



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

**MCPB**  
**Item No.: 6**  
**Date: 02-16-2017**

**Maryland Catering Company Inc CU-15-06**

ET

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**Maryland Catering Co: CU-15-06 Conditional Use Application-Country Inn**

**Completed: 02-06-2017**

**Description**

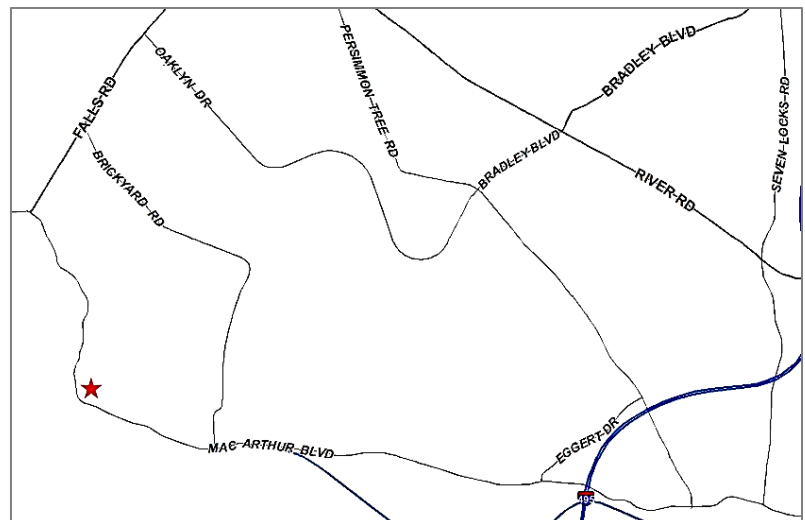
**Maryland Catering Company, Inc CU-15-06**

Request for a Conditional Use approval of a 9,000 square-foot Country Inn with 4 overnight guest rooms, located at 10801 MacArthur Boulevard, 7.32 acres, identified as P527 on Tax Map FN22, on the north side of MacArthur Boulevard approximately 1000 feet south of its intersection with Stable Lane, R-200 Zone; 2002 Potomac Subregion Master Plan

*Note: A Planning Board hearing on the Forest Conservation Plan is scheduled for February 23, 2017.*

**Staff Recommendation: Denial**

**Application Filed:** March 24, 2015  
**Planning Board Hearing:** February 16, 2017  
**OZAH Public Hearing:** February 24 and February 26, 2017  
**Review Bases:** Section 59. 3.5.3.A and 59.7.3.1.E  
**Applicant:** Maryland Catering Corporation, Inc



**Summary**

**Staff recommends Denial of this Application for reasons stated on page 2 of this report.**

## I. STAFF RECOMMENDATION

Staff recommends denial of this application due to the fact that additional information is needed to ensure that certain pertinent issues, related to transportation, traffic, public safety, noise, and Master Plan recommendations are fully addressed. The Applicant's development team is preparing supplemental materials, studies and revisions requested by staff as well as those suggested by the Applicant. However, due to the detailed nature of some of the supplemental information, the Applicant has not been able to provide the information within the time period necessary for review, recommendation, and publication of the staff report. Staff believes that the documents being prepared by the Applicant are essential for making a comprehensive analysis and recommendation. Staff notes that the application does contain considerable supporting material and that with staff's review and with certain conditions, ensures that most safety and compatibility factors are properly observed and implemented. The application has merit. The Hearing Examiner has ruled to not continue the Applicant's request to postpone the hearing date again (Hearing dates have been postponed several times since the submission of the Application in March of 2015). The following are the outstanding information that staff believes are essential to make a full analysis of the subject application:

- Revised acoustic report with supplemental information addressing the potential impact or the lack thereof, of any activities occurring outside of the proposed Country Inn.
- Noise mitigating measures including building orientation, design specification, building materials.
- A revision to the Forest Conservation Plan and tree variance request as well as to NRI/FSD including analysis of any impact to the adjoining Historic property (Old Anglers Inn)
- Proposed Transportation Management Plan
  - Measures to controlling parking so that it does not overflow off-site along MacArthur Boulevard.
  - Plan for a shuttle bus service to and from the proposed facility, and identifying appropriate location with documented arrangements for shuttle bus service for events equal to or greater than 160 guests.
- Revised sight distance evaluation reviewed by Montgomery County Department of Transportation (MCDOT) and conformation of MCDOT's support for installing warning signs on MacArthur Boulevard regarding parked vehicle near the approaching curve.

## II. PROJECT DESCRIPTION

### A. Background

The subject application was initially filed in March of 2015. Since then the project has gone through various revisions to address concerns of technical staff, the community and various agency comments on the aspects of the proposal. The subject property is located at 10801 MacArthur Boulevard, on the north side of the road, approximately 1000 feet south of its intersection with Stable Lane in Potomac.

The Applicant is requesting approval of a conditional use to establish a Country Inn use on the subject property. Prior to the adoption of the new Zoning Code in 2014, a Country Inn was allowed within an area zoned "Country Inn" through a Floating Zone map amendment process. With the adoption of the New Zoning Code in 2014, all "Country Inn" zoned properties reverted to their original rural or residential zoning and the use itself became a Limited Use (for existing country inns) or Conditional Use (for new country inns) approved in the Rural Residential and Residential Detached zones provided that certain criteria are met. The County Council also determined that existing Country Inns would continue to be allowed with approval of Limited Use applications. The subject property is in the *2002 Potomac Subregion Master Plan* area and is zoned R-200. The zone allows a Country Inn use with approval of a Conditional Use application. The property consists of approximately 7.32 acres of land of which 6.36 acres is the subject of this Conditional Use (Attachment D-5) and is delineated as such on the Conditional Use site plan.

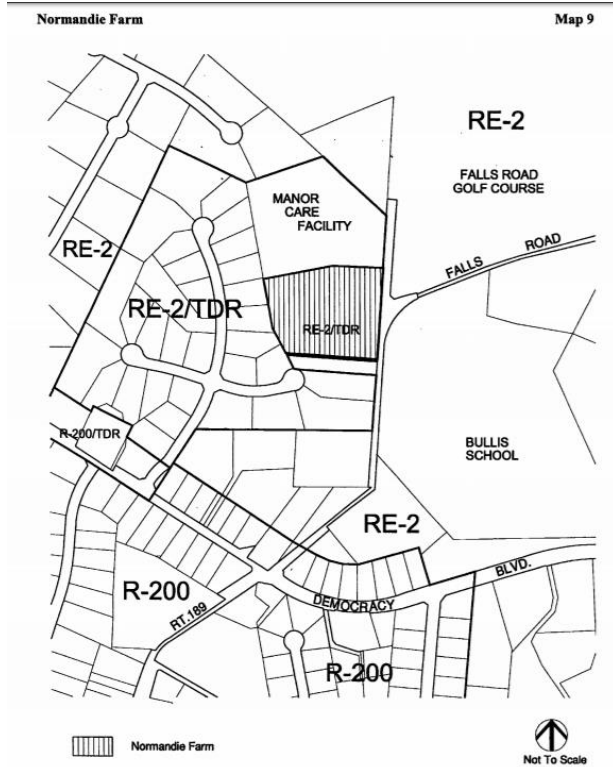
The Application is the first of its kind since the Country Inn Zone was eliminated and was classified as a use that is allowed in the Rural, RC, RE-2, RE-1 and R-200 with approval of Conditional Use or Limited Use applications. Staff has looked at existing Country Inn uses as a frame of reference in terms of the nature of the use in relation to its surrounding area. In particular, staff focused on the character and background of the existing Country Inn known as Normandie Farm because it is also located in the 2002 Potomac Subregion Master Plan Area and is similar in size. In addition, as part of the recommendation of a floating zone for the Normandie Farm property, the Master Plan recommended a maximum 10,000 square feet addition to the existing restaurant referring to the addition as a modestly sized building. The subject Application proposes a 9,000-square foot building.

In addition to the use requirements of the Zoning Code (Criteria's of Sec. 3.5.3.A), staff also took into consideration the land use and design guidelines recommended in the Master Plan as measures to ensure consistency with established frameworks for a Country Inn. Staff also used opinions and findings of the County Council as guidance to determine the appropriateness of the area for the proposed use:

## 1. Potomac Subregion Master Plan Recommendations for Normandie farm

**Figure-1: Master Plan Recommendations-Normandie Farm**

### Normandie Farm (Page 54)



This 6.47-acre site includes a restaurant and its related parking, and is located on Falls Road opposite the Bullis School. (See Map 9.) The restaurant is a legal non-conforming use in the RE-2/TDR Zone. To the north is a nursing home and to the west are single-family detached dwellings.

This Plan's recommendations allow for a modestly sized country inn to be developed in a way compatible with the existing restaurant and the general character of the surrounding area.

#### Recommendations

- Rezone the site to the Country Inn Zone.
- Allow the development of a country inn that complements the restaurant use and is compatible with the character of the neighborhood.
- The allowable density on the site shall not exceed 10,000 square feet in addition to the existing restaurant.

#### Land Use and Design Guidelines

- Provide a new structure not to exceed 10,000 square feet to accommodate a country inn. The inn should complement the existing restaurant with generous setbacks from lot lines.
- Locate and configure the storm water management pond and afforestation area to emphasize an attractive rural setting.
- Locate and design parking areas to include trees and soft surfaces, and to complement the site's existing gardens by providing garden areas for outdoor activities.
- Create green, park-like edges along the site's perimeter.

**Table 1: Existing Country Inns**

Property	Zoning Case/Year	Zone prior to CINN	Current Zone	Neighborhood Zones	Water/Sewer Category	Rationale for approval
<b>Yegher property</b> 22010 Ridge Rd Clarksburg.	G-384/1983	R-200	R-200	R-200, PRC, RE-2, AR	W-1, S-3 <sup>1</sup>	Primarily agricultural area with some low-density development; consistent with 1968 Clarksburg Plan intent for MD 27 as rural corridor; uses existing structures; exceeds CINN zone's standards for building coverage, setbacks, open space
<b>Banvard property</b> 17530 New Hampshire Ave, Ashton	G-489/1986	RE-2	RE-2	RE-2, RC, Rural, R-200	W-6, S-6	Mixed agricultural and low density residential area; consistent with 1980 SS/A Special Study's designated rural buffer; uses existing structures; exceeds CINN zone's standards for building coverage, open space
<b>Edgewood Inn</b> 16101 Oak Hill Road, Silver Spring	G-640/1990	RE-1	RE-1	RE-1, RC	W-1, S-1 <sup>2</sup>	Mixed agricultural and low density residential area; 1981 Emoco plan recommends country inn; uses existing structures; exceeds CINN zone's standards for building coverage, setbacks, open space
<b>Brookeville Farms</b> 19311 Georgia Ave, Brookville	G-738/1997	RC	RC	RC, RE-2, R-200	W-1, S-1	Large-lot residential community; consistent with 1980 Olney plan designation of area for open space preservation; uses existing structures; exceeds CINN zone's standards for building coverage, open space
<b>Comus Inn</b> 23900 Old Hundred Road, Dickerson	G-804/2003	R-200	R-200	R-200, NR, RDT	W-6, S-6	Historic rural crossroads settlement; consistent with 1980 Ag Plan support for limited commercial activity in settlements; uses existing structures; exceeds CINN zone's standards for building coverage, open space
<b>Normandie Farms</b> 10710 Falls Road, Potomac	G-820/2005	RE-2/TDR	RE-2	RE-2, RE-2/TDR, R-200	W-1, S-1	Mixed low-density residential, recreational and institutional area; 2002 Potomac plan recommends country inn to allow existing restaurant to continue/expand; uses existing structures with rural design elements; exceeds CINN zone's standards for open space, setbacks; golf course and school contribute to open space character

<sup>1</sup> Technical staff report states that property is in categories W-5, S-5 and that absence of sewer service contributed to rural character. Categories changed subsequent to approval.

<sup>2</sup> Hearing Examiner's report states that property is in categories W-6, S-6, with water category change under review at time (1990). Sewer category changed subsequent to approval.

**2. Hearing Examiner's/County Council findings for granting the Country Inn Floating Zone request for Normandie Farm (G-820, February, 2006)**

In approving the Country Inn Zone for Normandie Farm in 2006, the Hearing Examiner made the following findings under the purpose of zone

*“The present application proposes a substantial expansion to a country inn/restaurant that has operated at this location for more than 70 years. While the surrounding area may fairly be characterized as semi-rural, there is substantial open space on the grounds of **the nearby golf course and the Bullis School**, and the nearby homes are on large lots, approximately one to three acres in size. The large lots and significant open space in the vicinity lend an open, rural character to the area. Moreover,... the architectural style and setting of the Normandie Farm Restaurant have contributed, in large measure, to the rural character of the surrounding area, and would continue to do so with the proposed expansion.”*

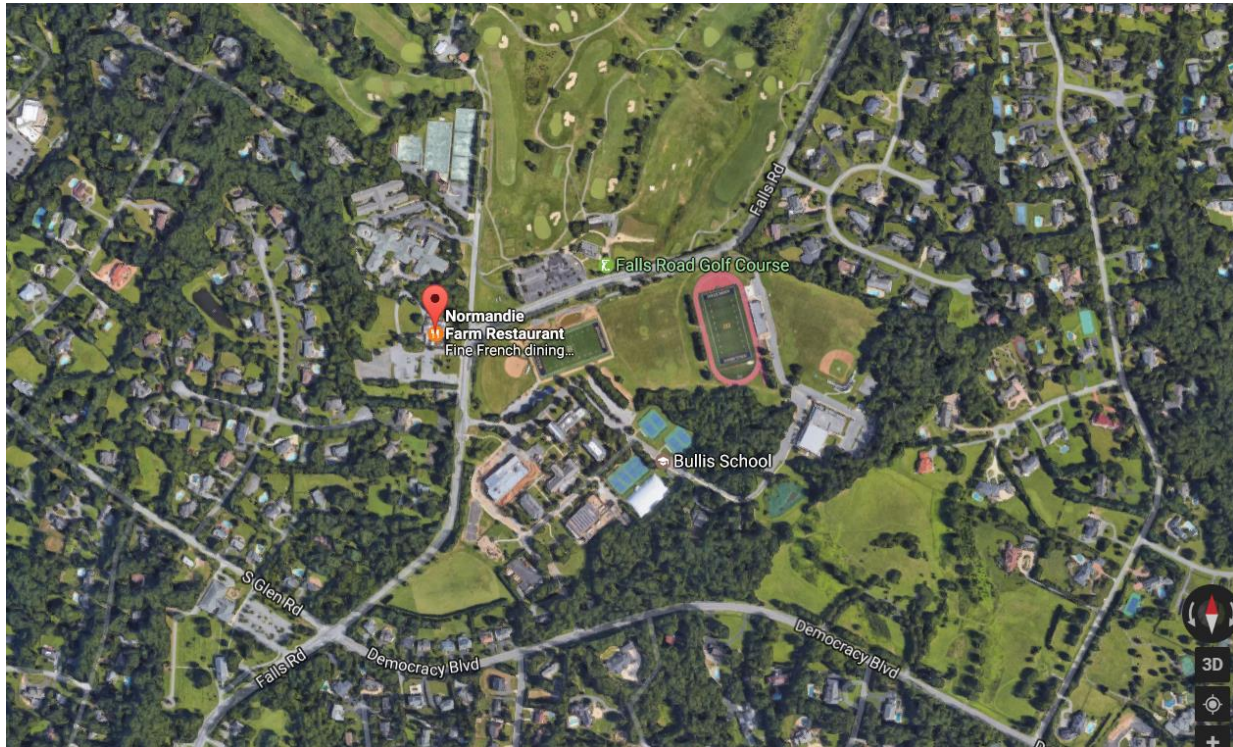
In evaluating the rural nature of the surrounding area staff observed that Normandie Farm, and its relationship with the golf course and the Bullis School, can be likened to the proposed Country Inn and its relationship with the adjacent vast, and densely forested, C & O Canal National Historical Park, the Rockwood Special Park, a 20.5-acre forested area between the Fawsett Farm Manor and River Falls subdivisions, limited residences, and other pockets of forest and stream valley areas that lend a rural, country character to the area.

**3. Views of area residents and Civic Associations**

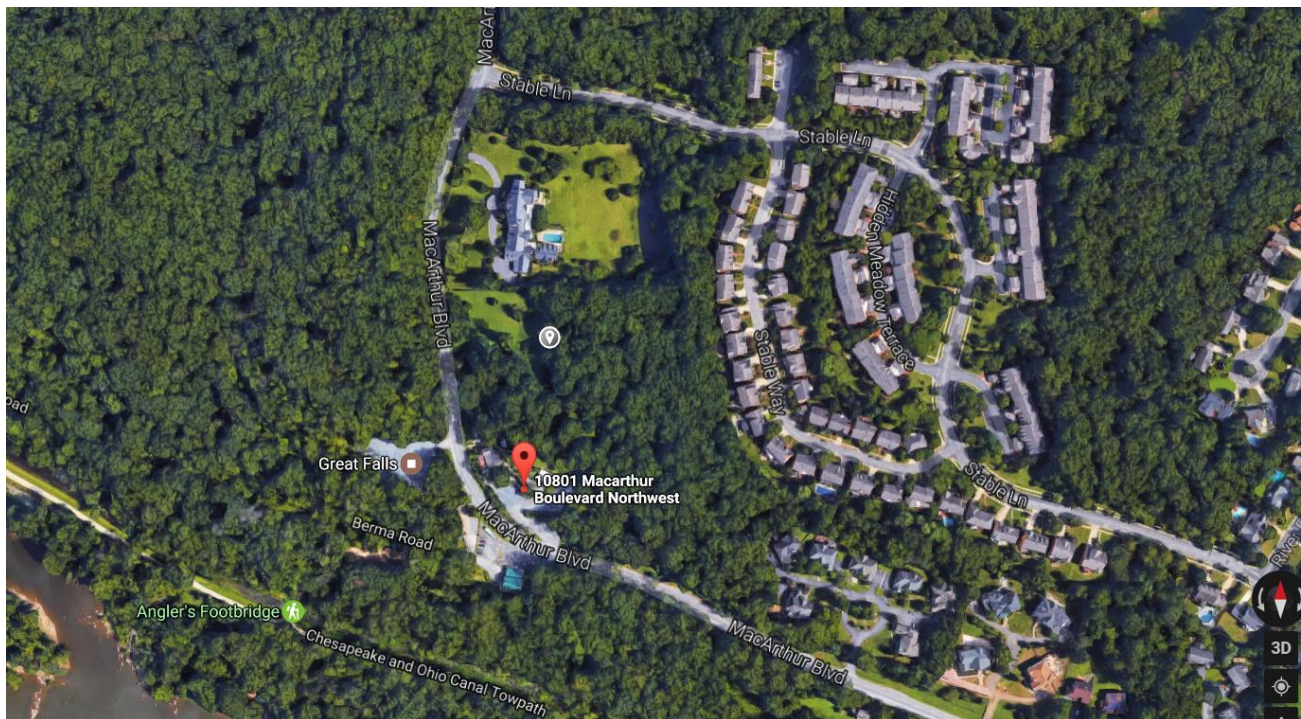
Staff has also took into consideration the concerned voiced by area residents and civic associations in opposition to the proposed project and its potential impacts on the neighborhood in terms of compatibility, safety and noise. Staff has requested additional materials and measures from the Applicant to address most of these issues.



**Figure 2: Normandie Farm-Surrounding Area**



**Figure-3: Maryland Catering Company Surrounding Area**





## B. Site Description

The subject property is irregularly shaped with no structural improvements. The portion of the property that is subject to the proposed Conditional Use is currently covered with forest. To the southeast of the property, there is approximately one-acre improved with a small existing building, a gravel parking lot, terraces, and patios that are all utilized by the adjoining Old Angler's Inn, a restaurant with a historic designation. As noted, this one acre area associated with the existing Old Angler's Inn is outside of the Conditional Use boundaries. The eastern portion of the property contains a stream that traverses the property flowing north to south. The subject property also contains 4.69 acres of forest, steep slopes ranging from 15 percent to 25 percent and gentle to moderate slopes ranging from 2 percent to 15 percent. The property slopes from the northwest (back) to the southeast (front). The property rises from its low point elevation of 140 feet at the southeast corner along MacArthur Boulevard to its high point of 220 feet at the northwest portion of the property. The property is abutted to the north by a residential property improved with a very large residential home. A forested stream valley separates the property from the River Falls subdivision to the east (rear), MacArthur Boulevard frames the southern and western border with the C&O Canal National Historic Park across MacArthur Boulevard to the west.

**Figure 4: The Subject Site**



## C. Neighborhood Description

For the purposes of this Application, staff defines the surrounding neighborhood as follows:

North: The boundary line between the Fawsett Farms Manor and the River Falls subdivisions to the northeastern boundary of River Falls subdivision, and extending in



an arc a distance that is approximately equidistant from the Maryland Catering Company property as is the eastern boundary of the neighborhood as defined below until the arc intersects the Potomac River.

East: Rock Wood Special Park and C&O Canal National Historical Park

West: C&O Canal National Historical Park

South: The Potomac River

Staff's description of the neighborhood boundaries is generally consistent with the boundaries defined by the Applicant with only slight differences at the southeastern boundary line where staff followed the stream.

**Figure-5: Surrounding Neighborhood**



This neighborhood is characterized with attached and detached residential developments with lots of various sizes but generally less than one-half acre. A substantial portion of the neighborhood is held in public park ownership and includes the C&O Canal National Historical Park and associated facilities, the Rockwood Special Park, forested areas, stream valleys and the C & O canal itself. Old Anglers Inn, a registered historic structure/restaurant, which is also owned and operated by the Applicant, abuts the subject property along its western border and fronts on to MacArthur Boulevard.

#### **D. Zoning and Land Use History**

Records indicate that the property was placed in the Rural-Residential (R-R) Zone prior to the adoption of the 1980 Master Plan for the Potomac Subregion Planning Area. The R-R Zone was renamed R-200 in 1973. The 1980 Sectional Map Amendment (SMA) G-247 and the 2002 Master Plan for the Potomac Subregion Planning Area retained the property in the R-200 Zone.

#### **E. Proposed Use**

The Applicant, Maryland Catering Company, seeks approval of a Conditional Use to allow establishment of a Country Inn on a portion of a 7.32-acre property. The Applicant proposes to subject 6.36 acres of the 7.32-acre property for the proposed Conditional Use. The Conditional use will include construction of a 2-story, 9,000 square-foot building with a maximum height of 18.18 feet. The Applicant's statement of operation indicates that the facility will be designed to accommodate dining and banquet accommodations for approximately 240 guests. The proposed facility includes 4 suites for overnight guests, event hosting areas, bathroom facilities, reception area, closet and storage areas and a commercial size kitchen area for food preparation. The Application also proposes 80 parking spaces to meet zoning requirements for parking.

The hours of operation for the proposed use will be between 11:30 a.m. and 1:30 a.m., 7 days a week. The Applicant states that the hours of operation are consistent with the hours of operation of the adjacent Old Angler's Inn restaurant. The Applicant indicates that there will be 1 to 2 maintenance staff on site between 9:00 a.m. and 4:00 p.m. However, the presence of other staff depends on the time and nature of scheduled events. Employees other than the maintenance staff include wait staff, cooks and entertainment staff.

The Country Inn structure contains a full commercial kitchen and all food preparation for all meals served in that building will be prepared in that kitchen. No food will be prepared at an outside facility or at the adjoining restaurant and be brought in to the Country Inn. Guests who stay in the suites will be served meals in the Country Inn dining hall as part of the amenities offered during their stay at the Inn (Attachment D-1).

In a supplemental information document, the Applicant indicated that, on some occasions and at various times of the year, the Country Inn dining facility will be opened for meals to the general public that are not associated with a privately held event. These occasions include major family-related occasions such as Mother's Day, Thanksgiving, etc. Additionally, the Applicant may periodically use the dining facilities for special dining events to accommodate overflow of guests should the adjoining Old Angler's Inn fill to capacity.

The Applicant's statement of operation indicates that although the number of staff on site may vary depending on the nature and size of events, the maximum number of staff on site at any one time will not exceed 12 to 15 people. The statement of operation also indicates that service staff for day time events arrive approximately at 10:30 a.m. Day time events will typically last 4-5 hours with staggered departure times. Staff for evening events arrive to work at approximately 5:30 to 6:30 p.m. On those occasions, when both day time and evening events

take place on the same day, most of the daytime staff will remain on site for the evening event with limited number of replacement staff coming in.

The trash pick-up schedule will be similar to that of the adjoining restaurant:

- Trash pick-up: Monday and Wednesdays between 10:00 a.m. and 2:00 p.m.
- Recycle pick up: Thursday between 10:00 a.m. and 2:00 p.m.

### III: ANALYSIS AND FINDINGS

#### A. Development Standards

**Development Standards-59-4.4.7. A.:** The intent of the R-200 zone is to provide designated areas of the county for residential uses with a minimum lot size of 20,000 square feet.

The following table summarizes the relevant R-200 Zone Standard Method Development Standards (59-4.4.7. B.).

**Table 2: R-200 Zone Standard Method Development**

Current Development Standard: R-200	Standard	Proposed
<b>Minimum Lot Area</b>	20,000 sf	277, 042 (6.36 ac)
<b>Minimum Lot width</b> <ul style="list-style-type: none"> <li>• @ Front building line</li> <li>• @ Street line</li> </ul>	100 ft 25 ft	574 ft ± 420 ft ±
<b>Minimum Building Setback</b> Front Side: <ul style="list-style-type: none"> <li>▪ One side</li> <li>▪ Sum of both sides</li> <li>▪ Rear</li> </ul>	40 ft  12 ft 25 ft 30 ft	225 ft  100 ft 278 ft 255 ft
<b>Minimum Parking Setback</b> Side: Rear	25 ft 30 ft	50 ft 265 ft
<b>Minimum open space</b>	50%	82%
<b>Maximum Building Height</b>	50 ft	18.18 feet (2-story)
<b>Maximum Building Coverage</b>	25%	4.3 % ac
<b>Parking (Sec 59.6.2.4)</b>		
<b>Minimum Parking-Country Inn (Sec 6.2.4)</b>	10 sp/1,000 sf patron use area) 7,600 sf ÷ 1,000 X10 = 76 spaces required	80 spaces proposed: including 4 handicap spaces (1 van accessible)
<b>Bicycle (Sec 6.2.4)</b>	1 sp/10000 GFA 9,000sf÷10,000 sf= .90=1.0	4 bicycle space 1 long term bicycle space in building
<b>Motorcycle 6.2.3.c</b>	2% of vehicle spaces	2 motorcycle/scooter spaces

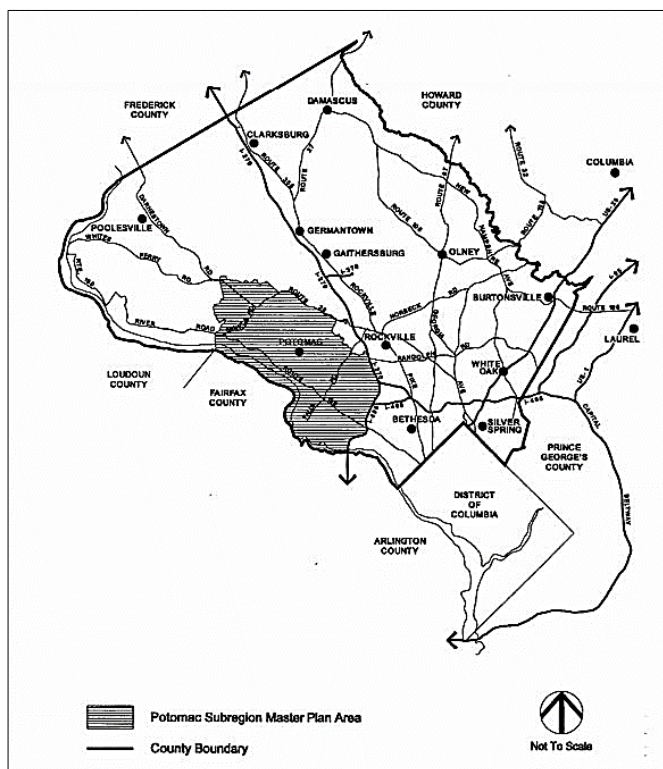
As shown in *Table 1*, the Application meets or exceeds the R-200 Zone development standards.

## B. Master Plan

The 2002 Potomac Subregion Master Plan recognizes the largely developed nature of this area and recommends “infill development of the remaining vacant properties with residential development essentially similar to what is now there...” (p 41) The land use recommendations for this part of the plan focus on properties that were undeveloped at the time the plan was prepared and on the planning area’s commercial centers.

The Master Plan includes specific policy recommendations for conditional uses (known as special exceptions when the Plan was completed). The Plan’s aim was to “provide guidelines that will protect residential areas while also attempting to meet important policy goals.” (p 35) The Plan recommends that review of conditional uses focus on architectural compatibility of proposed uses with existing residential design and on techniques for screening uses and their associated parking from nearby residential areas and from roadways.

**Figure-6: Potomac Subregion Master Plan Area**



In addition, the Plan recommends “increased scrutiny” for conditional use (special exception) applications located on highly visible sites or adjacent to the Chesapeake and Ohio Canal National Historical Park. The Plan does not identify specific aspects of conditional use applications that warrant such increased attention, but does recommend that the park be protected “from incompatible design...”

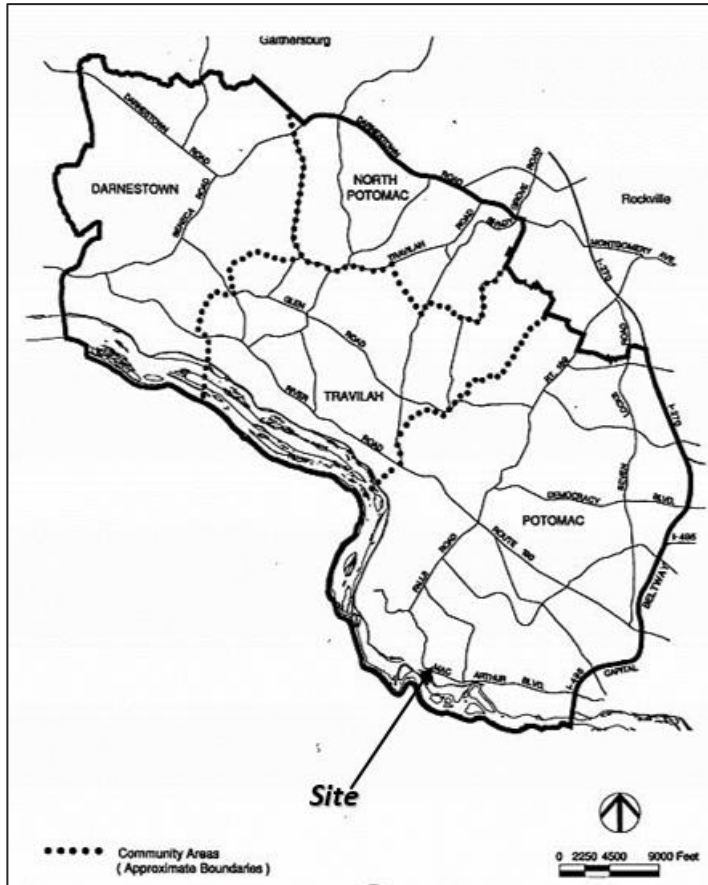
The proposed Country Inn meets both criteria. It is located on MacArthur Boulevard and its site slopes significantly upward, increasing its visibility considerably. It is also directly opposite parking areas and other facilities associated with the historical park.

While the Plan does not specify an analytical method for “increased scrutiny”, it does offer a precedent for evaluating proposed country inns. It recommends the 6.47-acre Normandie Farm site for a Country Inn (which was, at the time of the Plan’s preparation, a Floating Zone that could be proposed by interested landowners or recommended in a master plan). Guidelines associated with the recommendation—generous lot line setbacks, well-configured afforestation areas and stormwater management facilities,



and well-landscaped parking areas—would “allow for a modestly sized country inn to be developed in a way compatible with the existing restaurant and the general character of the surrounding area.” (p 54) The Plan recommended that a 10,000-square foot structure could be added to an existing restaurant in a way that would preserve character. The floating zone was subsequently applied to the Normandie Farm property.

**Figure-7: Potomac Subregion Communities**



The Maryland Catering proposal calls for a building totaling about 9,000 square feet, or 10 percent less than the benchmark established by the master plan for Normandie Farm. A smaller building means smaller capacity, which would reduce staffing needs, patron and staff vehicle traffic, require fewer parking spaces and potentially produce less noise, all of which are inherent characteristics of a Country Inn.

Planning staff understands that additional analysis by the applicant—evaluation of a vanpool or shuttle system for some guests and additional study of noise impacts on adjacent properties—cannot be completed prior to Planning Board or Hearing Examiner public hearing dates. In the absence of this data, much of the “increased scrutiny” required by the master plan for this proposal cannot

be undertaken. Area 3 master plan staff therefore recommends that this conditional use proposal be deferred or denied.

## C. Transportation

### Vehicular Site Access Point

The site is located on the north side of MacArthur Boulevard approximately 1,000 feet south of the intersection with Stable Lane. The C&O Canal National Park is located on the opposite side of MacArthur Boulevard with two existing gravel parking lots immediately opposite of the site.

The proposed vehicular access point is a new access point. The Applicant’s civil engineer field reviewed the sight distance from the proposed access point and found that there is adequate sight distance 390 feet to the north and 335 feet to the south for an arterial compared the standard of 325 feet for arterials with a speed limit of 30 miles per hour. However, it was later discovered that the original sight distance evaluation may be missing some information that

was not accounted for in the initial study and the Applicant is amending the evaluation to include additional information.

#### Master-Planned Roadways and Bikeway

In accordance with the 2002 *Potomac Master Plan* and the 2005 *Countywide Bikeways Functional Master Plan*, MacArthur Boulevard is recommended as a two-lane arterial, (A-300), with an 80-foot wide right-of-way and a Class I bike path, PB-14. The newer 2005 *Countywide Bikeways Functional Master Plan* recommends a dual bikeway, DB-1, with a shared use path on the south side and bike lanes. The existing right-of-way varies from 50 to 70 feet along the property frontage. If the Conditional Use is approved, the Applicant must dedicate additional right-of-way along MacArthur Boulevard for a total of 40 feet from its centerline at the time of preliminary plan and record plat.

#### Public Transit Service

There is no transit service available along the property's frontage on MacArthur Boulevard.

#### Pedestrian and Bicycle Facilities

There is no sidewalk or designated bike path along the property's frontage on MacArthur Boulevard. The Applicant proposes a side walk along the property's frontage on MacArthur Boulevard, a lead-in sidewalk and a bike rack will be required near the front of the banquet hall and should be shown on the Conditional use site plan.

#### Crash History along MacArthur Boulevard

Crash or accident data was obtained along MacArthur Boulevard between Brickyard Road to Falls Road (i.e., the County segment south of River Road) for a 1.85-mile segment for the years 2013, 2014, and 2015. None of the recorded crashes were along the property frontage. Although there were eleven total crashes, the nearest reported crash is approximately 2,000 feet to the east and approximately 2,260 feet to the north of the site.

#### Gap Analysis

An analysis of the number of acceptable gaps in northbound and southbound through- traffic on MacArthur Boulevard was conducted in October 2015. Based on the Highway Capacity Manual, the minimum acceptable gap for left turns from a major road is 4.1 seconds per vehicle. Along MacArthur Boulevard, the table below shows the number of acceptable gaps in northbound through-traffic for the southbound left-turns into the Old Anglers Inn driveway without impeding the southbound through-traffic along this two-lane road:

**Table- 3: Gaps Analysis**

	Peak-Hour of Adjacent Street	Number of Acceptable Gaps	Projected Number of Left-Turns from Southbound MacArthur Blvd.
Thursday AM Peak	7:15-8:15 AM	375	51
Thursday PM Peak	4:30-5:30 PM	452	51
Friday PM Peak	4:30-5:30 PM	552	51
Saturday Mid-Day Peak	2:45-3:45 PM	558	51

Technical staff believes that there are sufficient gaps in the northbound through-traffic along MacArthur Boulevard so that the southbound through- traffic is not adversely impeded by left turns into the site.

#### Local Area Transportation Review (LATR)

The proposed increase in Country Inn traffic for 240 persons would generate the following number peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

**Table-4 Trip generation**

Country Inn: Guest Travel Mode	Number Of Guests	Peak Hour Trips per Event				
		Thursday	Thursday/Friday		Saturday	
		Morning	Early	Late	Early Midday	Late Midday
Personal Vehicles <sup>1</sup>	160	80	80	80	80	80
Shuttle <sup>2</sup>	40	3	6	6	6	6
Total	240	83	86	86	86	86

<sup>1</sup>The trip generation calculated based on a vehicle occupancy of 2 persons per vehicle.

<sup>2</sup>The trip generation calculated based on up to three shuttle bus runs with a 15-passenger bus/van.

Besides the guests, the maintenance staff of one or two persons work from 9:00 a.m. to 4:00 pm. The other staff associated with the banquet events is proposed to be up to 15 persons and arrive within 1 to 1.5 hours prior to the start of the event (for example at 10:30 a.m. for a lunch events and as early as 5:30 p.m. for evening events). The guests using the four on-site suites tend to arrive early and not leave after the event.

The entrances to the parking area of the C&O Canal National Park are located on the opposite side of MacArthur Boulevard. When the Park is open to the public and the weather is nice, the parking area overflows resulting with park users parking along the side of MacArthur Boulevard. However, the peak times of the C&O Canal National Park occur earlier than the proposed scheduled start of most of the catered events. Traffic counts were collected when the C&O Canal National Park was actively used on a Saturday in September 2015. The traffic analysis result indicates that the congestion level is well less than the intersection congestion standard for Potomac Policy Area. In addition, the Applicant agreed to work with MCDOT to see if the installation of warning signs were warranted to alert drivers that (when the Park is open and the weather is nice) there will be parked cars near the Chesapeake and Ohio (C&O) Canal National Park entrances on MacArthur Boulevard approaching the curve.

Under the 2012-2016 Subdivision Staging Policy, a traffic study is not required to satisfy the LATR test even though the “total” number of site-generated peak-hour trips are 30 or more within the weekday morning and evening peak periods. In the Potomac Policy area, only those developments with site-generated trips that will impact one of twelve identified intersections are required to submit a traffic study to satisfy the LATR test. None of these twelve identified intersections are along MacArthur Boulevard or in close proximity to the property; the closest being the Falls Road and River Road intersection. To analyze if there are any adverse traffic impacts, the Applicant did a capacity/Critical Lane Volume (CLV) analysis of the existing Old Angler’s Inn driveway and proposed driveway for the banquet hall. The CLV values for the existing traffic condition (that includes the site-generated trips from the existing Old Angler’s Inn) and the total traffic condition (adding the banquet facilities traffic to the existing traffic) are shown below: (Table 4):

**Table-5 Critical Lane Volume (CLV) values**

Studied Driveways with MacArthur Boulevard	Peak-Hour Traffic Condition										
	Existing				Total (Events)						
	Thursday		Friday	Saturday	Thursday			Friday		Saturday Mid-Day	
	7:15-8:15 a.m. <sup>1</sup>	4:30-5:30 p.m. <sup>1</sup>	430-5:30 p.m. <sup>1</sup>	3:00-4:00 p.m. <sup>1</sup>	7:15-815 a.m. <sup>1</sup>	Early <sup>2</sup>	Late <sup>3</sup>	Early <sup>2</sup>	Late <sup>3</sup>	Early <sup>2</sup>	Late <sup>3</sup>
<b>Proposed North</b>	----	----	----	----	681	813	813	849	849	333	316
<b>Existing South</b>	648	782	778	361	650	784	624	780	830	413	365

<sup>1</sup>Represents the peak-hour of the adjacent MacArthur Boulevard.

<sup>2</sup>Early events would start before the weekday evening peak period (6:30 p.m.) and end within the evening peak period (6:30 to 9:30 p.m.).

<sup>3</sup>Late events would start within the weekday evening peak period and end after the evening peak period (9:30 p.m.).

As shown in the table above, the calculated CLV values do not exceed the CLV standard is 1,450 for the intersections within the Potomac Policy Area of 1,450. Thus, the LATR capacity test is satisfied.

In addition, the table below shows the queuing delay per driveway approach was calculated using the Highway Capacity Manual unsignalized intersection methodology:

**Table-6: Queuing Analysis**

Studied Driveways with MacArthur Boulevard	Driveway Approach	Average Queuing Delay/Vehicle (in seconds) in the Total Traffic Condition						
		Thursday			Friday Evening		Saturday Mid-Day	
		Morning	Evening					
		7:15-8:15 a.m.	Early	Late	Early	Late	Early	Late
Proposed North	Overall	1.0	2.4	0.8	3.5	1.0	2.2	1.0
	Westbound*	13.4	29.1	24.8	41.9	27.8	11.7	12.1
	Southbound	1.1	0.0	1.8	0.1	2.1	0.0	1.8
	Northbound	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Existing South	Overall	0.3	3.0	3.0	0.6	0.6	2.4	2.4
	Westbound*	0.0	32.1	32.2	32.7	35.5	15.0	15.1
	Eastbound	15.1	37.1	36.9	21.4	22.5	12.3	12.1
	Southbound	0.0	0.0	0.1	0.1	0.1	0.3	0.3
	Northbound	0.4	0.7	0.7	0.1	0.1	1.4	1.2

\*The westbound approach is the queue leaving the site and can be adequate stored within the site.

There are sufficient gaps in the northbound through traffic along MacArthur Boulevard so that the southbound through traffic is not adversely impeded by southbound left-turns into the subject site.

#### Transportation Policy Area Review (TPAR)

The subject property is located within the Potomac Policy Area for the Transportation Policy Area Review ("TPAR") test under the 2012-2016 Subdivision Staging Policy. For the current TPAR test, the roadway test for the Potomac Policy Area is adequate, and the transit test is inadequate. Therefore, the Applicant must make a TPAR mitigation payment equal to 25 percent of the



General District Transportation Impact Tax for the 8,740 square feet of restaurant-like/retail space and 4 suites multi-family/guest house, pursuant to the 2012-2016 Subdivision Staging Policy. The timing and amount of the payment will be in accordance with that established in Chapter 52 of the Montgomery County Code and is subject to any County Council amendments to this chapter.

#### D. Parking (Section 59-6.2)

1. **Section 6.2.4 Parking Requirement:** The Application meets the applicable requirements of Article 59-6. The parking table in **Section 59.6.2.4** requires a base minimum of 10 spaces per 1,000 SF for patron use (excluding out-door seating area in the commercial/Residential and Employment Zones)

**Table 7: Required Parking**

Section 59.6.2.4 Parking	Required	Provided
10 vehicle spaces per 1,000 SF for Patron use	$7,600 \text{ sf} \div 1000 \times 10 = 76 \text{ spaces}$	8 including 4 handicap spaces (1 van accessible)
1 bicycle sp/10000 GFA	$9,000 \text{ sf} \div 10,000 \text{ sf} = .90 = 1.0$	4 bicycle space; 1 long term bicycle space in building
2% of vehicle spaces	2% of 80 vehicle spaces	2 motorcycle/scooter spaces

#### 2. **Section 6.2.5. Vehicle Parking design standards of**

##### 6.2.5.B.

Location: *Each required parking space must be within ¼ mile of an entrance to the establishment served by such facilities.*

All proposed parking is within 290 feet of the event pavilion.

##### 6.2.5.C.

Access: *Each parking space must have access to a street or alley open to use by the public. Vehicle access crossing primary pedestrian, bicycle, or transit routes must be limited wherever feasible.*

All proposed parking spaces are adjacent to internal drive lanes which connect to an entrance driveway to MacArthur Boulevard, a public street.

##### 6.2.5.D.

##### Marking

1. *Any off-street parking area must be arranged and marked to provide for orderly and safe loading, unloading, parking, and storage of vehicles.*
2. *Each individual parking space must be clearly marked, and directional arrows and traffic signs must be provided as necessary for traffic control.*
3. *Each space or area for compact parking must be clearly marked to indicate the intended use.*

The drive lanes serving the parking spaces will be arranged and marked to allow for safe, adequate and efficient circulation within the parking areas. The conditional use plan shows that a separate area is designated for loading and unloading of food and equipment separating that activity from the general flow of onsite traffic.

No compact spaces are proposed. However, handicapped, motorcycle and bicycle parking spaces are identified on the amended Conditional Use Plan and will be similarly marked and identified in the field when installed.

#### 6.2.5.E.

*Size of Spaces:* Each parking space must satisfy the following minimum dimensional requirements:

	Standard Space		Compact Space	
Parking Angle	Width	Length	Width	Length
Perpendicular	8.5'	18'	7.5'	16.5'
60 to 75 degrees	10'	23'	8.5'	21'
45 to 59 degrees	12'	26.5'	not allowed	not allowed
Parallel	7'	21'	6'	19.5'

All parking spaces are perpendicular in orientation and are designed to be 8.5 feet in width and 18 feet in length.

#### 6.2.5.F

##### *Spaces for Charging Electrical Vehicles*

*An electric vehicle charging station ready parking space must be:*

- 1. located in a preferential, highly visible area within the parking facility;*
- 2. a minimum width of 9 feet;*
- 3. designed so that the space and pathways for the future installation of at least a 120-volt charging station and associated infrastructure are provided; and*
- 4. constructed such that all conduits leading to the electrical room, including electrical service conduit, service size, and the electrical room are appropriately sized to accommodate future electrical equipment necessary for the number of electric vehicle charging station ready parking spaces required.*

Spaces for charging of electrical vehicle are not required and none provided.

#### 6.2.5.G.

##### *Drive Aisles*

- 1. If a drive aisle has parking stalls along the sides it is an interior drive aisle. A drive aisle with no parking stalls along the sides is an entrance or exit drive aisle.*

2. *A drive aisle must have the following minimum width based on the configuration of the adjacent parking spaces and travel direction:*

<b>Parking Type</b>	<b>One Way</b>	<b>Two Way</b>
<i>Perpendicular</i>	<i>20'</i>	<i>20'</i>
<i>60 to 75 degrees</i>	<i>18'</i>	<i>20'</i>
<i>45 to 59 degrees</i>	<i>16'</i>	<i>20'</i>
<i>Parallel</i>	<i>10'</i>	<i>20'</i>
<i>None</i>	<i>10'</i>	<i>20'</i>

The Conditional Use site plan show that all drive aisles are a minimum of twenty (20) feet wide.

#### 6.2.5.H.

##### Parking Separation

1. *Each parking space must be separated from any road, street, alley, or sidewalk by curbing or wheel stops.*
2. *Any road, street, alley, sidewalk, or other public right-of-way must be protected from vehicular overhang by wheel stops, curbs, spacing between the right-of-way line and the parking area, or other method approved by DPS.*

No parking space is located adjacent to a road, street or alley. Sidewalks are separated from parking and drive lanes by curbing.

#### 6.2.5.I.

##### Walkways

*An off-street parking facility must have pedestrian walkways or sidewalks as needed for pedestrian safety. A pedestrian walkway or sidewalk must be distinguished by stripes, wheel stops, curbs, or other methods approved by the applicable deciding body.*

The two parking areas are joined by a walkway that connects to a sidewalk in front of the event pavilion providing safe and efficient pedestrian circulation through the site. In addition, if the application is approved, staff recommends an extension of a lead walk from the sidewalk near the entrance to the subject property from the sidewalk near the entrance to the subject property.

#### 6.2.5.J

Drainage: *Any off-street parking facility must be drained to prevent damage to abutting properties and public streets, and must be constructed of material that will assure a surface resistant to erosion. All drainage must satisfy the principles of Environmental Site Design (ESD) as specified in the Stormwater Management Manual adopted by the County.*

All surface runoff will be collected in three stormwater management facilities located at the northern and southern ends of the parking areas. The Applicant's statement of

justification indicates that the storm water management facilities are designed in accordance Environmental Site Design principles. The Storm Water Management concept plan has been submitted to MCDPS Water Resource Section and is awaiting approval.

#### 6.2.5.K

##### Facilities for Conditional Uses in Residential Detached Zones

*Any off-street parking facility for a conditional use that is located in a Residential Detached zone where 3 or more parking spaces are provided must satisfy the following standards:*

1. *Location: Each parking facility must be located to maintain a residential character and a pedestrian-friendly street.*

The location of the parking area is such that it is substantially obscured from the MacArthur Boulevard, by the topography, existing and proposed vegetation and the adjacent Old Angler's Inn. Travelers or bicyclists on MacArthur Boulevard will not have direct views the parking lot.

#### 2. *Setbacks*

- a. *The minimum rear parking setback equals the minimum rear setback required for the detached house.*
- b. *The minimum side parking setback equals 2 times the minimum side setback required for the detached house.*
- c. *In addition to the required setbacks for each parking facility:*
  - i. *the required side and rear parking setbacks must be increased by 5 feet for a parking facility with 150 to 199 parking spaces; and*
  - ii. *the required side and rear parking setbacks must be increased by 10 feet for a parking facility with more than 199 parking spaces.*

The Application satisfies these requirements. As shown on Table-2, side yard setbacks in the R-200 zone are a minimum of 12 feet with the sum of both sides being not less than 25 feet. The proposed parking meet and exceeds the minimum side parking setback and rear yard setback requirements The Application Proposes less than 150 parking spaces.

### **3. Section 6.2.9.C: Parking Landscape and Screening Requirements (Section 6.2.9.C)**

The Application proposes 80 parking spaces divided into 2 parking bays oriented in a general north-to-south direction paralleling Macarthur Blvd. Each bay is separated by linear 5,100 square foot main parking island that is approximately 20-feet wide by 255-feet long. This main parking island will be densely planted with canopy trees, understory trees and shrubbery. In addition, some of this area is used as a stormwater management planted bioretention area thus furthering the density of plant material associated with the overall parking area. In addition, each of the 2 parking bays is broken up with one to three landscape islands planted with canopy trees and ground cover.



The total estimated landscape area comprises approximately 20% of the total parking area. Staff finds that the proposed landscaping meets or exceeds the standards set in Sections 6.2.9.C.1 and C.2 of the current Zoning Ordinance for Landscape Area and Tree Canopy Coverage.

The proposed perimeter planting along the parking area is comprised of a canopy tree at least every 30-feet, 2 understory trees for each canopy tree, a row of shrubbery and a dense row of evergreen trees shielding the parking area from Macarthur Blvd. Staff finds that the proposed perimeter landscaping meets or exceeds the standards set in Section 6.2.9.C.3 of the current Zoning Ordinance.

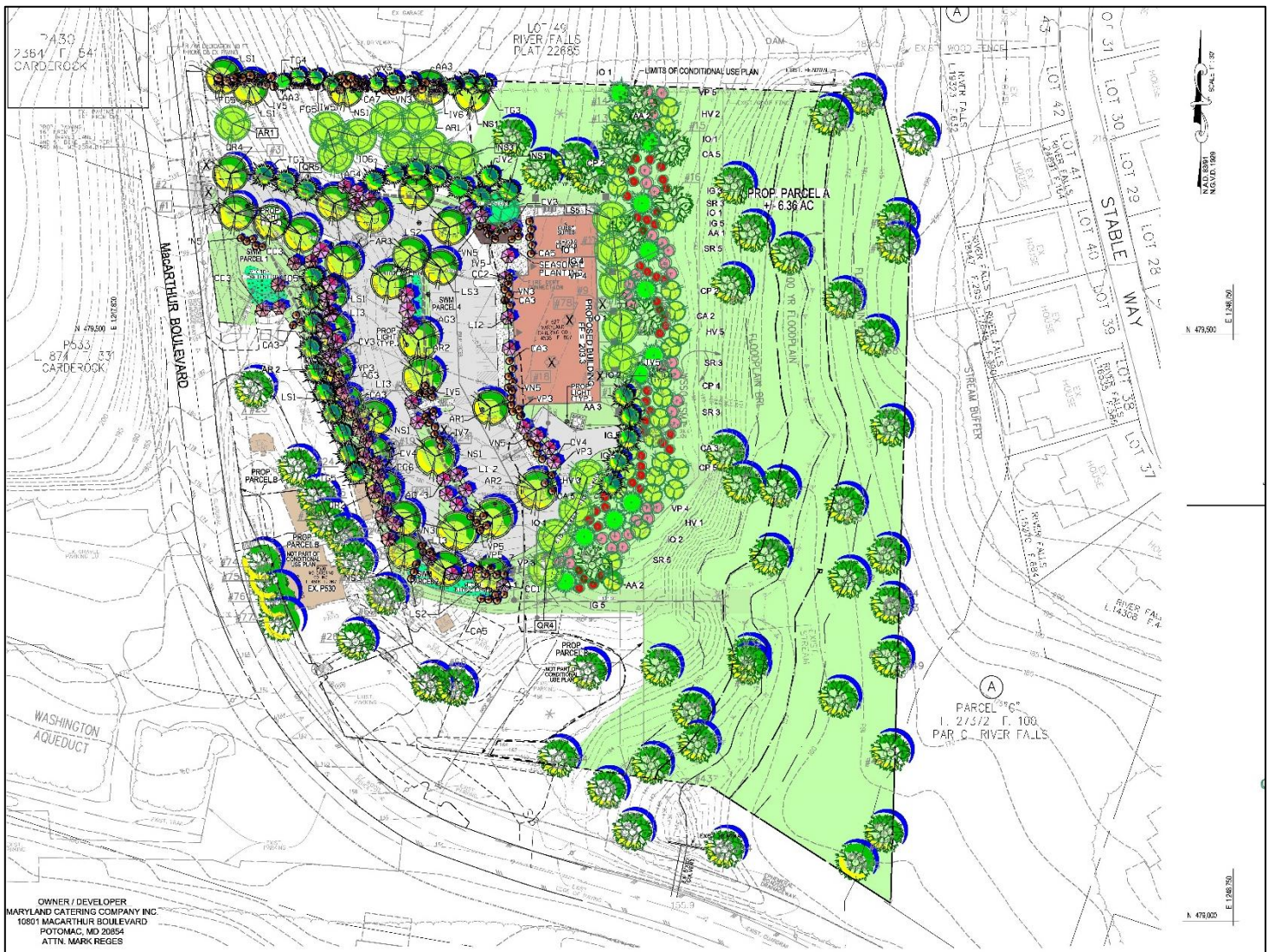
#### **E. Landscaping (Section 59-6.4 General Landscaping & Outdoor Lighting)**

##### Site Landscape and Screening Requirements (Sections 6.4 and 6.5)

The project proposes a landscape screen along the section of property line that runs along the northern boundary of the site from Macarthur Blvd. to the existing forest, approximately 240-feet in length. This is the only section of property line in which a screen is necessary in order to shield the adjoining residential lot to the north from this development. The remainder of the property boundary is either buffered with existing forest or that is otherwise separated from Macarthur Blvd. by existing structures and proposed landscaping.

The proposed screen along the 240-foot section of the northern property line complies with Section 6.5.3.C.7 of the current Zoning Ordinance by following Option B in the associated table. The planting supplies a minimum of 2 canopy trees, 4 evergreen trees, 8 large shrubs and 12 small shrubs per 100-feet of property line. Staff finds that the proposed landscape screening meets or exceeds the requirements in Sections 6.4.3 and 6.5.3 of the current Zoning Ordinance.

**Figure-8: Landscape Plan (illustrative)**



## F. Outdoor Lighting Requirements (Section 6.4.4)

The Application includes a photometric plan showing projected lighting intensity across the entire property in foot-candles. The photometric plan also shows locations where lighting fixtures will be mounted and manufacturer's specifications on the lighting fixtures being proposed. The lighting proposed for the property serves multiple purposes including illumination of the site entrance, drive lanes, parking lots walking paths and improves visibility in all of these areas for vehicle and pedestrian safety.

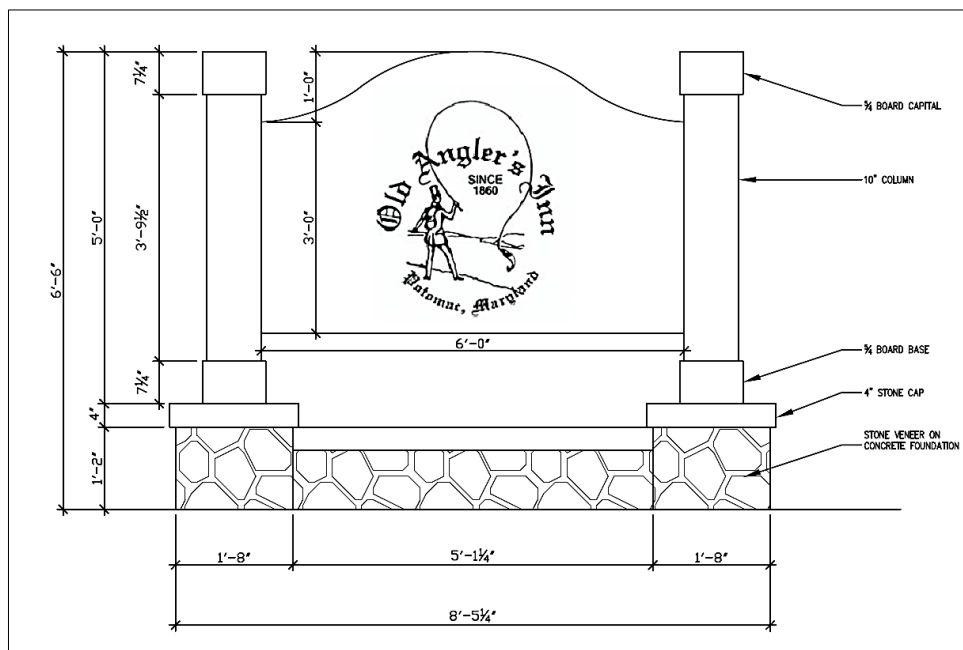
The Applicant proposes a total of fourteen pole mounted lighting fixtures to illuminate the Macarthur Blvd entrance, the parking facilities, internal pathways and portions of the internal access road. Each pole is proposed to be a total of 14-feet, 10-inches in height. The photometric plan indicates that no light level above 0.5 foot-candles will spill across any property boundary.

The lighting as proposed will be adequate to provide visibility to the areas for vehicular and staff circulation during nighttime hours. The lighting is not projected to have a negative impact to neighboring property owners with either direct light or light glare. Staff finds that the proposed photometric plan meets or exceeds the requirements in Section 6.4.4 of the current Zoning Ordinance.

## G. Signs (Section 59-6.7)

The proposed free standing sign meets the setback and number of signs requirements but exceeds the height and area requirements for a freestanding sign in a residential zone. The Applicant may need to obtain a variance from the Sign Review Board upon review of the proposed sign and recommendation by MCDPS.

**Figure-9: Proposed Sign**



## H. Environment and Forest Conservation

### Environmental Guidelines

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for this 7.67-acre site on June 24, 2010 and was recertified on March 26, 2013. The NRI/FSD identified all of the required environmental features on, and adjacent to the property, as further described in the *Environmental Guidelines for Environmental Management of Development in Montgomery County*. The topography on the property is sloping from the northwest (back) to the southeast (front). The eastern portion of the property contains a stream that traverses the property north to south. The subject property contains 4.67 acres of existing forest. The property is located within the Potomac River Direct watershed, which is classified by the State of Maryland as Use I-P waters.

The NRI/FSD was approved on March 26, 2013 and was valid until March 26, 2015. Chapter 22A of the Montgomery County Code states in section 22A-10(b)(4) An approved forest stand

delineation is not valid after 2 years unless: (A) a forest conservation plan has been accepted as complete; or (B) the delineation has been recertified by the preparer. A forest conservation plan was accepted with the original application on March 24, 2015. Therefore, the NRI/FSD is still valid.

In the southern portion of the Parcel 527 is an existing gravel parking lot that is in the Stream Valley Buffer (SVB). This pre-existing use is not related to the proposed Conditional Use, but is used for the Old Angler's Inn. The parking lot encroaches into approximately 5,200 SF of unforested SVB. The Applicant proposes to plant approximately 20,800 sf, roughly a 4:1 ratio, to offset the existing parking lot in the buffer (the complete planting list can be found on sheet 3 of the forest conservation plan). The proposed planting area is located between the proposed building and the existing sewer line in the SVB. This area of the SVB does not have much understory, so supplemental planting using native deciduous shrubs and American Holly will improve the quality of the stream buffer and also provide additional screening. Staff believes the proposed mitigation qualifies as enhanced vegetation and the plan provides for onsite compensation for the loss of buffer function

### Forest Conservation

A PFCP and tree variance request were submitted with the Conditional Use Application. A separate staff report for the PFCP has been prepared for the Planning Board's review and approval and is to be presented to the Planning Board at a later date.

## **I. Noise**

The Conditional Use finding requires Staff to review any non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect which may be caused by the proposed use. The Applicant has submitted preliminary acoustical analysis looking at the proposed banquet facility to be located on Parcel 527 adjacent to the Old Angler's Inn property.

Chapter 31B-5(a)(1) of the Montgomery County Code states except as otherwise provided in Sections 31B-6(a), 31B-6A, and 31B-8, a person must not cause or permit noise levels that exceed the following levels:

<b><i>Maximum Allowable Noise Levels (dBA<sup>3</sup>) for Receiving Noise Areas</i></b>		
	<b><i>Daytime</i></b>	<b><i>Nighttime</i></b>
Non-residential noise area	67	62
Residential noise area	65	55

The analysis states that similar venues would indicate that the proposed facility would most likely not hold "rock band" type events (no  $L_{eq}$ <sup>4</sup> given) but that relatively loud amplified music

<sup>3</sup> A-weighted decibels, abbreviated dBA, are an expression of the relative loudness of sounds in air as perceived by the human ear. In the A-weighted system, the decibel values of sounds at low frequencies are reduced, compared with unweighted decibels, in which no correction is made for audio frequency.

<sup>4</sup>  $L_{eq}$  = equivalent continuous sound pressure level in dB



systems would be representative of the highest noise sources. The analysis states that amplified music systems will reach average ( $L_{eq}$ ) maximum levels of 95 dBA within the facility with occasional peak level 5-10 dBA higher.

The analysis describes the distance between the proposed facility and the residences to be approximately 300 feet. This description adequately reflects the residences to the east; however, the residence to the north is located about 125 feet from the proposed facility. The analysis further states that sound diminishes with distance by approximately 6 dBA for every doubling of distance. Amplified music systems would generate roughly 95 dBA with a range of approximately 30' to 40'. This means that this noise source at 300' would diminish by 20 dBA without factoring in the building. This would leave a noise level of approximately 75 dBA, which is 20 dBA above the 55 dBA nighttime limit. A 5 dBA buffer was added into the equation before making recommendations on Sound Transmission Class ratings (STC) that the building would need to mitigate a minimum of 25 dBA. The analysis indicates that a 30-35 STC construction would provide a 25 dBA reduction. However, the analysis recommends a 35-40 STC should be used. This indicates to staff that the noise law's regulations would be met to the east if the building is built with higher than normal construction methods as recommended in the analysis.

The analysis does not adequately address the residence to the north which is only 1/3 of the distance from the proposed facility.

Staff cannot adequately make the finding that the noise level requirements of 31B-5(a)(1) of the Montgomery County Code can be met in regards to the Residence to the north. Furthermore, the analysis tries to address the issue of noise when the patio doors of the facility are open and it indicates that while the inside noise is at ~95 dBA, the transmission to the patio area would place noise on the patio at about 85 dBA. If the diminishing effect of distance is applied as shown above (at 300') would account for a 20 dBA loss. The proposed building acting as a shield would provide an additional 10+ dBA loss limiting the overall noise at the residences to the east to 55 dBA or less. Staff believes the noise level requirements of 31B-5(a)(1) of the Montgomery County Code can be achieved for the residences to the east. The building would not act as shield for the residence to the north and the residence to the north is much closer.

Staff cannot adequately make the finding that the noise level requirements of 31B-5(a)(1) of the Montgomery County Code can be achieved in regards to the Residence to the north when the patio doors are open.

Overall, the Applicant has not adequately demonstrated that the proposed use can achieve the noise level requirements of 31B-5(a)(1) of the Montgomery County Code.

#### **J. Historic Preservation**

In a memorandum dated April 28, 2015, the Historic Preservation Office (HPO) staff has indicated that a Historic Area Work Permits not needed for the scope of work as *currently proposed*. The HPO further stated that "should any changes occur to the proposed scope of work including, but not limited to: grading, tree removal, outbuilding alteration/demolition, or alternative designs for the proposed 9,000 square foot building, the revised scope of work will need to be reviewed by HPO prior to the Application finalized." (Attachment B-2)

#### **K. U.S. National Park**

Staff had reached out to various departments of the National Parks for comments regarding the proposed project the only response that was received is from Nathan Cole, P.E., Chief of Planning and Engineering Branch for the Washington Aqueduct via an e-mail sent on November 1, 2016, with the following request

*“The Washington Aqueduct does have a concern with this proposed project because MacArthur Blvd. is a weight restricted roadway with its restriction starting at Anglers Inn.*

*Therefore, we are requesting that when the construction permit is granted for this project, that there is a stipulation that requires all construction traffic to enter and leave the construction site from the Falls Road end of MacArthur Blvd.*

*This will ensure that there will be no impact on our raw water conduits that run subsurface along MacArthur Blvd. to our treatment plant located on MacArthur Blvd. at the MD/DC line.”*

#### **L. Community Concerns**

Numerous community members including five citizen associations (Exhibit D-1) have written letters in opposition to the project. In addition, some of the neighbors are represented by Attorneys and are party of record to the case. The major concerns identified by the opposition include traffic congestion near and at the access to the proposed use, noise, safety and compatibility with the character of the neighborhood. The parties opposing the Application are also questioning the appropriateness of the subject property for a Country Inn which requires a rural setting.

Some of the letters from the community are included as attachments to the staff report and the remaining are kept in the application folder at the Planning Department. The Hearing Examiner has also received copies of many of the letters, and it is staff’s understanding that only the signed letters became part of the official record of the case that is kept at the Office of Zoning and Administrators Hearing (OZAH).

The Applicant has also submitted several letters in support (Exhibit D-2) of the application from residents of the community and has indicated that more letters of supports are to follow.

#### **IV. COMPLIANCE WITH THE NECESSARY FINDINGS IN SECTION 59.7.3.1.E AND SPECIFIC CONDITIONAL USE REQUIREMENTS IN SECTION 59-3**

##### **Section 59.7.1.E. Necessary Findings**

- 1. To approve a Conditional Use application, the Hearing Examiner must find that the proposed development satisfies the following requirements of Sections 59.7.1.E.a through g.**

- a. **Satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;**

There are no prior Conditional Use application or other approvals associated with the subject property.

- b. **Satisfies the requirements of the zone under Division 59-3, the use standards (Division 4), and applicable general requirements under Article 59-6.**

The proposal satisfies the specific Conditional Use standards and requirements of Section 59.3.5.3.A-Country Inn. As shown on the use standard Table (Table-1) in Section III of this report the Application meets the requirements of the R-200 Zone development standards per Section 59.4.2.F and the applicable parking, screening, perimeter landscaping, and sign requirements of Article 6. However, submittal of additional information is needed to make a full analysis of the Conditional Use Application and conclusions on its merits.

**Section 59. 3.5.3.A Country Inn: Specific Conditional Use Requirements:**

**(1). Defined**

**Country inn means an establishment for dining in a rural area, that may include a maximum of 12 overnight guest rooms and the following subordinate uses: rural antique shops, handicrafts or art sales equestrian related retail sale and service; and recreational facilities primarily for the use of guests**

The proposed Country Inn meets the Use Definition as described by this Section. The proposed facility will include 4 suits for overnight guests, event hosting areas, bathroom facilities, reception area, closet and storage areas and a commercial size kitchen area for food preparation. The Application also proposes 80 parking spaces.

The subject Application is the first Conditional Use application since the Country Inn Zone was eliminated and the Country Inn use become a use that is allowed in R, RC, RE-2, RE-1, R-200 with approval of Limited Use or a Conditional Use application. In the absence of precedence and specific guidelines, in addition to the Conditional Use standards for the use, staff has relied on the Potomac Subregion Master Plan recommendations for Country Inn zoning of the Normandie Farm. As well, staff also had taken into consideration the Hearing Examiner's and the Council's findings that were made when approving the Country Inn Floating Zone for the Normandie Farm in Local Map Amendment G-820. Based on these analyses, staff finds that the proposed application meets the definition of the Country Inn as specified in this subsection.

**(2). Use Standard**

**Where a Country Inn is not legally existing before October 30, 2014, it may be allowed as a conditional use by the hearing Examiner under Section 7.3.1, Conditional Use and the following standards:**

- i. The minimum lot area is 2 acres, or a lesser area if a master Plan recommends a lesser area.**

The subject property contains 7.32 acres of land of which 6.36 acres is subject to the proposed Conditional Use with .06 acres proposed as future right-of-way dedication. The Application satisfies this requirement.

- ii. The Maximum coverage is 10%**

The Application satisfies this requirement. The proposed 4.53 percent lot coverage (Table 1) is substantially below the maximum limit.

- iii. A Minimum of 50% of the lot must be open space**

The Application satisfies this requirement. It provides 82 percent of open space.

- iv. The minimum setback from any street is 50 feet. The minimum setback from any other lot line is 75 feet.**

The Application satisfies these requirements. The proposed development exceeds all minimum setback requirements (Tabel-2).

- c. Substantially conforms to the recommendations of the applicable Master Plan.**

The property is located within the 2002 Potomac Subregion Master Plan area.  
*Please see analysis and findings under **SECTION III. B: Master Plan***

- d. Is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan.**

Staff is hesitant to make a conclusive finding without the benefits of additional material that could provide pertinent information and help with the comprehensive analysis and evaluation of the proposal. Based on available information, the Conditional Use site plan and submitted Landscape and Lighting Plans, the proposal provides for extensive landscaping, adequate setbacks, substantial green space, and sufficient building setbacks meeting and exceeding code requirements. The parking lot and green areas will be landscaped with shade and ornamental trees with ever green trees planted along the edges of the parking lot to provide screening.

In supplemental statement (December, 30, 2016), the Applicant indicates that the style of architecture, and building materials will be of a rustic nature to blend with the

character of the surrounding area. The Statement further indicates that all of the materials that will be employed in the design of the event pavilion are typical of those found in residential structural design and take on architectural cues from the adjacent Old Angler's Inn. The emphasis on stone and wood as primary building materials gives the proposed building a "natural" look that is appropriate for its setting in close proximity to the C&O Canal National Historical Park and the adjacent MacArthur Boulevard Scenic Byway.

The Applicant statement further indicates that the Applicant will employ measures recommended by the project's acoustical consultant to ensure that the proposed use can be operated in a manner that is not offensive or incompatible with surrounding residences or would be disruptive to enjoyment of the C&O Canal National Park. In a supplemental submittal, the Applicant had provided a preliminary acoustical assessment for staff review. Staff found that additional information is needed to make a complete analysis of the acoustical assessment. The Applicant is in the process of preparing the information requested by staff but the preparation of the requested information and data will require a time frame that extend beyond the already scheduled Planning Board and Public Hearing dates. Without the availability of the requested additional information staff is not in a position to make a conclusive determination and recommendation.

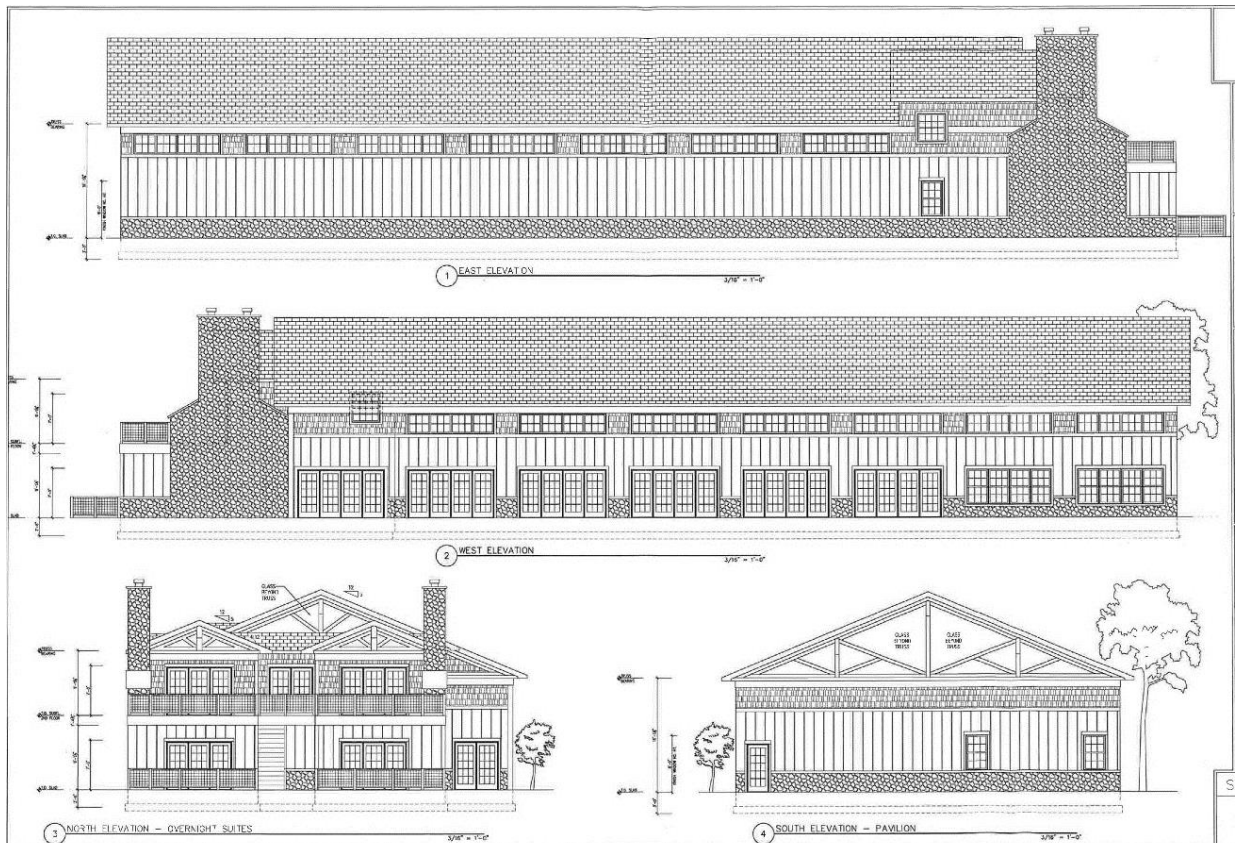
**Figure-10: Aerial-Subject Site and Surrounding Area**



- e. Will not, when evaluated in conjunction with existing and approved Conditional Uses in any neighboring Residential Detached zone, increase the number, intensity or scope of Conditional Uses sufficiently to affect the area adversely or alter the predominately residential nature of the area; a Conditional Use application that conforms with the recommendations of a Master Plan does not alter the nature of the area.

There are no other approved Conditional Uses/Special Exceptions within the immediate vicinity of the property. The property is located within a residential zone area that is defined by country type natural setting that include a large expanse of National Historic Park and the C & O channel as well as smaller forested parks and environmental features including streams and various degrees of slopes. The only nonresidential uses in the subject neighborhood are, the Historic Old Anglers Restaurant (also owned and operated by the Applicant), which is zoned Neighborhood Retail (NR) and the facilities associated with the National Park located on the west side of MacArthur Boulevard.

**Figure-11: Elevation**



The proposed building will blend well with the surrounding neighborhood in terms of design, scale and appearance and will have no negative visual impact on it. The Conditional Use is substantially consistent with the recommendation of the Master Plan and will not alter the nature of the area. To be conclusive, however, additional information is expected to analyze additional noise receptors and to provide measures to further ensure noise reduction, as appropriate.



**F. Will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the Conditional Use is equal or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:**

- i. If a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, or storm drainage; or**

The building permit required to develop the Conditional Use will require approval of a Preliminary Plan of Subdivision, and will be a condition of approval should this Application be reviewed with revised information and recommended for approval. Staff has made some of the Adequate Public Facilities findings as part of the review of this Application due to an extra level of analysis of some elements such as, LATR, stormwater management, adequate water and sewer, a sight distance evaluation and gap analyses needed to ensure safety issues are properly addressed. However, the adequacy of public facilities will be fully determined by the Planning Board at Preliminary Plan review if the Conditional Use request is granted.

**a. Water and Sewer Service**

The property which is shown as water category W-1 and sewer category S-1, currently, can be served by the Washington Suburban Sanitary Commission (WSSC); both services are located adjacent to the site. The Applicant's statement of justification indicates that an 8-inch sewer main is located within the stream valley buffer that extends through the eastern portion of the property. Another 8-inch sewer main, which is located in the MacArthur Boulevard right-of-way extends into the existing parking lot that is currently serving the Old Anglers Inn restaurant.

The justification statement further indicates that an existing 12-inch water is located within the MacArthur Boulevard right-of-way and can serve the proposed use.

**b. Storm Water Concept Plan**

The Stormwater Management Concept Plan proposes to meet required stormwater management goals through the use of "Environmental Sight Design Technique" including landscaping infiltration and alternative filtration treatment. A Stormwater Management Concept Plan has been submitted to MCDPS water Resource section and is awaiting approval.

**c. Transportation**

Detailed analyses of LATR, TPAR, CLV along with gap analysis are presented in Section III of this report under **III-C. Transportation**. In addition, the

Applicant is revising its sight distance evaluation that will be submitted to MCDOT for review and verification of accuracy. Staff would like to obtain results of MCDOT's review before making a final determination with the review of the Conditional Use Application.

#### Fire Access

An emergency fire access plan was approved on September 8, 2016 (Attachments B-5 (a) and (b) ) By Fire and Rescue Services of MCDPS.

#### **d Other facilities**

The Cabin John Park Fire Department is located at 8001 River Rd, Bethesda, approximately five miles northeast of the property. The closest police station, Montgomery County Police Department is located at 2 W Montgomery Ave, Rockville, MD 20850, 8.9 miles north of the property.

Due to the nature of the Conditional Use, it does not generate any school aged children; therefore, school facilities review is not necessary.

- ii If a preliminary plan of subdivision is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;**

If the Conditional Use application is granted, at the time of preliminary review, further analysis and findings will be made to ensure that the proposed development will be served by applicable adequate public services and facilities, police and fire protection, water, sanitary sewer, public roads, and storm drainage.

- g. Will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:**

The inherent, generic physical and operational characteristics associated with a Country Inn are (1) a large building including a patron area, large hall, commercial size kitchen with a patron area limited number of rooms for overnight guest, (2) traffic associated with the trips to the site by employees and event attendees; (3) adequate parking areas to accommodate employees and event guests (4) large open field and landscaped areas (5) hours of operation.

- i. The use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;**
- ii. Traffic, noise, odors, dust, illumination or lack of parking; or**
- iii. The health, safety or welfare of neighboring residents, visitors or employees.**

The scale of the proposed building, the proposed access points, the internal vehicular circulation system, onsite parking areas, loading and unloading area are operational characteristics typically associated with a Country Inn. The location of the proposed use opposite to a large historic National Park is both inherent and noninherent characteristics for a country inn. As established in the approval of a Country Inn Floating Zone Local for the Normandie Farm in LMA G-820, a vast area of open space dedicated for public use such as a golf course and a private school property lend to the rural setting of the area, and therefore, a comparable setting of a vast forested park land and smaller neighborhood parks and forest areas could also be appropriate setting for establishment of country inn as a conditional use. The historic nature of the adjacent National Park and the, the adjoining Old Anglers Inn coupled with the “increased scrutiny” recommendation of the Master Plan in reviewing Special Exception uses (Conditional Uses) for properties adjacent to the C & O Canal could also lend to the non-inherent characteristic of the use at the subject location. However, with various measures proffered by the Applicant and those that would be recommended by staff, in terms of landscaping, site and building designs, traffic safety and mitigation, and noise reduction measures, the proposed inn *could be* compatible with the surrounding area.

As noted earlier, the Applicant is in the process of preparing a number of documents some reflecting changes proffered based on discussions with staff and in an effort to address the impacts to residents of the area. Other documents are requested by staff as part of the Forest Conservation Plan and associated variances, as additional measures to ensure safety and traffic mitigation, and as part of addressing the “increase scrutiny” recommendation of the Potomac Subregion Master Plan. Ordinarily, some of the pending materials could have been pushed along for analysis at the next review level (preliminary plan), but because of the unique nature of the area where the property is located and given the specific recommendation of the Master Plan that calls for “increased scrutiny” (with no specific definition of the phrase or set parameters), staff would have preferred to have the opportunity to receive the information, be able to analyze them, and incorporate tangible measures and conditions as part of the approval of the application.

**2. Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood. (59.7.1.E.2).**

Please see findings under Section 7.1.E.1 g above.

## **V. CONCLUSION**

Staff is of the opinion that the Application, in general, has merits and meets the specific Conditional Use standards of Section 3.5.3.2.b and the R-200 development standards. The use also meets some of the recommendations of the Master Plan and the *Necessary Findings* of Section 59.7.1.E.2. However, staff is not able to make a comprehensive analysis of the Application and make a meaningful recommendation with the information on hand. The Applicant is willing and working to furnish supplemental information and materials which include revisions to the Conditional Use including, modifications to the Forest Conversation Plan, revised noise study, and development of transportation management plans. Without the benefit of these pertinent documents and

information, staff is unable to make a conclusive determination and recommendation on the proposed request for approval of a Conditional Use Application. Therefore, staff recommends denial of Conditional Use Application CU-15-06.

Attachments:

- A. Plans and Drawings
- B. Transportation Planning, Historic Preservation, County Agencies and National Parks Comments
- C. Oppositions and Support Letters from the Community
- D. Supplemental Materials

## PLANS AND DRAWINGS

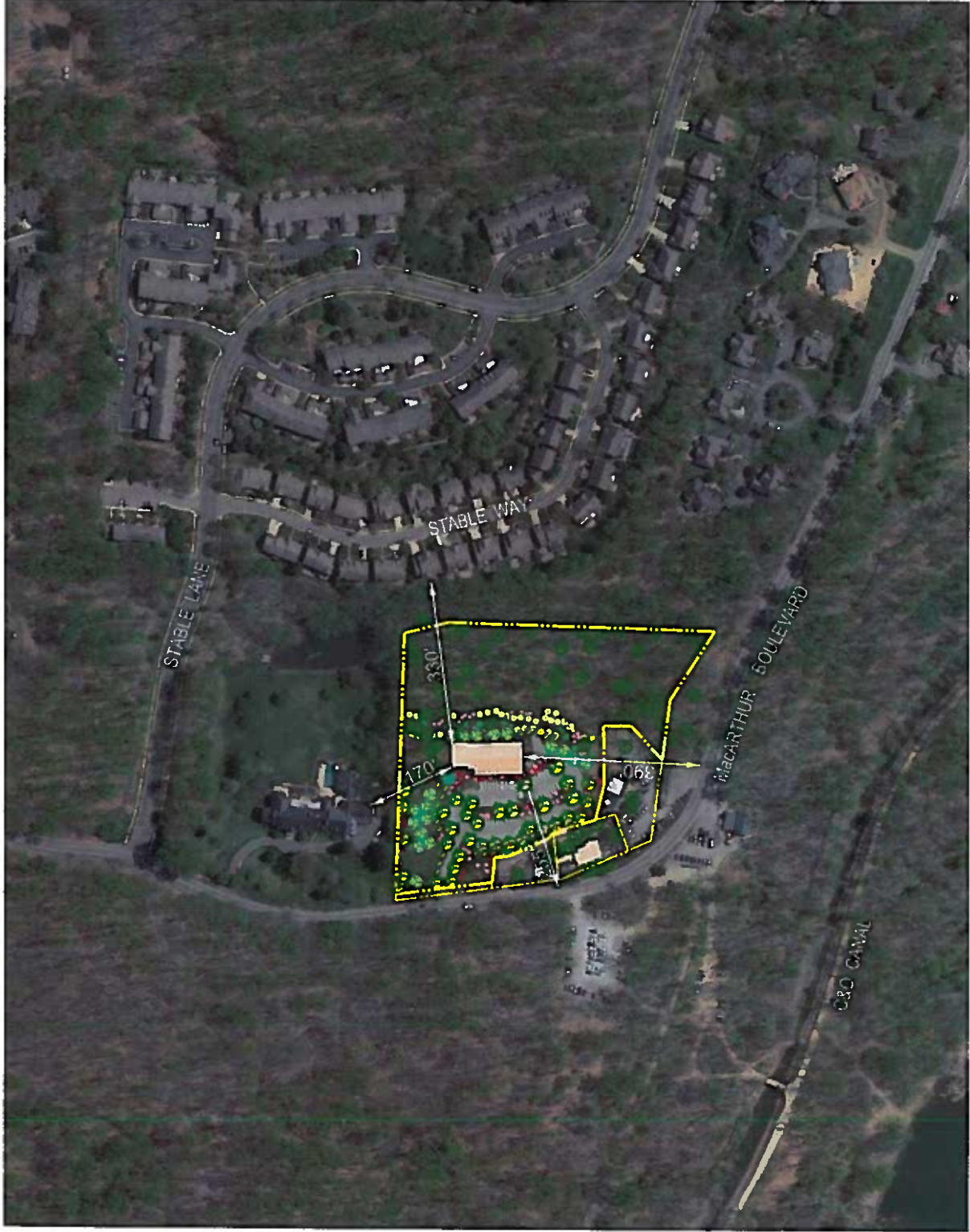
Attachment-A



NOT TO SCALE



**OLD ANGLERS INN**  
10TH. ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND



A-1

A-1

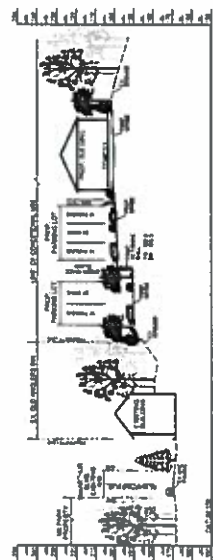
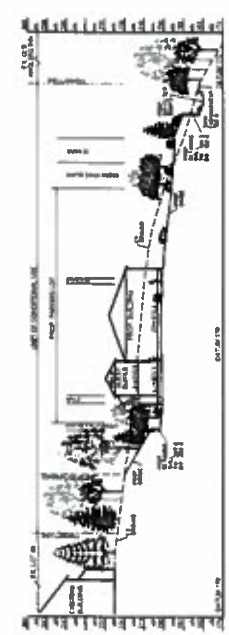
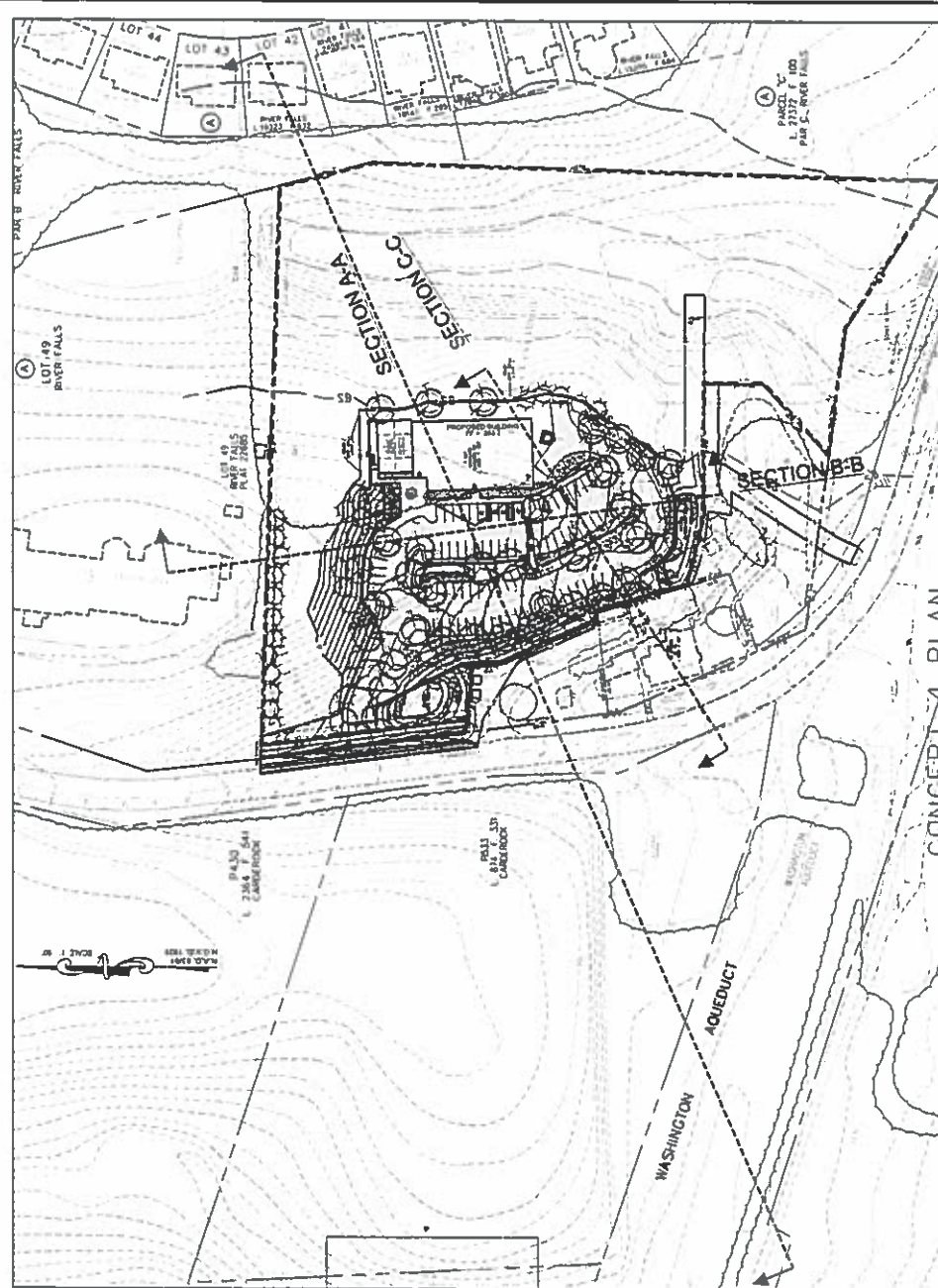
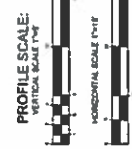
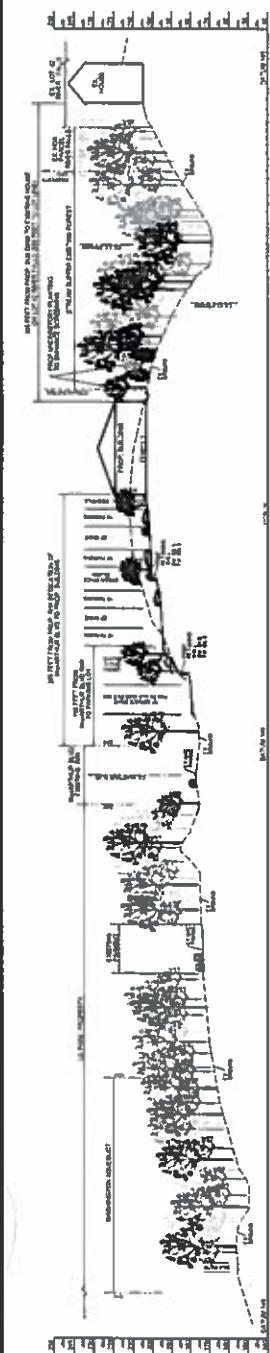












OWNER/DEVELOPER:  
MARYLAND CATERING COMPANY INC.  
10801 MACARTHUR BOULEVARD  
POTOMAC, MD 20854  
ATTN: MARK REGES

**Kim Engineering, Inc.**

DATE	BY	DATE	BY
MARCH 2015	RY	MARCH 2015	RY
DESIGNED BY	RY	CHECKED BY	RY
DRAWN BY	RY	DATE	RY

GRAPHIC SCALE 1" = 50'	GRAPHIC SCALE 1" = 10'
PROJECT NO. 20150011	DATE: 03/12/15
PROJECT NAME: CROSS SECTIONS FOR OLD ANGLERS INN	PROJECT NO. 20150011
PROJECT LOCATION: 10701 ELECTION DISTRICT	PROJECT NO. 20150011
PROJECT NO. 20150011	PROJECT NO. 20150011

CROSS SECTIONS for CONDITIONAL USE PLAN	CROSS SECTIONS OLD ANGLERS INN	SHEET 1 OF 1
10701 ELECTION DISTRICT	OLD ANGLERS INN	SCALE 1" = 50'
MONTGOMERY COUNTY, MARYLAND	OLD ANGLERS INN	TITLE PLAN

A-4

A-4



A-6

Transportation Planning, Historic Preservation and  
County Agencies Comments

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Attachment-B







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

February 1, 2017

**MEMORANDUM**

**TO:** Elsbett Tesfaye, Planner Coordinator  
Area 3 Division

**VIA:** Fred Boyd, Supervisor  
Area 3 Division

**FROM:** Ed Axler, Transportation Master Planner  
Area 2 Division

**SUBJECT:** Maryland Catering Company (Old Angler's Inn)  
Condition Use No. 15-06  
10801 MacArthur Boulevard, Potomac  
Potomac Policy Area

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This memorandum is transportation planning staff's Adequate Public Facilities (APF) review of the subject conditional use for a banquet facility / country inn and an overnight guest accommodations on Parcel P527 in the R-200 zone next to the existing historic Old Angler's Inn restaurant.

**RECOMMENDATIONS**

The transportation planning staff recommends the following conditions related to the APF test of the transportation requirements for the subject conditional use:

1. The conditional use must be limited to a Country Inn/facility of 8,740 square feet and serving up to 200 guests and four housing suites for overnight guests (1,844 square foot).
2. The Applicant must make a Transportation Policy Area Review ("TPAR") Mitigation Payment for Transit, equal to 25 percent of the General District Transportation Impact Tax to the Montgomery County Department of Permitting Services ("MCPDS"). The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code, and any amendments to this chapter.
3. If the condition use is approved and at preliminary plan review, the Applicant must dedicate additional right-of-way along MacArthur Boulevard for a total of 40 feet from its centerline.
4. The Applicant must provide transportation management plan that includes controlling parking so that it does not overflow off-site along MacArthur Boulevard and securing shuttle bus service to the proposed banquet facility from the events appropriate location equal or greater than 160 guests or as needed for events with fewer guests.
5. The Applicant must work with the Montgomery County Department of Transportation (MCDOT) to install a warning sign on each approach along MacArthur Boulevard that there are parked

B-1

cars near the Chesapeake and Ohio (C&O) Canal National Park entrances around the curve near the subject site.

6. The Applicant must assure that ADA compliant internal sidewalk connections.

## **DISCUSSION**

### **Site Location and Vehicular Site Access Point**

The site is located on the north side of MacArthur Boulevard approximately 1,000 feet south of the intersection with Stable Lane. The C&O Canal National Park is located on the opposite side of MacArthur Boulevard with two existing gravel parking lots immediately opposite of the site.

The proposed vehicular access point is a new access point. The Applicant's civil engineer field reviewed the sight distance from the proposed access point and found that there is adequate sight distance 390 feet to the north and 335 feet to the south for an arterial compared the standard of 325 feet for arterials with a speed limit of 30 miles per hour.

### **Master-Planned Roadways and Bikeway**

In accordance with the 2002 *Potomac Master Plan* and the 2005 *Countywide Bikeways Functional Master Plan*, MacArthur Boulevard is recommended as a two-lane arterial( A-300) with an 80-foot wide right-of-way and a Class I bike path, PB-14. The newer 2005 *Countywide Bikeways Functional Master Plan* recommends a dual bikeway, DB-1, with a shared use path on south side and bike lanes. The existing right-of-way varies from 50 to 70 feet along the property frontage. If the Conditional Use is approved the Applicant must dedicate additional right-of-way along MacArthur Boulevard for a total of 40 feet from its centerline at the time of preliminary plan and record plat.

### **Public Transit Service**

There is no transit service available along the property's frontage on MacArthur Boulevard.

### **Pedestrian and Bicycle Facilities**

There is no sidewalk or designated bike path along the property's frontage on t MacArthur Boulevard. The Applicant is proposing a side walk along the portion of the property's frontage on MacArthur Boulevard, a lead in sidewalk and abike rack will be required near the front of the banquet hall and should be shown on the Conditional use site plan.  
near the front of the banquet hall.

### **Crash History along MacArthur Boulevard**

Crash or accident data was obtained along MacArthur Boulevard between Brickyard Road to Falls Road (i.e., the County segment south of River Road) for a 1.85-mile segment for the years 2013, 2014, and 2015. None of the recorded crashes were along the property frontage. Although there were eleven total crashes, the nearest reported crash is approximately 2,000 feet to the east and approximately 2,260 feet to the north of the site.

### **Gap Analysis**

An analysis of the number of acceptable gaps in northbound and southbound through traffic on MacArthur Boulevard was conducted in October 2015. Based on the Highway Capacity Manual, the minimum acceptable gap for left turns from a major road is 4.1 seconds per vehicle. Along MacArthur Boulevard, the table below shows number of acceptable gaps in northbound through-traffic for the

southbound left-turns into the Old Angler's Inn driveway without impeding the southbound through traffic along this two-lane road:

	Peak-Hour of Adjacent Street	Number of Acceptable Gaps	Projected Number of Left-Turns from Southbound MacArthur Blvd.
Thursday AM Peak	7:15-8:15 AM	375	51
Thursday PM Peak	4:30-5:30 PM	452	51
Friday PM Peak	4:30-5:30 PM	552	51
Saturday Mid-Day Peak	2:45-3:45 PM	558	51

There are sufficient gaps in the northbound through traffic along MacArthur Boulevard so that the southbound through-traffic is not adversely impeded by left- turns into the site.

#### Local Area Transportation Review (LATR)

The proposed increase in Country Inn traffic for 200 persons would generate the following number peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

Country Inn: Guest Travel Mode	Number Of Guests	Peak Hour Trips per Event				
		Thursday	Thursday/Friday		Saturday	
		Morning	Early	Late	Early Midday	Late Midday
Personal Vehicles <sup>1</sup>	160	80	80	80	80	80
Shuttle <sup>2</sup>	40	3	6	6	6	6
Total	240	83	86	86	86	86

<sup>1</sup> The trip generation calculated based on a vehicle occupancy of 2 persons per vehicle.

<sup>2</sup> The trip generation calculated based on up to three shuttle bus runs with a 15-passenger bus/van.

Besides the guests, the maintenance staff of one or two persons work from 9:00 a.m. to 4:00 pm. The other staff associated with the banquet events is proposed to be up to 15 persons and arrive within 1 to 1.5 hours prior to the start of the event (for example at 10:30 a.m. for a lunch events and as early as 5:30 p.m. for evening events). The guests using the four on-site suites tend to arrive early and not leave after the event.

The entrances to the parking area of the C&O Canal National Park are located on the opposite side of MacArthur Boulevard. When the Park is open to the public and the weather is nice, the parking area overflows resulting with Park users parking along the side of MacArthur Boulevard. However, the peak times of the C&O Canal National Park occur earlier than the proposed scheduled start of most of the catered events. Traffic counts were collected when the C&O Canal National Park was actively used on a Saturday in September 2015. The traffic analysis result indicates that the congestion level is well less than the intersection congestion standard for Potomac Policy Area. In addition, the Applicant agreed to work with MCDOT to see if the installation of a warning sign are warranted to alert drivers that (when the Park is open and the weather is nice) there will be parked cars near the Chesapeake and Ohio (C&O) Canal National Park entrances on MacArthur Boulevard approaching the curve.

Under the 2012-2016 Subdivision Staging Policy, a traffic study is not required to satisfy the LATR test even though the "total" number of site-generated peak-hour trips are 30 or more within the weekday morning and evening peak periods. In the Potomac Policy area, only those developments with site-generated trips that will impact 12 identified intersections are required to submit a traffic study to satisfy the LATR test. None of these 12 identified intersections are along MacArthur Boulevard or in close proximity to the property; the closest being the Falls Road/River Road intersection. To analyze if there are any adverse traffic impacts, the Applicant did a capacity/Critical Lane Volume (CLV) analysis of the existing Old Angler's Inn driveway and proposed driveway for the banquet hall. The CLV values for the existing traffic condition (that includes the site-generated trips from the existing Old Angler's Inn) and the total traffic condition (adding the banquet facilities traffic to the existing traffic) are shown below:

Studied Driveways with MacArthur Boulevard	Peak-Hour Traffic Condition										
	Existing				Total (Events)						
	Thursday		Friday 430- 5:30 p.m. <sup>1</sup>	Saturday 3:00- 4:00 p.m. <sup>1</sup>	Thursday			Friday		Saturday Mid-Day	
	7:15- 8:15 a.m. <sup>1</sup>	430- 5:30 p.m. <sup>1</sup>			7:15- 8:15 a.m. <sup>1</sup>	Early <sup>2</sup>	Late <sup>3</sup>	Early <sup>2</sup>	Late <sup>3</sup>	Early <sup>2</sup>	Late <sup>3</sup>
Proposed North	----	----	----	----	681	813	813	849	849	333	316
Existing South	648	782	778	361	650	784	624	780	830	413	365

<sup>1</sup>Represents the peak-hour of the adjacent MacArthur Boulevard.

<sup>2</sup>Early events would start before the weekday evening peak period (6:30 p.m.) and end within the evening peak period (6:30 to 9:30 p.m.).

<sup>3</sup>Late events would start within the weekday evening peak period and end after the evening peak period (9:30 p.m.).

As shown in the table above, the calculated CLV values do not exceed the CLV standard is 1,450 for the intersections within the Potomac Policy Area of 1,450. Thus, the LATR capacity test is satisfied.

In addition, the Table below shows the queuing delay per driveway approach was calculated using the Highway Capacity Manual unsignalized intersection methodology:

Studied Driveways with MacArthur Boulevard	Driveway Approach	Average Queuing Delay/Vehicle (in seconds) in the Total Traffic Condition						
		Thursday			Friday		Saturday	
		Morning	Evening		Evening		Mid-Day	
		7:15-8:15 a.m.	Early	Late	Early	Late	Early	Late
Proposed North	Overall	1.0	2.4	0.8	3.5	1.0	2.2	1.0
	Westbound*	13.4	29.1	24.8	41.9	27.8	11.7	12.1
	Southbound	1.1	0.0	1.8	0.1	2.1	0.0	1.8
	Northbound	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Existing South	Overall	0.3	3.0	3.0	0.6	0.6	2.4	2.4
	Westbound*	0.0	32.1	32.2	32.7	35.5	15.0	15.1
	Eastbound	15.1	37.1	36.9	21.4	22.5	12.3	12.1
	Southbound	0.0	0.0	0.1	0.1	0.1	0.3	0.3
	Northbound	0.4	0.7	0.7	0.1	0.1	1.4	1.2

\*The westbound approach is the queue leaving the site and can be adequately stored within the site.

There are sufficient gaps in the northbound through traffic along MacArthur Boulevard so that the southbound through traffic is not adversely impeded by southbound left-turns into the subject site.

Transportation Policy Area Review (TPAR)

The subject property is located within the Potomac Policy Area for the Transportation Policy Area Review ("TPAR") test under the 2012-2016 Subdivision Staging Policy. For the current TPAR test, the roadway test for the Potomac Policy Area is adequate, and the transit test is inadequate. Therefore, the Applicant must make a TPAR mitigation payment equal to 25 percent of the General District Transportation Impact Tax for the 8,740 square feet of restaurant-like/retail space and 4 suites multi-family/guest house, pursuant to the 2012-2016 Subdivision Staging Policy. The timing and amount of the payment will be in accordance with that established in Chapter 52 of the Montgomery County Code and is subject to any County Council amendments to this chapter.

EA

mno to Tesfaye re CU 15-06 MD Catering.doc



## HISTORIC PRESERVATION COMMISSION


Isiah Leggett  
County Executive

William Kirwan  
Chairman

Date: April 28, 2015

### MEMORANDUM

TO: Mr. Fred Boyd, Master Planner/Supervisor  
Area 3, Up-County & Rural  
Maryland-National Capital Park & Planning Commission

FROM: Matt Bowling, Senior Planner   
Historic Preservation Office, Functional Planning and Policy Division  
Maryland-National Capital Park & Planning Commission

CC: Scott Whipple, Master Planner/Supervisor  
Historic Preservation Office, Functional Planning and Policy Division  
Maryland-National Capital Park & Planning Commission

SUBJECT: Conditional Use Application Number: CU201506, Old Angler's Inn, 10801 MacArthur Boulevard,  
Potomac, Maryland 20854



The Historic Preservation Office (HPO) has reviewed the subject Conditional Use Application (CU201506) for:

1. **Old Angler's Inn (Master Plan Site #29/031-000A), 10801 MacArthur Boulevard, Potomac, Maryland 20854.**

It was determined that a Historic Area Work Permit Application is not needed for the scope of work *as currently proposed*. As proposed, the work will occur outside the designated environmental setting of the Old Angler's Inn (Master Plan Site #29/031-000A).

The HPO notes that should any changes occur to the proposed scope work, including, but not limited to: grading, tree removal, outbuilding alteration/demolition, or alternative designs for the proposed 9,000 square foot building, the revised scope of work will need to be reviewed by the HPO prior to the application being finalized.

If you have any further questions, please do not hesitate to contact me at 301.563.3400 or [matt.bowling@montgomeryplanning.org](mailto:matt.bowling@montgomeryplanning.org) and I will do everything I can to be of assistance.

Thank you again for notifying the HPO regarding this Conditional Use Application, we wish you all the very best as you continue forward with the project.







**MONTGOMERY COUNTY, MARYLAND**  
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
DEPARTMENT OF PERMITTING SERVICES

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: Old Anglers Inn Conditional Use Plan CU-15-06  
~~Preliminary Plan Number~~ xx1xx

Street Name: MacArthur Boulevard Master Plan Road Classification: Arterial

Posted Speed Limit: 30 mph

Street/Driveway #1 ( New Driveway ) Street/Driveway #2 ( \_\_\_\_\_ )

Sight Distance (feet)	OK?	Sight Distance (feet)	OK?
Right <u>390</u>	<u>yes</u>	Right _____	_____
Left <u>335</u>	<u>yes</u>	Left _____	_____

Comments: Posted speed limit is 30 mph in both directions

Comments: \_\_\_\_\_

**GUIDELINES**

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*	
Tertiary - 25 mph	150'	
Secondary - 30	200'	
Business - 30	200'	
Primary - 35	250'	
Arterial - 40	325'	minimum required
(45)	400'	
Major - 50	475'	
(55)	550'	

\*Source: AASHTO

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

**ENGINEER/ SURVEYOR CERTIFICATE**

I hereby certify that this information is accurate and was collected in accordance with these guidelines

Signature \_\_\_\_\_ Date 12/09/2016

31187

PLS/P.E. MD Reg. No.

Montgomery County Review:

☐ Approved

☐ Disapproved

By: \_\_\_\_\_

Date: \_\_\_\_\_

Form Reformatted.  
March, 2003

B-3







Department of Permitting Services  
Fire Department Access and Water Supply Comments

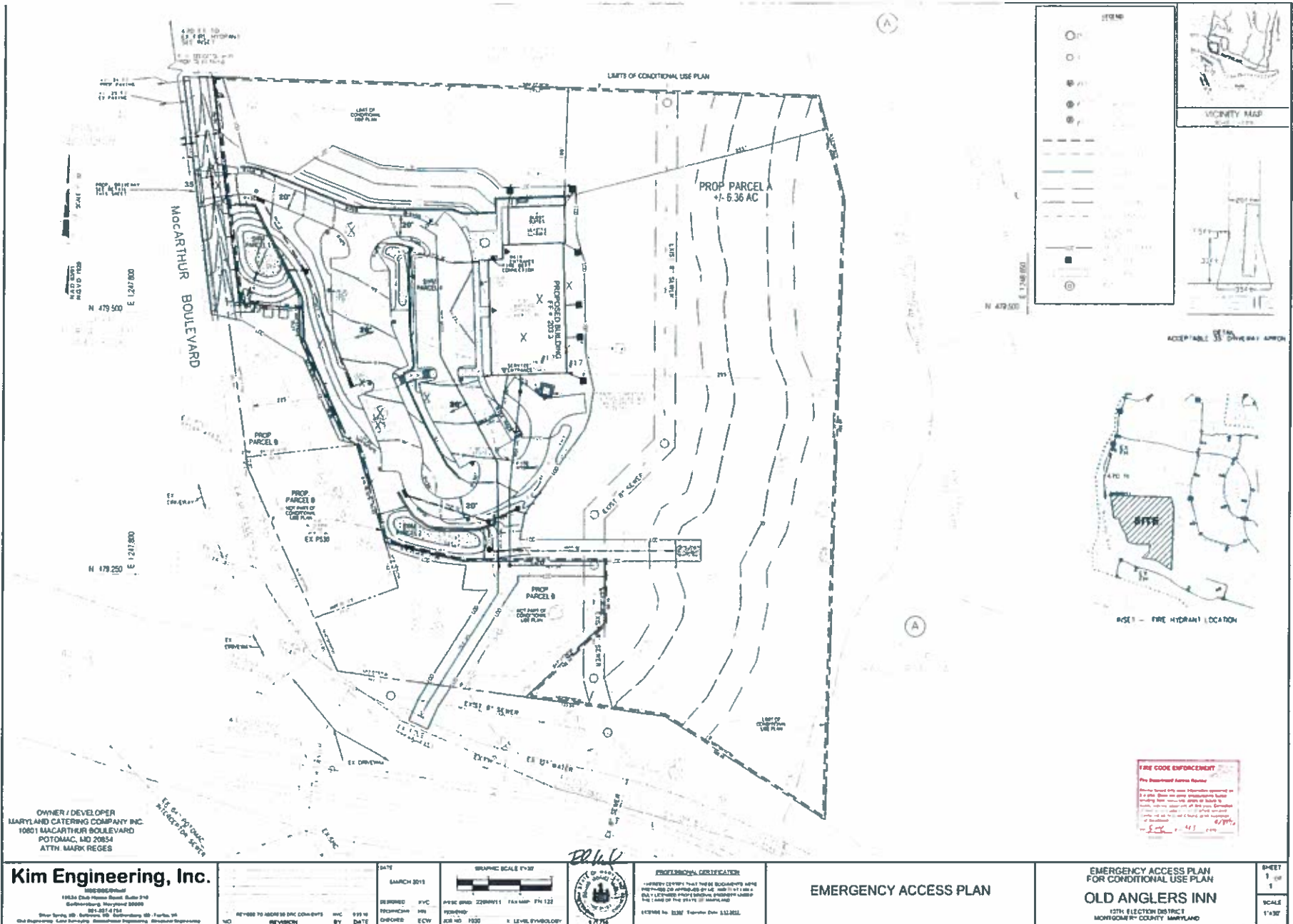
DATE: 08 Sep 16  
TO: Karen Carpenter - karencarpenter@kimengineering.com  
Kim Engineering  
FROM: Marie LaBaw  
RE: Old Anglers' Inn - Country Inn Conditional Use  
C U 15 06

**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted 08-Sep-16. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



B-5(a)



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**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850  
<http://www.montgomerycountymd.gov/ozah/index.html>  
Phone: (240) 777-6660; Fax (240) 777-6665**

**CASE NO. CU 15-06**

**APPLICATION OF MARYLAND CATERING CO., INC.**

**ORDER (1) DENYING THE APPLICANT'S REQUEST FOR POSTPONEMENT, (2)  
GRANTING THE APPLICANT'S MOTION TO AMEND THE APPLICATION, AND (3)  
SCHEDULING SUBMISSION OF PRE-HEARING STATEMENTS**

**Background**

On March 24, 2015, Maryland Catering Co., Inc. (Applicant) filed an application seeking a conditional use to permit a Country Inn under § 59-3.5.3.A of the Zoning Ordinance. The subject property is located at 10801 MacArthur Boulevard, Potomac, Maryland 20850, in the R-200 Zone (Tax Account Number 10-00848003).

A detailed history of this case is included in an Order Granting the Applicant's Motion to Amend its application (Exhibit 87), which is incorporated herein. For the purposes of this Order, the Hearing Examiner adds only that this case has been pending for almost two years and has been postponed four times, largely due to the inactivity of the Applicant. Exhibit 20, 28, 42, 70.

Since August, 2016, however, the Applicant has been making updated filings at intervals. The Planning Board scheduled its public meeting for February 16, 2017. This prompted a request from River Falls HOA, Woodrock HOA, the Civic Association of River Falls, and the Brickyard Coalition, and the West Montgomery County Citizens Association (collectively, "Associations") for a 10-day extension of the time for filing their pre-hearing submission so that they could respond to the Staff Report in their pre-hearing submission. Exhibit 104(a). The Applicant's pre-hearing submission was due on January 25, 2017. See, OZAH Rule 3.4.

On January 24, 2017, the Applicant filed another postponement request. It requested the hearing be postponed to "a later date to be determined in discussions with Staff, the Applicant and interested parties." Exhibit 106. The Applicant posits several reasons for the request, as follows.

According to the Applicant, Staff has requested supplemental information and possibly a revised Preliminary Forest Conservation Plan (PFCP) and Natural Resources Inventory/Forest Stand Delineation (NRI/FSD.) The Applicant advises that, at the time it prepared the NRI/FSD, it was required to show impacts on trees that were 6 inches in diameter. The Applicant states (Exhibit 106):

**B-6**



The Forest Conservation Plan was prepared in accordance with the information reflected on the NRI/FSD. Staff of the M-NCPPC advises the Applicant that its policy has changed since the approval of the NRI/FSD and, now, the Forest Conservation Plan must identify and analyze impacts on trees 1" in diameter located on the adjacent historic restaurant site.

The Applicant asserts that it will have to survey the properties and then revise its proposed Preliminary Forest Conservation Plan (PFCP), as well as potentially its NRI/FSD. The NRI/FSD contained in the record was approved on March 26, 2013, and expired on March 26, 2015. The PFCP initially filed in this case was sealed a few days before the original NRI/FSD was to expire. Exhibits 14, 16. The PFCP has since been revised (Exhibit 93), however, it is still based on the expired NRI/FSD.

Another basis for the postponement request, according to the Applicant, is that Staff has requested a supplemental acoustical report to "assess the impact of any activities occurring outside of the country inn building on a walkout area in front of the proposed building." The Applicant states that it cannot "accumulate the information necessary to respond to this issue within a time frame that would allow it to be considered in the preparation of the Staff Report." Exhibit 106.

The Applicant also seeks additional time to submit a plan requested by Staff showing how it will provide shuttle services to transport guests to and from the county inn building, information where guests will be dropped off and picked up, the frequency of shuttle services, and the volume required (apparently of shuttle buses.) According to the Applicant, it had (Exhibit 106):

...anticipated that this type of information would be provided in the form of a traffic management plan at the time of subdivision, not as a part of the conditional use process. If this information must be presented at this early stage in the approval process, the Applicant will need additional time to consult with the potential service providers to obtain the information now being requested.

Finally, the Applicant argues that it is not able to respond to a letter addressed to Elsbett Tesfaye from David Brown, Esquire submitted to the Office of Zoning and Administrative Hearings (OZAH) on January 20, 2017 (Exhibit 104), which refers to several rezoning cases involving country inns. The Applicant states that when it requested the files from OZAH, the "Applicant was advised that staff have been unable to locate two (2) of them and those files are not available for review." It further states, "without the opportunity to review the missing files, the Applicant is prejudiced in its ability to thoroughly respond to the contentions set forth in the January 20, 2017 letter." Shortly after receiving the postponement request, the Hearing Examiner informed the Applicant that one file was not available at OZAH and had not been provided to any party. A second was retrieved from its journey to archives and was available the following day. The Hearing Examiner also requested the Applicant to identify the three files that were missing. Exhibit 107. To date, OZAH has received no response from the Applicant.

The Applicant defends its request for postponement by stating that, "[N]ot a single one of the facts stated above were known to the Applicant, or requested from the Applicant, until the middle of last week." *Id.*

Mr. and Mrs. Francis O. Day, III, object to the postponement and to further amendments of the application. As to the postponement request, they state, "[A]pparently, the M-NCPPC staff has given feedback as a result of receipt of material it has received (OZAH Exhibit 93), and consequently the Applicant wants, yet again, to amend its application and postpone the hearing to accommodate a future motion to amend the application further." Exhibit 111. With regard to the Motion to Amend, the O'Days incorporate arguments presented in their previous objections (Exhibits 76, 77, 85) stating that the application is a "moving target." *Id.*

The Associations argue (Exhibit 112):

There is no reason why the Technical Staff and the Planning Board cannot comment on the noise, parking a transportation issues on the basis of whatever information has been provided to Staff by the time its review must be completed. If more information is later sought to be introduced into the record, those are matters you can resolve at that time.

The Associations point out that their information on the Country Inn Zone was dated January 12, 2017, with ample time for the applicant to respond by its submission deadline. Finally, they argue that the hearing was arranged well in advance in order for clients and witnesses to have ample time to arrange their schedules to attend the hearing. According to them, changing the hearing dates at this time "would be disruptive and likely impair our full participation at any rescheduled hearing." *Id.*

On January 30, 2017, the Applicant revised its postponement request to state that, "I have been advised by Staff that it would not likely take as long as I estimated in my communication for staff to prepare its Report since much of the Report is already written except for addressing the materials recently requested by Staff." Exhibit 118. The revised requests estimates that it will take 30-35 days to submit additional materials requested by Staff and "the review of any tree variance applications could be completed simultaneously with the finalization of the staff's report and recommendation to the Planning Board based on the Applicant's supplemental submission." *Id.* The request still does not give a specified time frame for rescheduling the public hearing.

### Opinion

#### **1. Request for Postponement**

When considering the last postponement request (to the current date of February 24, 2017), the Hearing Examiner set the date six months in advance of the public hearing to ensure that all issues would be resolved, that Staff had sufficient time to review the application, that all agency comments could be considered and all parties could attend the public hearing. Exhibit 64. The six-month time period exceeds the normal time of 120 days for Staff review of an application. *Zoning Ordinance*, §7.3.1.C.1. The Hearing Examiner stated (Exhibit 64(a), emphasis supplied):

...I am proposing to use the hearing date of February 22, 2017 [later corrected to February 24, 2017], as indicated in the schedule submitted by Staff. I want the revised plans and other information in early to make sure that all of the agencies

have time to review them, given the holidays. *I will be reluctant to grant further postponement in this case.*

The Hearing Examiner agrees with the O'Days and the Associations that there has been more than ample time for the Applicant to address all of the issues raised in its request for postponement. The Applicant could, at any time, have updated its NRI/FSD because it had expired nearly two years before. Further, she agrees with the Associations that approval of the preliminary forest conservation plan is entirely within the purview of the Planning Board. The only legal constraint on the conditional use process is the requirement that the Hearing Examiner's decision may not conflict with an approved preliminary forest conservation plan. *Montgomery County Code*, §22A-11(c)(2). It is unknown at this point whether compliance with the Forest Conservation Law (Chapter 22A of the Code) will be a point of contention in this case; it is conceivable that the record could be kept open to receive the approved PFCP. While the Hearing Examiner may not decide the conditional use without an approved PFCP, she may certainly proceed to hear other issues in the case.

Nor does the Hearing Examiner find that the record supports the Applicant's contention that it thought that a transportation mitigation plan would normally be deferred to the preliminary plan approval process. The potential traffic impact of the use has been raised in the record by letters too numerous to list. One of the criteria for approval of a conditional use specifically requires an analysis of whether the application would cause "undue harm" on the surrounding area due to traffic and traffic impact is a component of the determination whether the use is compatible.<sup>1</sup> *Zoning Ordinance*, §§7.3.1.E.1.e., g. The Applicant volunteered the shuttle service in its own traffic report (Exhibit 78(a)). The Hearing Examiner finds that Staff's request for additional information on how the shuttle would actually work is something that could have reasonably been anticipated by the Applicant during the last six months.

Similarly, noise emanating from a facility that hosts wedding events is another issue that the Applicant has had ample time to address. In August, the Hearing Examiner raised the issue in an e-mail to the Applicant. Exhibit 73. The Hearing Examiner does not find sufficient cause to postpone the entire case to allow the Applicant to address this one smaller aspect of the larger noise issue.

Finally, the "missing" OZAH files do not form a basis for postponement. The Associations filed their report on January 20, 2017. The Applicant did not contact OZAH to request the files until approximately shortly before the requested postponement. The Applicant's attorney was immediately advised that OZAH had retrieved one of the files requested. The Applicant still has not identified exactly what files were missing, as requested by OZAH. The extension of time to file its pre-hearing submission should provide the Applicant with sufficient time to review the files.

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<sup>1</sup> The Hearing Examiner does not infer that there is a non-inherent site characteristic that would trigger §59-7.3.1.E.1.g at this stage because Staff has not issued its report and the parties have not submitted their pre-hearing submissions. She mentions it only because it is a necessary finding that the Applicant could have anticipated that it would need to address.

The public hearing in this case has been set for approximately six months and has generated significant public interest. The Associations advise that changing the date (to one unknown at present) will significantly impair their ability to prepare their case. The Applicant has had more than sufficient opportunity to address concerns that were either raised by Staff or which could have been anticipated much earlier in the process. Moreover, the Applicant still does not provide a date certain as to when the application may proceed.

Nothing in this order is intended to decide in advance what evidence will be admissible in the case, as circumstances as to timing and subject matter are unknown. The Hearing Examiner denies only the postponement request.

## **2. Motion to Amend**

On January 4, 2017, the Applicant submitted revised plans and additional reports supplementing the application. The O'Days again object to the Motion to Amend because, in their words, the application becomes a "moving target." Exhibit 111. The O'Days will still have had the revisions approximately two months before the public hearing. As pointed out in the previous orders granting the Motions to Amend, OZAH's Rules permit flexibility to amend the application to address issues of public concern raised even at the public hearing. For the reasons stated in previous orders, the Hearing Examiner grants the Applicant's Motion to Amend the application for the materials submitted on January 4, 2017.

## **3. Scheduling of Pre-Hearing Submissions**

Both the Associations and the O'Days request a 10-day extension of time to submit pre-hearing submissions in the case because the Planning Board's hearing date was scheduled later than expected, on February 16, 2017. The Hearing Examiner notes that this is now necessitated by the Applicant's failure timely file its pre-hearing submission, which was due on January 25, 2017. The Applicant now requests an extension of time to file its pre-hearing submission as well.

The Hearing Examiner extends the time for filing pre-hearing submissions by 12 days for each party, in accordance with the schedule in the Order below. In calculating the time frames, deadlines that fall on weekends and holidays are moved to the next business day. *Zoning Ordinance*, §1.402.

For the foregoing reasons, it is hereby:

ORDERED, that the Applicant's Request to Postpone this case be, and hereby is, denied, and it is further


ORDERED, that the Applicant's Motion to Amend the application, be, and hereby is, granted, and it is further

ORDERED, that within 15 days of the date of this Order, the Applicant must submit to OZAH a list of exhibits filed, as of the date this order is issued, that have been superseded by more recent exhibits; and it is further

ORDERED, that the list should include both the exhibit number of the superseded exhibit and the number of the exhibit that replaces it, and it is further

ORDERED, that the Applicant's pre-hearing submission shall be due on or before Monday, February 6, 2017. Those in opposition shall file their pre-hearing submissions no later than Monday, February 20, 2017.

Issued this 31st day of January, 2017.

  
\_\_\_\_\_  
Lynn A. Robeson  
Hearing Examiner

Copies to:

Jody Kline, Esquire  
William J. Chen, Jr., Esquire  
David Brown, Esquire  
Charles Frederick, Esquire, Associate County Attorney  
Diane Schwartz-Jones, Director, Department of Permitting Services  
Kipling Reynolds, Planning Department  
Richard Weaver, Planning Department  
Elsabett Tesfaye, Planning Department  
Greg Nichols, Manager, SPES at DPS  
Washington Suburban Sanitary Commission  
State Highway Administration  
Montgomery County Public Schools  
Abutting and Confronting Property Owners  
(or a condominium's council of unit owners or renters, if applicable)  
Civic, Renters' and Homeowners' Associations within a half mile of the site  
Any Municipality within a half mile of the site

## Tesfaye, Elsabett

---

**From:** Cole, Nathan H WAD <Nathan.H.Cole@usace.army.mil>  
**Sent:** Tuesday, November 01, 2016 7:45 AM  
**To:** Tesfaye, Elsabett  
**Cc:** Jacobus, Thomas P WAD; Hodges, Stephanie NAB; Homesley, Craig R NAB; Mackie, Allieu WAD; McLaughlin, John G WAD  
**Subject:** Cu-15-06 Conditional Use Application-Maryland Catering Co. Inc.  
**Attachments:** Elsabett.pdf; CU 15 06 Old Angler sTATEMENT.PDF

Elsabett,

The Washington Aqueduct does have a concern with this proposed project because MacArthur Blvd. is a weight restricted roadway with its restriction starting at Anglers Inn.

Therefore, we are requesting that when the construction permit is granted for this project, that there is a stipulation that requires all construction traffic to enter and leave the construction site from the Falls Road end of MacArthur Blvd.

This will ensure that there will be no impact on our raw water conduits that run subsurface along MacArthur Blvd. to our treatment plant located on MacArthur Blvd. at the MD/DC line. Thanks.

Nathan Cole, P.E.  
Chief, Planning & Engineering Branch  
202-764-2776  
nathan.h.cole@usace.army.mil

-----electronically sniped-----

----- Forwarded message -----

**From:** Tesfaye, Elsabett <elsabett.tesfaye@montgomeryplanning.org>  
<mailto:elsabett.tesfaye@montgomeryplanning.org> >  
**Date:** Mon, Oct 31, 2016 at 11:07 AM  
**Subject:** Cu-15-06 Conditional Use Application-Maryland Catering Co. Inc.  
**To:** "chris\_stubbs@nps.gov <mailto:chris\_stubbs@nps.gov>" <chris\_stubbs@nps.gov <mailto:chris\_stubbs@nps.gov> >, "cynthia.mitchell@usace.army.mil <mailto:cynthia.mitchell@usace.army.mil>" <cynthia.mitchell@usace.army.mil <mailto:cynthia.mitchell@usace.army.mil> >, "joseph\_cyhanick@nps.gov <mailto:joseph\_cyhanick@nps.gov>" <joseph\_cyhanick@nps.gov <mailto:joseph\_cyhanick@nps.gov> >, "jason\_newman@nps.gov <mailto:jason\_newman@nps.gov>" <jason\_newman@nps.gov <mailto:jason\_newman@nps.gov> >, "kriston\_barnes@nps.gov <mailto:kriston\_barnes@nps.gov>" <kriston\_barnes@nps.gov <mailto:kriston\_barnes@nps.gov> >

Dear all,

I had established contact with you this past summer (end of June beginning of July), regarding a proposed construction of a Country Inn facility to be located at 10801 MacArthur Blvd (behind the Old angler's Inn). As I mentioned then, Due to the location of the proposed facility within a close proximity to the C&O National Historic Park and Trail, I have been trying to get the NPS and others who are associated with the park to weigh in on the Application. This is a follow up on our earlier communications to ensure that there is no potential impact on the Park or its facilities.



Back in July, Mark, had voiced a concern regarding flooding/run-off event due to excessive rainfall. Mark had also asked Jason for additional thoughts and review but during the summer, all communications I started with all of you were interrupted. So, now, I am asking you all to look into the matter and let me know if there are any issues that we need to take into consideration while making recommendation on the project. The case will be heard by the Planning Board and by the Hearing Examiner at the Office of Zoning And Administrative Hearings in February of 2017. The Montgomery Planning Department is now reviewing the application and its report and recommendation will be published in January. The earlier I get your comments I will have a better chance to get the applicant address identified potential issues.

I very much appreciate your assistance and cooperation on this matter,

Best Regards,

Elsabett Tesfaye

Planner Coordinator

Montgomery County Department Of Planning

301-495-1301 Elsabett.Tesfaye@montgomeryplanning.org <mailto:Elsabett.Tesfaye@montgomeryplanning.org>

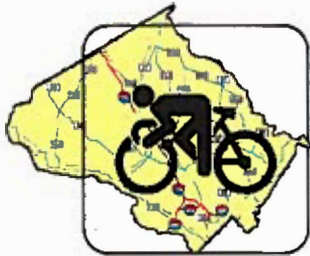
Opposition and Support Letters from the Community

Attachment-C

# Letters in Opposition

**Letters in Opposition**

C-1



## Montgomery Bicycle Advocates Montgomery County, Maryland

January 25, 2017

To the Montgomery County Planning Department:

I'm writing on behalf of Montgomery Bicycle Advocates (MoBike), an organization dedicated to advocating for the needs of bicyclists in Montgomery County. MoBike firmly opposes Maryland Catering's Conditional Use application to allow construction of a "Country Inn Banquet Facility" on MacArthur Blvd. We believe the additional traffic drawn by the facility would have a deleterious impact on bicycling on MacArthur. MacArthur is a very popular bike route for all kinds of riders, both in the roadway and on the adjacent hiker-biker trail. The road is relatively slow and passes through a quaint and quiet community, giving it a unique appeal for cyclists. It provides bike access to the C&O Canal Towpath, the Capital Crescent Trail and Glen Echo Park, and together with those facilities forms a recreational corridor for county residents. Accordingly, it's designated as a "dual bikeway" in the Countywide Bikeways Functional Master Plan, meaning it should provide comfortable conditions for both on-road riders and trail users.

Unfortunately the proposed banquet hall would add many more cars to the western section of MacArthur, where narrow conditions make it difficult for drivers to pass cyclists. On the mile-long segment that would carry the bulk of banquet hall traffic (from the Clara Barton Parkway to Old Angler's Inn), the lanes are narrow and curvy and there are no shoulders aside from the shared use path on the south side (which is not actually a shoulder). When drivers do pass riders using the road, they must cross the center line. They often come too close to riders, or they cut back in too quickly due to limited sight distance. The situation is ripe for anger from impatient drivers, and MacArthur is already somewhat known for instances of rage directed at cyclists.

The western segment of MacArthur is relatively comfortable for cycling *only because traffic volume is very low*. But every passing car is a source of stress, and a single event could put an additional 100 or 150 cars onto the road, often in waves or clumps. The extra traffic would also make passing more difficult due to oncoming traffic. In addition to visitors, there would be increased traffic from deliveries and staff. To top it off, many visitors driving to the facility would be unfamiliar with the road. Some would be checking their GPS's for directions. Some might be running late. It's worth noting that banquets often serve free alcohol.

B. GARY DANDO <bgary011@comcast.net>

1/18/2017 3:15 PM

## Re: Maryland Catering (Applicant) Proposal for a Country Inn Banquet Facility. Conditional Use Application No. CU 15-06

To mcp-chair@mncppc-mc.org • kipling.reynolds@montgomeryplanning.org • richard.weaver@montgomeryplanning.org • elsabett.tesfaye@montgomeryplanning.org • lynn.roberson@montgomerycountymd.gov • lle.leggett@montgomerycountymd.gov • councilmember.berliner@montgomerycountymd.gov Copy Steve Lehrman <slehrman@comcast.net> • Andrew W. Finley <drewfin78@gmail.com> • Patricia Robertson <probertson@paulassociatesinc.com>

All

We are Marilyn and Gary Dando and live @ 7802 Stable Way, Potomac, MD 20854. Phone # 301-983-0728. We have lived in River Falls at this address since 1993.

We are writing to express our views that Maryland Catering's ( Old Angler's Inn on MacArthur Blvd. across the road from the C&O Canal National Park ) request for a zoning change to construct a Country Inn Banquet Facility.

The construction of such a Facility would be INAPPROPRIATE for a number of reasons:

# 1 Ours is a residential neighborhood that is next to the C&O Canal National Park. A business banquet facility masquerading as a Country Inn (it will only have four rooms for over night accommodations) is not consistent with the demeanor of the area. Additionally, a parking lot to accommodate over 200 cars would be, among other things, an eyesore to this National Park area, not matter what the design criteria would be.

# 2 Traffic congestion. MacArthur is a two lane road used by pedestrians, bicyclists, runners, etc. in connection with the C&O Canal National Park. Adding the additional traffic would be very problematic and a safety issue. On many days, especially spring, summer, fall and holidays MacArthur Blvd and Stable Lane have significant congestion from cars parked on both sides of the streets, even though, as to MacArthur Blvd, there are NO PARKING signs which Montgomery County Police seldom enforce by writing tickets. If you have ever dined at Old Angler Inn, we are sure you have noticed when leaving the parking lot that due to the bend in the road, sight lines for approaching traffic from either direction is not the best—more traffic congestion would make an already somewhat dangerous situation only worse.

Also, has Montgomery County Fire and Rescue/Cabin John Park Volunteer Fire Department (CJPVFD) been asked as to their views for this proposal? Straight across MacArthur Blvd from Old Angler Inn is the access point for Montgomery County Swift Water Rescue for Great Falls/C&O Canal and Potomac River. Many times when people are using this area as described above, it is not unusual to hear the Swift Water Rescue response from Station 30 (Falls Road) and Station 10 (River Road) more than once a day. The additional

congestion created by this banquet facility??; will it slow the response time to get assistance to those in medical need in the C&O Canal/ Potomac River/Great Falls area of MacArthur Blvd? Over our 23+ years living in River Falls, we have noted numerous times that Montgomery County Fire and Rescue have been quoted in the media as to the urgency of response time when an individual is in the Potomac River at Great Falls due to the rocks, rapid flow of the river, etc.

# 3 Noise pollution. Attendees at Old Angler Inn already create significant noise pollution to the surrounding area, both residential and those trying to enjoy the peace and quiet of the Canal and Potomac River area. Just ask Montgomery County Police how many complaints from residents they have responded to when bands, DJ's, etc.have played outside the Inn long into the night.

# 4 Environment concerns. We think that the construction, both before, during and after would raise many environmental concerns such removal of trees, water runoff, native species, erosion, etc. that would impact the entire area and, most importantly, the C&O Canal National Park. Has the National Park Service taken a position on this proposal? I would think they would have an interest since we have read numerous times over the years that the National Park Service has disciplined individuals, land owners for removing trees from the area.

We hope that you will consider our thoughts and comments. I plan to attend the Planning Board meeting on February 16 and the Zoning Commission hearing currently scheduled for February 24 and 27. I would be pleased to discuss these thoughts in more detail if you would like.



B. Gary Dando

7802 Stable Way  
Potomac, MD 20854  
301-983-0728

Copy by US Mail to Cabin John Park Volunteer Fire Department



Dear Montgomery County officials:

I live at 8004 Horseshoe Lane (River Falls Community), and for more than 27 years have appreciated the importance of preserving the integrity of a residential neighborhood as well as adjacent parkland(C&O Canal National Historical Park). Consequently, I am writing to oppose the expansion proposal of Old Angler's Inn to develop a commercial banquet facility.

My concerns include the following:

- Bicycle, pedestrian, car safety, and parking are an important concern along this section of MacArthur Blvd especially on weekends when most of the private events will occur. The volume of additional cars trying to turn in and out of the banquet facility will worsen an already dangerous traffic and parking situation in this area.
- The noise from the large groups, bands and DJ's will be a disruption to the people enjoying the trails and other areas of the C&O Canal Park near the site, as well as for the residents in the local neighborhoods.
- The construction of the banquet facility will require numerous trees to be removed and create the potential for run off into the C&O Canal Park from the parking lot area.

As you know multiple community groups oppose this proposal and I request you give the above concerns consideration in you deliberations. Thank you.

Sincerely,

  
Jeffrey R. Brindle

jeffbrindle@msn.com

301-299-1706

January 23, 2017

Hearing Examiner - [Lynn.Robeson@montgomerycountymd.gov](mailto:Lynn.Robeson@montgomerycountymd.gov)

Office of Zoning and Administrative Hearings

100 Maryland Avenue, Room 200

Rockville, MD 20850

**In Re: Case CE 15-06**

Dear Ms. Robeson,

I have been visiting the River Falls community off Brickyard Road since the late 1970s. I moved to River Falls with my family in 1999. I was very active in River Falls community activities for 8 years, serving on one of its neighborhood Boards.

I am a long-time patron of Old Angler's Inn. The Inn had been serving guests for over 100 years before the first Gosnell home was built in River Falls. Thankfully, Old Angler's Inn did not object to the building of our community on the grounds that it was inconsistent with their commercial business. If they had, maybe River Falls would be an office park today, instead of the place I am proud to call home.

I understand the views of my neighbors who oppose the construction of the proposed Country Inn Banquet Facility. However, I respectfully disagree with each and every argument communicated by community activists to River Falls residents in an effort to rally support in opposition to the banquet facility.

Old Angler's Inn is not inconsistent with our neighborhood. Neither is the proposed addition. I note that Rockwood Manor, which also hosts large gatherings, is also not inconsistent with our neighborhood. Indeed, these facilities lend a unique charm to our surroundings.

I agree that bicycle, pedestrian and car safety are important at this particular stretch of MacArthur. If anything, the added car traffic from the banquet facility will force everyone to slow down and pay greater attention to their safety.

I am not confident that any accurate assumptions can be made about the potential noise from the banquet facility and how far it would travel. I am especially suspicious of the claim that hikers on the C&O canal would be able to hear anything from the banquet facilities, even in the

winter. Either way, this issue can be easily addressed through the County's permitting and licensing process.

While removing trees to make way for the construction can be an emotional issue for many of us, there is certainly no shortage of trees in the area. It's hard to imagine anyone noticing a few missing trees immediately next to a forest of millions of trees.

The Regis family has owned and operated Old Angler's for a very, very long time. They are a local family - our neighbors. They were instrumental in convincing the Park Service to cover the sewers that made our breathable air stink all summer long. They ensured that the Park Service repaired and expanded the parking on the park side of MacArthur, greatly improving safety and convenience for park visitors. **They should be allowed to constantly improve and innovate on their property (within reason and the law) to maintain a vibrant facility that will continue to attract visitors for generations to come.**

The banquet facility is sure to lure people that have never seen our slice of paradise. Hopefully these people will come back and enjoy the beauty of the C&O canal. More visitors to the park surely means more supporters of the park. The park is in constant need of vocal supporters to ensure it is properly maintained as the urban treasure it is.

Thank you in advance for considering my comments.

Best Regards,

A handwritten signature in blue ink that reads "Guillermo 3 Belt". The signature is written in a cursive, stylized font.

Guillermo ("Bill") Belt  
7008 Masters Drive

Cc:

Richard Weaver - [richard.weaver@montgomeryplanning.org](mailto:richard.weaver@montgomeryplanning.org)

Elsabett Tesfaye - [elsabett.tesfaye@montgomeryplanning.org](mailto:elsabett.tesfaye@montgomeryplanning.org)

Casey Anderson - [MCP-Chair@mncppc-mc.org](mailto:MCP-Chair@mncppc-mc.org)

Ike Leggett - [Ike.Leggett@montgomerycountymd.gov](mailto:Ike.Leggett@montgomerycountymd.gov)

Roger Berliner - [councilmember.berliner@montgomerycountymd.gov](mailto:councilmember.berliner@montgomerycountymd.gov)  
[ozah@montgomerycountymd.gov](mailto:ozah@montgomerycountymd.gov)

January 20, 2017

Dear Montgomery County Planning Department Staff

As a homeowner in River Falls, (7811 Gate Post Way, Potomac, MD 20854) I strongly oppose any change to the zoning for the property next to the existing Old Angler's Inn property for purposes of a Country Inn Banquet Facility.

There is currently too much noise from the existing Angler's Inn including loud bands, traffic that is hazardous to pedestrians, bicylists, and cars that are already illegally parking on the sides of roads for miles.

I am a member of the River Falls Homeowner's Association and one of my duties includes overseeing the Landscaping Committee. We have to contend with garbage, litter, cars parking illegally all along MacArthur Blvd and Stable Lane near Old Angler's Inn (in both directions) and dangerous traffic patterns for pedestrians and residents.

I strongly implore you to stop any further development in this location.

A commercial banquet facility is just that PRIVATE for profit and for gain by a few and will cause unlimited disruption and damages to all the neighbors and homeowners.

- A commercial banquet facility is not appropriate or compatible in a residential neighborhood or directly across from the C&O Canal National Historical Park .
- Bicycle, pedestrian, car safety, and parking are an important concern along this section of MacArthur Blvd especially on weekends when most of the private events will occur. The volume of additional cars trying to turn in and out of the banquet facility will worsen an already dangerous traffic and parking situation in this area.
- The noise from the large groups, bands and DJ's will be a disruption to the people enjoying the trails and other areas of the C&O Canal Park near the site, as well as for the residents in the local neighborhoods.
- The construction of the banquet facility will require numerous trees to be removed and create the potential for run off into the C&O Canal Park from the parking lot area.

Sincerely,



Lori Michele Newsom (Homeowner)

7811 Gate Post Way  
Potomac, MD 20854

(cell) 301 325 0576

January 23, 2017

I live in a small cul-de-sac immediately next door to Old Angler's Inn on Macarthur Blvd.

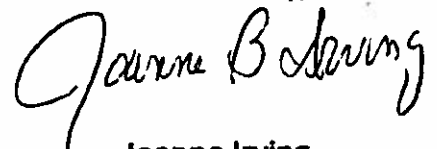
My husband and I are deeply concerned about the impact of the proposed development of a "Country Inn Banquet Facility" on the property next to Old Anglers Inn and across from the C&O Canal National Historical Park on MacArthur Blvd.

We are opposed to Maryland Catering's application to build a banquet facility on the proposed site.

As it is, the traffic on Macarthur Blvd, especially on the weekends makes simply trying to enter Macarthur Blvd from our driveway by car often extremely unsafe. I worry as a cyclist and for others biking on Macarthur Blvd about the impact of increasing the traffic to this facility. In addition, I do not believe that such a facility is compatible with the surrounding residential area.. Finally, I am concerned about the environmental impact of building a large facility across from a national park.

Please do not approve the application.

Sincerely,

A handwritten signature in black ink that reads "Joanne B. Irving". The signature is fluid and cursive, with the first name "Joanne" being the most prominent part.

Joanne Irving  
10639 Macarthur Blvd  
Potomac, MD 20854  
[301-943-3074](tel:301-943-3074)

8113 Coach Street  
Potomac, MD 20854

January 23, 2017

Dear Zoning Office, Planning Office and other elected County Representatives,

I would like to register my objection to the planned expansion of the existing Old Angler's Inn restaurant into a "county inn," which, in truth, would be a large, frequently noisy convention/events building with commercial restaurant and adjacent hotel/motel rooms. Such a commercial structure would be out of keeping with our residential neighborhoods that border the canal, towpath and Potomac River. It would result in dangerous traffic problems because of many vehicles pulling in and out of a driveway on a narrow, windy road that is frequented by cyclists. The likely noise from wedding receptions and other types of large-scale events would be disruptive to our neighborhood, which has many homes adjacent to the section of the property where the new facility is planned. Such noise would be especially unwelcome at the late night hours when many receptions are expected to take place.

Thank you very much for your consideration of my viewpoint.

Sincerely,



Nancy Holahan  
nholahan@verizon.net



## Tesfaye, Elsabett

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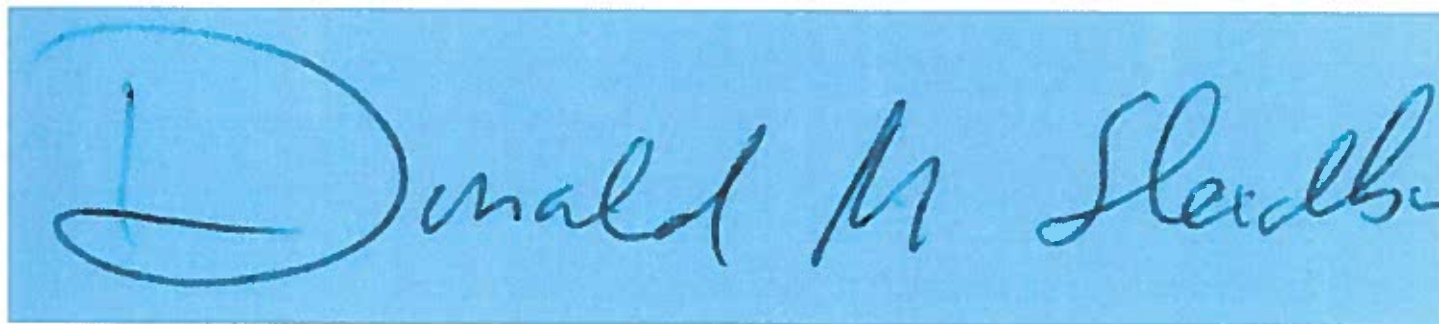
**From:** Donald Sladkin <dmsladkin@gmail.com>  
**Sent:** Monday, January 23, 2017 11:55 AM  
**To:** Reynolds, Kipling; Weaver, Richard; Tesfaye, Elsabett; MCP-Chair; Lynn.Robeson@montgomerycountymd.gov; ozah@montgomerycountymd.gov  
**Subject:** Proposed Country Inn Banquet Facility at Old Anglers Inn

TO: Montgomery County Officials Who Have The Decision-Making Responsibility For The Proposed Old Anglers Inn Banquet Facility,

As a resident of the adjacent River Falls community, and also as a new Volunteer Trail Steward with the NPS for the Billy Goat A Trail, I strongly oppose the construction of a country inn "banquet facility" on the hill above Old Anglers Inn. For one, sound carries in that area, and any event with even a minimal amount of people mixed with alcohol will grossly intrude and invade the privacy and quiet enjoyment by much of the River Falls community. In addition, as a lover of nature and with new responsibilities to help the C&O Canal National Historic Park maintain its natural character, I believe the siting of a "banquet" (read *party*) facility so close to the park is an insult to those who would travel there to revel in the park's quietness and in its wilderness character.

Please vote down this irresponsible request to convert a land parcel currently classified as residential to one which will be commercial. It will be a major nuisance to both the River Falls community and to the C&O Canal National Historic Park just across MacArthur Blvd.

Thanks for your time and attention,



Donald M. Sladkin  
7009 Masters Dr  
Potomac, MD 20854

Cell: 301-651-5142

Dear County Officials,

I am writing to you to express my strongest opposition to the proposed "Country Inn Banquet Facility" on the property next to Old Anglers Inn. As a long time River Falls resident, I have enjoyed greatly of the C&O Canal National Historical Park and my neighborhood. It provides residents throughout the county and beyond enormous enjoyment of the natural beauty and appreciation of American heritage.

The proposed Banquet Facility will introduce even more terrible traffic to a already very busy area. Because of C&O Canal National Park, there always be a chronic problem with the traffic and parking, especially weekends and holidays. Throughout the year, there could be cars lined up both side of MacArthur Blvd starting at the Brick Yard all the way to the parking lot right across Old Anglers Inn where the proposed Banquet Facility is proposed. To make things even worse, MacArthur is also a regular route for bikers. We have witnessed many times that bikers coming down with great speed nearly crash into cars pulling into MacArthur. I happened to catch a video last Labor Day that will typically show the problem, **PLEASE FOLLOW THE LINK BELOW TO SEE MY POST**

<https://youtu.be/ORJb499LseY>

In addition to the traffic and parking problems, the proposed Banquet Facility would introduce a lots of commercial noise and trash into the quite nature of the area. Despite the weekend/holiday traffic and bikers, the area has remained very peaceful with limited commercial noise

In summary, the proposed Banquet Facility is not propitiate nor feasible at the proposed location. I strongly oppose the proposal.

Sincerely Yours

A handwritten signature in black ink, appearing to be "Hui Du", written over a horizontal line.

Hui Du

Elsabett Tesfaye  
Montgomery County Planning Department

Re.: CY 15-06

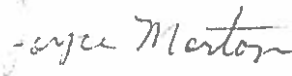
Dear Ms. Tesfaye,

I am writing to express my opposition to granting a special exception to the owners of the Old Anglers Inn located on MacArthur Blvd in Potomac, MD, to build a commercial banquet facility on land that is zoned residential. The county's long standing Potomac master plan, which includes this zoning restriction, was designed to protect our community from new commercial structures that would change the suburban character of the community. A commercial banquet facility is not appropriate or compatible in a residential neighborhood or directly across from the C&O Canal National Historical Park.

I am also concerned about an increase in traffic along MacArthur Blvd, a winding two-lane road that is already very busy during rush hours and that has a lot of bicycle traffic. Additionally, noise from a commercial banquet facility would filter into the park and adjoining neighborhood, and construction would require the removal of a number of trees.

For all these reasons, I request that you deny the Regis family's petition for a zoning exception.

Thank you for considering my comments,



Joyce Morton  
10421 Masters Terrace  
Potomac, MD 20854

May 18, 2015

Martin L. Grossman  
Director  
Montgomery County Office of Zoning  
and Administrative Hearings  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850

Subject: Maryland Catering Co., Inc. application for a Conditional Use (Case No. CU 15-06)

Dear Mr. Grossman:

We, the undersigned homeowners, write in strong opposition to Maryland Catering Company, Inc.'s application for a conditional use to build a "country inn" at 10801 MacArthur Blvd in Potomac, MD. River Falls is an established community of approximately five hundred homes in Potomac, Maryland. Our neighborhood is situated on the southern edge of Montgomery County, adjacent to the historic Chesapeake & Ohio Canal National Historical Park and the Potomac River. Clarence W. Gosnell Company thoughtfully designed and built our community over forty years and features wide tree-lined streets, wooded areas, a community clubhouse, a swimming pool, six tennis courts, a playground, and fields for sports such as baseball, soccer and lacrosse. River Falls has three strong community associations: the Civic Association of River Falls (CARF), which advises and represents the community on civic matters; the River Falls Home Owners Association (RFHOA), which manages common areas of the newest section of the neighborhood; and the River Falls Community Center Association (RFCCA), which governs the neighborhood recreational facilities.

The applicant's property is located in a solely residential neighborhood and is zoned R-200. There are no commercial businesses between the MacArthur Plaza in Cabin John and Potomac Village except for Old Angler's Inn, which is owned by the applicant. The Potomac Subregion Master Plan recognizes that most of Potomac is residential with a few commercial centers. The Master Plan discusses the desire to maintain the residential nature of the area and that special exceptions, now called conditional uses, should be limited in order to protect *"residential communities from incompatible design of special exception uses."*

The applicant's proposal to build a 9,000 ft<sup>2</sup> (125 ft. long x 72 ft. wide by 38 ft. high) wedding reception, banquet and business meeting facility to accommodate 240 people, an accompanying road, and 80 space parking lot is wholly incompatible with the residential purpose of the community and should be denied. Most people would not consider the proposed plan to be a "country inn." In fact, what has been proposed is a large dining room with a commercial kitchen. The inclusion of four guest rooms that will occasionally be rented on a nightly basis, just like a motel, is only included so that the applicant can attempt to technically comply with the Montgomery County Zoning Code section 3.5.3. In any other instance, this proposal would be considered to be a commercial business and the applicant would have to get a zoning change.

We are very concerned about the increase in traffic and noise, the accumulation of garbage, the impact on neighborhood safety, and environmental damage that this proposal could cause.

MacArthur Boulevard is a heavily travelled road connecting the I-495 beltway with Falls Road and River Road in Potomac Village. The proposed road entrance to the property is at a curve on a hill with poor visibility from both directions. Cars frequently speed up and down the hill, sometimes crossing the median line. There have been numerous accidents along this stretch of road as cars enter and exit the Old Angler's Inn and C&O Canal parking lot across the street. On most weekends, when the proposed wedding/banquet facility would be in use, cars are parked along MacArthur Boulevard causing the travel lanes to be reduced and further increasing the risk of an accident or injury to pedestrians and bicyclists. The application proposes 80 parking spaces for 240 people. We believe that this ratio of 3 people per vehicle greatly underestimates the number of cars that will be coming and going to the facility and that many of these vehicles will park on MacArthur Boulevard, in the C&O Canal parking lot, or in our neighborhood. At a minimum, an independent traffic impact study should be performed.

The applicant owns Old Angler's Inn which a few years ago constructed an outdoor tent and bandstand. Each year, we have complained to the owner that the music is too loud and goes on well after 9 pm. The applicant has not done anything to change his practice even though the applicant states that the Old Angler's Inn *"has always maintained the appropriate sensitivity to its neighbors, its community and its environs."* Wedding receptions are often just beginning at 9 pm and can last past midnight. In addition to the wedding reception/banquet building, the applicant proposes an extensive outside patio and terrace where the guests can drink, dance and listen to the music. Those guests unable or unwilling to drive home will be able to continue partying at the guest rooms. Based upon our past experience with the applicant and Old Angler's Inn, we expect that there will be no effort on the part of the applicant to dampen the spirits of the guests and manage their noise. Just as we have done in the past, we expect we will have to call the applicant and the Montgomery County Police Department to require them to enforce the noise ordinance.

The applicant has operated a restaurant at Old Angler's Inn for many years. Behind the building there are large, uncovered dumpsters from which a distinct odor can be smelled. We often observe turkey vultures picking through the dumpsters and feeding off trash on the ground. Unfortunately, we believe the applicant when he states *"trash removal will remain consistent with current services already provided on site for the now existing restaurant."*

Safety in our neighborhood is a priority concern. Some cars that park at the C&O Canal parking lot, at Old Angler's Inn, or use MacArthur Boulevard use Stable Lane and Brickyard Road as a "cut through" to get to Potomac Village and the beltway. We have witnessed that these cars are usually driven in excess of the speed limit and are a danger to our families and children. We can only imagine the increase in our neighborhood traffic if two or three wedding receptions, banquets or other events are happening on a regular basis. We expect that many of these drivers will have been drinking alcohol at these events and could be impaired further risking the safety of our families.

At present, the subject property is old growth forest with steep topographic changes. Running North-South through the property is a large stream with a 100 year flood plain and wide stream buffer. These portions of the property are unbuildable and should not be included in the development plan. The proposed building, road, and parking areas would replace at least an acre of forest with impervious surfaces. Because most of these surfaces are at the apex of the property, this would have a significant impact on erosion and storm water management on the actual buildable portion of the property and the protected areas. We urge you to require a full

environmental impact assessment of this proposal before considering the conditional use application.

We are also concerned that Old Angler's Inn is already using part of the proposed property for parking for the restaurant. This area, designated Future Prop Parcel B, includes a large gravel parking lot in the stream buffer on the southeast side of the restaurant and a gravel driveway and parking to the north of the building. The dumpsters, outdoor tent and bandstand also are in this section of the proposed property. These areas should be considered as part of an integrated forest conservation plan for the proposed project.

The applicant states that *"this project will fulfill a demonstrated need for private event venues in the local market."* There are many existing venues for wedding receptions and banquets in or near Potomac including hotels in Bethesda and Tyson's Corner, the Bolger Center, and the Rockwood Community Center. In fact, the existing Old Angler's Inn restaurant hosts weddings, receptions, and corporate events, as noted on its website. Not only is there no economic need for the facility, there is no economic benefit for the surrounding residential community and we strongly oppose this proposal.

In summary, we urge you to reject this application for conditional use because it is incompatible with the Montgomery County Master Plan. Allowing the applicant to build the proposed "country inn" on this site would ruin our peace and tranquility and economically damage our neighborhood.

We appreciate your attention to this matter and we look forward to your prompt response. Thank you.

Sincerely,

Stephen A. Selman  
7820 Stable Way  
Vice President, RFHOA  
(301) 983-3982

Catherine A. Bourasse  
7807 Gate Post Way

Richard Van Blerkom  
10803 HIDDEN TRAIL CT.

James L. Sackler  
4 Gate Post Court

R.B. Goldum  
PRES. RFHOA  
7809 Gate Post Way

Dan G. King  
7800 Gate Post Way

Charles F. Fuley  
7810 STABLE WAY

William Warkentin  
7808 GATE POST WAY



Abelardo  
7828 Stable Way

Elena Kliubina - Voss  
7823 Stable Way

Jim Cinkley  
7826 Stable Way

Muti  
7817 Stable Way

Kynda Johnson  
7806 Stable Way

Al  
12704 Stable Lane

Ronnie Walker  
10702 Stable Lane

C. S. S.  
7811 Hidden Meadow Terrace

Rob B. S.  
7816 Hidden Meadow Terrace

M  
7827 Stable Way

Andra  
7819 STABLE WAY

WHP  
7818 Stable Way

Charles Rothkopf  
7816 Stable Way

B. May Dando  
7802 STABLE WAY

L  
7813 Stable Way

L. K. S.  
7828 HIDDEN MEADOW TER.

Ting Chen  
7809 Hidden Meadow Terrace

Pam Cook  
7804 Hidden Meadow Terrace

Larisa Dubrovsky 7821  
Stable way

~~Stan~~  
Soly Joseph  
7916 Stable way  
Potomac

ROBERT GRADLE  
7802 HIDDEN MEADOW TERR.  
POTOMAC, MD 20854

Rosemarie Shefferman  
7806 Melilee Meadows Ter  
Potomac, Md 20854

Norbert Sullivan  
7795 Hidden Meadow Ter  
Potomac MD 20854

Hailei Haussman  
7703 Hidden Meadow Ter  
Potomac, Md 20854

Betsy megary  
7811 stable way  
Potomac, MD 20854

ALAN H GOLDEN  
7814 STABLE WAY  
POTOMAC, MD 20854

Alan Golden p.s.

Norman H. Sweet  
7804 GATE POST WAY

~~Art~~  
7811 GATE POST WAY  
POTOMAC, MD 20854

Jesse  
10809 Hidden Trail Ct.  
Potomac, MD 20854

L. L. Telle  
7800 Hidden Meadows Terr  
Potomac, MD 20854

Herbert Mintz  
HERBERT MINTZ  
7805 Hidden Meadow Terrace  
POTOMAC, MD 20854

John Dondelan  
7807 Stable Way  
Potomac MD 20854

Glenn Chao  
7822 STABLE WAY  
P.S.

Thong Bah

7701 Hidden Meadow Terr.  
Potomac MD 20854

Heber + Johnston

7805 Stable Way  
Potomac MD 20854

Eric Paquin

Eric Paquin  
10801 Hidden Trail Ct  
Potomac MD 20854

John Page

10817 Hidden Trail Ct  
Potomac, MD 20854

Philip Norwin

10708 Stable Lane

Suman Kumar

(SUMAN KUMAR)  
7801 Stable Way

ANUPAM MALHOTRA

7825 Stable Way  
Mund...

David J. Edwards

7828 Hidden Meadow Terrace

Mary Helen Carlson

7822 Hidden Meadow Terr.

My Corp

7803 Stable Way

CHUCK + RACHAEL CORDON

7804 STABLE WAY  
POTOMAC, MD 20854

Sandra + Howard Slavit

~~10813~~ Hidden Trail Ct.  
10813  
Potomac, MD 20854

Betty Rice + Kim

10817 Hidden Trail Ct.  
Potomac, MD 20854

Feng Lin

10706 Stable Ln

WAMSI MOHAN

7815 STABLE WAY

Wam Mohan

LINDA CHIAN

7704 Stable Way

Potomac MD 20854

Jane Santy

7814 Hidden Meadow Terr

W E

7800 Stable Way

Elise Joyce  
7812 Stable Way  
Signature Authorized by Email

Judith & Arnold Westerman  
7806 Gate Post Way  
Signature Authorized by Email.

Bonnie Singer  
10805 Hidden Trail Court  
Signature Authorized by Email

Kwanhee Lee & Miyoung Ju Lee  
10 Gate Post Court  
Signature Authorized by Email

Linda & Harry Snyder  
10811 Hidden Trail Court  
Signature Authorized by Email

Jose Elkuri  
7803 Gate Post Way  
Signature Authorized by Email

Neil Dhillon  
7807 Hidden Meadow Terrace  
Signature Authorized by Email

Douglas Lemmonds  
7812 Hidden Meadow Terrace  
Signature Authorized by Email

Allen Correllick  
7818 Hidden Meadow Terrace  
Signature Authorized by Email

Tan Jm

7721 Whiterim Ter. Potomac, MD. 20854

7912 Stable Way, Potomac, MD. 20854

Jen

CC: Mr. Ike Leggett, Montgomery County Executive  
George Leventhal, President, Montgomery County Council  
Nancy Floreen, Vice President, Montgomery County Council  
Roger Berliner, Councilmember, Montgomery County Council  
Marc Elrich, Councilmember, Montgomery County Council  
Tom Hucker, Councilmember, Montgomery County Council  
Sidney Katz, Councilmember, Montgomery County Council  
Nancy Navarro, Councilmember, Montgomery County Council  
Craig Rice, Councilmember, Montgomery County Council  
Hans Riemer, Councilmember, Montgomery County Council  
Charles Frederick, Associate County Attorney  
Casey Anderson, Chair, Montgomery County Planning Board  
Marye Wells-Harley, Vice Chair, Montgomery County Planning Board  
Norman Dreyfus, Commissioner, Montgomery County Planning Board  
Natali Fani-Gonzalez, Commissioner, Montgomery County Planning Board  
Amy Presley, Commissioner, Montgomery County Planning Board  
Gwen Wright, Planning Director, Montgomery County Planning Department  
Mark Pfefferle, Chief, Development Applications & Regulatory Coordination, Montgomery  
County Planning Department  
Fred Boyd, Master Planner, Area 3, Montgomery County Planning Department  
Michael Garcia, Transportation Coordinator, Area 3, Montgomery County Planning Department  
Joshua Penn, Planner Coordinator, Montgomery County Planning Department  
Richard Weaver, Montgomery County Planning Department  
Kathleen Boucher, Chief Operating Officer, Department of Environmental Protection  
Diane Schwartz Jones, Director, Department of Permitting Services

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Board of Directors

Curt Uhre, President  
Maria Fusco, Secretary  
Keith Williams, Treasurer  
Chuck Doran  
Ted Duncan  
John Phillips  
Susan Shallcross Rufkahr



PO Box 60962  
Potomac, MD 20859

[brickyardcoalition@gmail.com](mailto:brickyardcoalition@gmail.com)

[www.brickyardcoalition.org](http://www.brickyardcoalition.org)

May 14, 2015

Martin L. Grossman, Director  
Montgomery County Office of Zoning  
and Administrative Hearings  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850

Subject: Maryland Catering Co., Inc. application for a Conditional Use (Case No. CU 15-06)

Dear Mr. Grossman:

On behalf of the Board of Directors and the 2000 members of the Brickyard Coalition, I am writing in strong opposition to the application of Maryland Catering Company, Inc. for Conditional Use to build a "country inn" at 10801 MacArthur Blvd in Potomac, MD (hereafter "Project"). This Project is located near the intersection of Brickyard Road and MacArthur Road in Potomac, MD.

This Project would be constructed adjacent to existing residential homes in River Falls in an established community of approximately five hundred homes in Potomac, Maryland and is also adjacent to the historic Chesapeake & Ohio Canal National Historical Park and the Potomac River.

**Project is not a "Country Inn" as defined in Section 3.5.3**

Pursuant to County Code Section 3.5.3 "Country Inn means an establishment for dining in a rural area . . ." (emphasis added). The proposed project is located in a residential area that is zoned residential R-200-- not a rural area. In short, the Code does not permit this Section to be used for a project located in a residential area and thus no authority exists to grant a "conditional use" for



a Country Inn in a residential area. Accordingly, the application should be dismissed and/or denied.

### **Project does not substantially conform to Potomac Master Plan**

The applicant's property is located in a solely residential neighborhood and is zoned R-200. There are no commercial businesses between the MacArthur Plaza in Cabin John and Potomac Village except for the existing Old Angler's Inn, which is owned by the applicant. The Potomac Subregion Master Plan recognizes that most of Potomac is residential with a few commercial centers. The Master Plan discusses the desire to maintain the residential nature of the area and that special exceptions, now called conditional uses, should be limited in order to protect *"residential communities from incompatible design of special exception uses."* Accordingly, the Project does not substantially conform to the Potomac Master Plan.

### **Project is not harmonious with and will negatively alter the character of the neighborhood**

The applicant's proposal to build a 9,000 ft<sup>2</sup> (125 ft. long x 72 ft. wide by 38 ft. high) wedding reception, banquet and business meeting facility to accommodate 240 people, an accompanying road, and a lighted 80 space parking lot is wholly incompatible with the residential purpose of the community and should be denied. Based upon the information submitted to date, this new structure appears to be about five times the size of the existing facility.

What has been proposed is multi-story large dining room with a commercial kitchen and four guest rooms that will be rented on a nightly basis, just like a motel. This project is in fact a commercial business that is being placed into a quiet residential neighborhood and the applicant should be required to secure a zoning change.

This Project will be surrounded on three sides by existing single family homes and on the other side by the historic C & O Canal. The size and scope of the Project will not be harmonious with the existing homes and will negatively alter the character of our neighborhood. As more fully detailed below, the lighted parking lot for 80 cars, the later hours of operation as a wedding venue, the increased noise and traffic congestion will all have a negative impact on our neighborhood.

### **Project will cause undue harm to the neighborhood**

We are very concerned about the increase in traffic and noise, the accumulation of garbage, the impact on neighborhood safety, and environmental damage that this proposal could cause. MacArthur Boulevard is a heavily travelled road connecting the I-495 beltway with Falls Road and River Road in Potomac Village. The proposed road entrance to the property is at a curve on a hill with poor visibility from both directions. Cars frequently speed up and down the hill, sometimes crossing the median line.

There have been numerous accidents along this stretch of road as cars enter and exit the Old Angler's Inn and C&O Canal parking lot across the street. On most weekends, when the proposed wedding/banquet facility would be in use, cars are parked along the sides of MacArthur Boulevard causing the travel lanes to be reduced and further increasing the risk of an accident or injury to pedestrians and bicyclists.

The application proposes 80 parking spaces for 240 people. We believe that this ratio of 3 people per vehicle greatly underestimates the number of cars that will be coming and going to the facility and that many of these vehicles will park on MacArthur Boulevard, in the C&O Canal parking lot, or in our neighborhood. At a minimum, an independent traffic impact study should be performed.

The applicant owns Old Angler's Inn which a few years ago constructed an outdoor tent and bandstand. Each year, neighbors have complained to the owner that the music is too loud and goes on well after 9 pm. The applicant has not done anything to change his practice even though the applicant states that the Old Angler's Inn *"has always maintained the appropriate sensitivity to its neighbors, its community and its environs"*. Wedding receptions are often just beginning at 9 pm and can last past midnight. In addition to the wedding reception/banquet building, the applicant proposes an extensive outside patio and terrace where the guests can drink, dance and listen to music. Those guests unable or unwilling to drive home will be able to continue partying at the guest rooms. Based upon our past experience with the applicant and Old Angler's Inn, we expect that there will be no effort on the part of the applicant to dampen the spirits of the guests and manage their noise. As in the past, neighbors will be forced to call the applicant and the Montgomery County Police Department to enforce the noise ordinance.

The applicant has operated a restaurant at Old Angler's Inn for many years. Behind the building there are large, uncovered dumpsters from where turkey vultures are often observed picking through the dumpsters and feeding off trash on the ground. We believe this creates a potential health hazard to our community.

Safety in our neighborhood is a prime concern. Some cars that park at the C&O Canal parking lot, at Old Angler's Inn, or use MacArthur Boulevard use Stable Lane and Brickyard Road as a "cut through" to Potomac Village and the beltway. We have witnessed that these cars are usually driven in excess of the speed limit and are a danger to our families and children. We can only imagine the increase in our neighborhood traffic if two or three wedding receptions, banquets or other events are happening on a regular basis. We expect that many of these drivers will have been drinking alcohol at these events and could be impaired further, risking the safety of our families.

### **Storm Water Management and Forest Conservation Plan**

At present, the subject property is old growth forest with steep topographic changes. Running North-South through the property is a large stream with a 100 year flood plain and wide stream buffer. These portions of the property are unbuildable and should not be included in the development plan. The proposed building, road, and parking areas would replace at least an acre of forest with impervious surfaces. Because most of these surfaces are at the apex of the property, this would have a significant impact on erosion and storm water management on the actual buildable portion of the property and the protected areas. We urge you to require a full environmental impact assessment of this proposal before considering the conditional use application.

We are also concerned that Old Angler's Inn is improperly using part of the proposed property for parking for the existing restaurant. This area, designated Future Prop Parcel B, includes a

large gravel parking lot in the stream buffer on the southeast side of the restaurant and a gravel driveway and parking to the north of the building. The dumpsters, outdoor tent and bandstand also are in this section of the proposed property. These areas should be considered as part of an integrated forest conservation plan for the proposed project and at the very least should be returned to their natural state.

**No demonstrated need for project**

The applicant states that *"this project will fulfill a demonstrated need for private event venues in the local market"*. There are many existing venues for wedding receptions and banquets in or near Potomac including hotels in Bethesda and Tyson's Corner, the Bolger Center, the Rockwood Community Center and numerous country clubs. Not only is there no unmet economic need for the facility, but there is no economic benefit for the surrounding residential community.

We strongly oppose this proposal. In summary, we respectfully urge you to deny this application for conditional use for all of the reasons stated herein. Allowing the applicant to build the proposed "country inn" on this site would ruin the character of our neighborhood, threaten our peace and tranquility and economically damage our neighborhood.

Thank you for your consideration.

Sincerely,

Brickyard Coalition Inc.

  
By Curtis Uhre, President

CC:

Casey Anderson, Chair, Montgomery County Planning Board  
Marye Wells-Harley, Vice Chair, Montgomery County Planning Board  
Norman Dreyfus, Commissioner, Montgomery County Planning Board  
Natali Fani-Gonzalez, Commissioner, Montgomery County Planning Board  
Amy Presley, Commissioner, Montgomery County Planning Board  
Gwen Wright, Planning Director, Montgomery County Planning Board  
Mark Pfefferle, Chief, Development Applications & Regulatory Coordination, Montgomery County Planning Board  
Fred Boyd, Master Planner, Area 3, Montgomery County Planning Board  
Michael Garcia, Transportation Coordinator, Area 3, Montgomery County Planning Board  
Joshua Penn, Planner Coordinator, Montgomery County Planning Board

Civic Association of River Falls  
8213 Coach Street  
Potomac, MD 20854

May 26, 2015

Martin L. Grossman  
Director  
Montgomery County Office of Zoning  
and Administrative Hearings  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850

Subject: Maryland Catering Co., Inc. application for a Conditional Use (Case No. CU 15-06)

Dear Mr. Grossman:

On behalf of the Board of Directors of the Civic Association of River Falls and the 500 households in our community, I am writing in strong opposition to the application from Maryland Catering Company, Inc. for a Conditional Use to build a "country inn" at 10801 MacArthur Blvd in Potomac, MD. River Falls is an established community in Potomac, Maryland, situated on the southern edge of Montgomery County, adjacent to the historic Chesapeake & Ohio Canal National Historical Park and the Potomac River. Clarence W. Gosnell Company thoughtfully designed and built our community over forty years to include wide tree-lined streets, wooded areas, a community clubhouse, a swimming pool, six tennis courts, a playground, and fields for sports such as baseball, soccer and lacrosse.

We oppose this proposed project because it would be incompatible with the residential character of the surrounding community, it would have a very severe negative environmental impact, it does not conform to the Potomac Master Plan and it is not supported by the Montgomery County Code.

**Project is incompatible with the surrounding community**

The applicant's proposed 9,000 ft<sup>2</sup> (125 ft. long x 72 ft. wide by 38 ft. high) wedding reception, banquet and business meeting facility to accommodate 240 people, an accompanying road, and an 80 space parking lot is wholly incompatible with the residential purpose of the community and should be denied. Most people would not consider the proposed plan to be a "country inn." In fact, what has been proposed is a large dining room with a commercial kitchen. The inclusion of four guest rooms that will occasionally be rented on a nightly basis, just like a motel, is only included so that the applicant can attempt to technically comply with the Montgomery County Zoning Code section 3.5.3. In any other instance, this proposal would be considered to be a commercial business and the applicant would be required to apply for a zoning change.

This project would be surrounded on three sides by existing single family houses, and on the fourth side by the C&O Canal. The size, scope and intended use of this project would be completely inconsistent with the surrounding community and should be denied on those grounds.

### **Project will severely harm the neighborhood**

We are very concerned about the increase in traffic and noise, the accumulation of garbage, the impact on neighborhood safety, and the environmental damage that this proposal could cause. MacArthur Boulevard is a heavily travelled road used by the local community. The proposed road entrance to the property is at a curve on a hill with poor visibility from both directions, and is directly across MacArthur Boulevard from a C&O Canal Park access point and parking lot. Cars and bicycles frequently travel up and down the hill, sometimes crossing the median line to avoid pedestrians and each other. There have been numerous accidents along this stretch of road as cars enter and exit the Old Angler's Inn and C&O Canal parking lot. On most weekends, when the proposed wedding/banquet facility would be in use, cars are already parked along MacArthur Boulevard causing significant congestion and further increasing the risk of an accident or injury to pedestrians and bicyclists. The application proposes 80 parking spaces for 240 people. We believe that this ratio of 3 people per vehicle greatly underestimates the number of cars that will be coming and going to the facility and that as a result many overflow vehicles will park on MacArthur Boulevard, in the C&O Canal parking lot, or in our neighborhood.

The applicant owns Old Angler's Inn which a few years ago constructed an outdoor tent and bandstand. Each year, neighbors have complained to the owner that the music is too loud and goes on well after 9 pm. The applicant has not done anything to change his practice even though the applicant states that the Old Angler's Inn *"has always maintained the appropriate sensitivity to its neighbors, its community and its environs."* Wedding receptions are often just beginning at 9 pm and can last past midnight. In addition to the wedding reception/banquet building, the applicant proposes an extensive outside patio and terrace where the guests can drink, dance and listen to the music. Those guests unable or unwilling to drive home will be able to continue partying at the guest rooms. Based upon past experience with the applicant and Old Angler's Inn, we expect that there will be no effort on the part of the applicant to dampen the spirits of the guests and manage their noise. Just as has been done in the past, we expect members of our community will have to call the applicant and the Montgomery County Police Department due to violations of the county noise ordinance.

The applicant has operated a restaurant at Old Angler's Inn for many years. Behind the building there are large, uncovered dumpsters from which a distinct odor can be smelled. We often observe turkey vultures picking through the dumpsters and feeding off trash on the ground. Unfortunately, we believe the applicant when he states *"trash removal will remain consistent with current services already provided on site for the now existing restaurant."* The likely increase in trash due to increased and potentially larger events at this proposed project will further exacerbate the existing problem.

Safety in our neighborhood is a priority concern. Some cars that park at the C&O Canal parking lot, at Old Angler's Inn, or use MacArthur Boulevard use Stable Lane and Brickyard Road as a "cut through" to get to Potomac Village and the beltway. We have witnessed that these cars are usually driven in excess of the speed limit and are a danger to our families and children. We can only imagine the increase in our neighborhood traffic if two or three wedding receptions, banquets or other events are happening on a regular basis. We expect that many of these drivers

will have been drinking alcohol at these events and could be impaired further risking the safety of our families.

### **The Proposed Project would have a severe negative environmental impact**

At present, the subject property is old growth forest with steep topographic changes. Running North-South through the property is a large stream with a 100 year flood plain and wide stream buffer. These portions of the property are unbuildable and should not be included in the development plan. The proposed building, road, and parking areas would replace at least an acre of forest with impervious surfaces. Because most of these surfaces are at the apex of the property, this would have a significant impact on erosion and storm water management on the actual buildable portion of the property and the protected areas. We urge you to require a full environmental impact assessment of this proposal before considering the conditional use application.

We are also concerned that Old Angler's Inn is already using part of the proposed property for parking for the restaurant. This area, designated Future Prop Parcel B, includes a large gravel parking lot in the stream buffer on the southeast side of the restaurant and a gravel driveway and parking to the north of the building. The dumpsters, outdoor tent and bandstand also are in this section of the proposed property. These areas should be considered as part of an integrated forest conservation plan for the proposed project.

### **The Proposed Project is not in compliance with the Potomac Master Plan**

The applicant's property is located in an area that is solely zoned R-200. There are no commercial businesses along Macarthur Boulevard between Macarthur Plaza in Cabin John and Potomac Village except for the existing Old Angler's Inn which is owned by the applicant. The Potomac Master Plan recognizes that most of Potomac is residential in nature, with a few well defined commercial centers. The Master Plan discusses the desire to maintain this residential nature, and that special exceptions, now called conditional uses, should be limited in order to protect the residential communities from incompatible designs and uses. Based on this Master Plan discussion, this project does not substantially conform to the Master Plan and should therefore be denied.

The applicant states that *"this project will fulfill a demonstrated need for private event venues in the local market."* There are many existing venues for wedding receptions and banquets in or near Potomac including hotels in Bethesda and Tyson's Corner, the Bolger Center, and the Rockwood Community Center. In fact, the existing Old Angler's Inn restaurant hosts weddings, receptions, and corporate events, as noted on its website. Not only is there no economic need for the facility, there is no economic benefit for the surrounding residential community and we strongly oppose this proposal.

### **The Proposed Building is not a Country Inn as defined in Code Section 3.5.3**

County Code Section 3.5.3 defines a Country Inn as "...an establishment for dining in a rural area." The proposed project is located in a residential area that is zoned R-200, not a rural area. The Code provides no support for this project to be located in a residential area, and thus there is no authority for granting a "conditional use" for a Country Inn in an area that is zoned residential. Therefore, we believe that this application should be denied.



In summary, we urge you to reject this application for conditional use because it is incompatible with the surrounding community, would have a very negative environmental impact, and does not comply with the Montgomery County Master Plan or Zoning Code. Allowing the applicant to build the proposed "country inn" on this site would ruin our peace and tranquility and economically damage our neighborhood. This is a perfect example of a situation where the Master Plan and County Code should preserve the local community by sheltering it from this proposed unwarranted, environmentally damaging, out of character development that is incompatible with the surrounding community.

We appreciate your attention to this matter and we look forward to your prompt response. Thank you.

Sincerely,



Keith S. Williams

President, Civic Association of River Falls

CC:

Casey Anderson, Chair, Montgomery County Planning Board  
Marye Wells-Harley, Vice Chair, Montgomery County Planning Board  
Norman Dreyfus, Commissioner, Montgomery County Planning Board  
Natali Fani-Gonzalez, Commissioner, Montgomery County Planning Board  
Amy Presley, Commissioner, Montgomery County Planning Board  
Gwen Wright, Planning Director, Montgomery County Planning Board  
Mark Pfefferle, Chief, Development Applications & Regulatory Coordination, Montgomery County Planning Board  
Fred Boyd, Master Planner, Area 3, Montgomery County Planning Board  
Michael Garcia, Transportation Coordinator, Area 3, Montgomery County Planning Board  
Joshua Penn, Planner Coordinator, Montgomery County Planning Board

July 1, 2015

Martin L. Grossman, Director  
Montgomery County Office of Zoning and Administrative Hearings  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850

Subject: Maryland Catering Co., Inc. application for a Conditional Use (Case No. CU 15-06)

Dear Mr. Grossman:

I am writing this letter in strong opposition to Maryland Catering Company, Inc.'s application for a conditional use permit to build a "Country Inn" at 10801 MacArthur Boulevard in Potomac, MD.

Please note that I write this letter in my personal capacity as an owner and resident of a residential property in the Woodrock Homeowners Association, Inc., a community neighboring the proposed development. However, I am also the Board President of the Woodrock Homeowners Association, Inc. ("Woodrock"), and write this letter on behalf of the Association's interests.

Woodrock is an established community of 215 homes in Potomac, Maryland. Our neighborhood is situated on the southern edge of Montgomery County, adjacent to the historic Chesapeake & Ohio Canal National Historical Park and the Potomac River, and we are located immediately adjacent to (on the north, south, and east side) Rockwood Manor Park.

The applicant's property is surrounded by residential neighborhoods, one of which is Woodrock, and is zoned R-200. The Potomac Subregion Master Plan recognizes that most of Potomac is residential with a few commercial centers. The Master Plan discusses the desire to maintain the residential nature of the area and that special exceptions, now called conditional uses, should be limited in order to protect *"residential communities from incompatible design of special exception uses."*

Pursuant to the County's Zoning Ordinance, to approve a conditional use application the Hearing Examiner must find that, among other requirements, the proposed development:

1. Satisfies the requirements of the applicable zone and use standards;
2. Substantially conforms with the recommendations of the applicable master plan;
3. Is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;
4. Will not, cause undue harm to the neighborhood in any of the following categories:
  - a. The use, peaceful enjoyment, economic value or development potential of the general neighborhood;
  - b. Traffic, noise, odors, dust, illumination, or a lack of parking; or
  - c. The health, safety, or welfare of neighboring residents, visitors, or employees.

5. Will be compatible with the character of the residential neighborhood;

The applicant's proposal to build a 9,000 ft<sup>2</sup> (125 ft. long x 72 ft. wide by 38 ft. high) wedding reception, banquet and business meeting facility to accommodate 240 people, with eight guest suites, an accompanying road, and a parking lot with 80 spaces is wholly incompatible with the residential purpose of the community and should be denied.

We are also very concerned about the increase in traffic and noise, the accumulation of garbage, the impact on neighborhood safety, and environmental damage that this proposal could cause. MacArthur Boulevard is a heavily travelled road connecting the I-495 beltway with Falls Road and River Road in Potomac Village. The proposed road entrance to the property is at a curve on a hill with poor visibility from both directions. Cars frequently speed up and down the hill, sometimes crossing the median line. There have been numerous accidents along this stretch of road as cars enter and exit the Old Angler's Inn and C&O Canal parking lot across the street. On most weekends, when the proposed wedding/banquet facility would be in use, cars are parked along MacArthur Boulevard causing the travel lanes to be reduced and further increasing the risk of an accident or injury to pedestrians and bicyclists. The application proposes 80 parking spaces for 240 people. We believe that this ratio of 3 people per vehicle greatly underestimates the number of cars that will be coming and going to the facility and that many of these vehicles will park on MacArthur Boulevard, in the C&O Canal parking lot, or in our neighborhood. At a minimum, an independent traffic impact study should be performed.

The applicant owns Old Angler's Inn, which a few years ago constructed an outdoor tent and bandstand that has caused noise and other disturbances for adjacent residents. The applicant has not done anything to change its practice even though the applicant states that the Old Angler's Inn *"has always maintained the appropriate sensitivity to its neighbors, its community and its environs."*

Wedding receptions are often just beginning at 9 pm and can last past midnight. In addition to the wedding reception/banquet building, the applicant proposes an extensive outside patio and terrace where the guests can drink, dance and listen to the music. Those guests unable or unwilling to drive home will be able to continue partying at the guest rooms. Based upon our past experience with the applicant and Old Angler's Inn, we expect that there will be no effort on the part of the applicant to manage their noise.

The applicant has also operated a restaurant at Old Angler's Inn for many years. Behind the building there are large, uncovered dumpsters from which a distinct odor can be smelled. Turkey vultures have been observed picking through the dumpsters and feeding off trash on the ground. Unfortunately, we believe the applicant when he states *"trash removal will remain consistent with current services already provided on site for the now existing restaurant."*

At present, the subject property is old growth forest with steep topographic changes. Running North-South through the property is a large stream with a 100 year flood plain and wide stream buffer. These portions of the property are unbuildable and should not be included in the development plan. The proposed building, road, and parking areas would replace at least an acre of forest with impervious surfaces. Because most of these surfaces are at the apex of the property, this would have a significant impact on erosion and storm water management on the actual buildable portion of the property and the protected areas. We urge you to require a full environmental impact assessment of this proposal before considering the conditional use application.

We are also concerned that Old Angler's Inn is already using part of the proposed property for parking for the restaurant. This area, designated Future Prop Parcel B, includes a large gravel parking lot in the stream buffer on the southeast side of the restaurant and a gravel driveway and parking to the north of the building. The dumpsters, outdoor tent and bandstand also are in this section of the proposed property. These areas should be considered as part of an integrated forest conservation plan for the proposed project.

Additionally, the Zoning Ordinance states that if the proposed development is a commercial one, the conditional use may only be approved if there is an existing need for the proposed use in the general neighborhood. And, similarly, a conditional use permit for a proposed hotel/motel can only be approved if there is an insufficient number of similar uses presently serving the existing population in the general neighborhood.

The applicant states that *"this project will fulfill a demonstrated need for private event venues in the local market."* However, there are numerous venues in the surrounding area, including the Rockwood Manor Park, which is located off of MacArthur Boulevard less than half a mile from the proposed location. Rockwood Park has approximately 4500 square feet of event space and a seated capacity of 120 people, and the applicant is requesting a space double this size and capacity. Both event venues use identical traffic and pedestrian access, and simultaneous events will bring considerable congestion to MacArthur Boulevard. Further, the existing Old Angler's Inn restaurant hosts weddings, receptions, and corporate events, as noted on its website. Therefore, there is no existing need for the proposed use.

There are also numerous hotels/motels in Montgomery County (about 30 different hotels within 6 miles of the zip code 20850 alone), and there is no need for such accommodations in the substantially residential neighborhood.

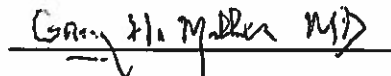
There is also no economic need for the facility, and no economic benefit for the surrounding residential community.

For all of these reasons, we strongly oppose the proposed development.

In summary, we urge you to reject this application for conditional use because it is incompatible with the Montgomery County Master Plan, and the proposed development does not meet the requirements of the County Zoning Ordinance for conditional use permits. Allowing the applicant to build the proposed "Country Inn" on this site would ruin our peace and tranquility and economically damage our neighborhood.

On behalf of the Woodrock Homeowners Association, Inc., the Board of Directors thanks you in advance for your attention to the Association's concerns and interests, as well as your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Gary H. Miller MD". The signature is written in a cursive style and is positioned above a horizontal line.

Gary H. Miller, MD

President, Board of Directors

CC: Mr. Ike Leggett, Montgomery County Executive  
George Leventhal, President, Montgomery County Council  
Nancy Floreen, Vice President, Montgomery County Council  
Roger Berliner, Councilmember, Montgomery County Council  
Marc Elrich, Councilmember, Montgomery County Council  
Tom Hucker, Councilmember, Montgomery County Council  
Sidney Katz, Councilmember, Montgomery County Council  
Nancy Navarro, Councilmember, Montgomery County Council  
Craig Rice, Councilmember, Montgomery County Council  
Hans Riemer, Councilmember, Montgomery County Council  
Charles Frederick, Associate County Attorney  
Casey Anderson, Chair, Montgomery County Planning Board  
Marye Wells-Harley, Vice Chair, Montgomery County Planning Board  
Norman Dreyfus, Commissioner, Montgomery County Planning Board  
Natali Fani-Gonzalez, Commissioner, Montgomery County Planning Board  
Amy Presley, Commissioner, Montgomery County Planning Board  
Gwen Wright, Planning Director, Montgomery County Planning Department  
Mark Pfefferle, Chief, Development Applications & Regulatory Coordination, Montgomery County Planning Department  
Fred Boyd, Master Planner, Area 3, Montgomery County Planning Department  
Michael Garcia, Transportation Coordinator, Area 3, Montgomery County Planning Department  
Joshua Penn, Planner Coordinator, Montgomery County Planning Department  
Richard Weaver, Montgomery County Planning Department  
Kathleen Boucher, Chief Operating Officer, Department of Environmental Protection  
Diane Schwartz Jones, Director, Department of Permitting Services

July 23, 2015

Martin L. Grossman, Director  
Montgomery County Office of Zoning  
and Administrative Hearings  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850

Casey Anderson, Chair  
Montgomery County Planning Board  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Dear Messrs. Grossman and Anderson:

The C&O Canal Association would like to express its concern with the proposed new facility at Old Angler's Inn. We are concerned about the potential for increased traffic congestion, safety, noise, pollution, and damage to the environment that construction and use of such a building could cause.

First of all, I would like to thank the Montgomery County Planning Board and Zoning Office for their recognition, in the county's Potomac Subregion Master Plan, of the unique value of the C&O Canal National Historical Park. One of the goals of the Master Plan is to "Protect the Chesapeake & Ohio Canal National Historical Park, major transportation corridors, and residential communities from incompatible design of special exception uses." Furthermore, the Master Plan recommends to "Increase the scrutiny in reviewing special exception applications for highly visible sites and properties adjacent to the Chesapeake & Ohio Canal National Historical Park." Old Angler's Inn, directly across the street from the Park, certainly qualifies as such a site.

The proposed new facility at Old Angler's is billed as a "country inn." But, with four bedrooms for overnight guests and parking for up to 100 vehicles, the numbers tell a different story. The intent is clearly to create a hall for weddings and other large parties. Live music would be a key element of such functions.

The defining features of the C&O Canal National Historical Park are, of course, the canal itself and its towpath. For most of its 184.5-mile length, the park is little wider than the canal. But in Montgomery County, particularly between Carderock and Great Falls, the park is considerably wider. On the river side, it encompasses the three Billy Goat Trails and the falls overlook on Olmstead Island. On the berm side, it includes the Berma Road on top of the Washington Aqueduct and several hiking trails, such as the Gold Mine Trail. From Brickyard Road to Falls Road, MacArthur



Boulevard forms the boundary of the national park. So Old Angler's Inn is directly across the street from the park.

To expand upon our concerns:

1. Traffic congestion. On weekends especially, the area around Old Angler's is already highly congested, with cars, pedestrians, and bicyclists, including park and restaurant patrons. Parked cars line MacArthur Boulevard, despite the no parking signs. This congestion has only increased since last June when the Park doubled the day rate for parking at Great Falls.
2. Safety. MacArthur Boulevard is not a pleasant place for pedestrians, but, again on weekends, it is heavily used by cyclists. A particularly dangerous spot is precisely where the entrance to the proposed party hall is planned. Bikes slow down as they climb the hill toward Falls Road, the road curves, and visibility is further restricted by the hedges on the Angler's Inn property.
3. Noise. In an effort to assuage the fears of the neighbors on Stable Way behind the proposed facility, the party hall is designed to open to the park side. With a live band and open doors, the noise would easily carry to the hiking trails and the canal towpath.
4. Pollution. During construction, silt would drain through the park and into the Potomac River. With a finished facility, toxic automobile waste would drain from the extensive, hard-paved parking lots into the park and river.
5. Environmental degradation. Concern for the environment certainly informs the county's master plan. Scores of trees would have to be felled to make way for a 9,000 square foot party hall for 240 people and parking for 100 cars. Birds and other animals would be displaced. In particular, it is likely that those trees are used as summer roosting spots for the northern long-eared bat, which since last May has been declared a threatened species.

The C&O Canal Association is an independent citizens association focused on the conservation of the natural and historical environment of the C&O Canal and the Potomac River Basin. Our association predates the designation of the canal as a National Historical Park, tracing its origins to the famous walk in 1954 by Justice William O. Douglas. During that walk, by the way, Justice Douglas and his party stopped for lunch at Old Angler's Inn. We look forward to your hearings and your close examination of the proposal by Mark Reges and Maryland Catering Company, the owners of Old Angler's Inn.

Sincerely,

Barbara Sheridan, President

THE LAW OFFICE OF WILLIAM J. CHEN, JR., LLC  
ATTORNEY AT LAW

WILLIAM JAMES CHEN, JR. •  
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•ALSO ADMITTED IN THE  
DISTRICT OF COLUMBIA

Montgomery County  
RECEIVED

★ AUG 8 2016 ★

Planning Department

August 5, 2016

Lynn A. Robeson, Hearing Examiner  
Office of Zoning and Administrative Hearings **HAND DELIVERY**  
Stella B. Warner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850

Re: Conditional Use Case No. CU15-06, Petition of  
Maryland Catering Co., Inc.

Dear Ms. Robeson:

I have reviewed the recent email exchanges that you have had with Messrs. Brown and Kline as well as the emails to and from the technical staff of the Maryland-National Capital Park and Planning Commission. The record establishes that the conditional use application of Maryland Catering Co., Inc., has already been postponed three times. It was originally scheduled for hearing on July 20, 2015. Subsequently, Mr. Kline requested that the hearing be rescheduled to January 11, 2016, and, thereafter, another request for postponement set the hearing for September 9, 2016. The parties of record in opposition to the application have not opposed the Appellant's requests for hearing postponements. We now hear that the Applicant is unable to proceed forward with a hearing on September 9 and another, fourth, postponement is in the offing.

Quite frankly, the Applicant's failure to prosecute its application is unacceptable. At the time of the initial DRC meeting on the application in May, 2015, the Applicant was requested to submit a turning analysis. It was understood, and representations were made, that the Applicant would submit to the technical staff the turning analysis within the next month or two. That did not happen, and that limited analysis has never been submitted by the Applicant.

We are now informed that Mr. Kline has requested information from your office "on how to get traffic safety data for the subject site." We also are informed that the technical staff of the M-NCPPC is unable to evaluate the subject application due to other assignments and that the earliest that a new hearing can be scheduled will be late this year, if not next year.

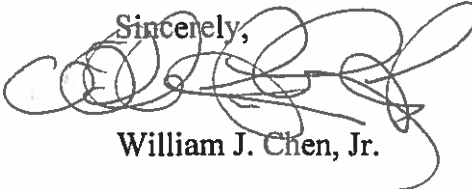
During the course of the last year and a half adjacent property owners and area residents have been held in a state of limbo waiting for the Applicant to submit information

in support of its application which has never been submitted. That circumstance imposes severe problems on those interests because, as you may be aware, under the practices followed by the technical staff of the M-NCPPC, the Planning Board, and your office, the hearing process is dictated by an accommodation to applicants as to their ongoing supplemental submissions to the technical staff — creating a moving target — without reasonable concomitant accommodation of the ability of the concerned community to supply countervailing information. This is how the process works in Montgomery County. Public employees and officials accommodate land development applicants. The instant case presents as a particularly egregious example of how an applicant has been able to manipulate the process in order to accommodate its interests to supplement its application to react to concerns raised by a technical staff and/or concerned citizens, delaying the hearing process until it is able to supply information that should have been submitted when the application was filed with your office. Concerned citizens, such as my client, have to react (within short time periods) to what an applicant submits and what technical staff has requested in order to give a favorable recommendation. As I indicate, it is an ongoing biased process.

In the instant case the Applicant has not, for over almost a year and a half, supplied information needed for a proper analysis of the merits of its application. That, by itself, evidences fundamental difficulties with the application, and the Applicant should not be permitted to continue to use the process to forestall its obligation to “put up or shut up.”

Frankly, Mr. Brown’s accommodation for an extension of time is more generous than justified by the history of the application. The application should be brought to hearing as quickly as possible, regardless of whether or not the Applicant has supplied the technical staff with information for staff’s evaluation. Enough is enough. My client requests that your office promptly schedule a hearing date, and that no further postponements be permitted.

I look forward to receiving proposed hearing dates from your Office in accordance with its ability to conduct a hearing on the application as soon as possible.

Sincerely,  
  
William J. Chen, Jr.

WJC:mmml

cc: Jody Kline, Esq.  
David W. Brown, Esq.  
✓Elsabett Tesfaye, M-NCPPC  
Richard Weaver, M-NCPPC  
Mike Day

N:\Bill Chen\DAY\ROBESON HEARING EXAMINER-LTR-8-3-16.wpd

THE LAW OFFICE OF WILLIAM J. CHEN, JR., LLC  
ATTORNEY AT LAW

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200A MONROE STREET  
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ROCKVILLE, MARYLAND 20850

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\*ALSO ADMITTED IN THE  
DISTRICT OF COLUMBIA  
Montgomery County  
RECEIVED

★ SEP 8 2016 ★  
Planning Department

September 7, 2016

Lynn A. Robeson, Hearing Examiner  
Office of Zoning and Administrative Hearings **HAND DELIVERY**  
Stella B. Warner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850

Re: Conditional Use Case No. CU15-06, Petition of  
Maryland Catering Co., Inc.

Dear Ms. Robeson:

This letter is transmitted on behalf of Mr. and Mrs. Francis O. Day, III, and is to oppose the purported motion to amend application manifested by the Applicant's August 25, 2016, filing.

My client opposes any amendment to the application and also objects to the actions of the Office of Zoning and Administrative Hearings ("OZAH") to suggest and facilitate an applicant in amending a pending application. The purpose and role of OZAH in these proceedings is a *quasi*-judicial function. That function does not allow OZAH to assist an applicant to amend and otherwise craft an application for a land use approval that will aid in such approval, or recommended approval, by your office. Such conduct is outside the proper role of the Hearing Examiner and OZAH.

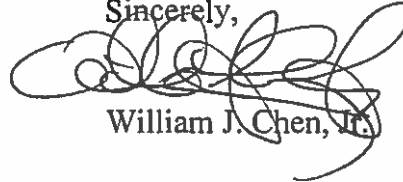
Further, the application before your office has been pending since March 24, 2015. In May 2015, representatives of the Applicant appeared at a meeting of the Development Review Committee ("DRC") of the Maryland-National Capital Park and Planning Commission and were informed of deficiencies in the application. The Applicant made express representations about specific revisions to the application that would be made within specific deadlines. The Applicant completely failed to proceed forward in accordance with the issues raised by the members of the DRC, including the Technical Staff of the M-NCPPC, and the deadlines.

As prior correspondence has noted, this matter is now before OZAH on its fourth hearing postponement. The Applicant has absolutely failed to prosecute its application in a timely manner and should not be permitted to profit from its own failures to proceed in an

timely manner. This course of conduct has been to the detriment of my client as well as other concerned community members and civic organizations. It is a manipulation of the process contained in the Zoning Ordinance and should not be countenanced, much less facilitated by public officials and employees.

The Applicant has had more than enough time to file a proper application and should not be permitted at this late date to continue its manipulation of the process. My client strongly objects to any amendment to the application.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Chen, Jr.", with a stylized, cursive flourish.

William J. Chen, Jr.

WJC:mmml

cc: Jody Kline, Esq.  
David W. Brown, Esq.  
Elsabett Tesfaye, M-NCPPC  
Richard Weaver, M-NCPPC  
Mike Day

N:\Bill Chen\DAY ROBESON HEARING EXAMINER-LTR-9-7-16.wpd

LAW OFFICES OF  
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(301) 545-6105

DAVID W. BROWN  
SOLE PRACTITIONER (2017)

January 12, 2017

Elsabett Tesfaye, Planner Coordinator, Area-3  
[Elsabett.Tesfaye@montgomeryplanning.org](mailto:Elsabett.Tesfaye@montgomeryplanning.org)  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: **Maryland Catering Company**  
**Application No. CU 15-06**

Dear Ms. Tesfaye:

Attached is a memorandum prepared with the assistance of my clients, analyzing the history of the Country Inn Zone and new Country Inn Conditional Use in Montgomery County ("Memorandum"). This letter applies the analysis in the Memorandum to the Maryland Catering Co. Application No. CU 15-06 for approval of a Conditional Use for what is described as "a country inn banquet facility" (the "Application"). The position of my clients -- River Falls HOA, Woodrock HOA, the Civic Association of River Falls, the Brickyard Coalition and the West Montgomery County Citizens Association -- is that the Application does not propose a use that is within the definition of a "Country Inn."

The Memorandum is being submitted to you and several others on the Planning Board staff because we believe is vital for the Hearing Examiner to have the considered views of the Technical Staff, as well as the Planning Board, on this threshold definitional issue. The Application is the first instance of a Country Inn Conditional Use application. I would welcome the opportunity to discuss the Memorandum with you and others on staff who could contribute to the discussion. This includes, most especially, legal staff and the Zoning Rewrite staff headed by Pam Dunn, whose commentary on Part III of the Memorandum would be particularly useful.

**1. Primary Function – Dining Establishment**

The Memorandum concludes that what distinguishes a country inn from other uses is that the primary function is and always has been use as a dining establishment. The Application proposes a 9,000 sq. ft. banquet facility that will have a commercial kitchen and a banquet hall for up to 240 guests. The Applicant states that the building (including four guest rooms that can be rented nightly) will host private events such as wedding receptions, business meetings, and family

celebrations. It will not be open on a daily or otherwise regular basis to the general public to come in and have a meal.

As detailed in the Memorandum, all seven previously approved country inns proposed provided dining to the general public on a daily basis as their primary function. This was in fulfillment of the historical intent of the Country Inn Zone, i.e., allowing this sort of limited commercial use in rural areas where other commercial uses were prohibited. In a minority of the approved rezonings, there was a prospect that the country inn would offer to host private events in addition to their public dining. But in each case, the applicant expected to use the same kitchen for their private events and this function was subordinate to the country inn operating as a "dining establishment" open to the public.<sup>1</sup> In this instance, the banquet facility's primary function is to host private events scheduled in advance. There are no plans for a "dining establishment" as that term is commonly understood to mean. Hence, what is proposed is not a "dining establishment" as that term is used in the "Country Inn" definition i.e., "an establishment for dining in a rural area..." §59-3.5.3.A1.

Banquet facilities, of course, are not a new, unanticipated use of land. So if a banquet facility is outside the definition of country inn, in what zone would such a use be allowed? The Memorandum explains that the Ordinance is quite clear on the answer. "Banquet facility" is one form of use within the broader category "Restaurant," and therefore, can be allowed where the "Restaurant" use is allowed. These zones do not include the R-200 zone, which is the zone classification of the property subject to the Application. Banquet facilities are also allowed in connection with a "Hotel, Motel" Use, but again the zones where this use is allowed do not include the R-200 zone. In short, while an "establishment for dining in a rural area" is an allowable conditional use in the R-200 zone where the area is rural, a facility whose primary function is the hosting of private events that may include food and drink is not a permissible conditional use anywhere in the R-200 zone, rural or otherwise. The Memorandum also explains why, under §59-3.7.4.B., a banquet facility can no longer be added to a country inn as an accessory or subordinate use.

## **2. Location – Rural R-200 – Zoned Areas**

The country inn definition has a locational requirement integrated into the use definition - that the facility be in a "rural" area. The neighborhoods abutting and closest to the subject property are River Falls and Woodrock. These are R-200 zoned areas built at or near maximum density with single-family homes. The approximately 800 residences in these neighborhoods are in close proximity to the applicant's property. The applicant recommends, for purposes of evaluating its application, using a vicinity of approximately 0.2-0.3 mile from the edge of its property. This area should be viewed as too small and not reflective of the nature of the area. Because of the close proximity of the C&O Canal National Historical Park to these neighborhoods,

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<sup>1</sup> The three operating Country Inns in the County – the Inn at Brookeville Farms (Olney), the Comus Inn (Dickerson) and Normandie Farms (Potomac) – all operate dining establishments open to the public and may on occasion host private events.



many residents walk or bike to the C&O Canal National Historical Park on a regular basis, and especially on weekends. They generally do not drive to the Park because parking and traffic are a significant challenge. In fact, the closeness to the C&O Canal National Historical Park was a factor in many people's decision to buy a home in these neighborhoods. Therefore, hundreds of residents that live within 0.3-1.0 miles of the Park are regularly using the MacArthur Blvd. shoulders and other access ways to the Park. The boundaries of the River Falls and Woodrock neighborhoods would better reflect the unique nature of the area and given appropriate consideration to the local neighborhood residents' use of the Park.

Either way, however, the vicinity is "suburban" in nature, not "rural". Using the applicant's vicinity map, there are still approximately 110-120 residences in River Falls and areas abutting the applicant's property. These residences include apartment-type condominiums, townhouses and single family houses on zero-lot line plots. If one expands the area to just 0.3-0.4 miles, many of the townhouses in Woodrock fall within the area and the residences are nearly 300 in total. In looking at the residential density in the seven previously approved applications discussed in the Memorandum, which should, be judged by their rural character at the time of rezoning, the two rezoned from the R-200 zone did not have anywhere near the density of houses near the proposed sites. The other five were in zones of increasingly less density, from RE-1 to RDT, all zones that, then and now, are increasingly more "rural" than R-200. In all cases, there were no actual housing developments in the area abutting the proposed country inns approaching the density to be seen in this case.

The applicant has suggested the area surrounding its property is "semi-rural" in nature. For purposes of the definition of a country inn, however, an area is either "rural" or it is not. If the applicant is conceding that the area is not "rural," than on its face, the application indicates the area under consideration does not meet the "rural" locational standard integrated into the country inn definition.

The applicant's use of the "semi-rural" term may be related to the use of that the term as a descriptor in the approval of the Normandie Farms Country Inn application. That application was unusual in that there is specific language in the 2002 Potomac Subregion Master Plan recommending that the Normandie Farms property be rezoned to the Country Inn Zone. *Id.* at 54. With almost no opposition. (i.e. one letter) and given the specific language in the Master Plan, the County approved the Country Inn application for Normandie Farms. The Council Resolution for Normandie Farms (at 6) also indicates that the residential area adjacent to the property consisted of "homes on large lots, approximately one to three acres in size." This is substantially different than the density of River Falls and Woodrock (condominiums, townhouses, single family on ½ acre lots). Further, the vicinity under consideration for the Normandie Farms application was limited to the area approximately 0.3-0.4 miles from the property line. Resolution at 5. The vicinity map for that case, Memorandum at 24, reveals that there were approximately 30-40 residences in the referenced area. By contrast, there are approximately 120 residences in the smaller vicinity suggested by the applicant and that number jumps to 300 if the Normandie Farms distance range is used here. On this basis, the Application is for property that is not even "semi-rural" as the applicant suggests, even assuming that were a relevant yardstick, which it is not.

### **3. Existing Structure v. New Construction**

As discussed in the Memorandum, under the old Ordinance, the “country inn” definition indicates that the Country Inn Zone was primarily intended for use of existing structures to be converted to that use. The Country Inn Zone was amended to reflect this intent, while not prohibiting new structures “where appropriate.” This change took place before the first Country Inn rezoning, and all seven prior country inns approved in Montgomery County were for the repurposing of existing structures. Generally, utilizing an existing structure should be less disruptive and increase the likelihood that it is compatible with the surrounding area since a structure already exists and change is less dramatic. Conversely, new construction will be more disruptive to surrounding neighborhoods and decrease the likelihood of compatibility with the surrounding area. The Application will be the first time Montgomery County considers a newly-constructed, stand-alone building under either the Country Inn Zone or Conditional Use provisions. Given the consistent history of conversion of existing structures into country inns and the Zoning Rewrite’s goal of not altering substantive zoning development standards generally, the building of a newly-constructed commercial banquet facility on property that is zoned R-200 residential in Montgomery County should be judged in terms of the earlier language favoring reuse of existing structures. What is necessary is a particularized and closely scrutinized determination of the appropriateness of such a new facility where none exists. A large new building on the subject property has the potential to significantly change and even disrupt the nature of the surrounding area. In this case, as will be detailed under separate cover, (a) noise from the bands playing would disturb users of the C&O Canal National Historical Park and its neighbors; (b) increased weekend traffic from weddings and other events at the banquet facility would make an already challenging area along MacArthur Blvd. less safe for bicyclists and pedestrians; and (c) the increased traffic would also worsen traffic and parking problems that exist around the Park entrance directly across from the property and along MacArthur Blvd. In short, constructing a new, 9,000 sq. ft. structure from scratch on the subject property only heightens the concern about the suitability of this location in the R-200 zone for the proposed use, even if it could be defended as a country inn, which it plainly cannot.

In summary, we seek staff and Planning Board concurrence that –

- (1) What is sought is approval of a “restaurant,” which is not a lawful conditional use in the R-200 zone;
- (2) The Application does not meet the locational requirement in the “country inn” definition that the “establishment for dining” be located in a “rural” area; and
- (3) Even considering the Application as within the “Country Inn” definition, the chosen location is not one where construction of a brandnew facility as proposed here would be “appropriate”.

Elsabett Tesfaye, Planner Coordinator, Area-3  
Montgomery County Planning Department  
January 12, 2017  
Page 5

We look forward to continue working with as you complete your evaluation of the application.

Sincerely yours,

A handwritten signature in black ink, appearing to read "David W. Brown", with a long horizontal flourish extending to the right.

David W. Brown

Attorney for:  
River Falls Homeowners Association  
Woodrock Homeowners Association  
Civic Association of River Falls  
Brickyard Coalition  
West Montgomery County Citizens Association

cc: Kipling Reynolds  
David Lieb, Esq.  
Pamela Dunn  
Richard Weaver  
Fred Boyd  
Lynn Robeson, OZAH

# Letters in Support

**Letters in Support**

C-2

**Larry and Colleen Opack**

12708 Altice Court  
Darnestown, Maryland 20878  
301-947-4699  
copack@comcast.net

February 1, 2017

Montgomery County Office of Zoning and Administrative Hearings  
Room 200  
100 Maryland Ave.  
Rockville, Maryland 20850

To Whom It May Concern:

We are writing to voice our full support in favor of Old Anglers' application for a conditional use to build a "country inn" at 10801 MacArthur Blvd. Potomac, Maryland.

We, as lifelong residents of Montgomery County, Maryland believe a country inn would be a welcome addition to our community. We have known the owners of Old Anglers Inn since childhood (almost 50 years) and have grown up enjoying this wonderful establishment. Our children too have come to enjoy Old Anglers Inn and if the proposed expansion is approved we look forward to hosting weddings and rehearsal dinners at the expanded facility. Nothing similar to this exists in the area, and we are in need of a facility of this nature. We have enjoyed family celebrations, church functions, high school reunions, and community events at Old Anglers Inn our entire lives and have often wondered why there was no actual Inn associated with the property. We fully believe it will benefit the community and cause no negative impact. Please approve this application and allow the applicant to build the Inn.

Thank you for considering our opinion on this matter. We look forward to a favorable response.

Sincerely,

*L.D. Opack and Colleen S. Opack*

Lawrence and Colleen Opack



Mark Reges <mark.reges@gmail.com>

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## Old Anglers Inn

1 message

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Alvin Aubinoe <ala@ala-inc.com>  
To: mcp-Chair@mncppc-mc.org

Wed, Feb 1, 2017 at 1:53 PM

To Whom it may Concern,

I live less than a mile away, and I give my support wholeheartedly to the proposed re-development , made by Mr. Reges and his team. Currently be considered. The design I'm sure will be in keeping with the country French theme and I can assure you that most additional traffic ,if any, would be generated off hours . It will be a great asset to the neighborhood and the C and O Canal. I look forward to using the facilities when approved.

Thank you for your time,

*Alvin Aubinoe*

Alvin L. Aubinoe (Tripp)

President

Alvin L. Aubinoe, Inc.

Maryland Office

7507 Arlington Road

Bethesda, MD 20814

301.656.9000 - Office

301.907.6889 - Fax

Virginia Office

114 Waterloo Street

Warrenton, VA 20186

540.349.3000 - Office

540.349.0140 - Fax

**FRIENDS OF OLD ANGLER'S INN IN FAVOR OF THE PROPOSED DEVELOPMENT**  
**(Case No CU 15-06)**

Monday, June 08, 2015

Martin I. Grossman  
Director  
Montgomery County Office of Zoning  
And Administrative Hearings  
Stella B Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20854

Re: **SAVING A 60 YEAR OLD POTOMAC INSTITUTION**  
**Maryland Catering Co., Inc., application for a Conditional Use (Case No CU 15-06)**

Dear Mr. Grossman:

We, the undersigned homeowners and neighbors of Maryland Catering Company, Inc. d/b/a Old Angler's Inn ("Old Anglers") are writing to voice our full support in favor of Old Anglers application for a conditional use to build a "country inn" at 10801 MacArthur Blvd. Potomac, Maryland. All signatories below live in and around Potomac, Maryland. Many live in River Falls, Potomac Falls, Avenel, Cabin John, Bethesda, or on Brickyard Road.

We, as members of the surrounding community living within the Potomac Sub-region, recognize the importance and history of Old Anglers. Although many of our neighborhoods were constructed decades ago, Old Anglers has existed since 1860 and, in our opinion, has always maintained a responsible profile. The Inn is a loved and welcomed business within our town. Its survival is necessary. It is our belief that the opportunity as presented by the applicant is very beneficial to the community at large and is an inherent use that has long been needed. Such a facility will provide a sense of pride, convenience and purpose. Many of us, who live in Potomac, believe Potomac is in desperate need of some development and this particular project is long over- due. A country inn would provide a necessary place to host important family celebrations and occasions, to gather as a community and a place for a family meal. There simply is no other place nearby that provides the ambience, class and feel of Old Anglers. Such an addition would be welcomed and would enhance the community and provide an economic benefit to all. The proposed design and development is wholly compatible with the historic nature of Old Anglers and the surrounding community.

It is our belief that any non-inherent impact such as to traffic and noise will be de minimis. None of us are aware of any accidents along that stretch of road near the Inn. The size and scope of the project is small (9,000 ft<sup>2</sup> main building) and will only enhance current value not only for the Inn but for the town and surrounding community. It should be noted that the size of the proposed building is smaller than many of the homes in the surrounding neighborhoods. The proposed facility will be completely enclosed with the exception of a small patio area attached to the front of the building facing the Canal. The patio, according to the applicant will only be used as a seating area and quite dialogue for guests.



**FRIENDS OF OLD ANGLER'S INN IN FAVOR OF THE PROPOSED DEVELOPMENT**  
**(Case No CU 15-06)**

**SAVING A 60 YEAR OLD POTOMAC INSTITUTION**  
**Maryland Catering Co., Inc., application for a Conditional Use (Case No CU 15-06)**

In conclusion, we urge you to accept without exception the applicant's petition for conditional use and allow the applicant to build the Inn. The proposed use is completely compatible with Montgomery County Master Plan. By doing so, all of us will benefit both economically and from the convenience and enjoyment of an enhanced long- standing , community business.

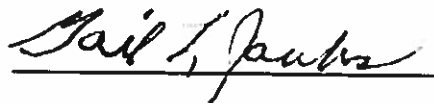
Thank you for considering our opinion on this matter. We look forward to a favorable response.

Sincerely,



Gail & Ben Jacobs  
Tel #: (301) 320-3464  
6619 Elgin Lane  
Bethesda, Md.

☐ River Falls ☐ Avenel ☐ Potomac Falls  
☒ Bethesda ☐ Cabin John ☐ Brickyard  
Brickyard  
☐ Other in Potomac and surrounding



Tel#: ( ) \_\_\_\_\_

Address: \_\_\_\_\_

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☐ Bethesda ☐ Cabin John ☐

☐ Other in Potomac and surrounding

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**FRIENDS OF OLD ANGLER'S INN IN FAVOR OF THE PROPOSED DEVELOPMENT**  
**(Case No CU 15-06)**

Monday, June 08, 2015

Martin I. Grossman  
Director  
Montgomery County Office of Zoning  
And Administrative Hearings  
Stella B Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20854

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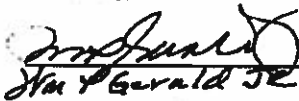
**FRIENDS OF OLD ANGLER'S INN IN FAVOR OF THE PROPOSED DEVELOPMENT**  
**(Case No CU 15-06)**

**SAVING A 60 YEAR OLD POTOMAC INSTITUTION**  
**Maryland Catering Co., Inc., application for a Conditional Use (Case No CU 15-06)**

In conclusion, we urge you to accept without exception the applicant's petition for conditional use and allow the applicant to build the Inn. The proposed use is completely compatible with Montgomery County Master Plan. By doing so, all of us will benefit both economically and from the convenience and enjoyment of an enhanced long-standing, community business.

Thank you for considering our opinion on this matter. We look forward to a favorable response.

Sincerely,

  
\_\_\_\_\_  
Jim P. Gerald Jr.

Tel #: (301) 983 2061

Address: 7904 Sandalfoot Dr  
POTOMAC MD 20854

☐ River Falls ☒ Avenel ☐ Potomac Falls  
☐ Bethesda ☐ Cabin John ☐ Brickyard  
☐ Other in Potomac and surrounding

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☐ Bethesda ☐ Cabin John ☐ Brickyard  
☐ Other in Potomac and surrounding

## Jody Kline

---

**From:** Mark Reges <mark.reges@gmail.com>  
**Sent:** Thursday, February 02, 2017 2:16 PM  
**To:** Jody Kline  
**Subject:** Fwd: Support For Old Angler's Inn  
  
**Categories:** Red Category

----- Forwarded message -----

**From:** Holly Shockey <Shollyhockey@gmail.com>  
**Date:** Thu, Feb 2, 2017 at 2:16 PM  
**Subject:** Support For Old Angler's Inn  
**To:** [mark.reges@gmail.com](mailto:mark.reges@gmail.com)

Martin I. Grossman  
Director  
Montgomery County Office of Zoning  
And Administrative Hearings  
Stella B Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20854

Re: Maryland Catering Co., Inc., application for a Conditional Use (Case No CU 15-06)

Dear Mr. Grossman:

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Thank you for considering our opinion on this matter. We look forward to a favorable response.

Sincerely,

--

Holly Shockey  
[Shollyhockey@gmail.com](mailto:Shollyhockey@gmail.com)

--

Mark Reges, Esq.  
Reges Law Firm, P.C.  
10411 Motor City Dr., Suite 301  
Bethesda, Maryland 20817  
Bus: 240.395.1391  
Cell: 301.370.2263  
Fax: 240-395-1393  
Licensed: Md/DC  
*Expect Courteous, Professional and Reliable Legal Services*

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Dear Mr. Martin Armstrong,  
Living in Potomac Falls, Virginia  
for forty-four years has been a  
pleasure.

We have enjoyed the beauty  
of the countryside and the  
proximity to a restaurant  
affording indoor and outdoor  
dining.

We have shared Old English  
Ivan with family and friends;  
and often worked for an extension  
of this facility for larger events.

During the holidays we have  
done a place, other than a hotel,  
to accommodate our relatives.  
It would be similar to many  
European Ivars we have

experienced.  
Old English Smithstonian  
can overcomplicate functions while  
maintaining the tranquility  
that Spelsbergly exerts.  
This endeavor would be  
an enrichment for Potomac  
living and property value.

Sincerely,

John Martin

11112 Kilmer St.

301 299 3391



## Supplemental Materials

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Attachment-D



Law Offices Of  
**MILLER, MILLER & CANBY**  
**MM&C**  
CLIENT FOCUSED. RESULTS DRIVEN.

200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.762.6044 WWW.MILLERMILLERCANBY.COM

All attorneys admitted in Maryland and where indicated.

PATRICK C. MCKEEVER (DC)  
JAMES L. THOMPSON (DC)  
LEWIS R. SCHUMANN  
JODY S. KLINE  
JOSEPH P. SUNTUM

ROBERT E. GOUGH  
DONNA E. MCBRIDE (DC)  
GLENN M. ANDERSON (FL)  
HELEN M. WHELAN (DC, WV)  
MICHAEL G. CAMPBELL (DC, VA)

SOO LEE-CHIO (CA)  
BOBBY BAGHERI (DC, VA)  
DIANE E. FEUERHERD  
MICHAEL S. SPENCER  
CALLIE CARNEMARK (VA)

[JSKLINE@MMCANBY.COM](mailto:JSKLINE@MMCANBY.COM)

January 31, 2017

Ms. Elisabeth Tesfaye  
Planner Coordinator  
Area 2 Planning Team  
8787 Georgia Avenue  
Silver Spring, MD 20910

RE: Conditional Use Application No. CU 15-06,  
Application of Maryland Catering Co., Inc.

Dear Elisabeth:

I have been able to obtain answers to the questions which you asked me last week about operations at the proposed Old Anglers Country Inn. That information includes:

1. Cooking.

All food preparation for meals served in the dining hall of the Country Inn will be prepared in that building itself. There will be no food prepared in the existing restaurant and then carted up to the Country Inn. The Country Inn structure contains a full commercial kitchen and all food preparation for all meals served in that building will be prepared in that kitchen.

2. Meal Service.

Meals will be served in the Country Inn building that are not related to an event or private function.

Guests in the suites will be served meals in the Country Inn dining hall as part of the amenities offered during their stay at the Inn.

D-1

Ms. Elisabeth Tesfaye  
January 31, 2017  
Page Two

The Owner/Applicant also intends to use the building as a conventional restaurant. By that I mean that there will be selected days during the year when the country inn dining facility will be opened for meals to the general public, not just for attendees at a private event. These activities were not mentioned in the Applicant's original statement because Mr. Reges thought it was implicit in the request for a country inn dining facility that he would be able to use the building for conventional restaurant operations. The dates for that type use of the restaurant will be the same as major family events such as Mother's Day, Thanksgiving, etc. Additionally, the Applicant may periodically use the dining hall in the Inn for special dining events, such as "Lobster Night," that would exhaust the capacity of the existing restaurant.

3. Trash Pick up.

Trash pick up for the Country Inn will be the same as for the existing restaurant. That is, trash will be picked up as follows:

a. Trash pick up:

Monday and Wednesday between 10:00 a.m. and 2:00 p.m.

b. Recycle pick up:

Thursday between 10:00 a.m. and 2:00 p.m.

If you need any additional information, please call me.

Sincerely Yours,

MILLER, MILLER & CANBY

---



Jody S. Kline

JSK:cdp

cc: Richard Weaver  
Fred Boyd  
Maryland Catering, Inc.  
David Brown, Esq.  
William Chen, Esq.

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January 24, 2017

Office of Zoning and Administrative Hearings  
Stella B. Werner Council Office Building  
Attn: Lynn Robeson, Esq.  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850

Re: Conditional Use Application No. CU 15-06  
Application of Maryland Catering, Inc.;  
Request for Postponement of Public Hearing

Dear Ms. Robeson,

As a result of information learned by the Applicant last week, and requests made of the Applicant by Staff of M-NCPPC last week, Maryland Catering, Inc., requests that the public hearing on Case No. CU 15-06, presently scheduled for February 24, 2017, be postponed to a future date for the reasons set forth below.

By way of background, as the Hearing Examiner may be aware, preparation of a draft staff report and recommendation on Case No. CU 15-06 were scheduled to be completed by Friday, January 20 with the Report to be published on January 30. Last week, MNCPPC, possibly in conjunction with your office, moved the date for Planning Board consideration of this case to Thursday, February 16 which automatically shifted the due date for the draft staff report to this Friday, January 27. Last week, the following matters were brought to the Applicant's attention as information necessary for Staff to complete a report that addresses all issues, including those raised by the opposition:

1. The Applicant has been advised by M-NCPPC staff that the Forest Conservation Plan and tree variance requests (and possibly the NRI/FSD) must be revised. This request flowed from the review by MCDEP and M-NCPPC staff of tree variance applications filed by the Applicant. This review includes an analysis of any impact to existing trees on the adjoining parcel containing the existing restaurant, which is a historic site. When the NRI/FSD was

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prepared and approved (twice), it shows impacts on trees 6" in diameter on the restaurant parcel in accordance with M-NCPPC's policy at that time. The Forest Conservation Plan was prepared in accordance with the information reflected on the NRI/FSD. Staff of M-NCPPC advises the Applicant that its policy has changed since the approval of the NRI/FSD and, now, the Forest Conservation Plan must identify and analyze impacts on trees 1" in diameter located on the adjacent historic restaurant site.

To respond to this request, the Applicant will certainly have to survey the properties and then revise its FCP. Staff may require that the NRI/FSD be revised as well. And additional tree variance applications may need to be prepared and submitted to MCDEP and M-NCPPC for review and comment. All of these steps cannot be accomplished within the time frame needed to prepare and publish a thorough Staff Report.

2. Applicant has been advised by Staff that its acoustical report must be supplemented in order to assess the impact of any activities occurring outside of the country inn building on a walkout area in front of the proposed building. The Applicant's expert on acoustical matters cannot accumulate the information necessary to respond to this issue within a time frame that would allow it to be considered in the preparation of the Staff Report.

3. In discussions with Staff last week, the Applicant was advised that if it plans to use shuttle services to transport guests to and from the country inn building, then information about the location of pick up and drop off spots, the frequency of use, and the volume of use must be provided in a supplement to the Applicant's traffic and operational commitments.

As submissions from the Applicant indicate, it had been anticipated that this type of information would be provided in the form of a traffic management plan at the time of subdivision, not as part of the conditional use process. If this information must be presented at this early stage in the approval process, the Applicant will need additional time to consult with potential service providers to obtain the information now being requested.

4. In order to comprehensively respond to the letter submitted by David Brown, Esq. on January 20, 2017, and the analysis attached to that letter, Applicant's counsel needs to review the record of the Country Inn Zoning cases referred to in the January 20 submission. When a requisition request was submitted to OZAH to review three (3) of these files, the Applicant was advised that staff have been unable to locate two (2) of them and those files are not available for review. Without the opportunity to review the missing files, the Applicant is prejudiced in its ability to thoroughly respond to contentions set forth in the January 20, 2017 letter.

The Applicant regrets having to make this request for a postponement of the public hearing. However, the Applicant disagrees that the cause for the request for deferral is due to the "... repeated delays in the submission by the applicant to responses to staff for additional information needed to evaluate the application." Not a single one of the facts stated above were known to the Applicant, or requested from the Applicant, until the middle of last week. The Applicant feels that it has been prompt in its responses for further information whether those

Lynn Robeson, Esquire  
January 24, 2017  
Page | 3

requests were from Staff or opposition's counsel, and the Applicant will continue to act in that manner.

For the reasons set forth above, the Applicant requests that the public hearing presently set for February 24 be postponed to a later date to be determined in discussions with Staff, the Applicant and the interested parties.

Granting of this request will moot Mr. Brown's request for an extension of time to file a Pre-Hearing Statement. By this letter, the Applicant requests a deferral in the date for the filing of its Pre-Hearing Statement to coincide with a new scheduled hearing date.

Thank you for your consideration of this request on behalf of Maryland Catering, Inc.

Sincerely Yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "JODY KLINE". The signature is written in a bold, slightly slanted, sans-serif style. The "J" is large and loops around the "O". The "K" is tall and narrow, and the "L" is a simple vertical stroke. The "I" is a short vertical stroke, and the "N" is a simple vertical stroke. The signature is written over a horizontal line.

Jody S. Kline

JSK:stc

cc: Ellen Forbes  
Sara Behanna  
Ivyn Campbell  
Elsabett Tesfaye  
Richard Weaver  
Fred Boyd  
Mark Regis  
Karen Carpenter  
Ed Wallington  
David Brown, Esq.  
William Chen, Esq.

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[jskline@mmcanby.com](mailto:jskline@mmcanby.com)

January 17, 2017

Mr. Richard Weaver  
Acting Chief – Area 3  
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8787 Georgia Ave., 3rd Fl.  
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Mr. Fred Boyd  
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Silver Spring, MD 20910

Ms. Elsabett Tesfaye  
Planner Coordinator  
MNCPPC  
8787 Georgia Ave., 3<sup>rd</sup> Fl.  
Silver Spring, MD 20910

RE: Conditional Use Application No. CU 15-06,  
Application of Maryland Catering Co., Inc.;  
(Old Angler's Inn);

Dear Rich, Fred and Elsabett:

Thank you for meeting with representatives of the Applicant to discuss your review of the current form of the Conditional Use Application as reflected in the package of plans and materials delivered to Elsabett on December 10, 2016.

During our meeting, staff stressed the "increased scrutiny" that the 1992 Potomac Subregion Master Plan imposes on special exceptions (now conditional uses) in locations of special importance within the subregion. The Applicant acknowledged that special standard established in the Master Plan and explained to staff the measures that the Applicant has taken to mitigate any adverse effects by the operation of a country inn at the proposed location. Those measures include:

1. Reduced the size of the proposed facility (e.g., smaller event area, fewer guest rooms) from what was originally contemplated by the Applicant.

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2. The building was sited in a location where site disturbance and loss of trees was minimized.
3. The location of the building was set so that the structure was approximately equidistant from residences to the east and MacArthur Boulevard and the C&O Canal National Park to the west.
4. The parking lots are located where the existing restaurant, and topography, would block most direct views into the parking areas.
5. The design of the facilities, and the use of natural building materials, convey a "rustic" character that is consistent with the rural character of the surrounding area.
6. By any reasonable standards, the Applicant has proposed a superior landscaping program to screen the proposed country inn facilities and to enhance the "natural" feel of the site.

Notwithstanding the efforts described above, the Applicant realizes that any development proposal can be made better and it would like to further improve its application based on the discussions at our recent meeting.

To further enhance the "country inn" quality of the Applicant's submission, and to add more elements to its application in recognition of the guidance in the 1992 Potomac Master Plan, the Applicant will promptly submit revised materials that will amend its pending application in the following manner:

1. Maximum capacity of events conducted in the country inn facility will not exceed 225 persons.
2. In order to ensure adequacy of on-site parking, any event that anticipates more than 160 attendees will be required to arrange for shuttle bus service.
3. The Applicant will agree that as part of the subsequent subdivision process it will propose a traffic management program to include at least the following items:
  - a. A shuttle bus program as described in paragraph 2 above.
  - b. A requirement that all attendees to an event are advised that they are not allowed to park on MacArthur Boulevard or in the National Park parking lots.



- c. An agreement to coordinate with the Montgomery County Department of Transportation to implement programs (e.g., signage, lighted signal warnings, entrance/exit control by off duty police officers, etc.) to ensure safe and efficient ingress and egress to the conditional use property.
- 4. Although the Applicant's landscaping proposal is quite generous, it will be revised to:
  - a. Enhance the buffer plantings along the northern property edge.
  - b. Add landscaping in critical areas in conjunction with tree variance mitigation measures over and above the overall landscaping requirements for the site.
- 5. The Applicant offers, and will accept a condition of its application approval, that a community liaison committee be established to act as a conduit of information from the neighborhood to the Applicant, and vice versa.

We hope that these actions and proffers demonstrate the Applicant's desire and readiness to achieve a favorable recommendation from staff for the proposed conditional use in light of the acknowledged "increased scrutiny" standard set forth in the 1992 Potomac Subregion Master Plan.

Thank you for your consideration of these comments. Plans and materials consistent with this letter will be submitted promptly.

Sincerely Yours,

MILLER, MILLER & CANBY

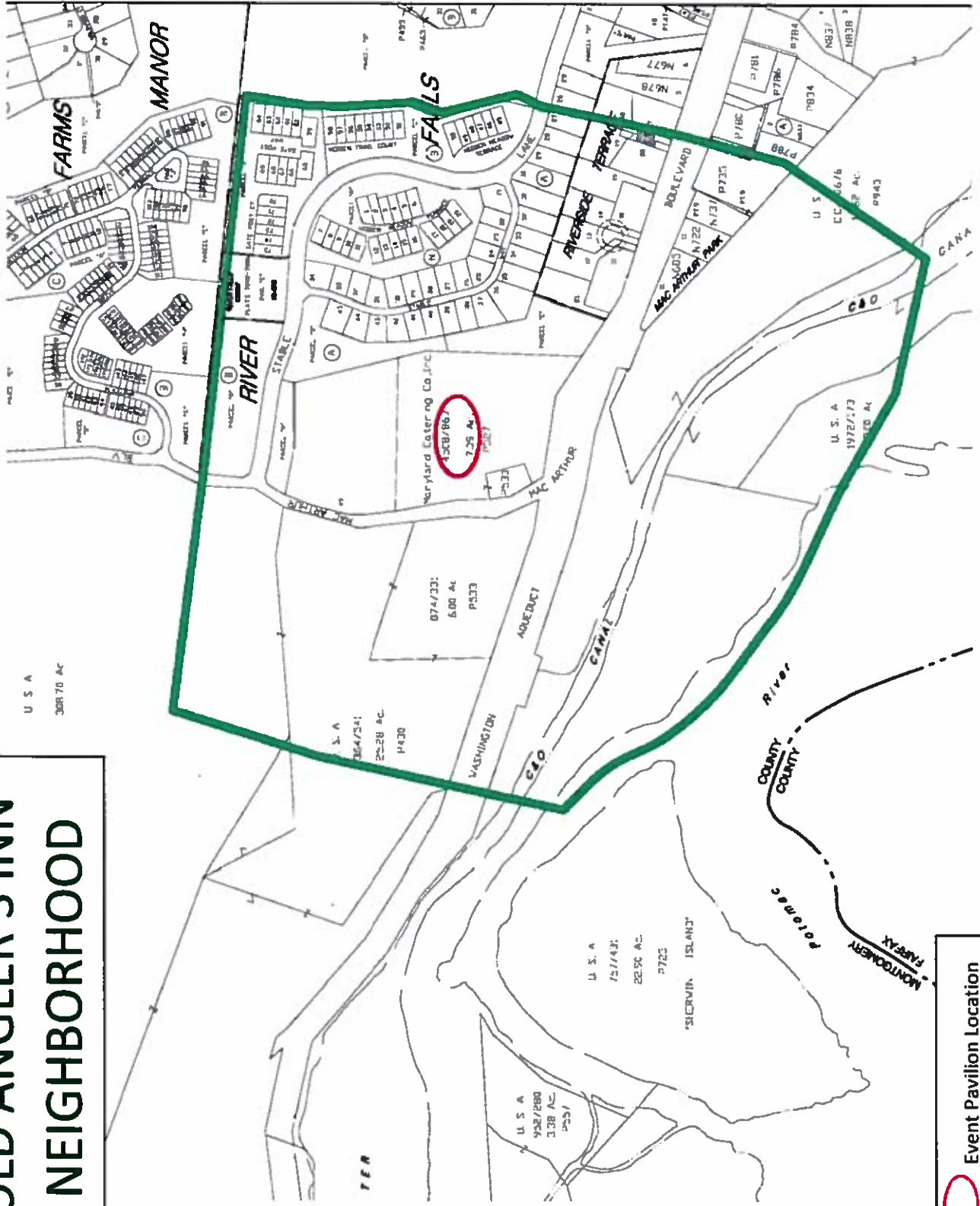
Jody S. Kline

JSK:blh

cc: Mark Reges  
Karen Carpenter  
Ed Wallington  
Nancy Randall  
Josh McKendrick  
Kevin Miller  
Bil Chen, Esq.  
David Brown, Esq.

# OLD ANGLER'S INN NEIGHBORHOOD

U S A  
308170 AC



Event Pavilion Location



## LAND AREA CALCULATIONS

### OLD ANGLER'S INN

#### CU 15-06

#### GROSS TRACT

Parcel P 527	7.32 acres
Parcel P 530	<u>0.34 acres</u>
TOTAL	7.66 acres

#### DISTRIBUTION

Proposed Parcel A (Conditional Use area)	6.36 +/- acres
Proposed Parcel B (existing restaurant and parking)	1.22 +/- acres
Right of Way dedication	<u>0.06 +/- acres</u>
	7.64 acres