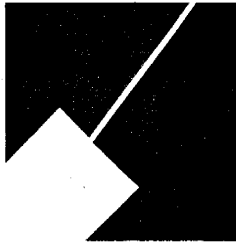


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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MCPB
12/15/05
Item # 6

MEMORANDUM – Local Map Amendment

DATE: December 9, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief, Development Review Division *RK*

FROM: Carlton Gilbert, Zoning Supervisor *CG*
(301) 495-4576

SUBJECT: **Local Map Amendment No. G-820:** Normandie Farms Joint Adventure LLC, applicant, - reclassification of 6.53 acres of property from the RE-2/TDR zone to the Country Inn zone, located at 10710 Falls Road, Potomac – Potomac Subregion Master Plan

PUBLIC HEARING: December 19, 2005

STAFF RECOMMENDATION:

APPROVAL of Local Map Amendment No. G-820 for the following reasons:

1. The application is consistent with the purpose clause and all applicable standards for the Country Inn zone.
2. The development plan is in conformance with the land use recommendations of the Potomac Subregion Master Plan, and will be compatible with the surrounding area.
3. The Country Inn zone is an appropriate zone for the property and the rezoning request should be approved as requested.

INTRODUCTION

The application is a request for reclassification of a 6.53-acre parcel of land, from the RE-2/TDR zone to the Country Inn zone. The subject property is identified as Parcel P180 on Tax Map FP43. The property is located at 10710 Falls Road in Potomac, Maryland. The property is located on the northwest side of Falls Road, at the

intersection of Falls Road and Potomac Tennis Lane. It fronts onto Falls Road and consists of a depth of approximately 575 feet along the southern boundary, and 670 feet along the northern boundary line. The property is developed with a one-story restaurant and a two-story administration building, as well as a storage shed, parking and a slate patio. The building has been used as an inn/restaurant since 1931. The owners propose to continue this use within the requested Country Inn zone.

The use of the property will be in accordance with a development plan submitted with the zoning application. The development plan proposes continued use of the existing facilities, with the addition of a building behind the restaurant to provide space for private dining, banquets, and receptions. The plan proposes reconfiguration of the parking and loading areas for greater efficiency, including removal of some of the parking in the rear. The plan also proposes additional landscaping and gardens on the property.

BACKGROUND

A. Description of Property

The property is a 6.53-acre parcel fronting onto Falls Road located within the Potomac Subregion Master Plan. The property is currently developed with a one-story, brick and siding inn, a two-story brick administration building, a storage shed attached to the side of the inn, and a slate patio. The property is served by driveway access from Falls Road which is a two-lane undivided road. The property is gently to moderately sloping and mostly cleared, with approximately 0.71 acres of forest located at the rear of the property. Vegetation on the remainder of the property consists of trees, shrubs, and perennials. The property has a small patio and walkways that connect the main building to the parking and auxiliary buildings. There are low retaining walls (3 feet in height) at the entrances and along a portion of the southern end of the parking lot. Additionally, a split rail fence runs in front of the retaining wall, dividing the eastern and western parking lots. There is no flood plain on the property. However, there is a stone and concrete enclosed spring at the rear of the property, which drains down an eroded channel.

B. Surrounding Area

As previously stated, the property is located within the Potomac area of the Potomac Subregion Master Plan. The site is located on Falls Road, across from the Bullis School, at the intersection with Potomac Tennis Lane, approximately 1,500 feet north of the intersection with Democracy Boulevard. To the north is the Manor Care nursing home, the Potomac Tennis Club and Falls Road golf course, and to the west are single-family detached dwellings in the Glen Falls subdivision in the RE-2 and RE-2/TDR zones.

Staff defines the area as generally bounded by Democracy Boulevard to the south, Glen Road to the west and north, and Stapleton Hall Road to the east.

C. Intended Use and Approval Procedures

The restaurant has been in operation on the property since 1931. It is a legal nonconforming use in the RE-2/TDR zone. According to the applicant, the Country Inn zone is proposed at this location to protect the existence of the buildings and setting that has served the community as a country restaurant for over seventy years, and to facilitate the continued operation of a country inn restaurant. The associated development plan for the property proposes the continued use of the existing main building and the addition of a building behind it to allow for private dining and receptions. The banquet facility will be connected to the existing building by a breezeway. The kitchen in the existing building will serve both the restaurant and the banquet areas. The existing administrative building and part of the existing dining area will be removed, providing space for an entry pergola and landscaped courtyard between the two buildings. The existing facilities comprise 14,272 square feet. The total floor area proposed for the project is approximately 24,400 square feet, providing a net addition of approximately 10,000 square feet. The parking lot will be revised to provide better circulation and delineation of spaces, a drive for patron drop-off and pick-up, and a separate loading area and employee parking area. The revised parking layout also provides for the removal of parking at the southernmost corner that is within the 100-foot stream valley buffer.

If the District Council approves rezoning, additional steps will include the review and approval of a preliminary plan of subdivision and site plan by the Planning Board.

D. Zoning History

The property was zoned R-A in the 1958 Comprehensive Zoning. In 1973, text amendment No. 73013 re-designated the R-A zone as RE-2. The zoning was confirmed RE-2 in 1980 as part of Sectional Map Amendment (SMA G-247), in 1987 (SMA G-565) and again in 2002 (SMA G-800). In 1982, the property was part of a larger 41-acre parcel. The site was designated as a TDR receiving area. The Potomac Subregion Master Plan discusses the Normandie Farms site and recommends rezoning the site to the Country Inn Zone. The Plan recommends development of a Country Inn that compliments the restaurant use and is compatible with the character of the neighborhood, with an added density of no more than 10,000 square feet.

E. Master Plan Recommendation

The subject property is located within the Potomac area of the approved and adopted Potomac Subregion Master Plan of 2002. The 6.53-acre property is in the Glen Falls neighborhood and presently includes a restaurant located on Parcel P180.

Specifically, the Master Plan recommends that the site be rezoned to the Country Inn Zone and that the allowable density on the site shall not exceed 10, 000 square feet in addition to the existing restaurant. The Master Plan land use and design guidelines stated that the inn should complement the existing restaurant with generous setbacks from lot lines and the creation of green, park-like edges along the site's perimeter.

Community-Based Planning staff finds the development plan to be in conformance with the Potomac Subregion Master Plan and recommends APPROVAL. If the County Council approves the zoning application, the proposed addition will require a preliminary plan of subdivision.

F. Public Facilities

The Property is located in water and sewer category W-1/S-1, and is served by public water and sewer. The Rockville #33 Fire and Rescue station is located on Falls Road (MD 189), approximately 1-1/8 miles northeast of the Property. A traffic study has been conducted and staff's review of this study indicates that the proposed use will have no adverse effect on the surrounding road network.

ANALYSIS

A. Intent and Purpose of the Zone

The intent and purpose of the Country Inn Zone is found under Section 59-C-4.390 of the Zoning Ordinance and provides that:

This zone is intended to be used for the purpose of permitting country inns at appropriate rural locations. It is primarily intended that country inns be located in existing structures, but this does not preclude such uses being located in new structures where appropriate. Since this zone permits commercial uses in a rural location, approval of this zone shall be based upon certain restrictions not imposed upon other uses in rural areas nor upon restaurants and inns in commercial areas. Construction and development of a country inn zone must ensure that the proposed uses permitted in this zone will be compatible with and will not adversely affect the rural character of the surrounding area. In addition, it is the purpose of this zone to preserve and maintain significant trees. Development shall be in conformance with a development plan submitted in accordance with the provisions of division 59-D-1 and approve as being consistent with the purposes of this section. The use of this category at any location is not an indication that the surrounding area is other than rural, that its character is altered by the granting of this zoning category or the presence of the country inn, or that any other change in zoning is appropriate because of this change.

The Country Inn zone is proposed at this location to protect the existence of the buildings and setting that has served the community as a country restaurant for over seventy years, and to facilitate the continued operation of a country inn restaurant.

Normandie Farm inn was established as a country restaurant in 1931. The existing restaurant and accessory structures are rural in character and are located within a semi-rural setting. The buildings still reflect the rustic French country style and the image of the era in which they were built. The property is located across from the 150-acre Falls Road Golf Course, and the 60-acre Bullis School campus, characterized by large areas of open space. The residential lots adjacent to the property along Falls Road are all large lots, approximately 1 to 3 acres in size. The large lots and significant open space in the vicinity lend an open, rural character to the area. The property is currently zoned RE-2, formerly known as R-A or Rural Agricultural. It is surrounded by property in the RE-2 zone and the RE-2/TDR zone. The Development Plan for the property preserves the rural character of the site, by preserving most of the existing building, adding a building compatible in style and scale, and enhancing the natural green space around the property. Thus, the continued use of the Property as a country inn and reclassification to the Country Inn zone will not adversely affect the semi-rural character of the area.

B. Development Standards

The design of the development will be finalized and approved by the Montgomery County Planning Board at the time of subdivision and Site Plan approval. The development standards and other criteria will be complied with at that time.

<i>Development Standard</i>	<i>PermittedRequired</i>	<i>Provided</i>
Minimum Tract Area	2.0 acres	6.53 acres
Building Coverage Max.	10 percent	9 percent
Green Area	50 percent	57.4 percent
Parking	259 spaces	261 spaces
Building Setbacks Street Any other lot line	50 feet minimum 75 feet minimum	92 feet 112' north 203' south 274' rear
Building Height • Main Building • Accessory Bldgs.	2.5 stories 2 stories (except for	1 story N/A

	existing bldgs. & addi.	
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Staff notes that at 6.53 acres, or 284,446 square feet, the subject property exceeds the minimum tract area and must meet or exceed all of the other development standards at the time of subdivision and Site Plan Review.

Sections 59-C-4.396 and 59-C-4.397 describe requirements for signs and off-street parking. The required number of parking spaces are provided onsite, in an arrangement which minimizes the impact of the parking on the surrounding land and development. The majority of the parking is situated away from Falls Road, to the rear of the buildings. No proposed parking is located closer to Falls Road than the existing parking. Additional landscaping is provided throughout the parking lot and in the green areas surrounding the building and parking areas for the comfort and enjoyment of the patrons and added visual appeal from the street. The existing signs identifying the building, erected in accordance with the sign ordinance at the time of installation, will continue to be used in their current location. If necessary, modifications will be provided to comply with section 59-F. Low-level lighting illuminates the signs and building, and pole lighting for the parking lot uses cut-off features to prevent spillage of light onto adjacent properties.

C. Transportation Recommendation

Based on Transportation Planning staff’s review of the submitted traffic analysis and development plan, staff recommends the following condition as part of the APF test for transportation requirements related to approval of this zoning application.

- Total development under this zoning application is limited to a maximum of 22,600 square feet of restaurant/inn facility as shown on the development plan.

DISCUSSION

Site Access and Vehicular/Pedestrian Circulation

The site has two driveways from Falls Road (MD 189) and these driveways will be improved as shown on the schematic development plan. Falls Road (MD 189) is classified as a major highway with two lanes with a master plan right-of-way of 120 feet. Staff finds that the access point and the vehicular circulation system shown on the development plan are adequate.

The development plan includes lead-in sidewalks from MD 189 and a pedestrian path connecting inside the property. There is a limited pedestrian activity in the vicinity of the site since the area in which the site is located is rural in character. Staff finds the

bikeway and pedestrian circulation system to be safe and adequate with the construction of sidewalk and a pedestrian path inside the property proffered by the applicant.

Local Area Transportation Review

A traffic analysis for rezoning was prepared to determine the impact of expansion of the existing restaurant as proposed under the requested zone. Staff agrees with the conclusion of the traffic study that the proposed development of the subject site does not have an adverse impact on the surrounding roadways.

Four local intersections were identified as critical intersections to be affected by the proposed development and the four intersections were examined to determine whether they meet the applicable congestion standard of 1,475 Critical Lane Volume (CLV) for the North Potomac Policy Area. The facility is not open for breakfast and the only activity in the morning peak periods is the arrival of staff and deliveries, which are not expected to change due to the expansion. Therefore, only the evening peak hour traffic condition was analyzed for impact of the proposed expansion. The proposed development's trips were added to the existing and the background traffic (trips generated from approved but unbuilt developments) to determine the total future traffic. The total future traffic was assigned to the critical intersections to determine the total future CLVs. The result of CLV calculation is shown in the following table. The CLV impacts of the proposed development on these intersections were analyzed and are summarized in Table I.

Table I

Intersection Capacity Analysis with CLV Under Various Development Schemes During the Peak Hour						
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
MD 189/ Democracy Boulevard	N/A	1,165	N/A	1,204	N/A	1,210
MD 189/Site North Driveway	N/A	825	N/A	845	N/A	847
MD 189/Site South Driveway	N/A	835	N/A	855	N/A	864
MD 189/Bells Mill Road	N/A	912	N/A	936	N/A	937

As shown in the above table, all existing intersections analyzed are currently operating at an acceptable CLV standard (CLV standard is 1,475) during the evening peak hour. Acceptable level of traffic conditions are projected to be maintained under the background and total development conditions.

Staff concludes that the proposed expansion of the Normandie Farms Restaurant under the Country Inn zoning with construction of the roadway and pedestrian path as shown on the development plan will not have an adverse impact on the surrounding roadway network.

D. Environmental Recommendation

Environmental Planning staff recommends **approval** of this application. Staff believes that the plan generally meets the purpose clause of the Country Inn zone and findings required for the Development Plan. However, staff believes that the following comments must be addressed in subsequent reviews:

1. The applicant must submit a Final Forest Conservation Plan (FCP) at time of site plan submission. This plan must demonstrate full compliance with the requirements of Forest Conservation Law Section 22A-12. A detailed Tree Save Plan shall be prepared by an ISA certified arborist as part of the FCP.
2. The following issues must be addressed at time of site plan review:
 - Removal of existing impervious surface encroaching into the stream buffer (near the enclosed spring) and a stormwater drainage swale at that same location.
 - Details of how the specimen and significant trees on the subject property will be saved. Preservation of significant trees is a high priority for the zone.
3. The Department of Permitting Services (DPS) must approve a Stormwater Management Concept Plan prior to approval of the Preliminary Plan.

Discussion

Staff finds that this rezoning request meets the purpose of the Country Inn zone "to preserve and maintain significant trees." Development shall be in conformance with a development plan submitted in accordance with the provisions of division 59-D-1 and approved as being consistent with the purposes of this section.

Per the Natural Resource Inventory/Forest Stand Delineation (NRI/FSD), the subject property contains 105 specimen and significant trees, some of which are in the stream buffer. The applicant has made a commitment to preserve most of the large trees on

the property in keeping with the intent of the zone. However, neither the development plan nor the preliminary FCP shows details of how this will be accomplished. The applicant must submit a detailed tree save plan prepared by an ISA certified arborist as part of the FCP.

Forest Conservation – Chapter 22A

This application has an approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) (No. 4-03362, issued November 18, 2003). This NRI/FSD is likely to expire prior to preliminary plan of subdivision phase and will need to be re-certified. A Preliminary Forest Conservation Plan (FCP) has been submitted to Environmental Planning for review. Environmental Planning staff has reviewed the plan and finds that it meets the basic parameters of forest conservation law. The concept shows a planting requirement of 0.47 acres that can be met onsite. The concept also shows a Category I Forest Conservation Easement that incorporates the stream valley buffer, wetlands, and potential planting locations on the property. The Planning Board is not requested to take action on the forest conservation plan for this rezoning case. The Planning Board will take action on the forest conservation plan with the preliminary plan of subdivision.

Environmental Guidelines

This development complies with the Environmental Guidelines (*Guidelines for Environmental Management of Development in Montgomery County, January 2000*). Existing impervious surfaces within the stream valley buffer will be removed and the area reforested. A small area of wetlands near the western property boundary is being protected within the stream valley buffer. The concept Forest Conservation Plan shows open areas of the stream buffer (0.296 acres) being reforested.

Stormwater Management – Chapter 19

The applicant has submitted a stormwater management concept plan to the Montgomery County Department of Permitting Services (DPS) for review. The applicant is currently responding to DPS concerns on the concept (especially the need for additional recharge areas) before resubmitting the plan to DPS for approval. The stormwater management concept plan shows stormwater quality control being provided through a system of underground storage pipes that flow to biofilters before being discharged from the property. Quantity control will be offsite in a stormwater management pond on Outlot 'B', Glen Falls, approved under permits issued by Montgomery County Department of Environmental Protection. This pond has been sized to accommodate capacity from the Normandy Farms property. The concept shows no encroachment into stream buffers or other sensitive environmental areas.

Watershed Protection/Water Quality

The site drains to the Kilgore Branch of the Watts Branch Watershed. The *Countywide*

Stream Protection Strategy (CSPS) rates subwatershed/stream conditions as 'fair', and habitat conditions as 'good' overall. There are problems associated with sediment deposition and bank stability, and there is extreme down cutting of the stream channel. Watts Branch is designated as Use I-P waters by the Maryland Department of the Environment. Use I indicates that the waters are suitable for water contact recreation and protection of aquatic life.

Water and Sewer

The site is served by public water and sewer service.

E. Development Plan Findings

Section 59-D-1.6 of the zoning ordinance stipulates that the district council must make specific findings, in determining whether the application and development plan fulfill the purposes and requirements of the zone. These findings are as follows:

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

The country inn use, lot size and density are in conformance with the master plan for the area. The lot size is the same as confirmed in the master plan and zoning, and the country inn use, as proposed in the master plan, fits well within the established area.

The total new construction proposed is approximately 12,172 square feet. The administration building (1,244 sf) and approximately 735 square feet of the existing inn will be demolished, for a net increase of 10,193 square feet. This is in substantial compliance with the master plan recommendation that allowable density on the site be no more than 10,000 square feet in addition to the existing restaurant area. There are no capital improvements, plans or policies that conflict with the development.

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

The proposed development complies with the purposes, standards and regulations of the zone, as discussed above. It provides a safer and more convenient parking and circulation, provides additional amenities for the patrons and landscaping which improves the view from the street and adjacent properties.

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

The internal vehicular and pedestrian circulation systems have been improved to provide clearer drive aisles, sidewalks and gathering spaces, patron drop-off and pick-up areas, and separate loading and employee parking areas. A separate traffic study is provided for a more complete analysis.

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

The Development Plan preserves much of the existing vegetation and natural features of the site. In addition to preserving significant trees and forest, the plan indicates removal of existing asphalt parking areas at the rear of the lot within the stream valley buffer, and proposes stormwater management measures to control runoff, prevent erosion, and improve environmental conditions around the spring. A Preliminary Forest Conservation Plan and Stormwater Management Concept have been submitted with the application in accordance with the requirements of Chapter 22A and Chapter 19.

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

There are no areas to be used for recreational or other common or quasi-public purposes.

F. Community Concerns

To date, no letters in opposition of this proposed rezoning have been received by staff.

G. Conclusion

The proposed local map amendment and associated development plan meets the intent and purpose clause of the County Inn zone and the development standards of the zone. Furthermore, the application meets the intent of the Master Plan for the Potomac Subregion. The continued operation as an inn/restaurant will reinforce the continued existence of the semi-rural character in this portion of the Potomac area and provide a

valuable community service to the area and the County. As such, the rezoning request should be approved as requested.