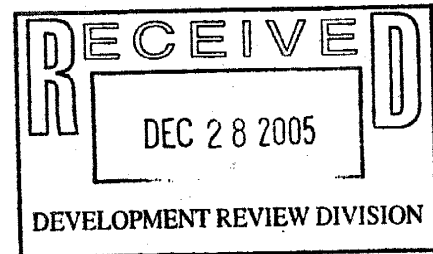


6. Application proposes a low range of townhouse units, through the proposed RT-8 zone.
7. Applicant agrees to binding element mandating less density than allowed in RT-8 Zone with MPDUs. A density of 9.76 dwelling units per acre or 69 units are allowed on the subject property. The Applicant has agreed to a binding element, however, which limits development to *7.6 dwelling units per acre, or 46 units, including MPDUs.*
8. Community Cooperation and Outreach. Winchester Homes has performed an extensive outreach campaign to adjacent single family, town home, and institutional use neighbors and the civic and citizen associations that represent these homeowners. See memorandum from Daniel Lyons. As a result of these discussions, Winchester has designed the project taking into consideration its neighbors. As of the date of this letter, Winchester is not aware of any opposition to the proposed local map amendment. In fact, a number of neighbors indicated their support.
9. Binding 50 foot Forest Conservation Easement.
The Applicant proposes a 50 foot wide forest conservation easement to the southwest of the Property, as shown on the schematic development plan. This 50 foot wide forest conservation easement will result in a buffer where little or none currently exists. Currently, the views are of asphalt and a metal church building, with minimal landscaping. The 50 foot wide forest conservation easement will provide screening for the property's neighbors, where inadequate screening currently exists.
10. Binding 60 Foot Building Setback. As depicted on the schematic development plan, the Applicant has gone even further and has agreed to a 60 foot building setback along the southwest property lines abutting adjoining single family lots 17, 47, 48, 49. A landscaped berm will also be located in this area.
11. Limited Adjacency of Single Family Homes. There are only 5 single family homes adjacent to the subject property. All of these homes are buffered by the 50 foot forest conservation easement.
12. No Roads Dead Ending Into Property. The subject application will not introduce any cut through traffic into any other adjacent development. Rather, the sole access to this property will be via Route 28.
13. Where elevation differences between subject townhouse community and neighbors, Applicant proposes significant setbacks.
14. Applicant agrees to a binding element mandating that all units, including MPDUs will have brick front facades.
15. Applicant agrees to binding element that there be a 160 foot minimum building setback from Darnestown Road, Route 28, right-of-way.

Stacy P. Silber
301 664 7621
stacy.silber@hklaw.com

December 27, 2005

Via Overnight Delivery
Francois Carrier, Esquire
Hearing Examiner
Montgomery County Office of Zoning
And Administrative Hearings
100 Maryland Avenue
Rockville, Maryland 20850



Re: Local Map Amendment Application G-839
Christian Life Center Property

Dear Ms. Carrier,

On behalf of Winchester Homes ("Applicant"), the Applicant in the above reference case, we hereby submit this letter and associated expert reports, resumes, plans and documents as the Applicant's Pre-Hearing Submission (the "Submission"). The Submission is proved in accordance with Section 3.1 of the Rules of Procedures for the Processing and Hearing of Applications for Local Map Amendments.

The subject Local Map Amendment Application G-839 (the "Application") relates to certain property that is 6.09 acres in size and located on the south side of Darnestown Road (MD Route 28) approximately 1,000 feet east of Tschiffely Square Road in the North Potomac region of Montgomery County, Maryland (the "Property"). This Application seeks to rezone the Property from R-200/TDR (6.05 acres) and R-200 (.04 acres) zone to the RT-8 zone.

I. Statement of Grounds upon which Application is Based.

The grounds upon which this Application are based are explained in detail in the Land Use and Zoning Analysis prepared for the Applicant by Site Solutions, Inc (the "Land Use Analysis"), attached hereto as Exhibit 1. The justification for the requested rezoning of the Property to the RT-8 zone is that the proposed development: (1) fulfills the purpose and intent of the RT-8 zone; (2) complies with all requirements of the RT-8 zone; (3) is compatible with existing and proposed uses in the surrounding area; (4) will not overburden public facilities; and

(5) is in the public interest. The Applicant, through testimony of its experts, others, and materials presented before and at the hearing, will demonstrate that the rezoning satisfies all applicable requirements of the Montgomery County Zoning Ordinance (the "Zoning Ordinance").

II. Identification of Experts and Summary of Testimony.

At the public hearing regarding Application No. G-839, scheduled for March 13, 2006, the Applicant intends to call some or all of the following expert witnesses who will present testimony, including the following as set forth below:

A. Mr. Alfred Blumberg, AICP, Site Solutions, Inc., 19650 Club House Road, Gaithersburg, Maryland 20886, 301 947-8900. Mr. Blumberg's resume is attached hereto as Exhibit 2. Mr. Blumberg will testify regarding the following: (1) the character and features of the Property; (2) the description of the surrounding area; (3) compatibility of the RT-8 Zone with adjacent properties and the surrounding area; (4) compliance of the Application with the purposes and requirements of the RT-8 zone; (5) the adequacy of public facilities; (6) compliance with other plans and policies of Montgomery County; and (7) how the Application complies with the specific standards and requirements of the Montgomery County Zoning Ordinance. A revised Schematic Development Plan, including binding elements, is attached hereto as Exhibit 3. I have also attached a memorandum from the Maryland-National Capital Park & Planning Commission, approving the Natural Resources Inventory/Forest Stand Delineation (NRI/FSD # 4-06045), attached hereto as Exhibit 4.

B. Mr. Jeffery S. Lewis, Civil Engineer, Site Solutions, Inc., 19650 Club House Road, Gaithersburg, Maryland 20886, 301 947-8900. Mr. Lewis's resume is attached hereto as Exhibit 5.

Mr. Lewis will testify, as needed, regarding civil engineering aspects of the Application. He will also address topics, as necessary, including: water and sewer, sediment control, storm drainage, stormwater management and availability of utilities.

C. Mr. Wes Guckert, Transportation Planner, The Traffic Group, 9900 Franklin Square Drive, Suite H, Baltimore, Maryland 21236. Mr. Guckert's resume is attached hereto as Exhibit 6.

Mr. Guckert will testify, as needed, regarding transportation adequacy. Mr. Guckert's Traffic Report is attached hereto as Exhibit 7.

D. Mr. Gary Ehrlich, Acoustical Engineer, Wyle Laboratories, Inc, 2001 Jefferson Davis Highway, Suite 701, Arlington, Virginia 22202-3604. Mr. Ehrlich's resume is attached hereto as Exhibit 8.

Mr. Ehrlich will testify, as needed, regarding traffic noise impact on the Property. His Noise Level Analysis is attached hereto as Exhibit 9.

E. Representative of Winchester Homes. The Applicant may also call a representative of Winchester Homes to testify regarding the proposed development plans, the binding elements and the Schematic Development Plan and business related questions regarding the development.

Through transmittal of this Pre-Hearing Statement, we also submit a copy of draft covenants relating to the binding elements of this case (Exhibit 10). We will be transmitting under separate cover other reports and findings, including a stormwater management concept plan and approval letter from Montgomery County.


III. Estimated Time for Presentation.

I estimate that time needed for presentation of the Applicant's case in chief is three (3) hours. This does not include cross and redirect examination, if applicable.

Your consideration of the material contained within this Pre-Hearing Submission is appreciated. Please contact me should you have any questions.

Sincerely,

Holland & Knight LLP



Stacy P. Silber

Enclosures

cc: Martin Klauber, Esq.
Mr. Callum Murry
Ms. Elisabeth Tesfaye
Mr. Carlton Gilbert
Mr. Shahriar Etemadi

LAND USE AND ZONING ANALYSIS

Local Map Amendment Application Case No. G-839

R-200/TDR and R-200 Zones to RT-8 Zone

CHRISTIAN LIFE CENTER PROPERTY

6.09 Acres
Darnestown Road, Maryland Route 28
North Potomac, Maryland

Prepared for:

Winchester Homes, Inc.
6905 Rockledge Drive, Suite 800
Bethesda, Maryland 20817

Prepared by:

Site Solutions, Inc.
19650 Club House Road
Gaithersburg, Maryland 20886
Alfred Blumberg, AICP

December 13, 2005

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ATTACHMENTS:

A - County Council Resolution 15-95 re: G-797

B - FY 2006 Growth Policy memo of June 17, 2005 re: Schools

I. INTRODUCTION

The following report consists of a land use and zoning analysis in support of the rezoning application (Case No. G-839) for the Christian Life Center property. The subject property consists of approximately 6.09 acres located on the south side of Darnestown Road (MD Route 28) approximately 1,000 feet east of Tschiffely Square Road in the North Potomac region of Montgomery County, Maryland (the "Property"). The Property is currently classified in the R-200/TDR (6.05 acres) and R-200 (0.04 acres) Zones. The R-200/TDR portion of the property was recorded as Parcel 'F' of Quince Orchard in late 1989. The R-200 portion was originally part of Lot 47 of Quince Orchard Knolls. There was in even exchange of land (0.04 acres or 1,890 sq.ft.) between Parcel F and Lot 47 in 1992.

The applicant, Winchester Homes, Inc. ("Winchester"), requests that the property be reclassified to the RT-8 Zone (townhouses at a density of eight units per acre). As such, the 6.09-acre property would permit a maximum of 59 townhomes, including MPDU's. The Applicant proposes 8 units to the acre because that is an appropriate density for the subject Property and is compatible with the surrounding uses.

A floating zone, such as the RT-8 zone, does not require compliance with a master plan recommendation. Rather, the RT-8 floating zone requires a finding that the proposed zoning satisfies the purpose clause of the zone; that the proposed reclassification would be compatible with existing and planned land uses in the surrounding area; and the proposed reclassification bears sufficient relationship to the public interest to justify the approval. As discussed herein, the proposed application satisfies these standards.

II. PROPERTY DESCRIPTION

The Property is irregular in shape but generally in the configuration of a sideways 'T'. The site has approximately 200 feet of frontage along MD Route 28 and a maximum depth of approximately 870 feet.

The Property is currently improved with the Christian Life Center. The Christian Life Center consists of a large Worship Center, administrative offices and associated parking areas. Access to the property is provided via a single driveway from MD Route 28 with only right-in and right-out movements.

The Christian Life buildings are older and somewhat industrial in appearance. The existing parking lot and buildings are dispersed throughout the site, resulting in almost 70% of the Property being impervious. The Christian Life buildings are flat-roof

structures approximately 35 feet in height, and are clearly visible from adjoining residential uses.

The Christian Life Center has been located on this property since approximately 1978. During the intervening 27 years, the surrounding area has changed considerably. In 1978, this area was largely rural in nature and was on the outskirts of the developed portions of Montgomery County. MD Route 28 was a narrow, two-lane roadway. Today, the site is surrounded by residential and institutional development. The area has since been incorporated into the suburban fabric of the new Montgomery County as it approaches the one million population mark.

III. SURROUNDING AREA

As previously noted, the RT-8 Zone is a floating zone. Therefore, the surrounding area must be identified for purposes of evaluating compliance with both the RT-8 Purpose Clause and determining compatibility with the surrounding uses. In a floating zone application, the surrounding area is less rigidly defined than in the "neighborhood" of a Euclidian zone application. In general, the definition of the surrounding area takes into account those areas that are most directly affected by the proposed development. In this instance, a fair definition of the surrounding area to the Property is that area encompassed by Quince Orchard Road on the west, Main Street and Owens Glen Way to the east, Kent Oaks Way and a line extending east and west from Kent Oaks Way on the north, and Quince Mill Drive plus the southern limits of the Owens Glen subdivision to the south. See the boundary of the surrounding area illustrated on Page 5 of this report.

The surrounding area consists of a diverse array of institutional, commercial and residential developments. MD Route 28 has been recently upgraded to a Major Highway, consisting of 4 lanes with a dividing median, including left turn stacking lanes and acceleration /deceleration lanes along the sides. At the subject site, MD Route 28 right-of-way has recently been expanded to 150 feet.

The properties on the north side of MD Route 28, opposite the subject site, are situated within the City of Gaithersburg Corporate boundaries. Immediately opposite the Property, in the City of Gaithersburg, are single-family attached and single-family detached homes in the City's MXD zone. This community is known as the Kentlands. Also situated on the north side of Route 28 is the Kentlands Elementary School (aka Rachel Carson Elementary School) at the corner of Tschiffely Square Road. Beyond the Elementary School is The Orchards Townhouse community, which is zoned RP-T in the City and is developed at a density of approximately 9.0 units per acre. Beyond The Orchards to the

west, extending to Quince Orchard Road, is the Quince Orchard Shopping Center, which has been newly renovated and expanded and renamed "The Shops at Potomac Valley".

The area south of MD Route 28 is outside of the corporate limits of the City of Gaithersburg and beyond the City's Maximum Expansion Limits. Immediately adjoining the western boundary of the Property are two churches, the Mount Olive Church and cemetery on 3.0 acres (P560) and the Prince of Peace Lutheran Church (N557). Beyond the churches to the west are two Special Exception uses, the Quince Orchard Medical Park and the North Potomac Village Senior Living development. Beyond those Special Exception uses lie the Orchard Knolls Townhouses (built at a density of 8.8 units per acre) which are a part of the Orchard Knolls Cluster development constructed under the provisions of the R-200 / TDR zone. Beyond Orchard Knolls residential development are the Potomac Garden Center Special Exception and the Rockville Volunteer Fire Department, Station # 31. Contiguous to the fire station property to the west is the other half of The Shops at Potomac Valley, incorporating two fast food restaurants (McDonalds and Wendy's) plus a mix of other small retail outlets and offices.

To the south of the Property lie single-family detached residential portions of the Quince Orchard Knolls development, which are accessed from Quince Orchard Road via Quince Mill Drive. Immediately east of the Property is the Owens Glen subdivision, now known as Potomac Valley. Owens Glen is zoned PD-3 and is developed with a combination of SFD and SFA homes. There are 128 townhouses (SFA) contiguous to the Property on the east. Those townhomes are developed at a density of 8.6 units per acre (134 units on 15.5 acres). Likewise, the townhomes in Orchard Knolls to the west, along Blackberry Drive, are developed with a cluster of 67 townhomes that were constructed in conjunction with the R-200/TDR zoned Quince Orchard Knolls community. Those units are developed at a density of 8.8 units per acres.

As discussed above, this surrounding area is very diverse and varied. The common element binding them together is access to MD Route 28. The residential, commercial and institutional character of the various elements of the surrounding area is unified by this one bonding element.

It is interesting to note that virtually the entire south side of Route 28 within the Surrounding Area is developed with non-single-family residential construction. These include retail commercial, institutional and public uses, special exceptions for both high-density residential and commercial uses, townhome communities and churches. Only one small enclave along the west side of Blackberry Lane consists of a single row of detached one-family homes. Even that single row of SFD homes is separated

from MD 28 by a landscaped outlot. In essence, there is an existing band of higher intensity uses abutting Route 28 and separating that highway from the single family detached neighborhoods farther to the south, away from Route 28.

The north side of MD 28 is also lined with commercial, townhomes and institutional (school) uses. Only the residential portions of Kentlands abutting MD 28 differ from this description. Nevertheless, those residential elements are separated from MD 28 by a wall and a landscaped berm. The units themselves turn their backs to MD 28 and face inward. The land use elements of Kentlands closest to MD 28 are the detached garages and alley access to those garages.

It is clear that there are no single-family residences facing or oriented towards MD 28. The effective land use pattern in this area is to line MD 28 with higher density residential, commercial and institutional uses to act as a buffer or transition between the traffic and the noise associated with that traffic and single family detached residential development oriented away from MD 28. The implementation of the requested rezoning will further embody this land use pattern.

IV. MASTER PLAN

The Master Plan does not directly address the Property. The Existing and Proposed Zoning Map (Map B), distributed along with the Interim Edition of the Approved and Adopted 2002 Potomac Master Plan indicates the Property is situated in, and proposed to remain in, the R-200/TDR Zone. The Master Plan makes no other mention of the Property. The 2002 master plan review did not review, address or include the subject property because it was being used as a church. The master plan contains the following comments:

The land use and zoning recommendations for the Subregion highlight those parcels or areas recommended for a change in use or density... Each site was evaluated in the context of the overall objectives of this Plan, as well as for compatibility with the surrounding community. Environmental constraints, types of uses, buffering, access and the comparative density of nearby properties were considered in determining compatibility.

This plan supports the retention and reconfirmation of existing zoning for all developed, underdeveloped, and undeveloped land in the Subregion, except for those sites recommended for change in the Plan.

G-839 SURROUNDING AREA



Map compiled on September 27, 2005 at 3:38 PM | Site located on base sheet no - 221NW12

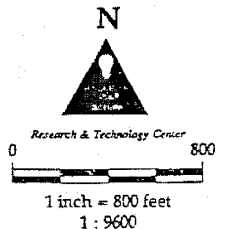
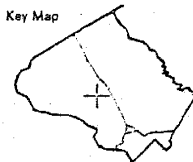
NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14,400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

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

* * *

This plan amends the 1980 Master Plan for the Potomac Subregion, as amended, including the 1982 Amendment Designating Receiving Areas for the Transferable Development Rights. This plan designates several parcels of land for TDR receiving areas and removes the designation from others. Receiving areas may be permitted to develop to a specified density greater than the base Zoning. Unless amended by this master plan, these specified densities remain as designated in the 1982 Amendment.

Therefore, the 2002 Potomac Subregion Master Plan did not change its recommendation for the subject property. It may remain a church in the R-200/TDR zone or it may be considered under the requested Floating Zone application. The Master Plan recommendation does not preclude the implementation of a floating zone, if it meets the other pertinent elements of the intent and purpose of the requested zone.

As discussed herein, conformance with the master plan is not a requirement for approving a floating zone application. See Resolution 15-95 (Attachment A) for No. G-797, adopted March 11, 2003 citing Richmarr Holly Hills, Inc. v. American PCS, L.P. 701 A.2d 879 (Md. App. 1997). In fact, the Council, in its adoption of the purposes requirements for RT zones, explicitly provided that the designation of a specific zone or densities for a property was only one justification for a rezoning to the RT zone. If the zone was not so designated in the master plan, the Council could also approve a floating zone application if such zone was appropriate or served as a transitional use. Montgomery County Code, Section 59-C-1.721. In this case, the proposed RT-8 zone is appropriate for the Property.¹

V. DESCRIPTION OF PROPOSED USE

The RT-8 Zone would allow up to 59 townhomes on the 6.09-acre site, including MPDU's. As a practical matter, however, given Stormwater Management and Forest Conservation requirements, and

¹ Unlike the Purposes Clause in the RT zone, where there is no requirement that a zoning application be in conformance with a master plan, the Council explicitly required such conformance in other zones. For example, the purposes clause of the PD zone states: "It is the purpose of this zone to implement the general plan for the Maryland-National Washington Regional District and the area master plans by permitting unified development consistent with densities proposed by master plans." MCC, section 59-C-7.1. Likewise, the RNC zone Intent Clause requires that "...no land must be classified in this zone unless the land is within an area for which there is an approved and adopted Master Plan or Sector Plan which recommends application of the RNC zone." MCC, section 59-C-9.23.1

using the product type amenable with the surrounding area, the maximum development proposed on the site will be 47 units including 6 MPDU's.

When the Property was platted in 1989, additional Route 28 right-of-way was dedicated to accommodate a 120-foot right-of-way. It appears that subsequently additional right-of-way was dedicated when the Kentlands development on the north side of Route 28 was subdivided. No further dedication or acquisition is anticipated at this time. The right-of-way adjacent to this Property is approximately 150 feet, which is the maximum right of way for a Major roadway. Part of the construction associated with the widening of MD Route 28 was the construction of a median separating the eastbound and westbound traffic lanes. There is no median break at the subject site. Therefore, access is and will continue to be limited to right-in and right-out movements.

There is, however, a median break just to the east, at the intersection of Kent Oaks Way / Ambiance Court with Route 28. The proposed access driveway into the site from MD Route 28 will be situated in the northwest corner of the site, as far from the intersection of Kent Oaks Way / Ambiance Court as possible. Generally, as shown on the Schematic Development Plan (SDP) submitted as part of the rezoning application, the majority of the townhomes will be located toward the rear of the site, behind the Stormwater Management pond and away from MD Route 28.

Within that rear, or southern, portion of the site, the new townhomes will be so located as to minimize impact on the adjacent detached homes to the west and south. A binding element of the SDP increases the building setback along the southwestern property line to 60 feet. This setback permits the applicant to create a 50 foot wide Forest Conservation Easement along that property line, adjacent to abutting single-family detached development and leave an additional 10 feet or more for yards and access. Given the commercial nature of the existing Christian Life Church, and the fact that 70% of the site is impervious, the proposed townhouse development will significantly improve views for surrounding residential and other institutional uses. These efforts will reduce the visual impact of townhomes on the abutting development. Landscape buffering and screening will also be provided adjacent to the Mount Olive Church (a historic site).

More specifically, there are five single family homes situated contiguous to the Property, generally to the southwest. They were all constructed in either the R-200 or R-200/TDR zone and have a height of between 30 and 35 feet, measured to the midpoint between the peak and eaves of the roof. The proposed Townhomes are limited to 35 feet to the midpoint. The proposed townhomes will therefore be comparable in height to the surrounding single-family residential development. Likewise, the proposed townhomes

will be compatible with the townhomes situated to the east along Ambiance Drive in the PD-3 zone.

Measured from building to building, the proposed townhomes will be situated no closer than 90 feet from the nearest single family home. In fact, only one home (lot 48 on Peach Leaf Court) will be located as close as 90 feet. All other homes will be farther, in the range of 115 feet distant. Included in that distance will be a Conservation Easement no less than 50 feet in width that will be bermed and reforested. The result of the setbacks and landscaping will be that the proposed townhomes will be effectively screened and separated from the existing development.

VI. STANDARDS FOR APPROVAL

A floating zone requires an evaluation of whether the local map amendment application complies with the expressed purposes of the zone, as set forth in the Purpose Clause, and whether the proposed zoning is compatible with the uses and development in the surrounding area. As discussed in more detail below, the proposed local map amendment meets the expressed purposes of the RT-8 Zone and will be compatible with the surrounding area and generally consistent with the 2002 Potomac Master Plan. In addition, the proposed zoning reclassification meets the Intent, Guidelines and Development Standards provided in the RT-8 Zone.

The Purpose of the RT zones is listed at Section 59-C-1.721 of the Montgomery County Zoning Ordinance, as follows:

59-C-1.721. Intent and Purpose. The purpose of the R-T Zone is to provide suitable sites for townhouses:

- (a) In sections of the County that are designated or appropriate for residential development at densities allowed in the R-T zones, or*
- (b) In locations in the County where there is a need for buffer or transition uses between commercial, industrial, or high-density apartment uses and low-density one-family uses.*

It is the intent of the R-T Zones to provide the maximum amount of freedom possible in the design of townhouses and their grouping and layout within the areas classified in that zone, to provide in such developments the amenities normally associated with less dense zoning categories, to permit the greatest possible amount of freedom in types of ownership of townhouses and townhouse developments, to prevent detrimental effects to the use or development to adjacent properties or the neighborhood and to promote the health, morals and welfare of the present and future inhabitants of the district and the County as a whole. The fact that an application for R-T zoning complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the resulting

development would be compatible with surrounding land uses and, in itself shall not be sufficient to require the granting of the application.

The Property is appropriate for residential development at the density requested. Therefore, the application meets Section 59-C-1.721(a) of the Intent and Purpose provision of the RT-8 Zone. The Property is appropriate for residential development at the density requested because of its location and relationship to surrounding development and zoning patterns.

Properties to the north, across MD Route 28, are developed with both single family attached and single family detached housing in the Kentlands' MXD zone. Just to the west, the remainder of the lands north of Route 28 includes the shopping center and the Kentlands Elementary School.

On the south side of MD Route 28, adjacent to the subject site are situated the institutional uses associated with the historic Mount Olive Church and cemetery, plus the Prince of Peace Lutheran Church. There is a narrow sliver of lot 46 of the Quince Orchard Knolls subdivision at the end of Peach Leaf Court that separates the Lutheran Church property from the subject site. That sliver of lot 46 is mostly wooded although it does contain a small storage shed associated with the residential uses of Lot 46.

Farther to the west, on the south side of Route 28, are two special exception uses, the Quince Orchard Medical Park and the North Potomac Village senior living community. Just beyond those uses are the Orchard Knolls townhomes. That is a 67-unit portion of the Orchard Knolls TDR development, and is developed at a density of 8.8 units per acre. Just west of the Orchard Knolls development is the Potomac Garden Center, the Rockville Volunteer Fire Department Station 31, and the Shops At Potomac Valley shopping center.

To the east, the townhome portion of the Owens Glen PD-3 development is located contiguously to the Property. That townhouse portion of Owens Glen (known today as Potomac Valley) is developed at density of approximately 8.6 units per acre. The addition of townhomes on the Property will provide an appropriate "fit" into, and be compatible with, the surrounding area

Contiguous to the south of the Property are several single-family homes, of which five immediately abut the Property. These homes are part of the Quince Orchard Knolls subdivision, with access provided from Quince Orchard Road via Peach Leaf Court and Quince Mill Drive. The Schematic Development Plan proposes to locate a 50-foot wide Forest Conservation Easement abutting the developed portion of these contiguous lots. The easement will provide a forested screen or buffer between those single-family detached

homes and the proposed single family attached homes on the Property. In addition, as illustrated on the Schematic Development Plan, the proposed new townhomes will not be located closer than 90 feet from the existing homes in the surrounding area. The existing homes are set back from their property lines and the proposed townhomes are to be set back from both the property lines and from the Forest Conservation Easement. The result is that the separation will far exceed the limits of the easement.

It should also be pointed out that this relationship between SFD and SFA units already exists in the surrounding area. In general, there is an approximately 100-foot distance between the Owens Glen townhomes just to the east of the subject property and the single-family homes fronting on Quince Mill Drive and Owens Glen way. The closest relationship is between the SFD @ lot 67 on Owens Glen Way and townhouse lot 58 along Owens Glen Terrace, which are approximately 95 feet apart.

The surrounding developments and the intensive uses abutting Route 28, in this area, i.e., the Kentlands community, Kentlands Elementary School (aka Rachel Carson Elementary School), Quince Orchard High School, Quince Orchard Library, several residential communities surrounding the site, and extensive improvements to MD Route 28 all contribute to a positive determination that conversion of this intensive religious use to residential townhouse development at 8 units per acre is an appropriate use for the Property at an appropriate density.

59-C-1.722. Row Design

- (a) Eight townhouses is the maximum number permitted in any one attached row.
- (b) Three continuous, attached townhouses is the maximum number permitted with the same front building line. The variations in building line must be at least 2 feet.
- (c) For one-family attached units, there can be no more than 12 units in one row.

The design of the development will be finalized and approved by the Montgomery County Planning Board at the time of subdivision and site plan review. As can be seen from the illustrative development on the SDP, the row design criteria will be met at that time.

59-C-1.723. Combined Tracts. Not applicable.

59-C-1.73. Development Standards

In addition to the following, the regulations concerning row design in Sec. 59-C-1.722 apply.

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>
Minimum tract area	20,000 sq.ft.	263,441 sq.ft.
Maximum Density du/ac	9.76 du/ac(#)	7.7 du/ac(#)
Minimum Building setback -		
-From any detached dwelling lot or land classified in a one family detached residential zone		30 ft. 30 ft.*
-From any public street	25 ft.	150 ft.*
-From an adjoining lot		
side (end unit)	10 ft.	10 ft.*
rear	20 ft.	25 ft.*
Maximum building height	35 ft.	35 ft.*
Maximum building coverage	35%	25%*
Minimum Green area	50%	55%*
Parking	2/du	4/du + addl. guest parking*

* Final determination at Site Plan, not a proposed binding element
 (#) Including MPDU's.

At 6.05 acres, or 263,441 square feet, the Property exceeds the minimum tract area and will meet or exceed all of the other development standards at time of subdivision and site plan review.

As discussed herein, and as illustrated on the schematic development plan, the proposed development is compatible with surrounding uses. In fact, at the proposed scale, and with the proposed buffers, the proposed townhouse development is more compatible with the surrounding uses than the existing industrial looking Christian Life Church. The church will be replaced with residential development that will be more in keeping with the residential building scale of the surrounding area. In addition, the implementation of residences will reinforce the residential character of surrounding development and reduce the institutional appearance of this portion of Route 28. As desirable and necessary as institutional uses are, this residential development will enhance the recommendation of the Potomac Area Plan for residential development in this area.

The proposed rezoning and subsequent development will provide a logical and compatible continuation of the development along MD Route 28. Other nearby developments include the residential portions of Kentlands on the north side of MD Route 28 and

several intensive special exceptions on the south side of MD Route 28, including North Potomac Village Senior Living and the Quince Orchard Medical Park. The rezoning of the Property to the RT-8 Zone will provide for the logical completion, and is appropriate in the context of the surrounding area. The rezoning and construction of this site will complete the development of this portion of MD Route 28 in a residential zone that is appropriate and compatible with all other development in the surrounding area.

VII. PUBLIC FACILITIES

The proposed rezoning to the RT-8 Zone will not overburden public facilities.

a. Schools

The property, if developed under the requested RT-8 zoning category, could generate up to 48 townhomes. Based on pupil generation rates obtained from the Montgomery County Public Schools administrative staff, 42 townhomes would generate 11 elementary school students, 5 middle school students and 8 high school students. Those students would attend Rachel Carson (Kentlands) Elementary School, Lakelands Park Middle School, and Quince Orchard High School.

The FY 2005 AGP, adopted by the County Council in October 2004 provides for an annual school test component. The school test determines if a residential subdivision should be subject to either a school facilities payment or a moratorium. The MCPS staff, using the methodology adopted by the County Council, prepared the school test analysis. Subsequently, M-NCPPC staff reviewed the results of the MCPS analysis and endorsed the findings that there are no clusters where subdivisions should be subject to either the school facilities payment or to a moratorium. On June 23, 2005, the Planning Board adopted the recommendations of the Planning Staff in this regard and found that all Elementary, Middle and High schools have adequate capacity to support additional residential development. See Attachment B. Based on the FY2006 AGP, therefore, the requested rezoning will not result in the overburdening of the public school system.

b. Others

All other public facilities are also adequate. The fire station is located less than one-half mile to the west. Three police stations are located nearby: Germantown, Gaithersburg and Rockville. Darnestown Road, Md. Route 28, has been recently

upgraded and improved. The Quince Orchard Library is situated around the corner on Quince Orchard Road. The Civil Engineering analysis finds that all utilities are nearby and have adequate capacity to accommodate the development of the Property with up to 48 townhomes. In addition, as determined by the Traffic Group, the applicants' traffic consultant, the proposed townhouse project will not overburden area roadways.

VIII. PUBLIC INTEREST

Based on the above analysis, it is this planner's professional opinion that the proposed rezoning is in the public interest. As discussed herein, the proposed townhouse development is compatible with adjoining uses, and in my professional opinion is more in scale with the adjacent uses and the surrounding area than the existing industrial looking Christian Life Church.

The Master Plan recommends residential development on the Property, through the existing zoning. While the Master Plan does not recommend the proposed zoning category or density proposed in this Application, strict conformance with the Master Plan is not a requirement of a rezoning to a RT zone. In fact, the purposes clause explicitly states that the purpose of the RT Zone is to provide suitable sites for townhouses in sections of the County that are designated OR appropriate for residential development at densities in the RT Zones. As discussed herein, the subject Application is appropriate for residential development under the RT-8 zone.

The public interest will be served by the provision of additional housing necessary to support the growing population in Montgomery County. In addition, the Application is in the public interest because it helps implement the Master Plan recommendation for the expansion of the supply of affordable housing in the Potomac Subregion. See Potomac Subregion Master Plan, p. 38. This application will fulfill this goal, by providing 12.5% MPDUS, based on a development of up to 47 town homes, or up to 6 MPDUS.

The Master Plan also recommends preservation of Historic Resources. Potomac Subregion Master Plan, p. 2. The Christian Life church currently adjoins the Pleasant View Methodist Episcopal Church, a historic church located at 11900 Darnestown Road. The Pleasant View Church currently has views of a vast, Christian Life Church parking lot, and the tired, and industrial looking Christian Life Church building. There is very little setback or screening between the Church parking lot and the Pleasant View site. As part of the Schematic Development Plan for this Application, the Applicant shows a landscaped setback of over 20 feet. With the advent of the proposed townhouses and

the proposed landscaped buffers, the proposed Application will improve the views from the Pleasant View Church, and thus help improve compatibility and the preservation of the Pleasant View historic resource.

Furthermore, the site is located within the water & sewer envelope, in an area that is well served by the roadway system and is conveniently located vis-à-vis all of the facilities and amenities necessary for modern suburban living. As such, it represents smart growth by locating in an area where all public facilities already exist and which will require no extension of public services or facilities. Public schools are adequate and conveniently located nearby.

IX. CONCLUSIONS

As indicated within this report, the proposed local map amendment meets or exceeds the requirements of the Montgomery County Zoning Ordinance, is compatible with existing and planned land uses in the surrounding area, and is in the public interest. As such, the property is a suitable and appropriate site for townhouse development at a density of 8 units per acre and the rezoning request should be approved as requested.