

Resolution No.: 15-1551
Introduced: July 18, 2006
Adopted: July 18, 2006

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: Approval of Zoning Application G-839 for the reclassification from the R-200/TDR Zone and the R-200 Zone to the RT-8 Zone of 6.09 acres of land known as Parcels N-721 and N-677 and located at 11800 Darnestown Road, Gaithersburg, Maryland in the 6th Election District

Tax Account Nos. 02873384, 03005203

OPINION

Zoning Application No. G-839, filed on September 6, 2005, requests reclassification from the R-200/TDR and R-200 Zones to the R-T 8 Zone of 6.09 acres of land known as Parcels N-721 and N-667 and located at 11800 Darnestown Road, Gaithersburg, Maryland, in the 6th Election District.

The Hearing Examiner recommended approval of the Application on the basis that it satisfies the requirements of the purpose clause, that it provides a compatible form of development, that it conforms with the goals and objectives of the master plan, and that it is in the public interest. Technical Staff of the Maryland-National Capital Park and Planning Commission and the Montgomery County Planning Board provided similar recommendations. The District Council agrees with the recommendations of the Hearing Examiner, the Technical Staff and the Planning Board and adopts the findings of fact and conclusions set out in the Hearing Examiner's report and recommendation.

The subject property is located along the south side of Maryland Route 28, also known as Darnestown Road, about 1,000 feet east of Tschiffely Square Road. The property is located at the northern tip of the emerging community of North Potomac. It lies directly south of the City of Gaithersburg. The property forms a "T" shaped parcel of 6.09 acres. The site possesses 135 feet of frontage along Route 28 and extends about 870 feet in depth.

The site has been used as the Christian Life Center since 1978. The Center consists of a large worship center, administrative offices and parking areas. This development creates about 75% impervious surface. The site's topography is relatively flat. Access to the site is by way of a single driveway from Route 28 with only right turn in and right turn out traffic movements permitted.

The 1958 Comprehensive Zoning applied the Rural-Residential (R-R) Zone to this area of the County and classified the property for half-acre residential density. In 1973 the R-R Zone was replaced by the R-200 Zone but left residential land uses and density essentially the same as under the previous zoning. This zoning was changed by comprehensive zoning in 1982 when the R-200/TDR Zone was applied to most of the site and permitted development of the site and adjacent properties at a density of about 3 dwellings per acre, provided the TDR option was applied and the land included at least 10 acres.

The property lies within an area governed by the recommendations of the Potomac Subregion Master Plan, approved and adopted in 2002. The 2002 master plan recommends the retention of the current zoning.

The District Council determines that the relevant surrounding area used for the evaluation of this Application is bounded by Quince Orchard Road on the west, a line about 700 feet north and parallel to Route 28 on the north, and the Orchard Knolls subdivision and Owen

Glen Way to the south and east. The land use and zoning pattern of the area reflects a predominately residential character supplemented by institutional and commercial areas. The institutional uses include a library, fire station and several churches. The commercial uses include the Quince Orchard Commercial Center, a gas station and two special exceptions: a nursery and garden center and a medical and dental clinic. These uses are generally located along Quince Orchard Road or Route 28, which was recently upgraded to a major highway consisting of 4 lanes within a 150-foot right of way, divided by a median strip. The improved road contains left turn storage lanes and acceleration/deceleration lanes along the sides.

Residential uses are located east of the nursery. The Orchard Knolls residential community, which has access by way of Blackberry Drive, contains 150 homes. The east side of Blackberry Drive contains 67 townhouses that were built as a part of the Orchard Knolls subdivision. The remaining 83 units are single-family detached homes located on lots of about one-third of an acre on the average. The entire subdivision was planned and built under the R-200/TDR zone and reflects a density of 3 dwelling units per acre. A proposal to build an unspecified number of townhouses on the nursery site was denied in 2005.

The historic Pleasant View Methodist Episcopal Church, the Quince Orchard School and a cemetery abut the subject property to the north and west. Several single family detached homes abut the site to the west and south. These homes were developed under the R-200/TDR Zone. Bordering the site on the east are 134 townhouses developed under the PD-3 Zone at a density of 8.6 dwelling units per acre.

The Applicant proposes to build townhouses on the subject property under a schematic development plan that proposes 45 residential townhouses divided between 39 market

rate units and 6 moderately priced dwelling units (MPDUs). The proposal also reflects a total of 191 parking spaces for the site in garages, driveways and designated parking areas.

Amenities include a significant reduction of impervious surface from 75% to less than 40%, storm water management facilities for both water quality and quantity control, and binding setbacks. There is a 160-foot setback proposed from the northern boundary to accommodate a storm water facility and abate traffic noise. There is a 40-foot setback from the property line with the historic Pleasant View Methodist Episcopal Church and School property. About 20 feet of this setback area will be landscaped. Another 60-foot setback will be provided along the southern property line that will include a 50-foot forest and conservation strip of about one acre in size, and an additional 10-foot setback from five adjacent homes along Peach Lead Court within the Orchard Knolls subdivision.

The zoning issues concern whether or not the proposed reclassification complies with the purposes and requirements of the RT-8 Zone, whether the reclassification would provide a form of development that is compatible with existing and planned land uses in the surrounding area, and whether the reclassification is in the public interest.

The Application satisfies the development standards of the RT-8 Zone. The subject property exceeds the minimum tract area of 20,000 square feet. The density of 6.4 dwelling units per acre is within the density limit of 8.0 dwelling units per acre, not counting MPDUs. The building coverage, green area, and parking are all shown within specified limits of development and will be finally established at the site plan stage.

The District Council finds that the Application satisfies the requirements of the purpose clause for the RT-8 Zone, § 59-C-1.721 of the Zoning Ordinance. The subject property is appropriate for development at densities permitted under the RT-8 Zone because the property is

bordered on one side by 134 townhouses developed at a density of 8.6 dwelling units per acre. The proposed development at a density of 6.4 dwelling per acre, not including MPDUs, is consistent with adjacent and nearby townhouses and other land uses in the surrounding area.

The District Council concludes that the proposed development is compatible with the surrounding area in terms of land use, density and site amenities. The Applicant will provide extensive setbacks, fencing, landscaping, conservation areas, environmental controls and reduced imperviousness.

The District Council determines that the proposed zoning promotes the public interest. The Potomac Sub-region Master Plan, adopted and approved in 2002, contains goals and objectives relating to smart growth, affordable housing and historic preservation that are supported by the proposed development. The proposed development will locate housing in an area of the County where adequate public facilities exist. The Application contains binding commitments to provide affordable housing and locate it on the site. The Application also provides setbacks and landscaping that will enhance the preservation of an existing and adjacent historic enclave. The Application provides for substantial reduction of impervious surface and better storm water management controls. Both the Planning Board and the Technical Staff support the Application as advancing County planning policies and objectives.

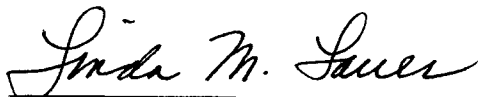
For these reasons and because to grant the Application would aid in the accomplishment of a coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District, the application will be granted in the manner set forth below.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, approves the following resolution.

Zoning Application No. G-839, which requests reclassification from the R-200/TDR and R-200 Zones to the RT-8 Zone of 6.09 acres of land known as Parcels N-721 and N-667, located at 11800 Darnestown Road, Gaithersburg, Maryland, in the 6th Election District, is granted in the amount requested and subject to the specifications and requirements of the Final Schematic Development Plan, Ex. 46(a); provided that the Applicant submits to the Hearing Examiner for certification a reproducible original and three copies of the Schematic Development Plan approved by the District Council within 10 days of approval.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council