

**MEMORANDUM – Local Map Amendment**

**DATE:** July 1, 2005

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief, Development Review Division *RK*  
Callum Murray, Team Leader, Community -Based Planning

**FROM:** Carlton Gilbert, Zoning Supervisor, Development Review *CG*  
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**SUBJECT:** **Local Map Amendment No. G-834:** Porten Companies, Inc., applicant, - reclassification of 5.288 acres of land from the R-200/TDR Zone to the RT-8 Zone for up to thirty-nine townhouse units, located at 12024 Darnestown Road, Gaithersburg – Potomac Subregion Master Plan

**PUBLIC HEARING:** July 18, 2005

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**STAFF RECOMMENDATION:**

**APPROVAL** of Local Map Amendment No G-834 for the following reasons:

1. The application is consistent with the purpose clause and all applicable standards for the RT-8 Zone.
2. The schematic development plan is compatible with the adjacent single-family residential development and is in conformance with the land use recommendations of the Potomac Subregion Master Plan.
3. The RT-8 zone is an appropriate and designated zone for the property and the rezoning request should be approved as requested.

**INTRODUCTION**

The applicant requests reclassification from the R-200/TDR Zone (Residential, one-family) to the RT-8 Zone (Residential, townhouse) of approximately 5.288 acres of land

located on the south side of Darnestown Road (MD Route 28) approximately 1,000 feet east of Quince Orchard Road in the North Potomac Region of Montgomery County. The property is known as the Potomac Garden Nursery and is currently being operated as a commercial use by special exception. The property is identified as Parcel P426 that is unrecorded that has been the home of the Potomac Garden Center since 1972. The applicant proposes to develop up to 39 (originally 42) town homes, on the property.

A schematic development plan was submitted as part of the application for the reclassification to the RT-8 which is a "floating zone". At the request of planning staff, the schematic plan has undergone three iterations, (two to address compatibility, and one to address stormwater management), culminating in the latest submission. A summary of the alterations made is as follows:

- The number of dwelling units has been reduced from 42 to 39 with the width of all interior units reduced from 24 feet to 20 feet.
- Planning staff requested that the setback from the south property line to proposed lot lines match the 60 feet setback required of Montgomery County Department of Public Works and Transportation for the Collapse Rescue Team Building at 12100 Darnestown Road, abutting Lot 189, Citrus Grove Court (Mandatory Referral No. 01401-DPW&T-1), April 19, 2001. The setback from the south property line to new lot lines has now been increased from 30 feet to 60 feet.
- The building-to-building distance from Lot 190, Citrus Grove Court, to Lot 1, has been increased from 65 feet to 96 feet.
- The building-to-building distance from Lot 10, Citrus Grove Road, to the nearest townhouse unit, has been increased from 80 feet to 117 feet.
- The setback from the east property line to new lot lines has been increased from 30 feet to 60 feet.
- The building-to-building distance from Lots 4, 5 and 6, Blackberry Drive, has increased from 60 feet, 85 feet, and 110 feet, to 96 feet, 124 feet, and 187 feet, respectively. By way of comparison, the building-to-building distance from Lot 4, Blackberry Drive, to the nearest existing townhouse in the Quince Orchard Knolls subdivision, on Lot 51, Cherry Blossom Lane, across Blackberry Drive, is approximately 125 feet.
- Interior retaining walls of 5-6 feet are proposed to maintain the existing berms and dense evergreen planting screen, and to facilitate lowering the first floor elevation of the proposed townhouses 4-5 feet below the level of the grade of the existing greenhouses.

## **BACKGROUND**

### **A. Description of Property**

The subject property is currently improved with the Potomac Garden Center. The property is rectangular in shape with approximately 325 feet of frontage along MD

Route 28 and a depth of approximately 700 feet. The Potomac Garden Center consists of a large retail building and associated parking area, as well as several large greenhouses and landscape contracting operations. The Potomac Garden Center operates under the provisions of several special exceptions providing for such uses. Access to the property is provided via a single driveway from MD Route 28 with only right-in and right-out movements.

The northeast corner of the site contains a drainage swale that catches the runoff from the newly improve MD Route 28, and drains to the southeast to Muddy Branch stream. The Natural Resources Inventory for the site identifies the required stream valley buffer surrounding this drainage swale in accordance with the requirements of the Park and Planning Environmental Guidelines. The stream valley buffer encompasses an area of 1.5 acres, or almost 30 percent of the property. The location of the drainage swale and its surrounding buffer area has a significant impact on the location and design of the residential elements of the proposed residential development of the property. The south end of the site is approximately 10 to 15 feet higher than surrounding residential properties. According to the applicant, it is believed that this area has been created by fill material that was added to the site over the years, as a result of the landscape operations.

## **B. Surrounding Area**

The proposed RT-8 Zone is a floating zone. In a floating zone application, the evaluation of the zoning issues and compatibility requires delineation of the surrounding area. Staff defines the area as generally bounded by Quince Orchard Road to the west, Tschiffely Square Road to the east, Hillstone Road to the north, and the Quince Orchard Knolls development, which is accessed from Blackberry Drive, to the south and east. The land use pattern for the surrounding neighborhood is a mixture of uses including institutional, commercial and residential development. Adjacent to the west is Fire Station Number 31, zoned R-200/TDR. Contiguous to the fire station property to the west is The Shops at Potomac Valley incorporating fast food restaurants plus a mix of other small retail outlets and offices. To the south and east of the property lie residential portions of the Quince Orchard Knolls development, which is accessed from MD Route 28 by Blackberry Drive. The east side of Blackberry Drive is developed with a cluster of 67 town homes and on the west side of Blackberry Drive is a row of six single-family detached homes that back up to the subject property.

## **C. Intended Use and Approval Procedures**

The applicant requests the RT-8 zone to allow the redevelopment of the site, which will consist of 39 town homes. The submitted schematic development plan enumerates the following:

Area of the site – 5.288 acres

Total Number of Units – 39 town homes (originally 42 requested)

Number of Parking Spaces – 170  
Building Height – Maximum 35 feet  
Green Area – Minimum 50 percent

**Binding Elements –**

1. Access from MD Route 28 will be Right-In Right-Out only.
2. The required distance between the closest lot line of the proposed townhouses and the southern and eastern property lines will be a minimum of 60 feet (no building or structures will be located in this area; storm drain, utilities, and retaining walls will be allowed as generally shown on the illustrative plan, as well as landscaping)
3. A pedestrian connection will be provided to Citrus Grove Road from the proposed development.

Following rezoning, additional steps will include the review and approval of a preliminary plan of subdivision, a site plan and a final plat of subdivision.

**D. Zoning History**

The Montgomery County Board of Appeals approved the original special exception, BA-3051, on November 2, 1971. That special exception permitted a Horticultural Nursery and it has been amended several times, to add offices and allow retail sales (S-95 and S-569).

Comprehensive Zoning:

- a. 1954 Comprehensive Zoning Mapped "R-R" (Rural Residential) zone.
- b. Designated to R-200 zone in October 2, 1973
- c. SMA – G-566 confirms rename to R-200/TDR

Local Map Amendment: None prior to this proposal.

**E. Master Plan Recommendation**

Community-Based Planning staff finds the new schematic development plan to be compatible with the adjacent single-family residential development and recommends APPROVAL. If the local map amendment is ultimately approved by the District Council, future regulatory processes such as preliminary plan and site plan will further address compatibility. (See Attached Memorandum)

The property is within the area of the approved and adopted Potomac Subregion Master Plan of 2002. The Master Plan confirmed the existing zoning pattern, which would permit residential development of three units per acre, if 10 acres were assembled. Failing assembly, the normal R-200 density pertains. The Master Plan does not specifically address the Potomac Garden Nursery property or preclude applications for

a floating zone. A floating zone is differentiated from a Euclidean zone in that while the latter is a specific area defined by boundaries previously determined by the zoning authority, the former has no such defined boundaries and is said to 'float' over the entire area of the district where it may eventually be established. The floating zone is also different from the establishment of a Euclidean zone in that it is initiated on the instigation of a landowner within the district rather than the legislative body. The floating zone is subject to several conditions, i.e., the use must be compatible with the surrounding neighborhood, it must further the purposes of the proposed classification, and special precautions are to be applied to ensure that there will be no discordance with existing uses. The schematic development plan, as originally submitted, met all applicable development standards, but that in itself is not deemed to create a presumption that the resultant development would be compatible with surrounding land uses and is not in itself sufficient to require the granting of the application. The development plan is constrained by an intermittent stream that bisects the parcel and by the concomitant stream valley buffers, severely reducing the developable area of the property, and limiting potential development to areas abutting the fire station on the west side and single-family detached residential lots on the south and east.

In the view of Community-Based Planning staff, the southeast quadrant of the schematic development plan, as originally submitted, was incompatible with the abutting single-family detached dwellings on Lots 189 and 190 (Citrus Grove Court), Lot 10 (Citrus Grove Road) and Lots 4, 5, and 6 (Blackberry Drive).

In essence, construction of the proposed development would leave a strip of six single family detached dwellings (Lots 1-6 on Blackberry Drive) in between two townhouse communities. Because of the configuration of the proposed development, compatibility was not an issue with Lots 1, 2, and 3, but had to be addressed for Lots 4, 5 and 6.

At the request of planning staff, the schematic development plan has undergone three iterations, (two to address compatibility, and one to address stormwater management), culminating in the latest submission. A summary of the alterations made is as follows: (Please note that distances are scaled and are for informational purposes. They are not to be construed as recommendations for inclusion within binding elements.)

1. The number of dwelling units has been reduced from 42 to 39 with the width of all interior units reduced from 24 feet to 20 feet.

2. Planning staff requested that the setback from the south property line to proposed lot lines match the 60 feet setback required of Montgomery County Department of Public Works and Transportation for the Collapse Rescue Team Building at 12100 Darnestown Road, abutting Lot 189, Citrus Grove Court (Mandatory Referral No. 01401-DPW&T-1), April 19, 2001. The setback from the south property line to new lot lines has now been increased from 30 feet to 60 feet.
3. The building-to-building distance from Lot 190, Citrus Grove Court, to Lot 1, has been increased from 65 feet to 96 feet.
4. The building-to-building distance from Lot 10, Citrus Grove Road, to the nearest townhouse unit, has been increased from 80 feet to 117 feet.
5. The setback from the east property line to new lot lines has been increased from 30 feet to 60 feet.
6. The building-to-building distance from Lots 4, 5 and 6, Blackberry Drive, has increased from 60 feet, 85 feet, and 110 feet, to 96 feet, 124 feet, and 187 feet, respectively. By way of comparison, the building-to-building distance from Lot 4, Blackberry Drive, to the nearest existing townhouse in the Quince Orchard Knolls subdivision, on Lot 51, Cherry Blossom Lane, across Blackberry Drive, is approximately 125 feet.
7. Interior retaining walls of 5-6 feet are proposed to maintain the existing berms and dense evergreen planting screen, and to facilitate lowering the first floor elevation of the proposed townhouses 4-5 feet below the level of the grade of the existing greenhouses.

The Zoning Ordinance definition of the height of a building is the vertical distance measured from the level of approved street grade opposite the middle of the front of a building to the mean height level between eaves and ridge of a gable roof. The cross-sections accompanying the schematic plan assume 35 feet as the ridgeline height of existing single-family detached homes in the R-200/TDR Zone, (maximum building height 50), and 44 feet from proposed ground level to the ridgeline of the proposed town homes. The 44-foot ridgeline would necessitate a structure above the maximum building height for the zone. This has been pointed out to Porten Homes who have agreed to substitute a building of 35 feet in height to the midpoint of the roof. The following scaled measurements are based on a cross-section with a 42-foot ridgeline:

The difference in roofline elevations between the existing and proposed dwellings, (and relationship to distance), would be approximately as follows:

From Lot 4, Blackberry Drive to nearest unit – roofline elevation of townhouse is 18 feet higher and 96 feet distant.

From Lot 5, Blackberry Drive to nearest unit – roofline elevation of townhouse is 24 feet higher and 124 feet distant.

From Lot 10, Citrus Grove Road to nearest unit – roofline elevation of townhouse is 13 feet higher and 117 feet distant.

This latest iteration of the schematic development plan is clearly a great deal more compatible with adjacent residences than the original, which indicated one or two terraced retaining walls in the minimal setback areas. This would have eliminated the existing evergreen tree screen while the minimum setback originally shown on the south property line would have had to allow for rear access to the properties and a possible utility easement, so landscaping would either have been limited or not feasible. The building setbacks from the south and east property lines are 80 feet and 66 feet respectively, compared with the minimum standard of 30 feet. A minimum required distance of 60 feet between the closest lot line of the proposed townhouses and the southern and eastern property lines have also been included as a binding element, together with a pedestrian connection to Citrus Grove Road.

## **F. Public Facilities**

### **1. Water and Sewer and Roadways:**

- a. The property is Water Category W-1 and Sewer Category S-1.
- b. Water and sewer lines abut the property. Local service is deemed adequate to provide service to the homes proposed for the property.

Roadways: Darnestown Road, MD Route 28: Access to the site is provided from MD 28 as a right-in/right-out driveway. Darnestown Road (MD 28) is classified as a major highway with six lanes and a master plan right-of-way of 120 feet. This highway was recently upgraded from Riffleford Road to Great Seneca Highway to a 4/6 lane divided highway by the Maryland State Highway Administration (SHA). Staff finds that the access point and the vehicle circulation system shown on the schematic development plan are adequate.

The schematic development plan includes lead-in sidewalks from MD 28 and a pedestrian path connecting the site and Citrus Grove Road. Staff finds the bikeway and pedestrian circulation system to be safe and adequate with the construction of sidewalk and a pedestrian path inside the property proffered by the applicant.

2. Schools: The subject property is located within the Rachel Carson (Kentlands) Elementary School, the new Quince Orchard Middle School (scheduled to open next fall in the Lakelands Community and Quince Orchard High School. Based on average yield factors for comparable housing units, the impact of the proposed development of 42 town homes would generate approximately 10 elementary school students, 4 middle school students and 7 high school students. Based upon the school analysis called for in the FY 2005 AGP, the M-NCPPC staff reviewed the data prepared by MCPS and endorsed the findings that no school clusters have capacity limitations. The Planning Board, on June 17, 2004, adopted the staff's recommendations and found that all elementary, middle and high schools have adequate capacity for additional residential development. The student amounts above are very

for additional residential development. The student amounts above are very small and should pose no capacity issues. This will be evaluated at the time of subdivision.

3. Other Public Facilities: The fire station is located next door. The Quince Orchard Library is situated on Quince Orchard Road.

## **ANALYSIS**

### **A. Intent and Purpose of the Zone**

The intent and purpose of the R-T Zone is found under Section 59-C-1.721 of the Zoning Ordinance and provides:

*The purpose of the R-T Zone is to provide suitable sites for townhouses:*

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

*It is the intent of the R-T Zones to provide the maximum amount of freedom possible in the design of town homes and their grouping and layout within the areas classified in that zone, to provide in such developments the amenities normally associated with less dense zoning categories, to permit the greatest possible amount of freedom in types of ownership of townhouses and townhouse developments, to prevent detrimental effects to the use or development to adjacent properties or the neighborhood and to promote the health, morals and welfare of the present and future inhabitants of the district and the County as a whole.*

The subject property is both designated and appropriate for residential development at the density and zone requested. Therefore, the application meets section (a) of the Intent and Purpose. The property is appropriate for residential development at the density requested because of its location and relationship to surrounding development and zoning patterns. Properties to the north, across MD Route 28, are developed with townhouses, a shopping center and the Kentlands Elementary School. On the south side of MD Route 28, adjacent to the subject site are situated the institutional uses associated with the Rockville Volunteer Fire Station #31 and the Quince Orchard Library. To the east, the town home portion of the Orchard Knolls development is located just on the other side of Blackberry Drive.



In addition, the application meets the purposes of the zone as contained in Section 59-C—1.721 (b) of the Zoning Ordinance because the proposed development will provide a buffer or transitional use between the uses on either side, to the east and west. To the immediate east are the single family detached home, part of the Orchard Knolls community, fronting on Blackberry Drive. To the west are the Rockville Volunteer Fire Station and the “C-1” commercial center. Regarding compatibility, the most recent submission of the schematic development plan is clearly a great deal more compatible with adjacent residences than the original, which indicated one or two terraced retaining walls in the minimal setback areas. This would have eliminated the existing evergreen tree screen while the minimum setback originally shown on the south property line would have had to allow for rear access to the properties and a possible utility easement, so landscaping would either have been limited or not feasible. The building setbacks from the south and east property lines are 80 feet and 66 feet respectively, compared with the minimum standard of 30 feet. A minimum required distance of 60 feet between the closest lot line of the proposed townhouses and the southern and eastern property lines have also been included as a binding element, together with a pedestrian connection to Citrus Grove Road.

**B. Development Standards**

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

<i>Development Standard</i>	<i>Required</i>	<i>Provided</i>
Minimum Tract Area	20,000 sq. ft.	5.288 acres
Maximum Density du/ac	8 du/ac	7.37 du/ac
Building Coverage	35%	35% *
Green Area	50%	50% *
Parking	2/du	2/du *

\* To be determined at Site Plan

Staff notes that at 5.288 acres, or 230,345.28 square feet, the subject property exceeds the minimum tract area and must meet or exceed all of the other development standards at the time of subdivision and Site Plan Review.

### **C. Transportation Issues**

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

1. Total development under this zoning application is limited to a maximum of 39 townhouses.

### **DISCUSSION**

#### **Site Access and Vehicular/Pedestrian Circulation**

Access to the site is provided from MD 28 as a right-in/right-out driveway. Darnestown Road (MD 28) is classified as a major highway with six lanes and a master plan right-of-way of 120 feet. This highway was recently upgraded from Riffleford Road to Great Seneca Highway to a 4/6 lane divided highway by the Maryland State Highway Administration (SHA). Staff finds that the access point and the vehicle circulation system shown on the schematic development plan are adequate.

The schematic development plan includes lead-in sidewalks from MD 28 and a pedestrian path connecting the site and Citrus Grove Road. Staff finds the bikeway and pedestrian circulation system to be safe and adequate with the construction of sidewalk and a pedestrian path inside the property proffered by the applicant.

#### **Local Area Transportation Review (LATR)**

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

Three local intersections were identified as critical intersections to be affected by the development of the subject site and were examined in the traffic analysis to determine whether they meet the applicable congestion standard of 1,475 Critical Lane Volume (CLV) for the North Potomac Policy Area. The proposed development's trips were added to the existing and the background traffic (trips generated from approved but unbuilt developments) to determine the total future traffic. The total future traffic was assigned to the critical intersections to determine the total future CLVs. The result of CLV calculation is shown in the following table. The CLV impacts of the proposed development on these intersections were analyzed and are summarized in Table I.

**Table I**

<b>Intersection Capacity Analysis with CLV Under Various Development Schemes During the Peak Hour</b>						
	<b>Existing</b>		<b>Background</b>		<b>Total</b>	
	<b>AM</b>	<b>PM</b>	<b>AM</b>	<b>PM</b>	<b>AM</b>	<b>PM</b>
MD 28/ Quince Orchard Rd (MD 124)	1377	1246	1381	1249	1376	1241
MD 28/Tschiffley Rd	942	1110	1018	1123	1023	1104
MD 28/Site Driveway	N/A	N/A	790	995	801	968

As shown in the above table, all existing intersections analyzed are currently operating at acceptable CLVs (CLV standard is 1,475) during both the morning and evening peak hours and these acceptable traffic conditions are projected to be maintained under the background and total development conditions.

Staff concludes that the proposed residential development under the RT-8 zoning at the site with construction of the roadway and pedestrian path as shown on the schematic development plan will not have an adverse impact on the surrounding roadway network.

**D. Environmental Issues**

As noted in the attached memorandum, Countywide Environmental Planning staff has recommended approval of this rezoning application.

**Stormwater Management**

Stormwater management is an important issue on this site. The proposed stormwater management concept utilizes a stormwater management pond, and several underground quality control devices. After passing through this system, the stormwater is discharged into the stream channel. The Department of Permitting Services (DPS) has reviewed this preliminary concept and find that it is acceptable. They are confident that the details of the plan may be successfully addressed at later stages in the process. The stormwater management concept in this application only addresses runoff from the

proposed development. Upstream runoff will continue to drain across this site unimpeded.

### **Forest Conservation**

Although the perimeter of the site is heavily landscaped and there are some trees in the stream valley, there is no existing forest located on this site. The afforestation requirement is approximately 0.8 acres or 15 percent of the site. This is based on the size of the site, and the proposed density. The applicant proposes to afforest the entire stream valley except for the area of the entrance road, and where other easements already exist. In addition, they propose to afforest a strip of land located between the stream valley and the easements along Darnestown Road. This will enable the applicant to meet their forest conservation requirements on site.

### **E. Community Concerns**

The North Potomac Citizens Association has expressed concern about the rezoning application. Specifically, there is a concern that the quality of life is being compromised by overbuilding, loss of green space and traffic congestion due to overcrowding. The citizens association expressed concern that townhouse floating zones increases housing densities and can have a very negative impact with regard to compatibility on existing neighborhoods. Also, residents who live in the single-family detached dwellings adjacent to the subject property have expressed concern regarding compatibility.

### **F. Conclusion**

As noted earlier in this report, the proposed local map amendment meets or exceeds the requirements of the Montgomery County Zoning Ordinance and the recommendations of the Potomac Subregion Master Plan, and will be compatible with the surrounding area. As such, the RT-8 zone is an appropriate and designated zone for the property and the rezoning request should be approved as requested.

## LIST OF ATTACHMENTS

1. Surrounding Area Map
2. Certified Zoning Map
3. Site Plan
4. Cross-Section Plan
5. Community-Based Planning Memo
6. Environmental Planning Memo
7. Stormwater Management Concept Approval Letter
8. Transportation Planning Memo
9. Citizens Association Letter