



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
09/18/03
Item #13
11/20/03
Item # 10

MEMORANDUM

DATE: ~~September 11, 2003~~ November 14, 2003
TO: Montgomery County Planning Board
VIA: Michael Ma, Supervisor *Ma*
Joseph R. Davis, Chief
Development Review Division
FROM: Mary Beth O'Quinn, Planner
Wynn E. Withans, Coordinator *WW*
Development Review Division
(301) 495-4595

REVIEW TYPE: Site Plan Review Revised Report
(With concurrent Preliminary Plan Amendment 1-03086)

CASE #: 8-03033

PROJECT NAME: Potomac Country Corner

APPLYING FOR: Approval of 29 townhomes in the R-200/TDR-10 Zone
Waiver of requirement for 15% one-family detached homes

REVIEW BASIS: Montgomery County Zoning Ordinance:
§ 59-C-1.393
§ 59-C-1.395, footnote #1

ZONE: R-200/TDR-10

LOCATION: Intersection of Darnestown Road and Hunting Lane

MASTER PLAN: Potomac Subregion

APPLICANT: Porten Companies, Raymond Sobrino

FILING DATE: July 2, 2003

HEARING DATE: ~~September 18, 2002~~ November 20, 2003



STAFF RECOMMENDATION: Approval of 29 town homes on 3.93 acres with 22 TDRs, and a waiver for the requirement for 15% one-family detached homes, subject to the following conditions:

1. Stormwater Management
Conditions of revised Stormwater Management Concept approval dated July 2, 2003.

2. Transportation
 - a. Limit the development to 29 townhomes;
 - b. Provide the following amenities at Darnestown Road:
 - i. sidewalk five feet in width, street trees, street lighting along the south side of Darnestown Road street frontage;
 - ii. pedestrian crosswalk across Darnestown Road;
 - c. Provide dedication and/or truncation, road improvements, redesigned vehicular and pedestrian entrance at Hunting Lane, per Maryland State Highway Administration recommendations, subject to coordination and review by DPWT, DPS, and MNCPPC Transportation Planning.

4. Signature Set
Prior to signature set approval provide the following information subject to staff review and approval:

- a. Site Plan
 - i. Provide details of furnishings, fixtures, signage, walls/fencing, including materials;
 - ii. Provide details of retaining walls and fencing, including top and bottom elevations; all retaining walls must be masonry unit pavers; Provide railing on top of retaining wall;
 - iii. Provide final architectural street elevations for Unit 1, Unit 16, Unit 19, and Unit 29 facing Hunting Lane; the subject facades must provide windows and brick facing materials for wall fences facing the public roadway;
 - iv. Provide documentation from appropriate agencies on utility feed access requirements to all lots on the site; show allowance for rear utility access to all units; show transformers, A/C units, utility lines and feeds on site plan;
 - v. Provide the development program inspection schedule;
 - vi. Provide street trees 40-50 feet on center along all public streets; coordinate street tree species with Master Plan recommendations;
- b. Landscape Plan
 - i. Provide methods and locations of tree protection;
 - ii. Provide note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
 - iii. Additional off site buffer planting to be placed on the adjacent western homeowner's property (the Guo/Liu's) at their discretion prior to the occupancy of the adjacent townhouses Lots 1-6.
- c. Lighting Plan
 - i. Provide street lighting plan for Darnestown Road and Hunting Lane for review and approval by SHA, DPWT, DPS and MNCPPC staff prior to signature set;
 - ii. Provide additional lighting fixtures for the Open Play Area;
 - iii. Provide a point-to-point footcandle analysis of the proposed lighting indicating .01 footcandles at each boundary and full cutoff fixtures for the site and any unit mounted fixtures.
- d. Recreation Space
 - i. Provide a continuous, solid brick wall, six feet in height, with capstone detail, for the following areas:
 - a. Unit 1, Unit 2, Unit 3: starting from the side yard of Unit 1 (facing

- Hunting Lane) attached to the north house facade, and extending along the rear lot lines of the three units, to the south property line of Unit 3;
 - b. Unit 9, Unit 10, Unit 11: Extending across the rear lot lines of the three units; this wall must provide a decorative focal feature;
 - c. Unit 16: starting from the side yard of Unit 16 (facing Hunting Lane) attached to the north house facade, and extending along the rear lot to the unit's south property line;
 - ii. Provide special paving for the sidewalks and seating area adjoining the central open green;
 - iii. Provide final SWM facility design approval by DPS prior to signature set approval.

3. Site Plan Enforcement Agreement

Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:

- a. Development Program to include a phasing schedule as follows:
 - i. Streets tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets;
 - ii. Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development;
 - iii. Landscaping associated with each parking lot and building must be completed as construction of each facility is completed;
 - iv. Pedestrian pathways and seating areas associated with each facility must be completed as construction of each facility is completed;
 - v. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - vi. Coordination of each section of the development and roads;
 - vii. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features;
- b. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat.
- c. No clearing or grading prior to site plan approval by the Planning Board.

PROJECT BACKGROUND AND REVIEW ISSUES

During the first hearing for this site plan, the adjacent neighbors adjacent the western boundary identified a concern about the compatibility between the proposed project and their home. The Planning Board directed the applicant and staff to review and improve the situation. Numerous changes have been made at the western boundary, listed as follows:

1. The grade of the proposed driveway is between 6 and 8 feet lower than the elevation of the lot at the property line.
2. The unit to unit (TH to SFD) setback has increased from 65 feet to 84 feet.
3. The townhouse to property line setback has been increased from 38 feet to 57 feet.
4. The townhouse building mass has been pulled further into the site by reducing the width of every unit on site 2 feet
5. A sidewalk that was in front of units 1-5 (facing the western boundary) has been incorporated into the open space area, allowing a reduction of the driveway areas and expanding the buffer area.
6. The driveways for Lots 1-5 have been reduced from 28 to 20 feet.
7. The size of the buffer area has increased from 6 feet and 20 feet to 25 feet and 38 feet.
8. Considerable amounts landscaping has been added to the buffer area above and below the retaining wall – tall evergreen are proposed to be added to the top (Leyland cypress and Nelly Steven's Holly) and shade trees (Zelkova) are added to the driveway edge.
9. A one-way circulation pattern limits trips to the western boundary of the site.

These Applicant-proffered changes to the proposed plan create a compatible relationship to the adjacent home. In addition, the Applicant has offered these adjacent homeowners (adjacent the western boundary) the opportunity to have buffer planting placed on their lot. Since they are not inclined to accept the offer now, the Applicant has suggested that the offer be extended up to the point the new units are occupied and adjacent homeowners get a sense of the visual impact of the proposed units.

Separately, the Applicant has been working with MCDPW&T to review the proposed intersection of Hunting Lane and westbound MD Route 28 to seek authorization of a left turn movement. It would allow more direct access to the project than circulating through the adjacent Hunting Hills subdivision. No resolution has been determined at the time of this report publication.

During the course of site plan review, the applicant and staff addressed pedestrian and vehicular access to the site and the proposed residential units. The applicant and staff also addressed issues related to amenity and recreation space and the overall layout of the development. As a result of these discussions, the applicant has revised the site plan to include landscaping and a decorative wall that will further define the public space and separate private residences from the recreational amenity. The applicant also has further refined the points of access into the site and the road network to access the various units. Staff is now satisfied that the proposed layout of the development achieves compatibility of design not only within the development but also to the surrounding community.

1. Waiver to allow Development within the Stream Valley

The applicant is requesting a waiver pertaining to §50-32 of the Montgomery County Code. This section pertains to development within 100-year floodplains and stream valleys. Under the

Environmental Guidelines, 100-year flood plains must be included in the stream valley buffers. On this particular site, the 100-year floodplain is created when the existing 48- inch culvert is blocked and water passes over the headwall. In the proposed development, the 100-year floodplain is the main street to enter and exit the subject site. If flooding conditions were to occur, it would be confined to the street.

Applicant Position: The applicant is requesting a waiver from the Environmental Guidelines to permit the placement of permanent pervious surfaces in the stream valley buffer. The onsite stream valley buffer is approximately 15,000 square feet, or 0.34 acres of land.

Community Position: At the time of staff report publication, no comment has been received.

Staff Position: Environmental Planning is not opposed to the encroachment into the stream valley buffer. The stream valley buffer is impacted by the previous commercial use. Currently uncontrolled stormwater pollutants are flowing into the stream. The pollutant sources will not be eliminated until the site is prepared for future use such as the proposed development. Environmental Planning is not opposed to the approval of a waiver from §50-32 of the Montgomery County Code and a waiver to the Environmental Guidelines to allow the limited encroachment, as proposed, into the stream valley buffer. [For full discussion, refer to *Memorandum from Environmental Planning Division*, dated September 12, 2003, attached.]

2. Noise Abatement

A noise analysis was conducted for the subject property and revealed that residential units proposed along Darnestown Road would be impacted by noise generated from vehicle traffic.

Applicant Position: The proposed noise mitigation techniques will result in an exterior 2023 noise level of less than 65 dBA Ldn at the façade of the nearest residential unit.

Community Position: At the time of staff report publication, no comment has been received.

Staff Position: The applicant has proposed a number of techniques to mitigate the negative impacts of noise on future residents, including:

- Locating the residential units, at least 140 feet from the Darnestown Road centerline;
- Siting the units so they face Darnestown Road. This provides a noise-protected environment at the rear of the units;
- Constructing six-foot high noise berms within the area between the front of the residential units and Darnestown Road;
- Creating a forested area between the access road and Darnestown Road to meet the forest conservation plan requirements and provide psychological noise benefits. Foresting, or landscaping, noise generating gives residents perceived noise mitigation greater than is actually measured.

The applicant's noise study concludes that the proposed exterior noise mitigation techniques in combination with good building practices, which are standard in all new developments, will reduce interior noise

level to an acceptable level of 45 dBA Ldn.

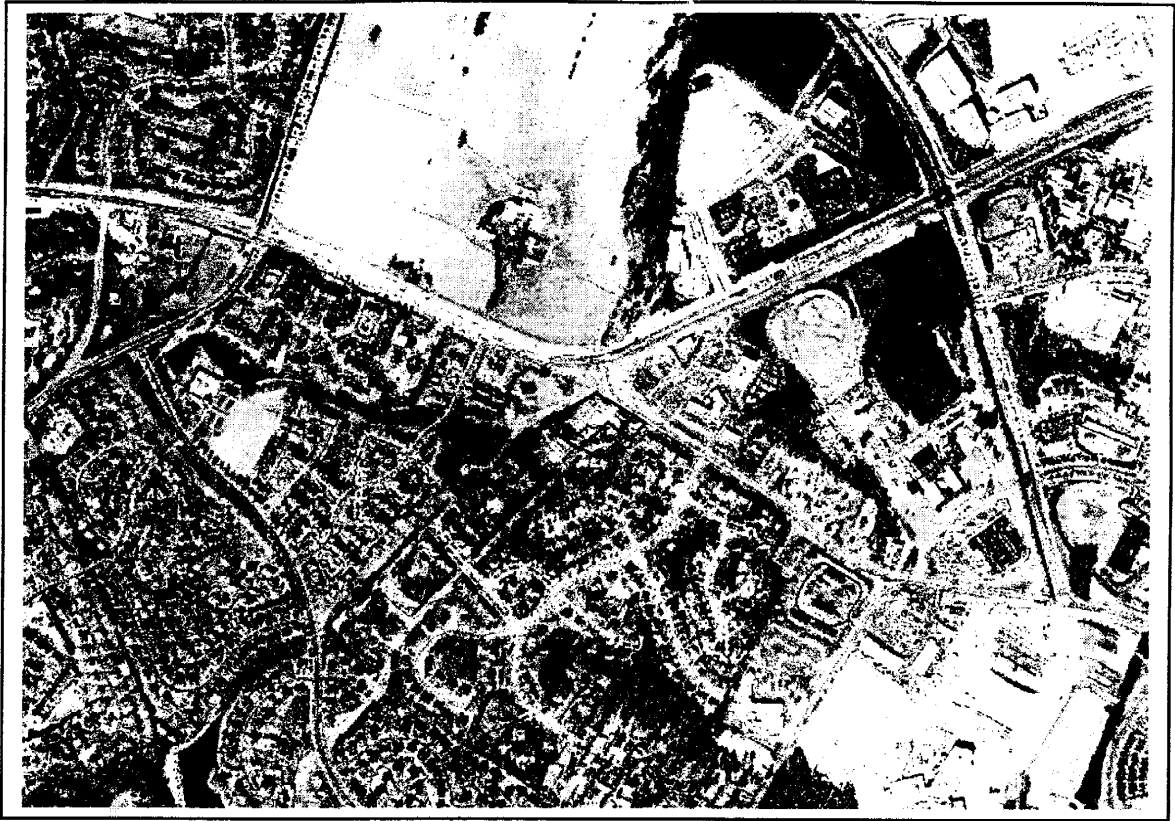
3. Waiver from the Percentage of Detached Dwelling Units required in the R-200/TDR10 Zone
The Montgomery County Zoning Ordinance, specifically §59-C-1.395, requires that a minimum of 15% of the development in the R-200/TDR 6-10 zones be one-family detached units. Footnote #1 under the Special Provisions for TDR Developments allows the Planning Board to waive the percentage requirements upon a finding that the proposed development is more desirable for environmental reasons or is more compatible with adjacent development than that which would result from adherence to these standards.

Applicant Position: The proximity of the proposed development to Darnestown Road and Hunting Lane, together with the site small acreage and constraints, does not lend itself to larger lot development like that found in the R-200 zone.

Community Position: At the time of staff report publication, no comment has been received.

Staff Position: The Master Plan specifically recommends low-density townhouse development for the property at densities that are more compatible with the surrounding neighborhood (predominantly low density townhouse development) than one-family detached units. The Master Plan specifically recommends a waiver of the requirements for 15% detached dwelling units as part of the development approval process. Staff supports the applicant's request for a waiver.

Aerial Photo

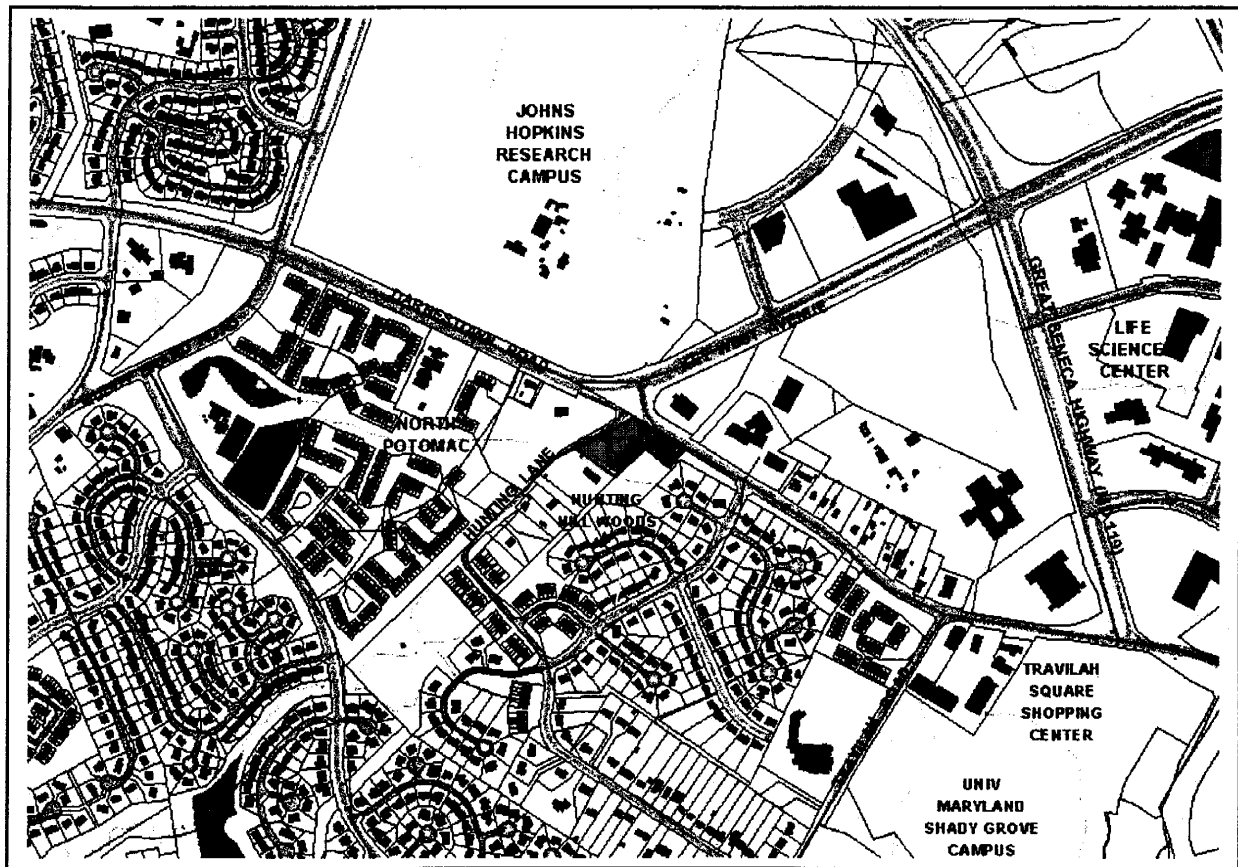


PROJECT DESCRIPTION: Surrounding Vicinity

This 3.93-acre site is located at 10312 and 10304 Darnestown Road, at its intersection with Hunting Lane and Key West Avenue. The uses on the site included a horticultural nursery, permitted by special exception, and, at one time, an interior decorating store. The uses are situated on several parcels. The property is zoned R-200/TDR-10. Surrounding uses include a proposed church, single family and low-density townhouse residences, and office and commercial development (existing and proposed).

Hunting Lane is a secondary road serving residential development, with connection to both Darnestown Road and Travilah Road. A prescriptive right-of-way exists on Hunting Lane along the property's western property line. Darnestown Road is classified as an arterial east of Key West Avenue and a major highway to the west, the same classification as Key West Avenue. Because Darnestown Road and Key West Avenue serve as major access roads to I-270, regional circulation to and from the site is good.

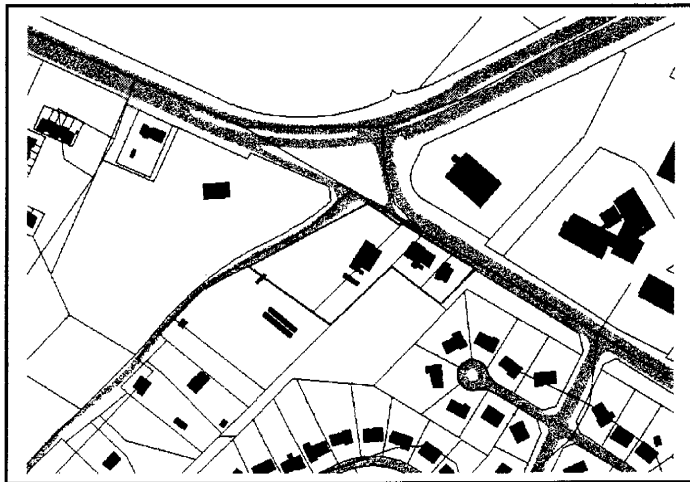
The character of the per acre. To the east, a residential subdivision bordering the site is zoned R-200/TDR and to the west, land is zoned R-200 and PD-3. On the northern side of Darnestown Road, land is zoned R & D on the north and west side of Key West Avenue and C-3 and O-M on the east and south side.



PROJECT DESCRIPTION: Site Description

The site, rectangular in shape, provides approximately 270 feet of street frontage along Darnestown Road and 645 feet of street frontage along Hunting Lane. The property contains an area of approximately 24,650 square feet, adjacent to Darnestown Road that will be forested in order to satisfy the forest conservation law. The site is generally flat, dropping from Darnestown Road to the rear of the site at a 2% slope. The site contains no mature trees or productive vegetation.

The lot is currently occupied by a special exception use for a nursery. The surrounding area is predominantly residential.

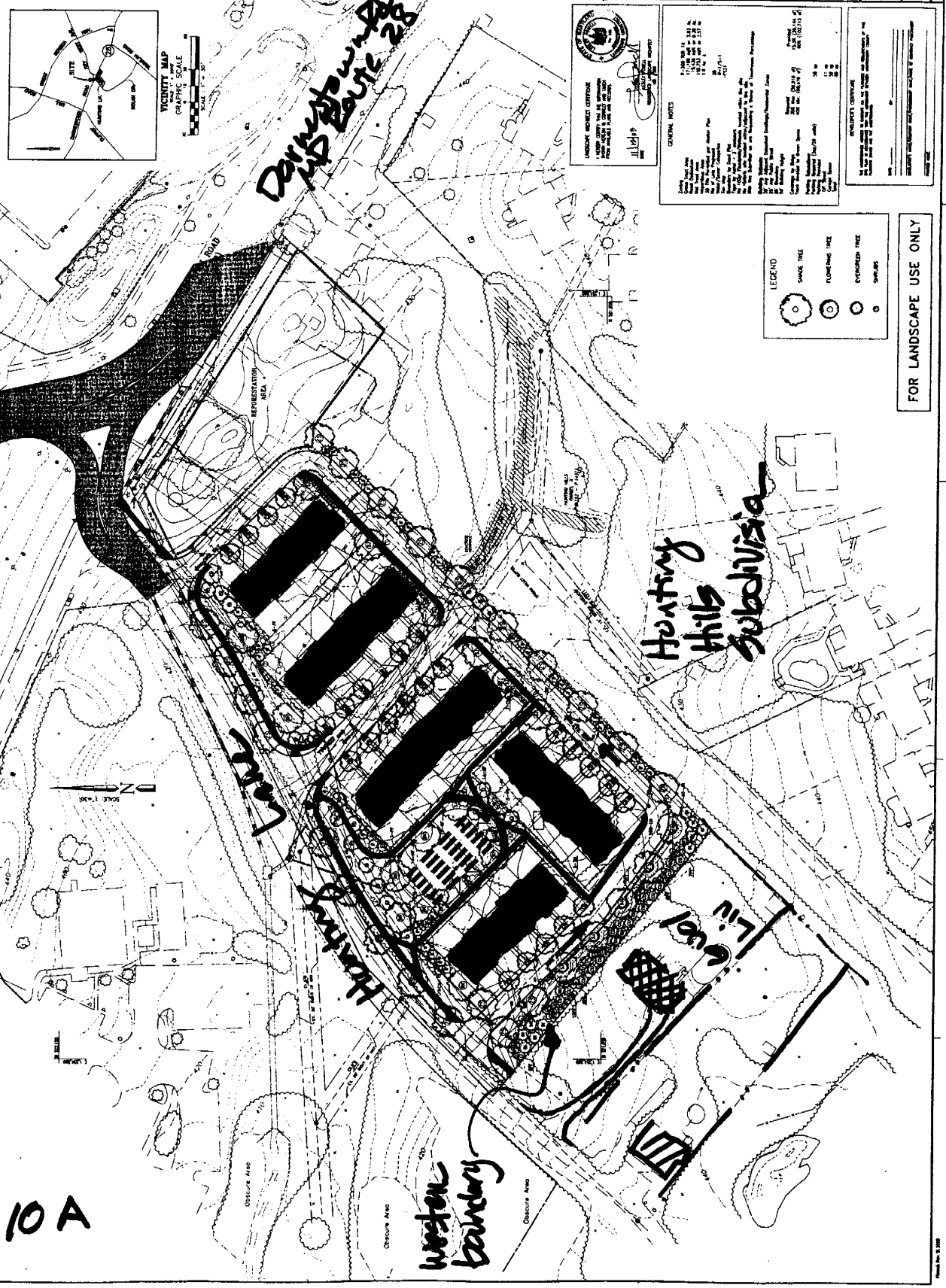


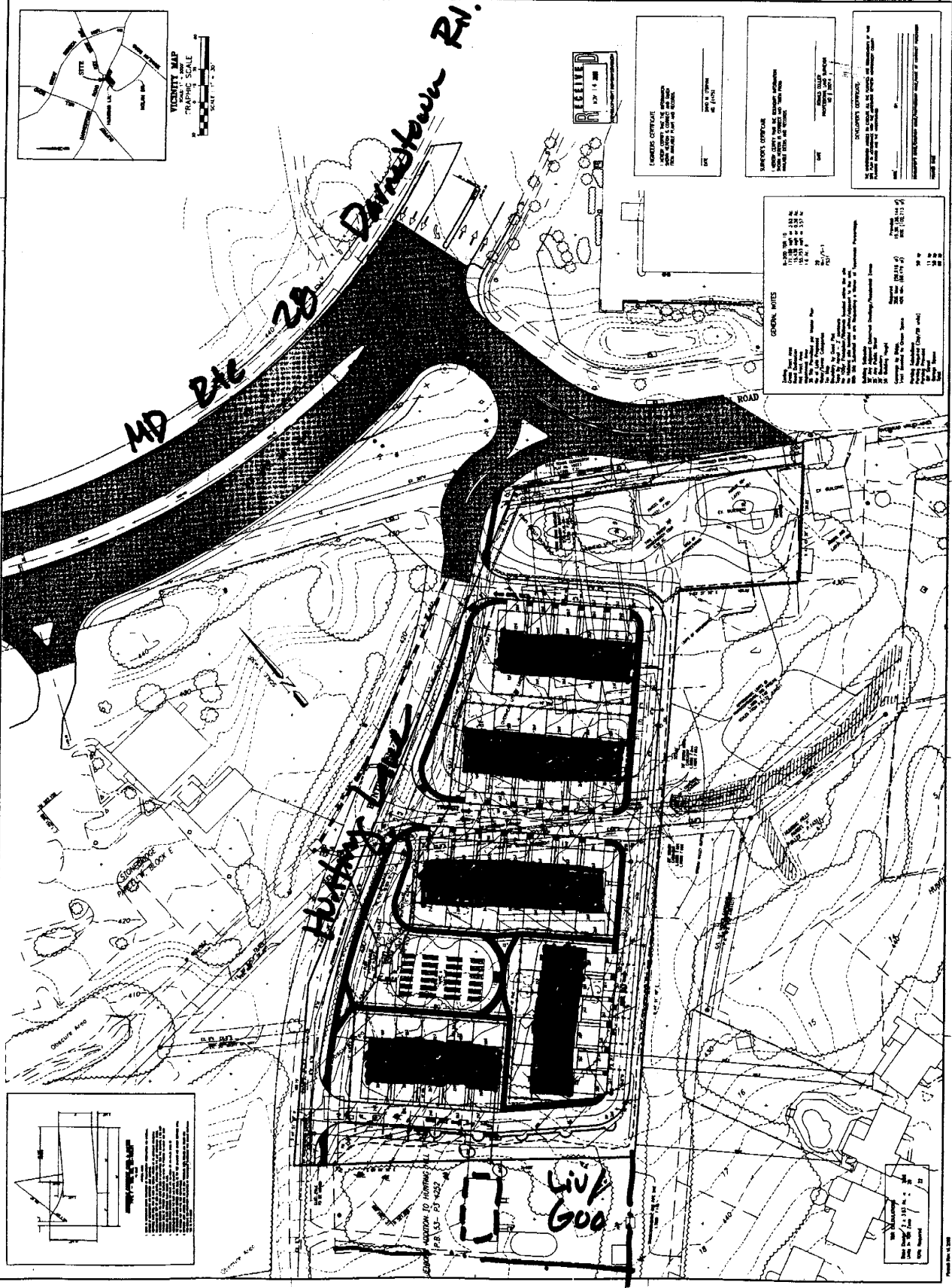
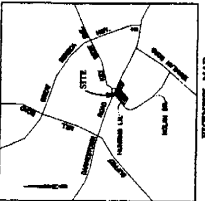
PROJECT DESCRIPTION: Proposal

The proposal features 29 townhouse units organized in stacked rows, clustered in parallel rows that form tight blocks oriented entirely to the system of three internal streets. The development presents primarily to Hunting Lane, and features a small central green space and, hence, side unit orientation to the public street. The forest conservation and tree save area along Darnestown Road, 24,650 square feet, supplies a deep setback that mitigates noise while preserving natural features of the site.

Primary vehicular and pedestrian access will be served via the two-way internal street at the midpoint of the site; the secondary drives will offer one-way vehicular circulation, with the east drive providing north-bound egress, and the west drive supplying south-bound ingress. No access, either vehicular or pedestrian will be provided from Darnestown Road.

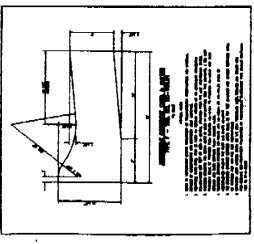
The small central green provides an active recreation space. Facing Hunting Lane, the amenity is surrounded by the backyards of a number of the townhouse units. The applicant is providing a decorative wall and attractive landscaping to separate the public courtyard from the private backyards. This separation also will serve to provide for an aesthetically pleasing view from Hunting Lane. The applicant also is providing adequate landscaping throughout the property.





OWNER'S CERTIFICATE I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS PLAN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. DATE: _____ NAME: _____ TITLE: _____	ENGINEER'S CERTIFICATE I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS PLAN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. DATE: _____ NAME: _____ TITLE: _____
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GENERAL NOTES 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MARYLAND CONSTRUCTION CODES AND REGULATIONS. 2. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED. 3. ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION. 4. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION. 5. ALL STORMWATER SHALL BE COLLECTED AND DISCHARGED TO THE APPROPRIATE RECEIVING WATER BODY. 6. ALL TREE REMOVALS SHALL BE APPROVED BY THE MARYLAND DEPARTMENT OF ENVIRONMENTAL AND NATURAL RESOURCES. 7. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED. 8. ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION. 9. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION. 10. ALL STORMWATER SHALL BE COLLECTED AND DISCHARGED TO THE APPROPRIATE RECEIVING WATER BODY.



10 B

PROJECT DESCRIPTION: Prior Approvals

This Site Plan is being reviewed concurrently with Preliminary Plan of Subdivision 1-03086. The project was also reviewed as part of Pre-Preliminary Plan No. 7-03005.

ANALYSIS: Conformance to Development Standards

Project name Site Plan 8-03033	Potomac Country Corner R-200/TDR10 Zone	
<i>Site Plan review required in the R-200/TDR-10 (59- D-3).</i>		
PROJECT DATA TABLE		
<u>Development Standard</u>	<u>Permitted/Regd</u>	<u>Proposed</u>
Gross Lot Area (ac)	N/A	3.93 acres (171,189 sf)
Net Lot Area	N/A	3.57 acres (155,753 sf)
Impervious Area	N/a	1.7 ac
Coverage	35% (59,916 sf)	16.3%(27,904 sf)
Green Space %	40% (68,476 sf)	43% (73,611 sf)
Lot Area		1,968 sf min.
Density	11 du/ac (38 du)	7.379 du/ac (29 du)
Setbacks (lf)		
Any public street	25'	25'
Side yards	0 ft	5 ft
Rear Yards	0 ft	15 ft.
Adjacent Residential SFD	30'	75'
Parking		
Standard	2 spaces/unit	58 spaces
	Additional Off street	15 spaces
TDR Base density 2 units x 3.93 acres = 7.96	22 TDRs	22 TDRs

WAIVER OF SECTION 59-C-1.395 - Footnote #1 – SPECIAL PROVISIONS FOR TDR DEVELOPMENTS

Section 59-C-1.395 - Footnote #1 of the Zoning Ordinance generally requires that a minimum of 15% of the development in the R-200/TDR 6-10 zones be one-family detached units. One-family townhouse and attached units are permitted with no minimum or maximum percentage requirement. Footnote #1 allows the Planning Board to waive the percentage requirements upon a finding that the proposed development is more desirable for environmental reasons or is more compatible with adjacent development than that

which would result from adherence to these standards. The Master Plan specifically recommends low-density townhouse development for the property at densities that are more compatible with the surrounding neighborhood (predominantly low density townhouse development) than one-family detached units. The proximity of the site to Darnestown Road and Hunting Lane, together with the small nature of the site, does not lend itself to larger lot development like that found in the R-200 zone. Finally, the Master Plan specifically recommends a waiver of the requirements for 15% detached dwelling units as part of the development approval process.

ANALYSIS: Conformance to Master Plan

The proposal conforms to Master Plan recommendations for the Potomac Subregion Master Plan, adopted March 5, 2002. The Plan recommends that the property be developed pursuant to the R-200/TDR-10 zoning classification with a maximum of 38 dwelling units. The Master Plan indicates that the property is a suitable location for residential development consistent with the type of development depicted on the Site Plan.

RECREATION AMENITIES:

RECREATION: POTOMAC COUNTRY CORNER 8-03033							
DEMAND POINTS		Tots	Children	Teens	Adults	Seniors	TOTALS
<i>per 100 residential units</i>		17	22	18	129	7	193.00
PROJECT DEMAND							
27 Townhouses	0.29	4.93	6.38	5.22	37.41	2.03	55.97
SUPPLY POINTS - ON SITE		Tots	Children	Teens	Adults	Seniors	
Picnic - Sitting (2)		2.00	2.00	30.00	10.00	4.00	
Pedestrian System		0.49	1.28	1.04	16.83	0.91	
Open Play Area II		3.00	4.00	4.00	10.00	1.00	
Natural Area		0.00	0.32	0.52	3.74	0.10	
On Site Total		5.49	7.60	40.79	40.58	8.05	102.49
SUPPLY POINTS - OFF SITE		Tots	Children	Teens	Adults	Seniors	
Fairland Regional Park							
Picnic & Sitting		2.00	2.00	30.00	10.00	4.00	
Pedestrian System		0.72	1.44	1.44	62.37	37.26	
Open Play Area II		3.00	4.00	4.00	10.00	1.00	
Off Site Total		5.72	7.44	35.44	82.37		130.97

SUPPLY/DEMAND RATIOS	Tots	Children	Teens	Adults	Seniors
On Site Ratio	111.42%	119.04%	781.34%	108.46%	396.31%
Off Site Ratio	116.02%	116.61%	678.93%	220.18%	0.00%

FINDINGS for Site Plan Review:

1. *The site plan is consistent with an approved development plan or a project plan for the optional method of development, if required. Not applicable.*
2. *The site plan meets all of the requirements of the zone in which it is located. See Project Data Table above.*
3. *The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

- a. *Location of Buildings*

The location of the residential units on the site achieves maximum efficiency in allocation of the site area. The placement of the units provides safe and efficient access and use and an efficient relationship between the various units.

- b. *Open Spaces*

The open space is adequate, safe and efficient. The outdoor recreational area provides an amenity for visitors and residents. The area to be forested will serve as a buffer between the townhouse development and Darnestown Road.

- c. *Landscaping and Lighting*

Landscaping and lighting provides an adequate level of safety and attractiveness. The applicant has provided significant landscaping and a decorative wall in the recreational area to buffer the residents from the recreational area. The buffer also serves to provide for a visual buffer from Hunting Lane.

- d. *Recreation*

The proposed recreational amenities exceed the requirements for townhouse developments, as per the *M-NCPPC Recreation Guideline, 2002 edition*.

- e. *Vehicular and Pedestrian Circulation*

The vehicular and pedestrian circulation is adequate, safe and efficient. The driveway design and access points off Hunting Lane are and efficient and provides increased public safety by eliminating any entry to the property off of Darnestown Road. Access to the individual housing units is safe and efficient and the internal road network is adequate. The comprehensive system of pedestrian connections to the recreational areas within the site are highly visible and accessible.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The existing commercial use on the site will be eliminated when the project is developed. The proposed project is compatible in use, scale and design with the surrounding neighborhood. The character of the neighborhood surrounding the site is one of roadway-oriented non-residential uses and inward-facing residential areas. Residential densities in the area vary from single-family homes on half-acre lots to townhouses. The site remains a desirable place for a residential use.

The western boundary will provide compatibility to the adjacent home via increased setbacks, added landscaping, the lower elevation of the townhouse driveway and controlled lighting within the project.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The site plan meets all applicable requirements of Chapter 22A regarding forest conservation. The applicant is proposing on-site afforestation in compliance with the Code. See Memo Attached.

From ~~SHIA~~ 10/2/03
Hearing

Memorandum

Date: October 2, 2003
To: Montgomery County Planning Board
From: Shaojing Guo, Ping Liu
Subject: Our concerns regarding Potomac Country Corner (Preliminary Plan 1-03086, Site Plan 8-03033)

We, the residents living in 10737 Hunting Lane, Rockville, MD 20850, share the same strong concerns with the residents living in Hunting Woods Community regarding the project for Potomac Country Corner. As the adjacent property owner, we also have much stronger concerns regarding the noise and privacy problems that the project will bring to us.

As the project currently designed, a major community road will be constructed along the north border of our property. In addition, the community does not provide direct access from Darnestown Road, which means most of traffic will be passing through the front of our house, and at least half of them will be using this community road next to our house. As you may or may not know, two of our major bedrooms will be just next to this community road, and along with noises from the traffic. Therefore, as the adjacent neighbor, we strongly ask the planning board and the project designer to consider the following items during this site plan review:

1. A buffer zone of at least 50 feet needs to be allocated between the boarder and the road.
2. Foresting or landscaping should be provided in this buffer zone. A row of evergreen tree need to be planted along most part of the border in order to mitigate the noise and provide the privacy screen. The trees should be at least 25 feet tall and be planted 6-8 feet apart.
3. The tree planting and landscaping must progress as the site plan finally approved, and should be provided before the construction started in order to mitigate the noise and impact on our normal life.
4. Alternatively, an access directly from Darnestown Road should be considered to reduce the traffic on Hunting Lane.

As first time home owner, we believe that there will be more concerns later during the plan being implemented. We reserve the rights for further concerns regarding this project and we strongly ask the planning board to consider our concerns and put them into writing as the requirement to the project. Thank you very much for your time and consideration. Your help on this matter are greatly appreciated.

AG:

ada
1. Vagueing

2. access

SHIA + SHJG com. HOA'S imp

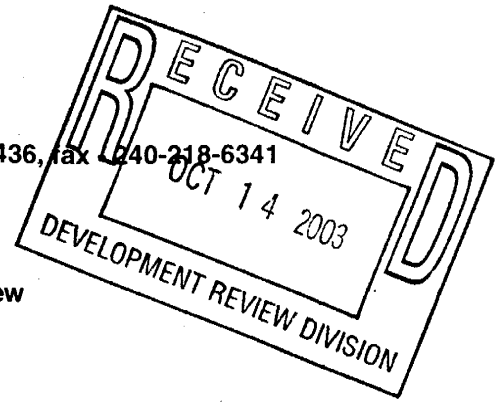
MW:

1. letters

2. notice

Tom and Crystal Loggia

14601 Pommel Drive
Rockville, Maryland
20850, USA
tel. work - 301-228-6436, fax 301-218-6341



October 7, 2003

Subject: Public Hearing – Subdivision Plan and Site Plan Review
Name of Plan: Potomac Country Corner
Subdivision File Number: 1-03086
Site Plan File Number: 8-03033, Number of Lots: 29
Number/Type of Proposed Unit(s): 29 one family detached units, including 22 TDRs
Current Zoning: R-200/TDR-10, Acres: 3.93
Location: South quadrant, of the intersection of Darnestown Road and Hunting Lane Master Plan Area, PA-24

To: Ms. Mary Beth O'Quinn
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910-3760
Fax: 301-495-1306

Dear Ms. O'Quinn,

Thank you for taking my call yesterday October 6. As we discussed, I am a resident of the Hunting Woods subdivision, which will be impacted severely by this new construction. Therefore please accept this letter as my family's written protest against this new construction. Unfortunately, I have been out of town on business, so I could not attend the hearing in person.

Our reasons for protesting are as follows:

1. Our subdivision is already congested with many homes and cars going through the neighborhood. The proposed new construction will add 29 more single family units, which will further add to the congestion and increased safety fears for our children.
2. The planning board has already approved many new residential and commercial construction permits in the near vicinity; such as the 5-storey Human Genome Sciences headquarter complex on Darnestown and the 2-storey medical buildings in front of our subdivision. All these buildings will bring a great deal of traffic on Darnestown, Travilah and through our community. In our last civic association meeting we all raised our concern again about the traffic congestion and safety to our children.
3. This new construction within a small area will also require that even more trees be cut to make room for all these congested units. We have already lost many trees to close neighborhoods, such as Fallsgrove and the nearby Human Genome Science head quarter building soon to be opened.
4. In addition, the noise level within our area will be increased as we continue to pack more people, cars, air conditioners, etc in a smaller area.

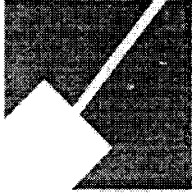
I hope the board will make the right decision to maintain our community as safe and environmentally friendly for our kids. We appreciate your interest and consideration to help us.

Sincerely,


Tom Loggia


Crystal Loggia

.cc Hunting Woods Homeowners Association – Board members



**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**

Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Richard Weaver, Development Review
Mary Beth O'Quinn, Development Review

FROM: Mark Pfefferle, Environmental Planning Division *MP*

DATE: September 12, 2003

SUBJECT: Preliminary Plan 1-03086
Site Plan 8-03033
Potomac Country Corner

The Environmental Planning staff has reviewed the preliminary and site plans referenced above. Staff recommends acceptance of the preliminary and site plan.

Background

The 3.93-acre site located property is located within the Muddy Branch watershed, a Use I watershed near the intersection of Darnestown Road (MD Route 28) and Key West Avenue. The site is bordered by Darnestown Road to the north, Hunting Lane to the west, single-family houses to the south and east. Immediately adjacent to the site is a Transcontinental Gas Pipeline.

The site was previously used as a gardening center. There are a number of structures on the site including a vacant and converted single-family house, miscellaneous wood shade structures, and greenhouse ruins leftover from the greenhouse business. The single-family house was previously converted into space for two separate businesses. There are no commercial activities presently onsite.

There are no floodplains or wetlands on the property. The adjacent Transcontinental Gas Pipeline property includes a non-vegetated stream and wetland area with associated environmental buffers. A portion of the environmental buffers intrudes onto the site along the southeast property line. The surface waters originate from the nearby single-family subdivision and flow southwest underneath the subject site. Running through the middle of the site is a 20-foot storm drain easement and parallel to this easement is a 20-foot wide WSSC sewer easement. The offsite surface water passes under the subject site within the easements. The water resurfaces as Waters of the United States approximately 250 feet west of the subject property. The site also includes a 0.45-acre low priority pioneer forest consisting of tulip popular and sassafras trees. The trees average 4 to 6 inches diameter at

breast height. The forest floor is covered with discarded nursery debris that includes both organic and plastic materials.

The applicant is proposing to remove the existing structures on the site and construct 29 townhouses and associated infrastructure. The property is zoned R-200 TDR 10.

Forest Conservation

The property includes 0.45-acres of low priority forest. The forest is dominated by young (4 to 6 inch diameter) tulip and sassafras trees. The ground cover includes many invasive plants and the Natural Resource Inventory/Forest Stand Delineation estimates that as much as 75 percent of the herbaceous layer is covered by invasive plants. In addition, the ground is heavily littered with organic nursery debris and plastic materials.

The total forest planting requirements for the subject site is 0.99 acres. The applicant is proposing to meet the forest conservation plan requirements through a combination of planting 0.54-acres of forest onsite and the remainder offsite. The 0.54-acre planting area is sufficient to meet the appropriate threshold onsite.

Environmental Buffers

The applicant is requesting a waiver from Section 50-32 of the Montgomery County Code. This section pertains to development within 100-year floodplains and stream valleys. Under the Environmental Guidelines, 100-year flood plains must be included in the stream valley buffers. On this particular site, the 100-year floodplain is created when the existing 48- inch culvert is blocked and water passes over the headwall. In the proposed development, the 100-year floodplain is the main street to enter and exit the subject site. If flooding conditions were to occur, it would be confined to the street.

The applicant is requesting a waiver from the Environmental Guidelines to permit the placement of permanent pervious surfaces in the stream valley buffer. The onsite stream valley buffer is approximately 15,000 square feet, or 0.34 acres of land. The applicant's justification for this encroachment is attached. In this site plan, Environmental Planning is not opposed to the encroachment into the stream valley buffer. The stream valley buffer is impacted by the previous commercial use. Currently uncontrolled stormwater pollutants are flowing into the stream. The pollutant sources will not be eliminated until the site is prepared for future use.

Environmental Planning considered requiring the applicant to protect and restore the stream buffer. However, the portion of the stream immediately upstream of the site is in a gas easement and the stream is in a concrete flume. This portion of the stream cannot be restored by this applicant. Transcontinental gas line properties typically remain free of all woody material. This inhibits the opportunity to provide a wooded riparian habitat in this section of the stream. The stream is also underground for approximately 250 feet downstream of the subject property. Protecting the stream buffer on the subject property and/or restoring the stream through day lighting practices would not result in an optimal situation. Water upstream of the subject property would go from an above ground

concrete flume with no forest cover to a restored riparian environment to an underground culvert. The potential benefits by restoring the stream cannot be quantified because of the immediate upstream and downstream impacts that appear permanent.

If the stream valley buffer that is currently on the site were to be protected and converted to forest the benefit would also be limited because the underground culvert would remain.

Approximately 6,000 square feet of land within the stream valley buffer drains to the surface water within the stream valley buffer. The remainder of the land within the stream valley buffer flows to the existing stormwater conveyance systems along Hunting Lane and Darnestown Road. The proposed development must capture and treat all stormwater generated on the property.

Environmental Planning is not opposed to providing a waiver for Section 50-32 of the Montgomery County code and a waiver to the Environmental Guidelines for permitting the limited encroachment into the stream valley buffer.

Noise

A noise analysis was conducted for the subject property and revealed that residential units proposed along Darnestown Road would be impacted by noise generated from vehicle traffic.

The applicant has proposed a number of techniques to mitigate the negative impacts of noise on future residents, including:

- Locating the residential units, at least 140 feet from the Darnestown Road centerline.
- Siting the units so they face Darnestown Road. This provides a noise-protected environment at the rear of the units.
- Constructing six-foot high noise berms within the area between the front of the residential units and Darnestown Road.
- Creating a forested area between the access road and Darnestown Road to meet the forest conservation plan requirements and provide psychological noise benefits. Foresting, or landscaping, noise generating gives residents perceived noise mitigation greater than is actually measured.

The proposed noise mitigation techniques will result in an exterior 2023 noise level of less than 65 dBA Ldn at the façade of the nearest residential unit. Because the applicant has reduced exterior noise levels through various techniques, no additional acoustical treatments are necessary to reduce the interior noise levels to an acceptable level. The applicants noise study concludes that the proposed exterior noise mitigation techniques in combination with good building practices, which are standard in all new developments, will reduce interior noise level to an acceptable level of 45 dBA Ldn.

Attachment

Charles P. Johnson & Associates, Inc.

Planners Engineers Landscape Architects Surveyors

CPJ
Associates

Silver Spring, MD

Frederick, MD

Fairfax, VA

September 10, 2003

Mark Pfefferle
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Potomac Country Corner
1-30186
8-03033

Dear Mark:

On behalf of our client, Porten Homes, we are requesting a waiver of section 50-32, Chapter 50 of the Montgomery County Code. This section pertains to development of stream valley buffers.

The Potomac Country Corner site has been utilized as a commercial nursery for many years. The existing stream valley buffer, as shown on the approved Natural Resources Inventory and Forest Stand Delineation Map (4-03167), has been previously developed with paving, compacted vehicle parking areas, storage bins and other structures and for all practical purposes is 80% impervious. Only the very edge of the property line has allowed any sort of plant growth to penetrate this compacted and paved area. Of the approved stream valley buffer, only about 6,000 sf (or 40%) drains towards the stream. The existing storage bins in this area contain mulch, gravel and crushed gravel. All of these have a high particulate matter associated with them. Currently, drainage from these areas flows into the stream without any treatment of runoff. The original stream was piped thru the site via a 48" concrete pipe under permit with Montgomery County by the previous nursery owner and is currently a Montgomery County maintained storm drain system. The existing 48" pipe has a concrete channel at the upstream headwall and the channel area is not in a pristine condition. The drainage to this channel is approximately 50 acres so it is not at the headwater of the stream.

In considering the development of the property, there were many elements to weigh. From an environmental standpoint, the stream valley buffer, noise mitigation from Darnestown Road, and forest attenuation were issues which had to be addressed. Setting the units further back from Darnestown Road leaves a large area at the front of the site that, with berming and foresting, enhances noise attenuation. This area is adjacent to an existing open space parcel that is currently wooded and creates a large contiguous forested area separating the existing adjacent development. Furthermore, this area currently has paving and buildings which drain, untreated, to the stream valley buffer in question. By providing forested green space in this area, the quality of the runoff to the stream valley is improved and a large forest area adjacent to Darnestown Road is provided for all to see and enjoy.

The existing stream valley buffer, in its existing denigrated state, has only about 40% of its area draining to the stream and is 80% impervious. By use of grading and site layout, the area of the stream

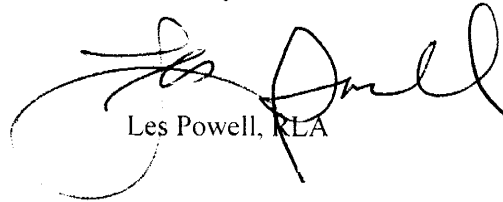
Mark Pfefferle
MNCPPC
Re: Potomac Country Corner
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valley buffer draining towards the stream is reduced by 90%. The green space percentage within the stream valley buffer is doubled to 40% from the existing 20%. Furthermore the site runoff will be treated in a Montgomery County DPS approved storm water management system. There is a significant improvement in environmental quality in the development of the property.

In the final analysis, we feel that increasing the green space percentage within the stream valley buffer, removal of the existing untreated impervious runoff to the buffer, foresting and berming of the existing paved/building area, and treating the site runoff in a Montgomery County approved storm water management system, provides for significantly a higher quality of runoff to the stream and provides a more sound environmental development, thus justifying the waiver.

If you have any questions, please feel free to call me at (301) 434-7000. Thank you for your consideration in this matter.

Sincerely,



Les Powell, RLA