

June 30, 2005

MEMORANDUM

FROM: ^{CM} Callum Murray, Potomac Team Leader
Community-Based Planning Division

TO: Carlton Gilbert, Zoning Supervisor
Development Review Division

SUBJECT: Zoning Application No. G-834, Potomac Garden Nursery, 12024
Darnestown Road, North Potomac, Potomac Subregion Master Plan

The following is Community-Based Planning's memorandum and comments on the above referenced zoning application and accompanying schematic development plan, the latest version of which was received on June 28, 2005. I would be obliged if you would include it in it's entirety in your report, either as text or as an attachment.

The applicant, Porten Companies, Inc., requests rezoning from the R-200/TDR Zone to the R-T8.0 Zone for the property known as P426, located at 12024 Darnestown Road, within the Potomac Subregion. The application is accompanied by a schematic development plan for 39 (originally 43) single-family attached units on 5.288 acres served by a private cul-de-sac street.

The property is known as the Potomac Garden Nursery ('Nursery') and is currently being operated as a commercial use by special exception. The existing access is from MD28 (Darnestown Road), which is classified as a major highway. The Nursery is located close to, and in the southeast quadrant of, the intersection of MD28 (Darnestown Road) and Quince Orchard Road. Johnson's Garden Nursery, zoned C-1, is located in the northwest quadrant, while the Quince Orchard High School, zoned R-200, is located in the southwest quadrant. The northeast quadrant is in the City of Gaithersburg and contains a commercial center (The Shops at Potomac Valley), the Rachel Carson Elementary School, and the Kentlands development. The southeast quadrant contains the Quince Orchard Commercial Center and a gas station, in the C-1 Zone, and the Quince Orchard Library and Fire Station Number 31, zoned R-200/TDR. The Fire Station abuts the subject property on the west, with the Quince Orchard Knolls single-family subdivision, zoned R-200/TDR, abutting the property on the south and east. Blackberry Drive, a secondary residential street, provides access to the subdivision and is bounded by townhouses in the same subdivision to the east. Citrus Grove Road, also a secondary residential street, terminates in a stub at the south property line of the Potomac Garden Nursery, and is approximately 12 feet below the grade of the nursery. It appears that the original intent was to continue Citrus Grove

Road to the north, possibly culminating in a cul-de-sac, with access for a few single-family detached dwellings. Although this would have been the type of development most compatible with the adjacent Quince Orchard Knolls subdivision, that possibility appears to be overtaken by the original special exception approval for the commercial nursery and the present floating zone application.

Much of the Nursery property is impervious with a central structure, 25 greenhouses, storage and parking areas, and gravel pathways and display areas. There is a considerable level of vehicular activity and associated noise in close proximity to the northwest of Lot 4, on Blackberry Drive, including trailers and the loading and unloading of materials.

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. It is not intended that they be construed as recommendations for inclusion as binding elements.)

1. The number of dwelling units has been reduced from 43 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 feet), 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 (See attached section). 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 – ridgeline elevation of town home would be 18 feet higher and 96 feet distant.

From Lot 5, Blackberry Drive to nearest unit – ridgeline elevation of town home would be 24 feet higher and 124 feet distant.

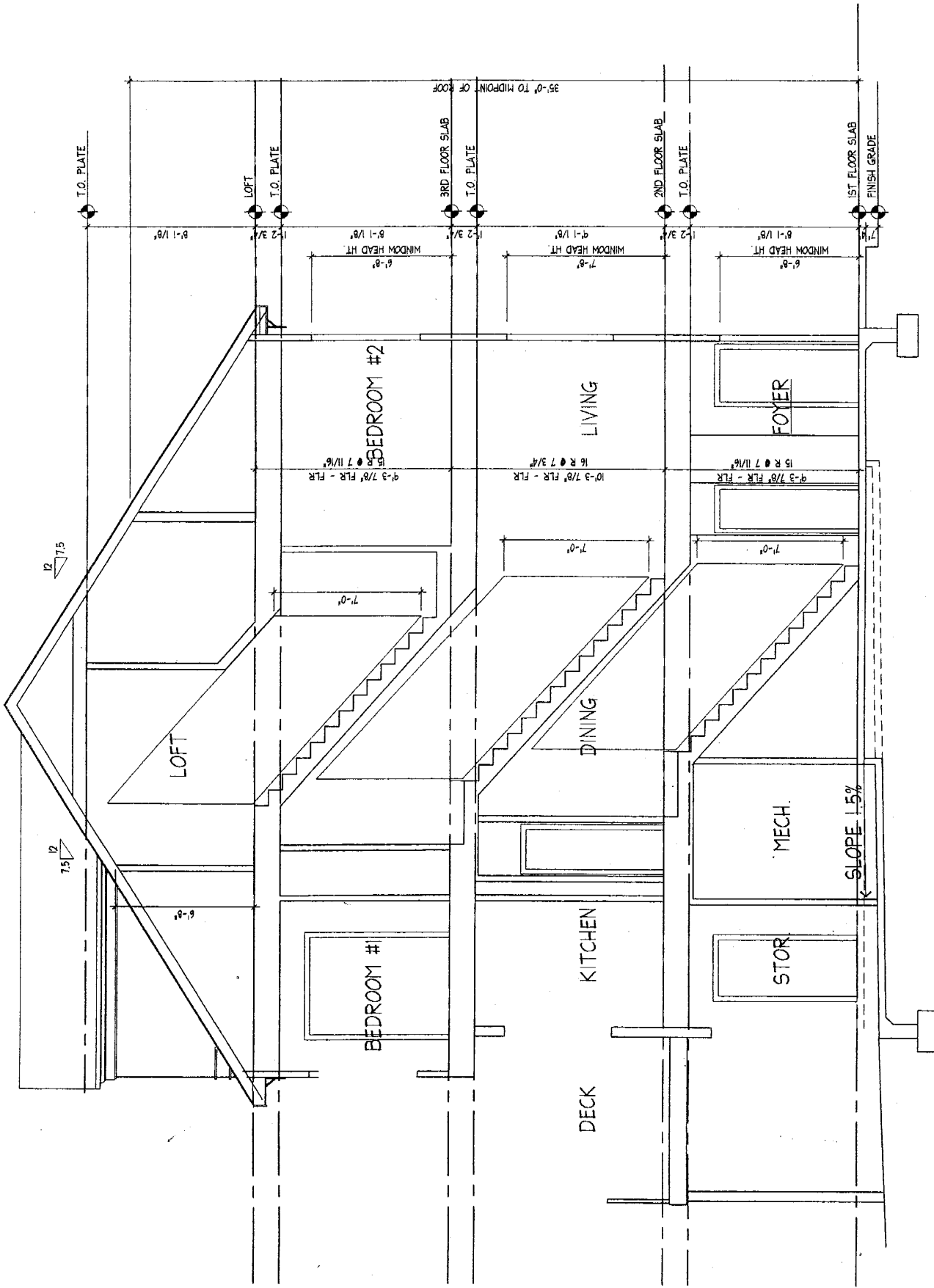
From Lot 10, Citrus Grove Road to nearest unit – ridgeline elevation of town home would be 13 feet higher and 117 feet distant.

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 now proposed as 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 has also been included as a binding element, together with a pedestrian connection to Citrus Grove Road.0.

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.

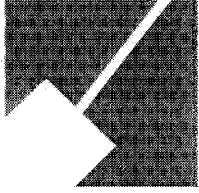
Attachment: Townhouse Section: Porten Homes - Eton Square

CM:\Murray\G-834 comments3



1 Section- Walk Out Condition

A-300 SCALE: 1/4"=1'-0"
 FOR ONE
 ETON SQUARE



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

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

MEMORANDUM

June 30, 2005

TO: Carlton Gilbert, Zoning Analyst
Development Review Division

VIA: Mary G. Dolan, Planner Supervisor *MD*
Environmental Planning
Countywide Planning Division

FROM: Katherine E. Nelson, Planner Coordinator *Ke*
Environmental Planning
Countywide Planning Division

SUBJECT: Zoning Application G-834, Potomac Gardens

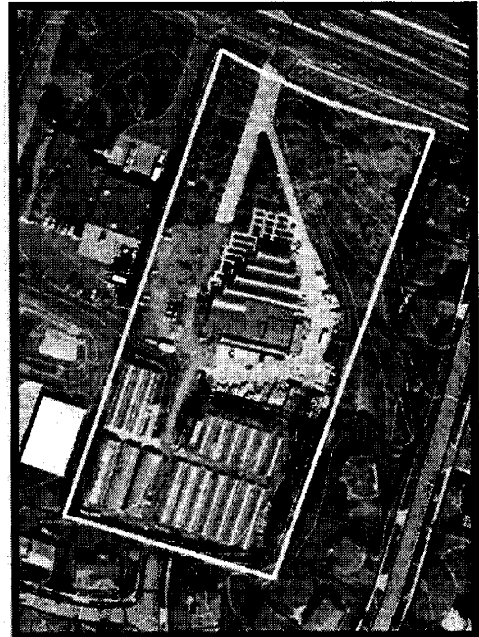
Recommendation: Approval

Existing Conditions

This 5.3-acre site is located on Darnestown Road, adjacent to a fire station and several existing single-family homes. There is an existing sewer main and WSSC easement along the south side of the stream. There is also a perpetual easement in the stream valley for drainage from the Library and Fire Station as well as portions of the nearby shopping centers and Darnestown Road.

Environmental Guidelines

The headwater tributary of Quince Orchard Knolls drains across this site. The stream valley is currently in poor condition. There are encroachments from driveways, greenhouses, and plant display areas. It is also deeply incised and severely eroded. However, this subwatershed as a whole recovers by the time it reaches the mainstem of Muddy Branch where it has good water quality and good habitat conditions. This is largely due to the protected area within Muddy Branch Stream Valley Park (located approximately 800 feet from the subject property) and an in-stream regional stormwater management pond located in the park.



The applicant proposes to remove all existing encroachment except the entranceway from the stream valley. New encroachments will be necessary for stormwater management outfall areas. The rest of the buffer area will be restored to natural conditions to the extent possible and used to meet afforestation requirements. New encroachments to the stream valley will include an outfall for stormwater management and sewer main connections.

Stormwater Management

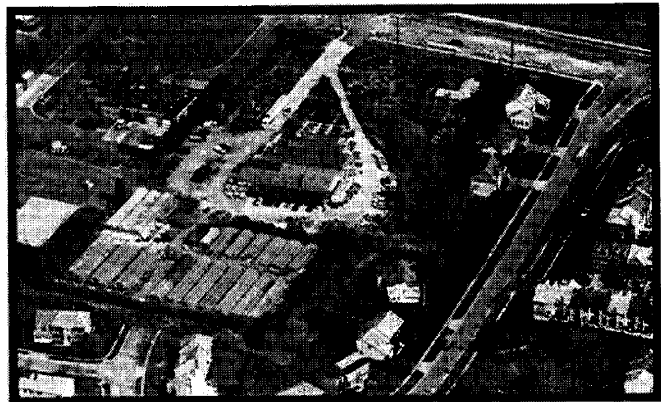
Stormwater management is an important issue on this site. The existing stream is the convergence point for stormwater from MD 28, Quince Orchard Library, the adjacent fire station, and portions of the two shopping centers located at the corner of MD 28 and Quince Orchard Road. There is a perpetual easement to allow drainage from these areas across this site to the stream channel. The stream channel is deeply incised, and is more than ten feet deep in places. This is probably due to years of uncontrolled runoff in this channel. Runoff from this channel eventually reaches an in-stream regional stormwater management facility located within Muddy Branch Stream Valley Park, about a half mile down stream. The severe erosion along the stream valley between the subject property and the pond testifies to the fact that this older method of managing stormwater is not effective in protecting stream valleys and preventing erosion.

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% 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.





DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

June 27, 2005

Mr. Dan Pino, PE
Loiederman Soltesz Associates
1390 Piccard Drive, Suite 100
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request
for Potomac Gardens
Preliminary Plan #: NA
SM File #: 218151
Tract Size/Zone: 5.29 acres/RT-8
Total Concept Area: 4.29 acres
Watershed: Muddy Branch

Dear Mr. Pino:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is provisionally acceptable. There are still outstanding procedural and design items that need to be addressed prior to final approval of the concept. Those items are listed below. However, the concept in its present form meets the general intent of Article II of Chapter 19 of the Montgomery County Code.

The stormwater management concept consists of on-site water quality control via a stormfilter and a surface sand filter. Onsite recharge is to be provided via additional storage under the sand filter for drainage area #1. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs. However, the provisionally approved concept also includes onsite stream restoration.

The following conditions will need to be addressed prior to final approval of the stormwater management concept plan:

1. Further review of the stormwater management computations will occur prior to final concept approval.
2. The buried recharge trench, as proposed, is not acceptable. Recharge should be scattered throughout the drainage area. Recharge may not be feasible in other parts of drainage area #2 due to the previous placement of fill throughout the site. If so the proposed Stormfilter must be sized for the entire water quality volume as is normally required for the redevelopment of existing impervious areas.
3. If the soil in the area of the surface sand filter is determined to be contaminated, an impervious liner may be required.
4. Since drainage area #2 is exempt from onsite channel protection requirements, the size of the orifice in the best management practice is not an issue.
5. Written notice of the proposed development activity must be sent to downstream property owners. Some downstream owners have already contacted us. We have noted their concerns about downstream flooding. You have already addressed these concerns in your most recent concept submittal.



This list may not be all-inclusive and may change at later stages of the development process.

This provisional concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements.

If you have any questions regarding these actions, please feel free to contact William Campbell at 240-777-6345.

Sincerely,

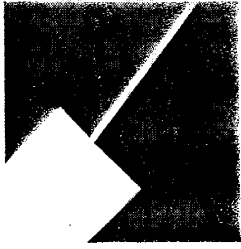


Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm

cc: K. Nelson
S. Federline
SM File # 218151

QN -less than 2cfs; Acres: 4.29
QL - onsite; Acres: 4.29
Recharge is provided for drainage area #1



May 17, 2005

MEMORANDUM

TO: Carlton Gilbert
Development Review Division

VIA: Shahriar Etemadi
Transportation Planning

FROM: Ki H. Kim, Planner
Transportation Planning

SUBJECT: Zoning Application No. G-834
Potomac Garden Nursery at MD 28 and Tschiffely Square Road
North Potomac

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject zoning application. The application includes 5.3 acres of land, the Potomac Garden Nursery Property, located south of Darnestown Road (MD 28) between Quince Orchard Road (MD 124) and Tschiffely Square Road in the North Potomac Policy Area. The subject site is currently zoned R-200 and proposed to be rezoned as RT-8 for 39 townhouses.

RECOMMENDATION

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

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 four/six 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

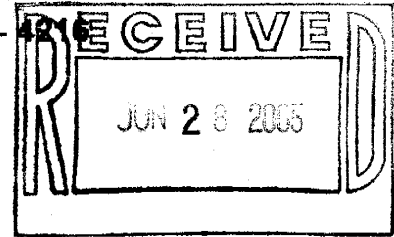
A traffic analysis for rezoning was prepared to determine the impact of residential development as proposed under the requested zone. Staff agrees with the conclusion of that study that development of the subject site with the proposed roadway network will not have an adverse impact on the surrounding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

ATTACHMENT 9

North Potomac Citizens Association, inc.

P.O. Box 4216 North Potomac, MD 20885-4216



The Honorable Derick Berlage
Montgomery County Planning Board, Chairman
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Chairman Berlage:

The North Potomac Citizens Association would like to express its concern about rezoning application G-834. The choice of many people to live in North Potomac is based on a desirable quality of life. There is a concern that this quality of life is being compromised by overbuilding, loss of green space and traffic congestion due to overcrowding. The county provides zoning maps and Subregion Master Plans to current and prospective homeowners as the principle indicator of how properties surrounding their neighborhoods will be developed and utilized. As such, citizens rely on this information for important housing decisions and the stability of the Master Plan and associated zoning maps is very important.

Application G-834 utilizes the RT-8 "Floating Zone" as the means to increase allowed housing densities on a property that directly abuts detached single family homes in the established neighborhood of Orchard Knolls by rezoning the property from R-200/TDR to RT-8. When the county employs floating zones to deviate from existing zoning maps, the Master Plan is rendered inaccurate at best and deceptive to citizens at worst.

Much of North Potomac is zoned for detached single family homes and this is an important part of its character. The repeated use of townhouse floating zones increases housing densities, reduces green space and contributes significantly to sprawl. Even more importantly, it can have a very negative impact with regard to compatibility on existing neighborhoods. For these reasons, the floating zone should be used sparingly as a means to alter residential zones contained in the Master Plan. Furthermore, in cases when the floating zone is approved, the Planning Board and the county should take strong measures to ensure that issues of compatibility with existing homes and neighborhoods are fully addressed and enforced. In cases where compatibility is questionable, the needs of existing neighborhoods should take precedence.

Rezoning application G-834 is just one example of an issue that is very important to citizens of North Potomac because of the lasting impact it will have on our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Putnam".

Jonathan Putnam

President, North Potomac Citizens Association

CC: Callum Murray