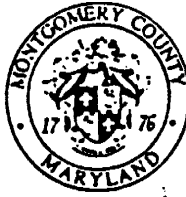
Accordingly, please accept this letter as evidence of DLP's permission for the public to use the DVC parking facility when visiting the planned park, subject to the within described conditions and reservations.

Best personal regards.

Sincerely yours,



David Landow  
LANDOW & COMPANY



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

January 27, 2005

Robert C. Hubbard  
Director

Mr. Scott Roser, P.E.  
Macris, Hendricks, and Glascock, P.A.  
9220 Wightman Road, Suite 120  
Montgomery Village, MD 20866

Re: Stormwater Management **CONCEPT** Request  
for Seneca Highlands Shopping Center  
Preliminary Plan #: 1-89044  
SM File #: 200866  
Tract Size/Zone: 10.6 acs/C-1  
Total Concept Area: 10.6 acs  
Parcel(s): G  
Watershed: Grrat Seneca Creek

Dear Mr. Roser:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site quantity and quality control via the existing on site stormwater management pond. Additional measures are also proposed.

The following items and conditions 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. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Design and install a properly sized water quality inlet structure(s) for the entire commercial drainage area.
6. Re-design and construct the existing plunge pools to provide drainage of the pools within 24 to 48 hours.
7. Remove the existing trash grates from all inlets and replace them with a County approved design.

NOTE: Any future development or redevelopment may require all existing stormwater facilities to be redesigned to meet County standards in effect at that time.

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

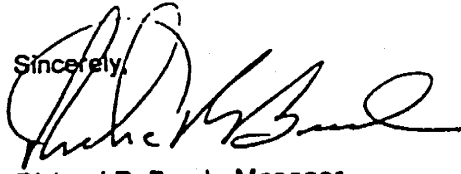


Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

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 Richard Gee at 240-777-6333.

Sincerely,



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

RRB:dm RIG CN200866

cc: R. Weaver  
S. Federline  
SM File # 200866

QN - on site; Acres: 10.6  
QL - on site; Acres: 10.6

WSSC Comments on Items for March 14, 2005  
Development Review Committee Meeting

File Number	Project Name	Substantial Comments
8-05027	Darnestown Village Center	<p><u>PAY SYSTEM DEVELOPMENT CHARGE (SDC) FEE</u></p> <p>System Development Charge (SDC) payment may be required if additional fixtures are proposed. Make payment to WSSC's One-Stop-Shop at the time of application for plumbing permit to install additional fixtures.</p>



EPD Recommendation to Dev Rev Div: Hold for revision/additional information

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
DEVELOPMENT REVIEW COMMITTEE RECOMMENDATIONS

TO: Robert Kronenberg  
Development Review Division

SUBJECT: Plan # 8-05027, Name Darnestown Village Center  
DRC date: March 14, 2005

The above-referenced plan has been reviewed to determine if it meets requirements of the Guidelines for Environmental Management of Development in Montgomery County, and other county regulations that may apply. The following recommendations are made for the DRC meeting:

SUBMITTAL ADEQUACY

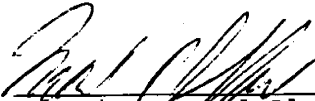
Plan is complete. (FCP exemption 4-98155E approved January 28, 1998)

EPD RECOMMENDATIONS:

Hold for the following Revisions/Additional Information before scheduling for Planning Board:

1. It is unclear from the submission if Lots 30 and 31 are included in this application. The site plan indicates that a septic trench is proposed for lots 30 and 31 and we need to see how the septic areas interact or conflict with the forest conservation easement on lot 31. Plats 19661 and 19660 show a septic area at the rear of lots 30 and 31. The locations of the septic area on the plats differ from the area shown on the site plan.
2. Environmental Planning has no comments on the expansion of the store other than comment #1 above.

SIGNATURE:

  
Environmental Planning  
Countywide Planning Division

DATE:

3-9-05

cc: engineer/applicant

**Reminder:** Address your submissions/revisions to the Reviewer who completed the Comments sheet.  
Put the Plan numbers on your cover/transmittal sheets.

**3/14/05**

**TO: Cathy Conlon, Subdivision Supervisor, Development Review Division  
Richard Weaver, Subdivision Review, Development Review Division  
Robert Kronenberg, Site Plan Review, Development Review Division**

**FROM: Doug Powell, Plan Review Coordinator, Park Planning and Resource  
Analysis Unit, Countywide Planning Division**

**RE: Park and Natural Resources Issues involved in plan 8-05027,  
Darnestown Village Center**

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**8-05027  
Darnestown Village Center**

- The adjacent Darnestown Square Urban Park is the site of a historic graveyard. Native trees should be planted by Applicant along the eastern side of the subject property to best buffer the park from the developed property.

**Macris, Hendricks and Glascock, P.A.**  
Engineers • Planners • Surveyors • Landscape Architects

9220 Wightman Road, Suite 120  
Montgomery Village, Maryland  
20886-1279

Phone 301.670.0840  
Fax 301.948.0693

www.mhgpa.com



March 10, 2005

Mr. Robert Kronenberg  
Maryland National Capital Park and Planning Commission  
Development Review Division  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Re: MNCPPC Site Plan #8-05027  
MHG Project No. 04-264.11

Dear Mr. Kronenberg:

On behalf of the Applicant, Darnestown Limited Partnership, we are submitting the written justification for the parking waiver request that was quantified on the referenced site plan application. Specifically, the owner is requesting a parking waiver of fourteen (14) spaces, as may be allowed under Section 59-E-4.5. Under these provisions, the Planning Board may waive any requirement not necessary to carry out the objectives of section 59-E-4.2. This letter addresses how the proposed waiver will not be in conflict with the Parking Facility Plan objectives given in section 59-E-4.2, which states,

*"Sec. 59-E-4.2. Parking facilities plan objectives"*

*A parking facility plan shall accomplish the following objectives:*

- (a) The protection of the health, safety and welfare of those who use any adjoining land or public road that abuts a parking facility. Such protection shall include, but shall not be limited to, the reasonable control of noise, glare or reflection from automobiles, automobile lights, parking lot lighting and automobile fumes by use of perimeter landscaping, planting, walls, fences or other natural features or improvements.*
- (b) The safety of pedestrians and motorists within a parking facility.*
- (c) The optimum safe circulation of traffic within the parking facility and the proper location of entrances and exits to public roads so as to reduce or prevent traffic congestion.*

Mr. Robert Kronenberg  
Re: Site Plan #8-05027  
March 10, 2005


- (d) *The provision of appropriate lighting, if the parking is to be used after dark."*

We respond as follows with respect to each of the above parking facility objectives:

- a) No detriment will result to the health, safety or welfare of those who use any adjoining land or public road from the requested reduction of parking spaces, in as much as adequate parking will still be provided on-site.
- b) The Darnestown Village Center has been operating since late 1999, and the use of the parking lot has been established. Many store customers in this rural area drive larger vehicles such as SUVs and mini-vans, instead of the compact or medium sized passenger cars. The issue of safety is more connected to drive aisle width and parking space width, than it is to number of parking spaces. The negative effects, if any, of granting the 6.5% waiver of parking spaces on this lot are more than offset by the wider spaces shown on the plan.
- c) The granting of the waiver will result in a parking facility with wider parking spaces which will allow for improved ease of movement in and out of spaces, and greater room for opening vehicle doors for loading packages. This will lead to safer circulation within the parking facility.
- d) Appropriate lighting will be provided.

If you have any questions or need additional information, don't hesitate to call me at 301-670-0840.

Sincerely,



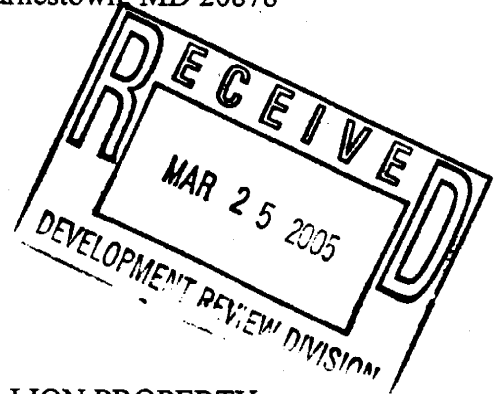
Stephen V. Goley, P.E.  
Project Manager  
Macris, Hendricks & Glascock, P.A.

cc: David Landow  
Marty Hutt  
Dennis Bost

March 24, 2005

Terrence Reis  
15228 Turkey Foot Road  
Darnestown, MD 20878

Maryland National Capital Park and Planning Commission  
Montgomery County Department of Park and Planning  
Development Review Division  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
Attn: Mr. Robert Kronenberg



**SUBJECT: REDEVELOPMENT OF DARNESTOWN FOOD LION PROPERTY**

Dear Sir:

I am aware that Landow & Co. has filed plans for the expansion of its Food Lion grocery store in Darnestown, MD. As a neighbor of this property I am writing to request that the Planning Board properly consider the following concerns that are shared by many of the neighbors. Moreover, in addressing all concerns associated with this property I urge your staff and the planning board to keep foremost in your mind that this property is not located in a commercial center, but is the lone commercial property tucked into a rural, residential neighborhood and is part of the community's vision, clearly documented in the Master Plan, for a pedestrian friendly, rural village center.

First is the issue of the parking lot lighting. The developer has filed a lighting plan with its application; however the same was true when the property was first developed in 1998 and the lighting is inappropriate for the neighborhood and the community. I ask you to consider the following common sense approach as I have little confidence with the county's ability to monitor and enforce any terms of a lighting plan.

The Food Lion has been a very good neighbor with respect to the lighting. There are currently 18 parking lot lighting poles on the property. The Food Lion, as a courtesy to the neighbors and the community, only operates with seven of the 18 illuminated. In my initial conversations with the redeveloper of the property, they do not agree with this scheme and want more lighting. A change to illuminating the 18 poles on the property would obviously be a significant delta to the current situation and would be objectionable to the neighbors and the community.

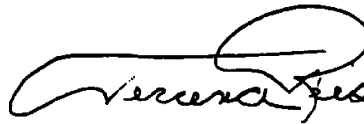
Additionally, regardless of the number of poles, the neighbors and the community consider the existing lighting to be too high and the unnecessary cause of light pollution to the community. No matter how much shielding of the lights is done, there will too much glare for the surrounding community when the light originates from 30 feet in the

air. I urge you to consider much shorter poles, even if this means there needs to be more poles to provide the necessary illumination for safety. There are currently at least two local developments that have much shorter, aesthetically pleasing poles which would be much more appropriate for the Darnestown Village Center. These centers are those on Tuckerman Lane and Wooton Parkway, each of which are anchored by Giant grocery stores.

The second issue is the rooftop mechanical equipment. There is history with the existing equipment and you will find that it is minimally compliant with county noise statutes of not causing more than 55dbA on an adjoining property. I ask that you ensure that any new equipment is quieter for the surrounding community.

The third issue is additional parking spaces that the applicant has planned for the rear of the building. These are unnecessary and would contribute to the possibility of employee loitering in an area that is right on top of adjoining neighborhood yards.

Thank you for the opportunity to comment on the redevelopment plans. I trust you will give them appropriate consideration.

A handwritten signature in black ink, appearing to read "Terrence Reis", with a large, stylized flourish at the end.

Terrence Reis  
301-415-1832 (W)  
301-216-1531 (H)

**Kronenberg, Robert**

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**From:** patricia.harris@hklaw.com  
**Sent:** Tuesday, April 05, 2005 2:39 PM  
**To:** Etemadi, Shahriar  
**Cc:** scott@rstdevelopment.com; Irish@vika.com; Kronenberg, Robert; Iraola, Miguel; cdalton@studio39.com; Alan.meyers@armeyers.com  
**Subject:** South Silver Spring Development

Shahriar,

Thank you for taking the time to meet with Chuck Irish and me to discuss the 13th Street ROW issue. As we discussed, we will dedicate an additional 11 feet along 13th Street, for a total of a 71' ROW. We will provide the County with a public improvement easement for the remaining 9 feet. As we noted, this solution responds to the objectives of the Sector Plan and also accommodates the proposed development. Please contact me if you have any questions. Thanks.

Pat

Patricia A. Harris, Esq.  
Holland & Knight LLP  
3 Bethesda Metro Center  
Suite 800  
Bethesda, Maryland 20814  
(301) 215-6613 - phone  
(301) 656-3978 - fax  
patricia.harris@hklaw.com