



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

MCPB
Item #
Date: 01/24/08

MEMORANDUM

DATE: October 27, 2007

TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development Review Division *RK*
Ralph Wilson, Zoning Supervisor, Development Review Division *RW*
FROM: Elsabett Tesfaye, Planner Coordinator (301) 495-1301 *ET*
SUBJECT: Local Map Amendment No. G-829, Lake Potomac, Block B: request for reclassification of 5.61 acres of land from the RE-2 to The Country Inn Zone for 12-room country inn, including 8,000 Sq Feet of Commercial space and 6,715 square feet of banquet hall and dining areas.

FILING DATE: November 23, 2004
PLANNING BOARD HEARING January 24, 2008
PUBLIC HEARING: January 28, 2008

STAFF RECOMMENDATION:

Approval of reclassification from the RE-2 to Country Inn Zone
Approval of the Development Plan

Rationale

The proposed rezoning satisfies the purposes and standards of the Country Inn Zone, is in substantial compliance with the 2002 Potomac Subregion Master Plan, and provides for a development that will be compatible with existing and future land uses in the surrounding area. Moreover, the proposed Development Plan satisfies all of the applicable requirements set forth in the Zoning Ordinance.

The proposed project provides for a substantial improvement of the property which is currently blighted, contains deteriorating buildings, and in its present condition, has a negative effect on the

surrounding area. As noted in the Community Based Planning comments, the proposed Country Inn would be an appropriate transition from the large lot subdivisions to the north of the site and to the WSSC edifice to the south.

The property's elongated shape coupled with varying topographical features and its location directly opposite to the 35-acre WSSC water filtration plant, places a severe limitation on site design flexibility. Furthermore, the presence of uncontrolled fill materials, steep slopes, a stream valley buffer, some soil erosion, and right-of-way dedication makes the development of the property challenging. Nevertheless, the proposed development plan, through its environmental elements, proposes to preserve, stabilize, enhance, and promote the existing and future environmental resources on the property. The Forest Conservation Plan submitted to Environmental Planning meets the basic parameters of forest conservation law. Environmental Planning has identified a list of issues to be addressed at the time of Site Plan Review.

The proposed access points and internal vehicular circulation system shown on the development plan are safe, adequate and efficient. On-site parking as proposed in the application is adequate and meets the parking requirements. The development plan provides for approximate 50-foot wide right-of-way dedication along River Road.

The proposed development Plan does not include textual binding elements. **Staff suggests that the applicant agree to a binding element that commits the applicant to providing a low-level lighting plan to the Planning Board at the time of Site Plan review to ensure that the requirements of §59-C-4.397(b)(3) are satisfied. Staff also suggests that the development plan specify the maximum height of the proposed building by adding the phrase "not to exceed 35 feet".**



DEVELOPMENT DATA SUMMARY

Location and Identification	12201-12219 River Road, Potomac MD. Parcel 270
Site Size	5.69 Acres
Current Zone and Use:	RE-2, Country Market and antique shop in two buildings
Proposed Zone and Use	Country Inn Zone for a proposed mixed use development consisting of 35,369 SF including: <ul style="list-style-type: none">• 6,200 SF banquet hall, meeting areas, and meeting support area(kitchen, restrooms, hallways and stairs)• 8,780 SF guest rooms (12)• 4,800 SF Retail and general commercial• 2,800 SF restaurant• 12,039 SF Accessory Use/Storage• <u>750 SF Caretaker Room</u> TOTAL GFL 35,369 SF
	The development involves renovation of two existing buildings, a removal of an existing structure, a construction of a new building and a parking area with 157 spaces.
Lot area	5.6 acre (4.62 acres net)
Building Coverage	17,136 SF (8.5%)
Building Height	2½-Story*
Green area	113,487 Square feet
Minimum Building Setbacks	
• From the street	50 FT
• From other boundaries	50 FT
Minimum Parking Setbacks	
• From the street	50 FT (waiver requested for existing parking spaces)
• From other boundaries	50 FT (variance requested for retaining walls > 6 Ft)
Parking spaces	157 spaces including 7 handicap (2 Van accessible) spaces

***Staff suggests that the development plan specify the maximum height of the proposed building by adding the phrase "not to exceed 35 feet"**

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- i. Aerial
- ii. Plans and Drawings
- iii. Referral comments
- iv. Letter from the applicant on Development Time Table
- v. Letters from the Community

I STATEMENT OF THE CASE



Local Map Amendment No. G-829 was first filed on November 23, 2004. Since its initial filing, the application has been revised several times with the latest revision filed on October 8, 2007. The proposed Local Map Amendment requests reclassification of 5.61 acres (4.62 ac) of land from the RE-2 Zone to the Country Inn Zone to allow the construction of a country inn with dining areas, commercial uses; banquet halls and guest rooms. As required under Section 59-D-1.11, the application is accompanied by a development plan with detailed specifications related to land use, density, and development standards.

II. DESCRIPTION OF PROPERTY

The subject property is located at 12201-12219 River Road, on the north side of the road between Lake Potomac Drive and Tack House Court. The property is identified as Lots 12 and 13 Block B, Bealemont Partnership Subdivision. The property consists of 5.61 acres. It is developed with a vacant two-story building, two single-family residential structures, one of which contains an antique store, parking areas, driveways and trails. The existing antique store was established by a special exception that was granted in 1978. Most of the parking and driveways are gravel or dirt. The property is 300 feet deep and has 980 feet of frontage along River Road. The property has multiple access points to River Road.

The property is situated on a hillside adjacent to the Watts Branch River Stream and slopes downward from River Road toward Watts Branch Stream to the north. The property contains a significant amount of uncontrolled fill material to a maximum depth of about 21 feet. The fill area extends into the stream valley buffer. Within the stream valley buffer area, the hillside holds a significant amount of vegetation, including young sycamore trees. Soil erosion is present on the hillside that slopes downward toward the stream. West of the subject property, adjacent to the WSSC Water treatment Plant, the stream feeds into the Potomac River. A bridle trail runs parallel to the property in the stream valley, and a deteriorated asphalt trail is located within the stream valley.

III. PLANNING AND ZONING HISTORY

The property was classified under the R-A (Agricultural-Residential) Zone in the 1958 County – wide comprehensive rezoning. The R-A Zone was renamed the RE-2 Zone by a zoning text amendment in 1973. Sectional Map Amendment G-247 (1980) and Sectional Map Amendment G-800 (2002) retained the existing RE-2 Zoning of the property.

The County's Board of Appeals approved the following special exceptions on the property between 1978 and 1991:

- Special exception S-664-A for an Arts and Antique store (September, 1978)
- Special exception BAS-705; produce market; approved (June, 1980). The Special exception was later deemed a permitted non-conforming use.
- Special exception S-1911 Produce and Farmers Market (1991)

IV. SURROUNDING AREA

The Country Inn Zone is a floating zone and evaluation of a request for reclassification to the Country Inn Zone requires identification of the surrounding area so that compatibility can be established. In a Floating Zone application, the surrounding area is less rigidly defined than is required with a Euclidean Zone application. In general, the surrounding area takes into account those areas that are most directly affected by the proposed development and any special study areas that may have been defined by master or sector plan.

Staff defines the surrounding area to include the properties fronting on River Road between Tack House Court and Lake Potomac Drive, and properties fronting on Tack House Court and Lake Potomac Drive within approximately 600 feet from the subject site. This area includes the 35-acre WSSC water treatment plant site. The Lake Potomac subdivision lies north of the subject property and the stream valley in the RE-2 Zone. The Saddle Ridge subdivision is to the west, and the Potomac Hunt Subdivision is to the east of the subject property, both in the RE-2 Zone. Properties in the surrounding area range from 1-to 35 acres in size and include institutional, commercial (special exceptions) and residential uses.

V. PROPOSED DEVELOPMENT

The site currently has three structures (two houses and the antique store) on it with parking and driveways that are mostly gravel or dirt. The applicant proposes renovation and modification of two of the existing building, removal of an existing structure, and construction of a new building. The overall project consists of 35,369 square feet of gross floor area. The proposed development of the property includes significant changes to the design of the parking lot and on-site circulation pattern. The plan proposes 157 parking spaces. If approved, the applicant intends to complete development of the property within a ten-year period of time (see applicant's letter of December 27, 2007-attached). The applicant intends to start development with improvements to the existing buildings and the removal of the smaller

existing residential structure located in the area proposed for right-of-way dedication. Upon completion of the new building, the existing antique shop that is located in the right of way dedication area will be removed. The new building will have approximately 19,395 square feet of gross floor area and will feature 3,620 square feet of meeting and banquet area (including kitchen, restrooms, foyer hallways and stairs), 1,800 square feet of restaurant, and 8, 780 square feet of guest rooms (12). The additional meeting and banquet space are in the market building.

VI. MASTER PLAN

The Subject property lies within the area covered by the 2002 Potomac Subregion Master Plan. The Plan confirmed the existing zoning but did not directly address the site or preclude applications for a floating zone. Community Based Planning (CBP) staff has offered the following comments (CBP memo of December 19, 2007.):

...This elongated property presents many challenges to development, and is, in all probability, unlikely to be developed with large lot single family residences, due to the massive presence of the directly confronting WSSC Filtration Plant. The presence of steep slopes and the proximity of the stream valley buffer also present challenges.

In order for a Country Inn to be successful at this location, it will be necessary to vastly improve the appearance of the property, screen the Inn from River Road (classed as a Major Highway) and the visually dominating WSSC Plant, and face the buildings with views to the north over the stream valley park. The previous owner was cited several times for dumping considerable amounts of rubble fill, particularly on the east end of the site, and the applicant has proposed a combination of removal and consolidation of un-compacted fill, re-grading, slope stability measures, and landscaping to reduce erosion and remove visual blight. Staff notes that the landscape plan is conceptual in nature, and that further details regarding numbers, size and species will be required during any subsequent review process.

Subdivision and site plan approval, together with dedication of the master planned right-of-way, will be required if the zoning application is approved. The applicant has amended the original development plan to remove structures and retaining walls from the master planned right-of way, but omitted to show a bikeway. Both the Potomac Master Plan and the Countywide Master Plan of Bikeways recommend the latter. The applicant has also responded to staff suggestions and amended the original plans to reduce impervious parking surfaces and the height of retaining walls.

... In response to a suggestion from staff, the applicant has held meetings with local citizens and the West Montgomery County Citizens Association. Issues expressed by citizens include compatibility, the size of buildings, the proportion of ancillary uses, hours of operation, traffic and noise ensuing from banqueting facilities, increases in impervious surfaces, and environmental impact on the Watts Branch watershed.

These are all legitimate issues. Staff notes that the proposed Country Inn would be a transition from the large lot subdivisions to the north to the massive WSSC edifice to the south and that the subject property has extensive frontage on a major highway. Staff also notes a parallel situation with the Normandie Farm Country Inn zoning where the Inn, also located on a major highway, forms a transition between RE-2 zoned single family residences and the Bullis School, Falls Road Golf Course, and a Manor Care facility.

Staff notes that the plans have undergone substantial changes from those originally submitted and that if the District Council ultimately approves the local map amendment, future regulatory processes such as preliminary plan and site plan will address the issues outlined above. For example, it is probable that required storm water management facilities will be a substantial improvement on the present situation where runoff is uncontrolled.

Community-Based Planning staff finds the proposed use to be compatible with the adjacent single-family residential development and neighborhood.

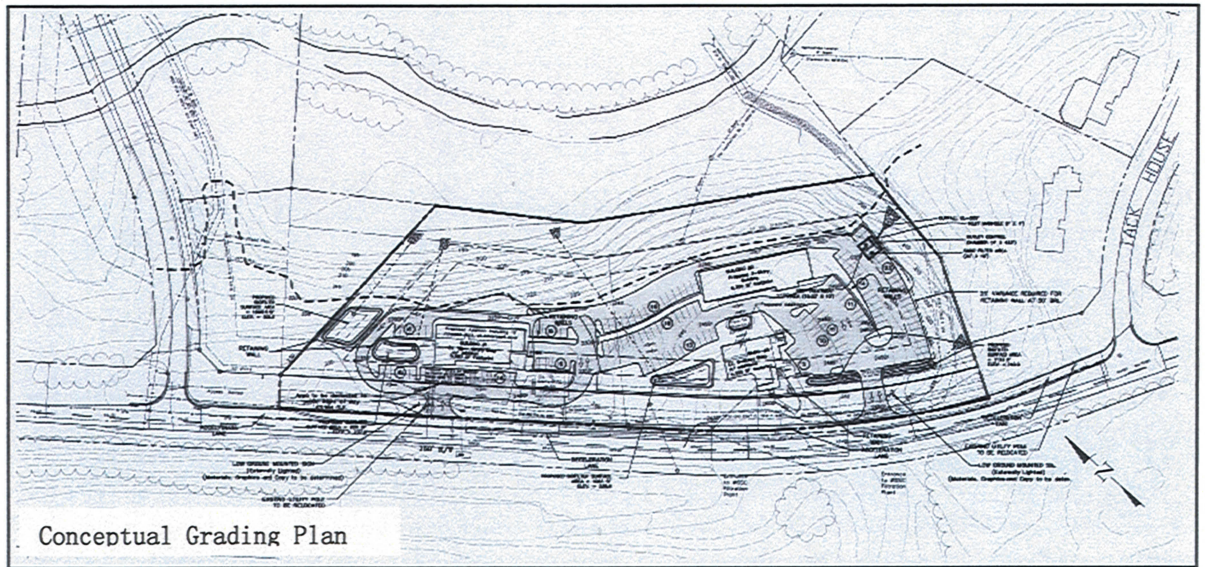
VII. COUNTRY INN ZONE-PURPOSE AND DEVELOPMENT STANDARDS —§59-C-4.39

1. Purpose—Section 59-C-4.390

This zone is intended to be used for the purpose of permitting country inns at appropriate rural locations. It is primarily intended that country inns be located in existing structures, but this does not preclude such uses being located in new structures where appropriate. Since this zone permits commercial uses in a rural location, approval of this zone shall be based upon certain restrictions not imposed upon other uses in rural areas nor upon restaurants and inns in commercial areas. Construction and development of a country inn zoned site must ensure that the proposed uses permitted in this zone will be compatible with and will not adversely affect the rural character of the surrounding area. In addition, it is the purpose of this zone to preserve and maintain significant trees. Development shall be in conformance with a development plan submitted in accordance with the provisions of division 59-D-1 and approved as being consistent with the purposes of this section. The use of this category at any location is not an indication that the surrounding area is other than rural, that its character is altered by the granting of this zoning category or the presence of the country inn, or that any other change in zoning is appropriate because of this change

The proposed development plan and application satisfies the purposes and standards of the Country Inn Zone. The development plan shows that the proposed country inn will be developed by modifying and renovating existing structures and adding a new structure on the subject property. The applicant maintains that the property is located

in a rural area and has been used as an approved commercial use in the past (a commercial use), and an antique store,) still operates on the property currently. The area where the subject property is located is rural in nature, despite the fact that it lost much of the agricultural land to development during the 1950s and 60s. The area contains large lots with medium to large sized homes located near horse trails and the Potomac River, which creates a semi-rural quality. Montgomery County maintains the Watts Branch Stream and owns the property abutting the north side of the subject property. This County owned property contains trees, shrubs and other vegetation near the steeply sloping stream bed.



The applicant has indicated that the one tree on the site designated as significant will be preserved and incorporated into the new landscape plan. The landscape concept plan provides for a number of shade, ornamental and evergreen trees as well as shrubs to be planted. Moreover, as part of the Forest Conservation requirement, the applicant has agreed to Environmental Planning's suggestions to plant the stream valley buffer after digging and re-grading and rehabilitate the stream valley buffer per specifications by the Environmental Planning Section.

The 2002 Potomac Subregion Master Plan confirms the existing RE-2 zoning of the property but did not directly address or preclude the proposed Country Inn Zone, which is a floating Zone.

EXISTING CONDITIONS



2. Standards and regulations of the Zone

Table 1

Element	Permitted/Required	Proposed
§59-C-4.391. Minimum area of lot	2 ac	4.62 ac (net)
§59-C-4.392. Building coverage.	10% Max.	8.5% (17,136 sf)
§59-C-4.393. Green area.	50%	56% (113,487sf)
§59-C-4.394. Setbacks <ul style="list-style-type: none"> • From Street* • From other lot lines 	50 ft. minimum 75 ft minimum	50 (proposed addition) 94 (proposed addition)
§59-C-4.395. Building height (max) <ul style="list-style-type: none"> • Main Building • Accessory Building 	2.5 stories except for existing buildings and additions 2 stories except for existing buildings and additions	2.5 stories**
§59-C-4.397 (a). Off-street parking.	156.6 Spaces per §59-E-3.7/§59E-11	157 Spaces
§59-C-4.397 (b) (1) Parking Setbacks <ul style="list-style-type: none"> • From any street • From other lot lines 	25 feet minimum*** 50 feet minimum****	Request to retain existing parking within proposed R-O-W as approved by permit #933120085 Request for 25 ft variance where retaining walls are greater than six feet in height

As shown in the Table above, the proposed development satisfies the standards and regulations of the Country Inn Zone, provided that the District Council exercises its discretion to approve a reduced parking facility setback for the frontage along River Road (south side) ***. The applicant is also requesting a variance from the parking setback requirement where proposed retaining walls will be greater than six feet****. The existing building housing the antique shop is located within the River Road ultimate Right-of-way. *The District Council may approve a setback less than 50 feet for any building existing on the site at the time of the reclassification to the Country Inn Zone, and for any additional improvement to an existing building shown on the Development Plan*. Staff suggests that the phrase “not to exceed 35 feet” be added next to the proposed building height of 2.5 stories**.*

§59-C-4.396

The display of a sign must comply with the requirements established in Article 59-F of this chapter.

The applicant has indicated that signage for the development will be kept to a minimum and be in compliance with §59-F.

§59-C-4.397. Off-street parking.

- (a) Requirement. Parking facilities shall be provided on the site in accordance with the requirements set forth in section 59-E-3.7 for restaurants, rural resort hotels, and retail commercial establishments.**

The application satisfies the parking requirements. See Table 1 above.

- (b) Design. The design and location of any parking facility must minimize any adverse effect upon surrounding land and development, and comply with the following requirements:**

- (1) No parking space is allowed within 25 feet of any street or highway, or within 50 feet of any other boundary of the lot; except that, the District Council may approve a setback less than 25 feet or 50 feet for any parking facility existing on the site at the time of reclassification to the Country Inn Zone and for any modification to an existing parking facility shown on the Development Plan.**

The application satisfies the parking space setback standards if proper variances are obtained. See Table 1 above.

- (2) Adequate screening, including planting;**

The conceptual landscape plan provides for substantial planting of shade and evergreen trees that will provide adequate screening and buffering of the parking areas as well as the proposed use. Staff notes that the landscaping shown is illustrative only and that final locations, sizes and species of landscape materials will be determined at the time of site plan review.

- (3) Low-level lighting, designed so as to prevent glare off the site;**

The applicant's conceptual landscape plan contains sample pictures of representative lighting fixtures that are generally consistent with low-level lighting. As noted earlier, staff suggests that **the applicant agree to a binding element that indicates commitment to provide a low-level lighting plan to the**

Planning Board at the time of Site Plan review to ensure that the Development Plan satisfies the lighting requirements.

- (4) Such other matters as the planning board shall find to be necessary.**

§59-C-4.398. Procedures for application and approval

- (a) Application and development plan approval shall be in accordance with the provisions of division 59-D-1.**
- (b) Site plans shall be submitted and approved in accordance with the provisions of division 59-D-3.**

The applicant has submitted a development plan that contains adequate information concerning the various required elements. As discussed in detail below, the development plan satisfies all applicable requirements of Division 59-D-1. The subject proposal is subject to preliminary and site plan reviews upon approval of the zoning request and the Development Plan by the District Council.

§59-C-4.399. Retail facilities.

The retail uses permitted in the country inn zone in accordance with section 59-C-4.2 are permitted only as accessory to the main country inn use.

The Country Inn is the main use and the related retail and banquet uses are accessory to the country inn use.

VIII. DEVELOPMENT PLAN

The applicant has submitted a development plan pursuant to Section 59-D-1.11. Development under the Country Inn Zone is permitted only in accordance with a development plan that is approved by the District Council when the property is reclassified to the Country Inn Zone.

The proposed Development Plan and supporting materials satisfy the requirements of §59-D-1.3 by showing access points, approximate locations of existing and proposed buildings and structures, classification of uses and parking areas. Due to the nature of the proposed use, no land is intended for common or quasi-public use. Road dedications are shown on the Development Plan along River Road. The Internal roads are proposed to be private roads. The parking schedule will support the proposed use and development and meets the parking requirements. However, the final decision on the total required parking spaces will be determined at the time of Site Plan.

The Development plan provides the following break-down of the proposed development.

Table 2

PROPOSED USE	BILDG # 1 (Ex. Market)	BLDG #2	BLDG#3	TOTAL
Meeting/Banquet	1,800 sf	3,000 sf	-----	4,800 sf
Meeting (support)*	780 sf	620 sf	-----	1,400 sf
Restaurant	1,000 sf	1,800 sf	-----	2,800 sf
Retail, General	3,000 sf		1,800 sf	4,800 sf
Guest Rooms		8,780 sf		8,780 sf
Caretaker Room			750 sf	750 sf
Accessory/Use/Storage	4,844 sf	5,195 sf	2,000 sf	12,039 sf
TOTAL GFA				35,369 sf

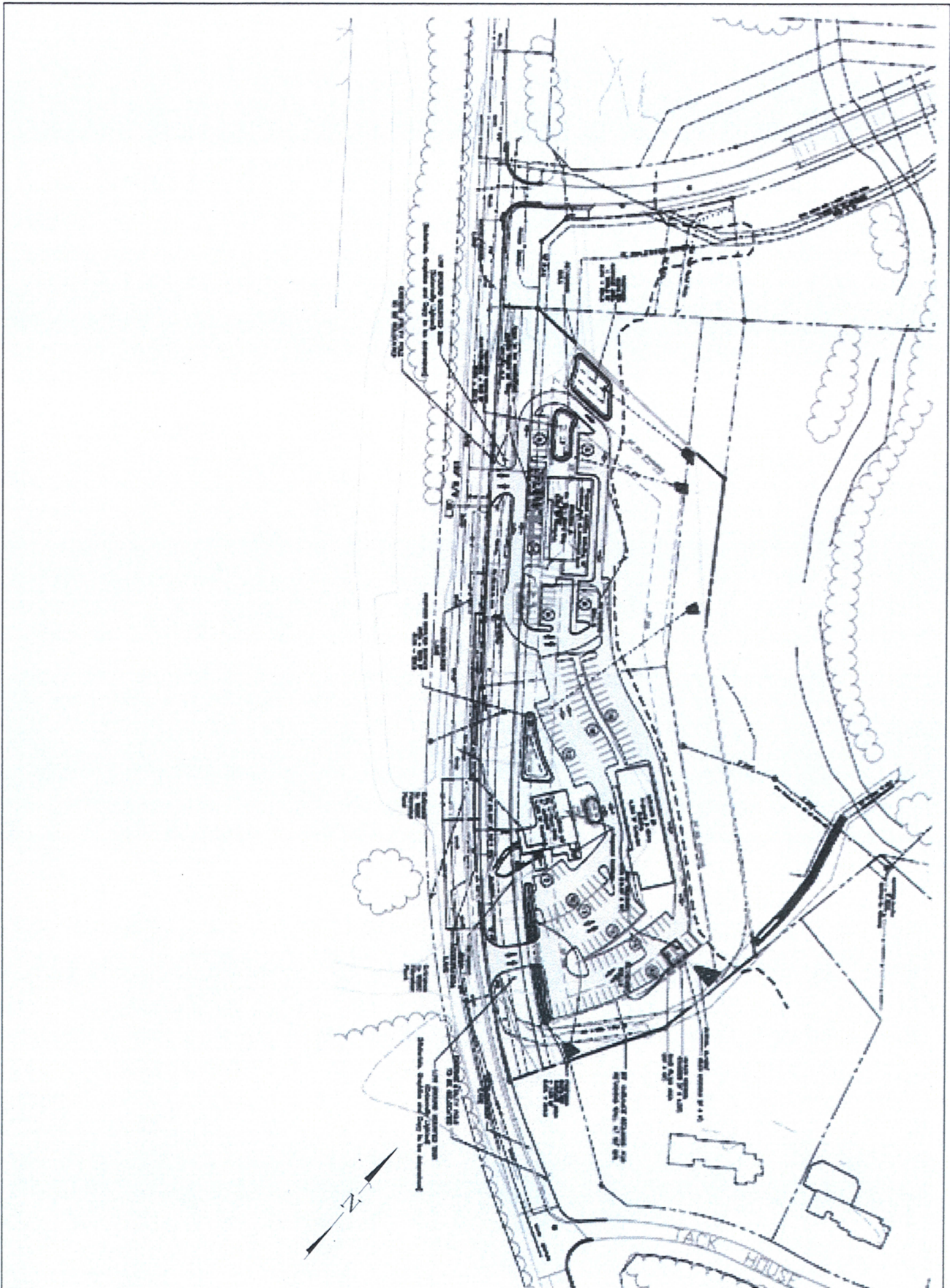
* Areas to provide support to Meeting/Banquet space include kitchen, restrooms, foyer, hallways and stairs.

Parking Spaces: §59-E-3.7/§59E-11		
Meeting Center	4,800 sf X 10 sp/1000	48.0 sp
Meeting (support)	1,400 sf X 2.5 sp/1000	3.5 sp
Restaurant	2,800 sf X 25. sp/1000	70.0 sp
Retail, General	4,800 sf X 5 sp/1000	21.6 sp
Guest Rooms	12 rooms X 1 sp/ guest rm	12.0 sp
Caretaker Room		1.5 sp
Total Parking Spaces (including 5 regular and 2 Van accessible handicap spaces)		156.7 = 157 sp

Additional elements of the Development Plan have been submitted including vicinity maps, a Natural Resources Inventory/Forest Stand Delineation, and Preliminary Forest Conservation Plan. The Development Plan is subject to Site Plan Review by the Planning Board, and changes in detail may be made at that time.

The Development Plan and the Development Standards table are reproduced on the next two pages.

DEVELOPMENT PLAN



DEVELOPMENT STANDARDS

Area Tabulation				
Gross Tract Area (GTA)	=	244,333 sf	or	5.61 ac.
Dedication to Public Use	=	43,164 sf	or	0.99 ac.
Net Area	=	201,169 sf	or	4.62 ac.
Zone: RE-2		<u>Required/Permitted</u> RE-2 (current)		<u>Provided</u> Country Inn (proposed)
Lot Area 59-C-4.391		2 ac. min.		5.61 ac.
Building Coverage 59-C-4.392		10% of lot area max. (20,117 s.f. max)		8.5% (17,136 s.f.)
Green Area (59-C-4.393)		50% of lot area min. (100,585 s.f. min.)		56% (113,487 s.f.)
Internal Landscape Area Parking Compound= 67,837 s.f.		5% or 3,392 s.f.		7.4% or 5,047 s.f.
Building Setbacks (59-C-4.394)				
From Street		50' min.		50' (proposed additions)
From other boundaries		75' min.		94' min. (proposed bldg)
Building Height (59-C-4.395)				
Main (new construction)		2½ stories max.		2 ¼ Stories
Accessory (new)		2 stories max.		
Proposed Use	<u>Bldg #1 (Ex. Market)</u>	<u>Bldg #2</u>	<u>Bldg #3</u>	<u>TOTAL</u>
-Meeting/Banquet	1,800 sf	3,000 sf	----	4,800 sf
-Meeting (Support)*	780 sf	620 sf	----	1,400 sf
-Restaurant	1,000 sf	1,800 sf	----	2,800 sf
-Retail, General	3,000 sf	----	1,800 sf	4,800 sf
-Guest Rooms		8,780 sf (12)		8,780 sf (12)
-Caretaker Room			750 sf (1)	
-Accessory Use/ Storage	4,844 sf	5,195 sf	2,000 sf	12,039 sf

*Areas to provide support to Meeting/Banquet space include kitchen, restrooms, foyer, hallways and stairs.

Parking Setbacks
59-C-4.397

From Street	25' min.	Requesting use of established parking within proposed R-O-W as approved by permit #933120085 (6-22-93)
From other boundaries	50' min.	50' min.
	(Adjacent residential zone RE-2 requires 50' setback)	Requesting 25' variance where retaining walls greater than 6' in height are proposed at 50' setback.

Parking Space Requirements

59-E-3.7 (See also Mixed Use table p. 59E-11)

Meeting Center	4,800 sf x 10 spaces/1000 sf	= 48.0 spaces
Meeting (Support)*	1,400 sf x 2.5 spaces/1000 sf	= 3.5 spaces
Restaurant	2,800 sf x 25.0 spaces/1000 sf	= 70.0 spaces
Retail, general	4,800 sf x 5.0 spaces/1000 sf	= 24.0 spaces
	(x 90% mixed use-Weekday Evening)	= 21.6 spaces
Guest Rooms in Country Inn	12 rooms x 1 space/guest room	= 12.0 spaces
Caretaker Room	1 room x 1.5 spaces/room	= 1.5 spaces
TOTAL Parking Required		= 157 spaces

HC Spaces- Required = 7 spaces
 -Provided = 7 spaces
 (Included 2 Van accessible spaces)

AVAILABLE PARKING: 157 Total Spaces

ELEVATIONS

1 PERSPECTIVE ELEVATION

2 SIDE ELEVATION

GARDOLA VICTORIA, LLC
 1000 ...
 Potomac, Maryland 20854

Country Inn
 Potomac, MD

New Building
 Building Elevations

E-1a

The elevation is designed to read as a building, presenting the building in the most realistic view possible, as if it were in the landscape. The elevation will complement the rest of the architectural drawings.

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1 PERSPECTIVE ELEVATION

2 SIDE ELEVATION

GARDOLA VICTORIA, LLC
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 Potomac, Maryland 20854

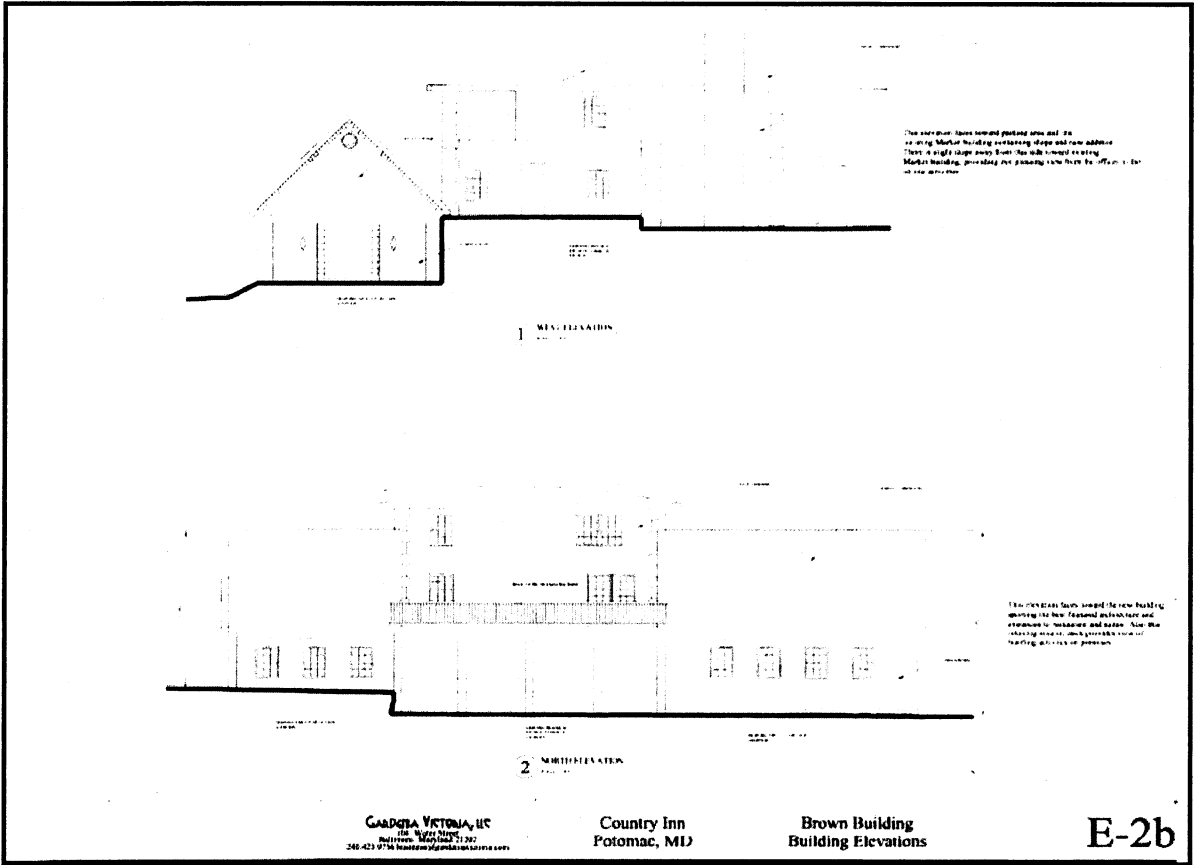
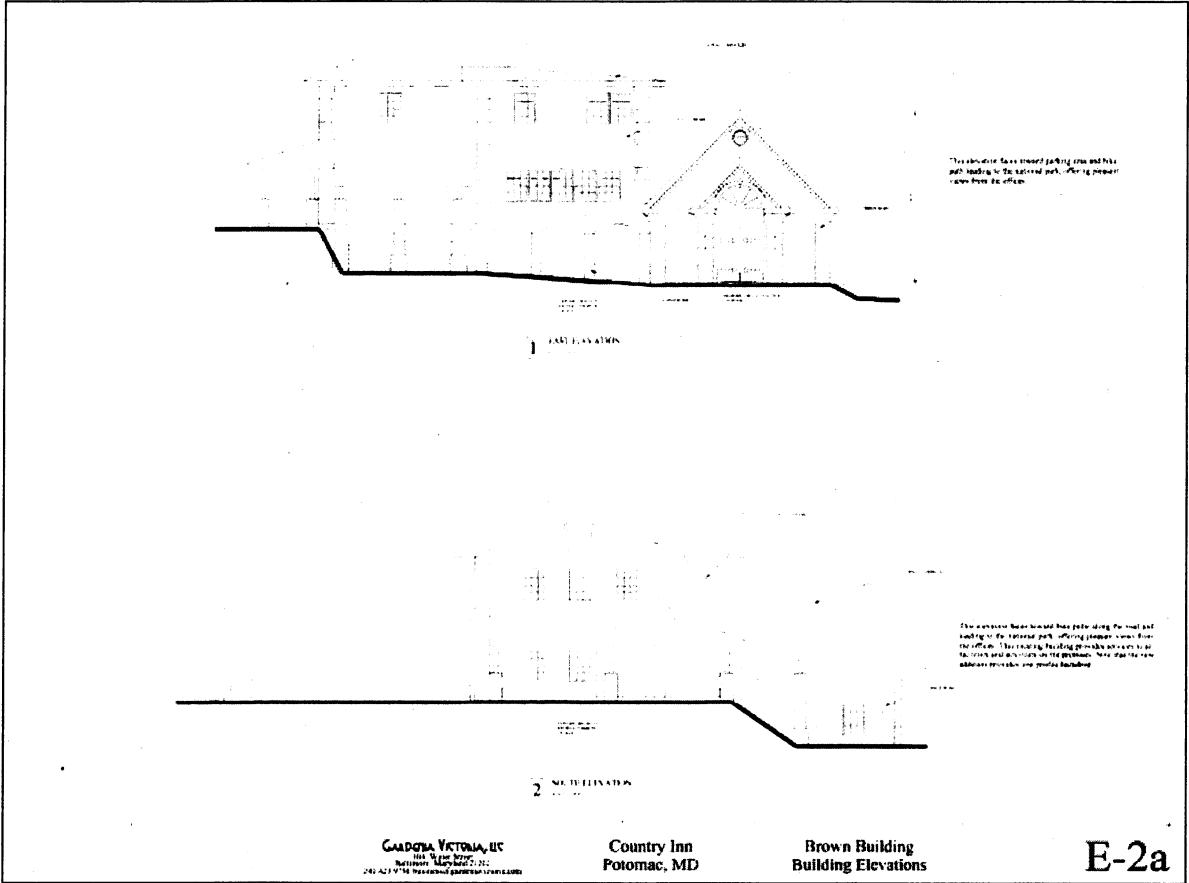
Country Inn
 Potomac, MD

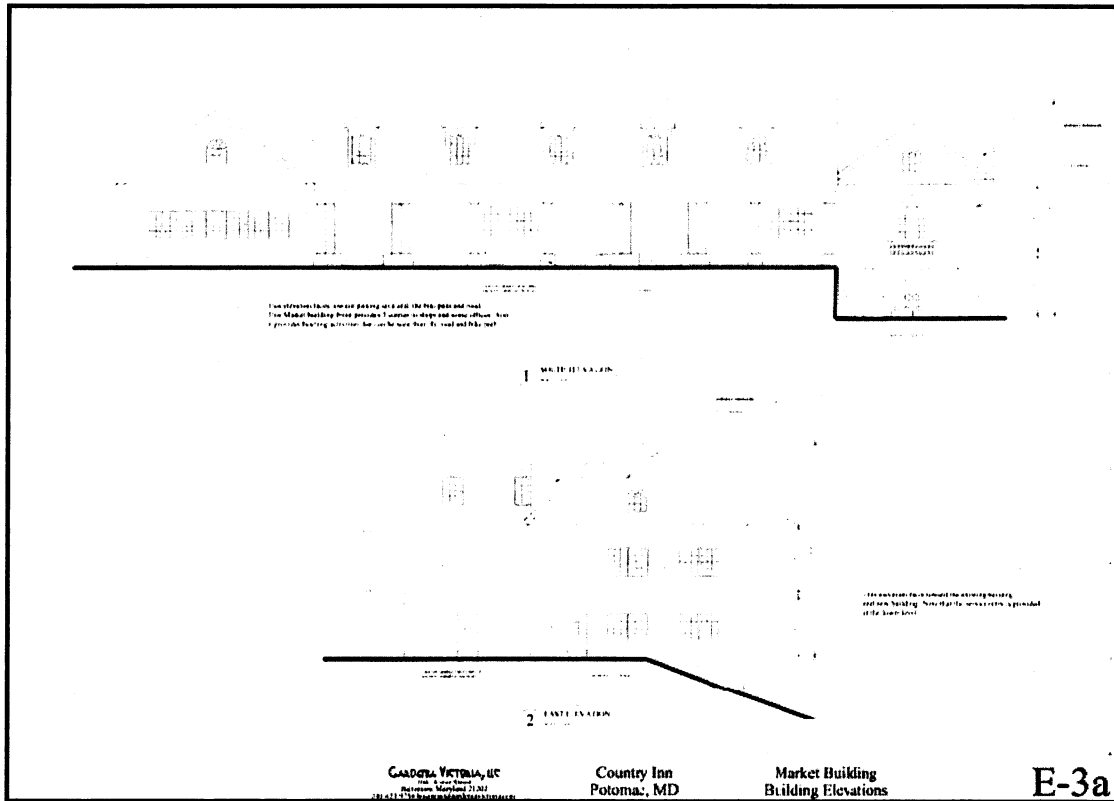
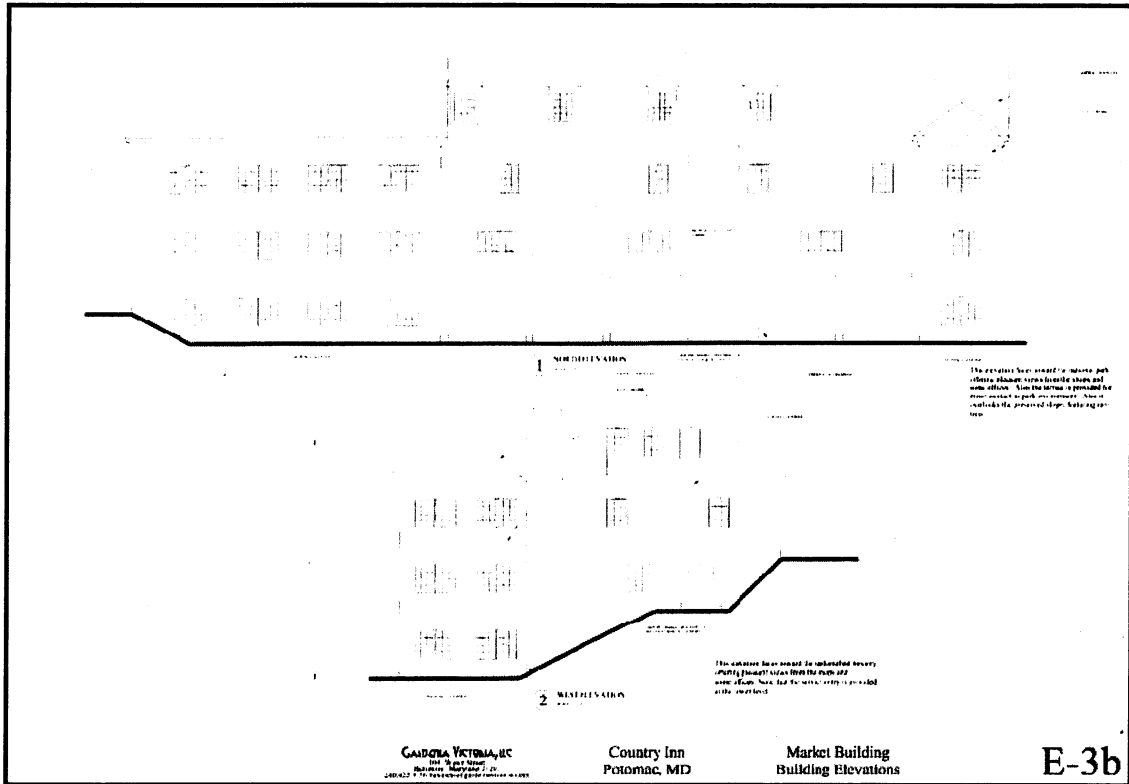
New Building
 Building Elevations

E-1b

The elevation is designed to read as a building, presenting the building in the most realistic view possible, as if it were in the landscape. The elevation will complement the rest of the architectural drawings.

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XI APPROVAL BY THE DISTRICT COUNCIL 59-D-1.6

Before approving an application for classification in any of these zones, the District Council must consider whether the application, including the development plan, fulfills the purposes and requirements in Article 59-C for the zone. In so doing, the District Council must make the following specific findings, in addition to any other findings which may be necessary and appropriate to evaluate the proposed reclassification:

- (a) The zone applied for substantially complies with the use and density indicated by the master plan or sector plan, and does not conflict with the general plan, the county capital improvements program, or other applicable county plans and policies.**

As established in the County Council's previous findings, pursuant to Section 59-D-1.1 of the Zoning Ordinance, development in the Country Inn Zone is permitted only in accordance with a plan approved by the District Council when the property is reclassified in that zone. The Development Plan and the Land Use Plan that constitutes one of its primary parts are binding on the applicant except where particular elements are identified as illustrative or conceptual. Illustrative elements may be changed during site plan review by the Planning Board, but the binding elements cannot be changed without a separate application to the District Council for a development plan.

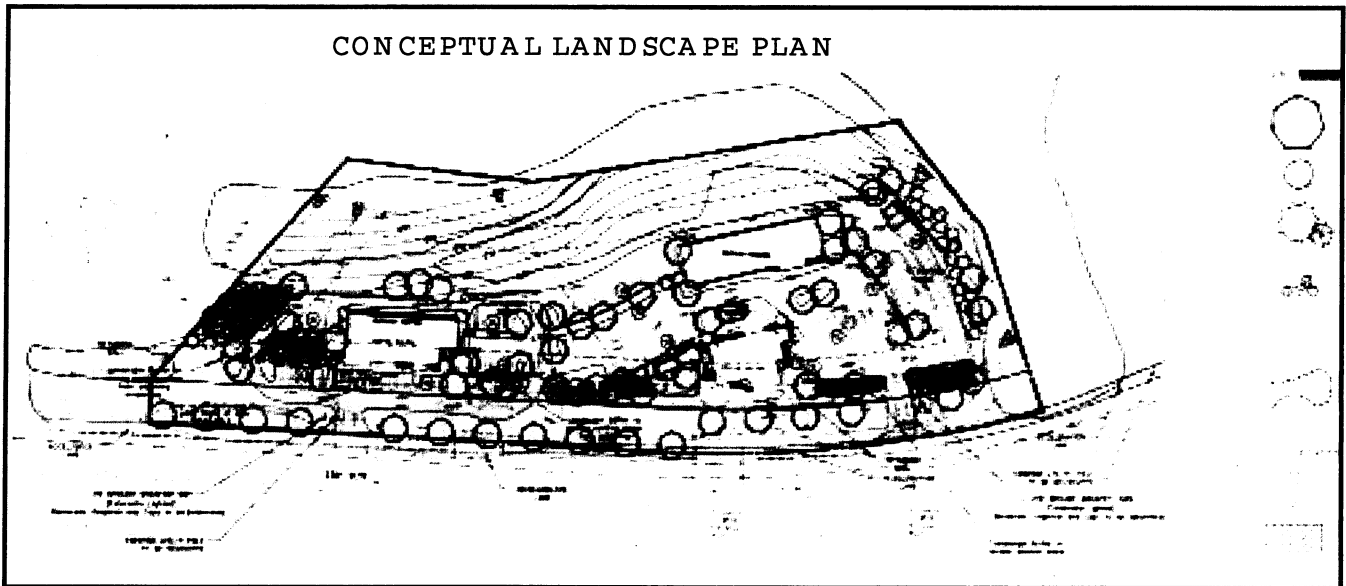
The proposed Development Plan does not include textual binding elements. Staff suggests that the applicant agree to a binding element that indicates commitment to provide a low-level lighting plan to the Planning Board at the time of Site Plan review to ensure that the Development Plan satisfies the requirements of §59-C-4.397(b)(3). Staff also suggests that the development table on the site plan specify the height of the proposed building by adding the phrase "not to exceed 35 feet".

The proposed development complies with the required development standards of the Country Inn Zone as specified in Section 59-C-4.39. Due to the non-residential nature of the proposed development, compliance with the requirements of Chapter 25 regarding MPDU's is not applicable in this case.

- (b) That the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.**

The proposal generally satisfies the applicable requirements of the Country Inn Zone as specified in article 59-C. Because the proposed development is non-

residential in its nature, the maximum safety, convenience and amenity of residents is not a factor for consideration. With the proposed landscaping, site and building designs, re-grading, cleaning and planting of the stream valley buffer, and renovation of existing buildings and parking area, the development would be compatible with adjacent development. Moreover, Local Area Transportation Review (LATR) of the impact of the development reveals that development of the subject site, as proposed, does not have an adverse impact on the surrounding roadways.



- (c) That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.

Due to the rural nature of the immediate area in which the subject site is located, pedestrian traffic in the vicinity of the subject site is limited. As noted in Transportation Planning staff's analysis, access points and the vehicle circulation system shown on the development plan are adequate. Staff also finds the pedestrian circulation system as shown on the development plan to be safe and adequate.

- (d) That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in Division 59-D-3.

As noted in the Environmental Planning (EP) staff memorandum, the site contains relatively deep, unconsolidated fill throughout most of the property and unstable slopes which makes the site unsuitable for the proposed development unless there is extensive reengineering. As part of the review of the applicant's Preliminary Forest Conservation Plan (FCP), the Environmental Planning staff has provided the applicant with a number of options to stabilize the site prior to construction (EP memo of Dec. 18, 2007). The Environmental Planning staff has found the Preliminary FCP meets "the basic parameters of forest conservation law". Issues stemming from the review of the Preliminary FCP are identified and would be addressed at Preliminary Plan and Site Plan stages of the review process.

The Department of Permitting Services (DPS) has approved the stormwater management concept request for the site. The stormwater management concept consists of onsite water quality control via biofilters and a separator sand filter. Onsite recharge, where possible, will be provided under the biofilters. DPS outlined the items that the applicant must address during the detailed sediment control/stormwater management plan stage, in its approval letter of December 22, 2005. (EP memo of Dec. 18, 2007).

The site drains to the Watts Branch Watershed. The updated Montgomery County *Countywide Stream Protection Strategy* (2003 update) rates average stream conditions as 'fair' and stream quality as generally 'good' based on stream monitoring from 1994 to 2000. The Maryland Department of the Environment has designated Watts Branch as Use I-P indicating its suitability for water contact recreation and protection of aquatic life. (EP memo of Dec. 18, 2007).

- (e) **That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient.**

Not applicable.

X. ADEQUATE PUBLIC FACILITIES

(i) Water and Sewer Service

The area is served by public facilities and WSSC water and sanitary sewer service. The property is now and will continue to be adequately served by

public water and sewer systems —Water Service Category S-1 and Sanitary Sewer Service Category W-1.(EP memo of Dec. 18, 2007).

(ii) Transportation

Upon reviewing the applicant's traffic analysis and development plan, the Transportation Planning staff offered the following comments:

Site Access and Vehicular/Pedestrian Circulation

Two driveways are proposed to the site from River Road (MD 190) and these driveways will be constructed according to the Maryland State Highway Administration's access requirements. River Road (MD 189) is classified as a major highway with two lanes and a master plan right-of-way of 150 feet. The development plan shows 75 feet right-of-way from the center line of which the applicant is dedicating 50 feet. Staff finds that the access points and the vehicle circulation system shown on the development plan are adequate.

There is limited pedestrian activity in the vicinity of the site since the area in which the site is located is rural in character. Staff finds the pedestrian circulation system as shown on the development plan to be safe and adequate.

Local Area Transportation Review (LATR)

A traffic analysis for rezoning was prepared to determine the impact of the mixed use development as proposed under the requested zone. Staff agrees with the conclusion of that study that the proposed development of the subject site does 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 1,450 Critical Lane Volume (CLV) for the Potomac Policy Area. There is no approved but unbuilt development in the study area: thus, the existing and background traffic conditions are the same. The total future traffic was assigned to the critical intersections to determine the total future CLVs. The result of CLV calculation is summarized in Table 1.

Table 1

Intersection Capacity Analysis with CLV Under Various Development Schemes During the Peak Hour						
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
MD 190/ Travilah Road	919	923	919	923	928	956
MD 190/Site Driveway	1,048	913	1,048	913	1,072	1,081
MD 190/Piney Meetinghouse Road	1,337	1,250	1,337	1,250	1,345	1,321

As shown in the above table, all existing intersections analyzed are currently operating within acceptable CLVs (CLV standard is 1,450) during the morning and evening peak hours and the projected CLVs are to be maintained under the background and total development conditions.

Staff concludes, that the proposed development, under the Country Inn Zone, with construction of the roadway and pedestrian path as shown on the development plan, will not have an adverse impact on the surrounding roadway network.

Transportation Planning staff has recommended the following requirement be made a 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 a 12-room inn, 4,800 square feet of retail, 2,800 square feet (patronage area) of restaurant, and 6,200 square feet of /inn facility.

XI. ENVIRONMENT

Environmental Planning staff has offered the following comments:

Forest Conservation – Chapter 22A

The development has a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) (No. 4-04037), granted on October 3, 2003. The NRI/FSD was recertified on November 17, 2005. Another request for recertification was submitted on December 21, 2007, to

update the NRI/FSD. The applicant has submitted a Forest Conservation Plan to Environmental Planning for review. Environmental Planning staff has reviewed the plan and finds that it meets the basic parameters of forest conservation law. We will conduct a more detailed review of this plan at preliminary plan stage. The Planning Board is not required to take action on the forest conservation plan at this (rezoning) stage of the review process. The Planning Board will take action on the forest conservation plan with the preliminary plan of subdivision. All stream valley buffers and credited afforestation on the site must be protected in a Category I Forest Conservation Easement. The easement must be recorded by Deed in the Land Records Office prior to grading, land clearing or construction.

Environmental Guidelines

The site is not within a Special Protection Area or Primary Management Area. There is no encroachment into proposed environmental areas. All stream valley buffers (1.49 acres) onsite are recommended for protection. The applicant plans to stabilize the steep slopes in the stream valley buffer per the steps outlined in the geotechnical engineering report.

Stormwater Management

The Department of Permitting Services (DPS) has approved the stormwater management concept request for the site. The stormwater management concept consists of onsite water quality control via biofilters and a separator sand filter. Onsite recharge where possible, will be provided under the biofilters. DPS outlined the items that the applicant must address during the detailed sediment control/stormwater management plan stage, in its approval letter of December 22, 2005.

Watershed Protection/Water Quality

The site drains to the Watts Branch Watershed. The updated Montgomery County *Countywide Stream Protection Strategy* (2003 update) rates average stream conditions as 'fair' and stream quality as generally 'good' based on stream monitoring from 1994 to 2000. The Maryland Department of the Environment has designated Watts Branch as Use I-P indicating its suitability for water contact recreation and protection of aquatic life.

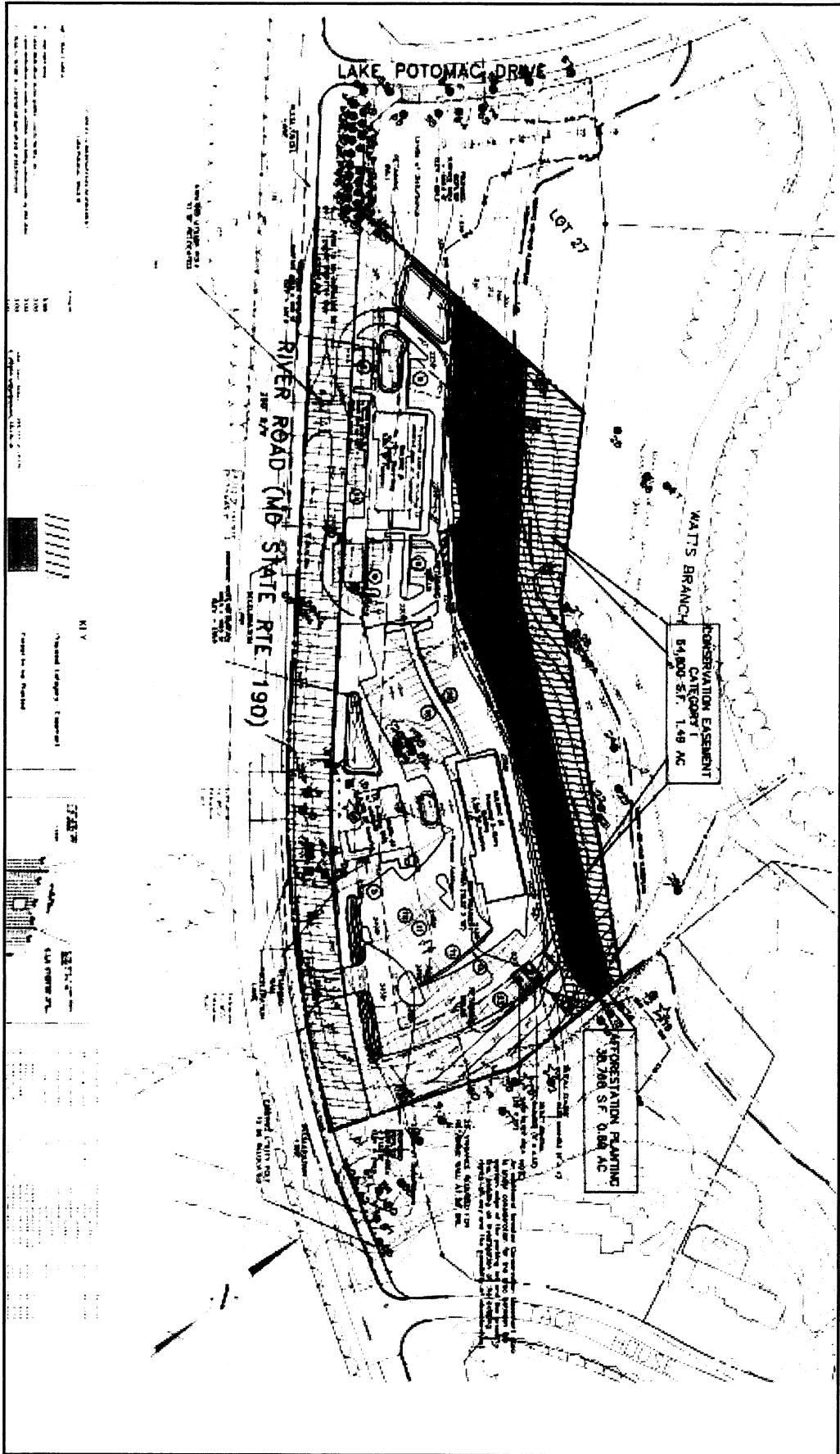
Water and Sewer

The area is served by public facilities and WSSC water and sanitary sewer service. The property will be adequately served by public water and sewer systems (Water Service Category S-1 and Sanitary Sewer Service Category W-1).

recommend that by preliminary or site plan stage the applicant must provide evidence, based on tests, that the soil properties within the stream buffer can support long-term survival of the material to be planted. We recommend that future approval of the forest conservation plan must include a qualified tree expert's assessment of any action that the applicant needs to take to facilitate the long-term survival of planted material.

3. The Department of Permitting Services (DPS) has approved a Stormwater Management Concept Plan for the site. If, at later stages of stormwater management review and design, DPS determines that a stormwater management facility, or sediment control facility, is not properly sized and it must be enlarged to accommodate the proposed drainage areas, the applicant will have to find additional space outside of the forest conservation area. This may mean the reconfiguration of site layout, and loss of developable area.
4. To further protect the steep slopes within the stream buffer, we recommend that surface runoff should be diverted from the slope. Detailed drainage recommendations should be performed after the site plan is available.
5. Due to the presence of deep fill in the stream buffer, stormwater outfall pipes must extend to the toe of the slope. The last 10 to 15 feet of pipe must outfall at 0% grade to natural stable ground, and be stabilized. Plans must be submitted to M-NCPPC/Parks for review and technical approval.
6. The site shares a common boundary to the east with Watts Branch (Stream Valley Unit 1). Given the extent of grading and slope stabilization planned for the site, work must be closely coordinated with Park Development and Park Planning and Stewardship staff in terms of permits or oversight that may be required.

PRELIMINARY FOREST CONSERVATION PLAN



XII. COMMUNITY CONCERNS

Several residents of the area and representatives of the Beal Mountain Road Homeowner Association and the West Montgomery County Citizens Association have written letters in opposition to the proposed project and detailing their concerns (Attachment B). Representatives of the two associations have also come to MNCPPC office to discuss with staff their concerns about the proposed application. It is staff's understanding that there have been some initial contacts between the representatives of the two associations and the applicant in an effort to discuss issues and concerns regarding the proposed project. But it appears that no mutual agreement was reached between the parties. The issues and concerns expressed by citizens include the following:

- Compatibility
- Mass and bulk of buildings and intensity of development
- Proportion of ancillary uses
- Hours of operation
- Traffic and noise ensuing from banquet facilities and the capacity of the facility
- Increase in impervious surfaces, and environmental impact on the Watts Branch watershed.
- Esthetic appeal of development

XIII. CONCLUSION

Staff finds that the proposed reclassification of the RE-2 Zoned property to the Country Inn Zone is consistent with the purpose clause and all applicable standards for the Country Inn Zone and will not contradict the recommendations of the Potomac Region Master Plan . The proposed development will be located in an area that is appropriate for the use and it will be compatible with the surrounding area. The proposed development will mitigate adverse environmental impacts on and near the property by preserving, enhancing and reforesting the stream valley buffer and improving existing undesirable conditions where soil is currently eroding from a "fill" site.

ATTACHMENTS

G-829, LAKE POTOMAC, BLOCK B



Map compiled on November 19, 2007 at 2:18 PM | Site located on base sheet no - 214NW12 | Date of Orthophotos: April 2006 - Used with permission from Montgomery County Government

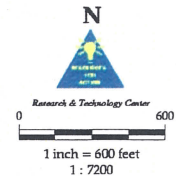
NOTICE

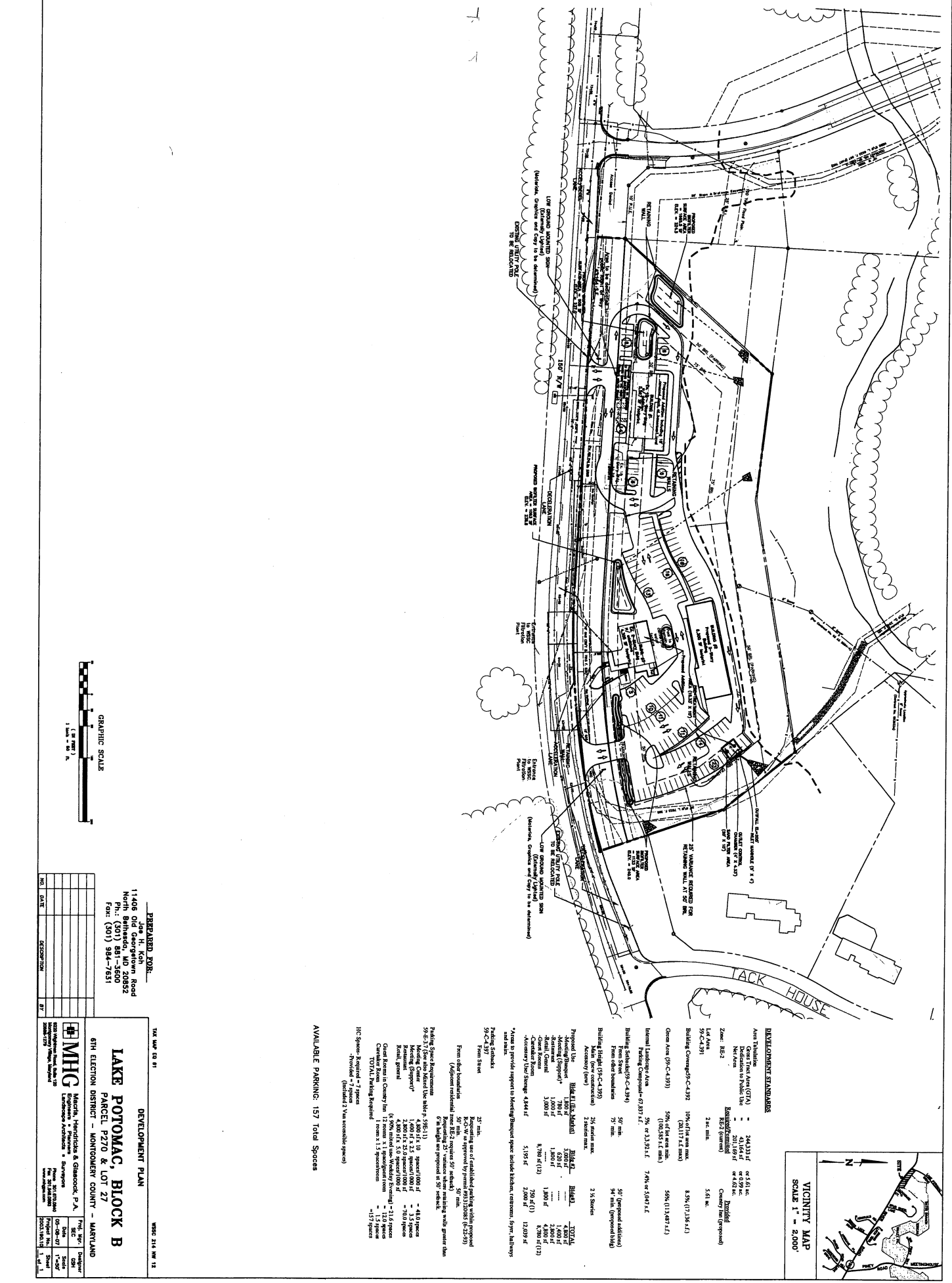
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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 8787 Georgia Avenue - Silver Spring, Maryland 20910-3700





PREPARED FOR:

11408 Old Georgetown Road
 North Bethesda, MD 20852
 Ph: (301) 881-3600
 Fax: (301) 584-7651

FOR THE USE OF:

LAKE POTOMAC, BLOCK B
 PARCELS P270 & LOT 27
 6TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

 MCHG Maryland, Maryland & Chesapeake, P.A. Landscape Architecture • Engineering		Project No.: 303482000 Date: 05/13/11 Project No.: 303482000 Date: 05/13/11	
PROJECT NO.: 303482000 DATE: 05/13/11 PROJECT NO.: 303482000 DATE: 05/13/11		PROJECT NO.: 303482000 DATE: 05/13/11 PROJECT NO.: 303482000 DATE: 05/13/11	

DEVELOPMENT STANDARDS

Area To Be Developed	344,133 sq ft	64.53 ac
Buildings to be Constructed	43,164 sq ft	0.79 ac
Net Area	201,109 sq ft	4.62 ac
Zoning	RM-2 (General)	Residential
Lot Area	2.4 ac min	County limit (Proposed)
59-C-4.391	5.81 ac min	
Building Coverage (C-4.391)	10% of lot area max.	8.2% (7/25/82)
(201,171.6 sq ft)	50% of lot area min.	50% (11/28/71)
(100,585.8 sq ft)	74% of 50497.1	
Open Area (59-C-4.391)	50% of lot area min.	50% (11/28/71)
(100,585.8 sq ft)	74% of 50497.1	

Building Schedule

Proposed Use	RM-2 (Res. Medium Density)	RM-2
Building Height (59-C-4.391)	3 1/2 stories max.	
From Street	30' min. (Proposed Addition)	
From Side Yards	10' min.	
From Rear	10' min.	

27' min.
 50' min. (Adjacent to street)
 50' min.
 60' min. (Adjacent to street)
 60' min. (Adjacent to street)

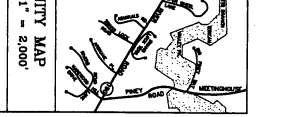
AVAILABLE PARKING: 157 Total Spaces

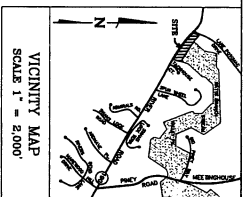
25' min. (Adjacent to street)
 50' min. (Adjacent to street)
 50' min. (Adjacent to street)

30' min. (Adjacent to street)
 50' min. (Adjacent to street)
 50' min. (Adjacent to street)

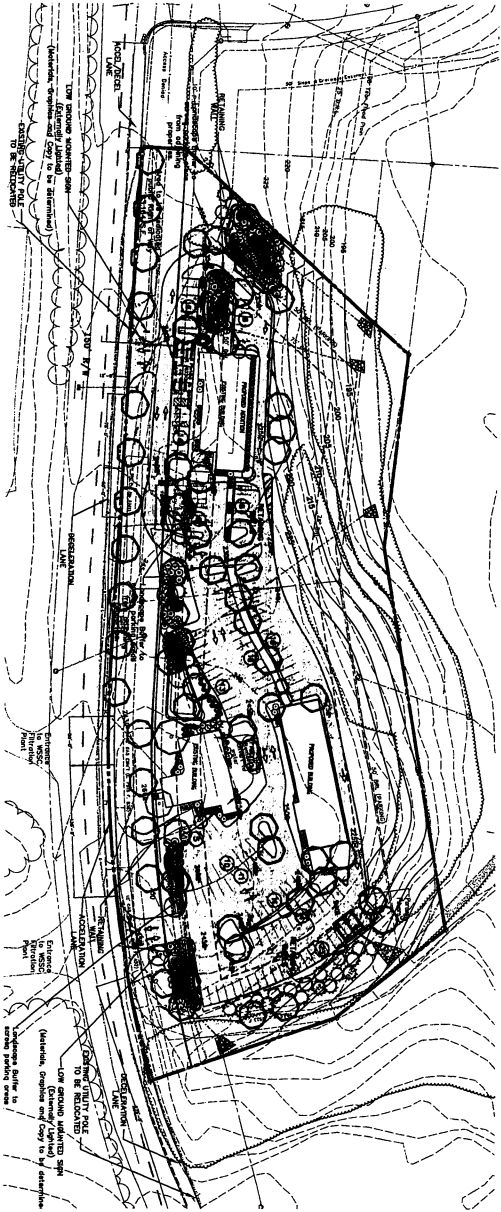
50' min. (Adjacent to street)
 50' min. (Adjacent to street)
 50' min. (Adjacent to street)

50' min. (Adjacent to street)
 50' min. (Adjacent to street)
 50' min. (Adjacent to street)





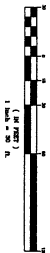
VICINITY MAP
SCALE 1" = 2,000'



LEGEND

- Proposed Shale Tree
- Proposed Oriental Tree
- Proposed Emergent Trees
- Proposed Shrubs
- Existing Shale Tree
- Existing Tree Stump
- Bio-retention Plants
- Proposed Bio-retention Shrub
- Proposed Bio-retention Grass
- Proposed Bio-retention Herbaceous Plants

GRAPHIC SCALE



THE MAP IS AT

SCALE 2 1/4" = 1' 12"

CONCEPTUAL LANDSCAPE PLAN

LAKE POTOMAC, BLOCK B

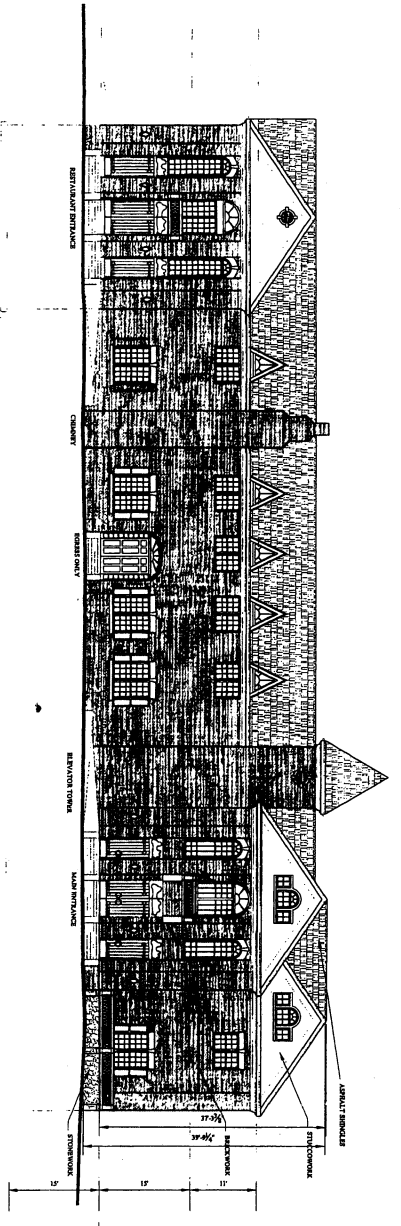
PARCEL P270 & LOT 27

6TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

Ward 1, District 6, Precinct 12, Ballot Box 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

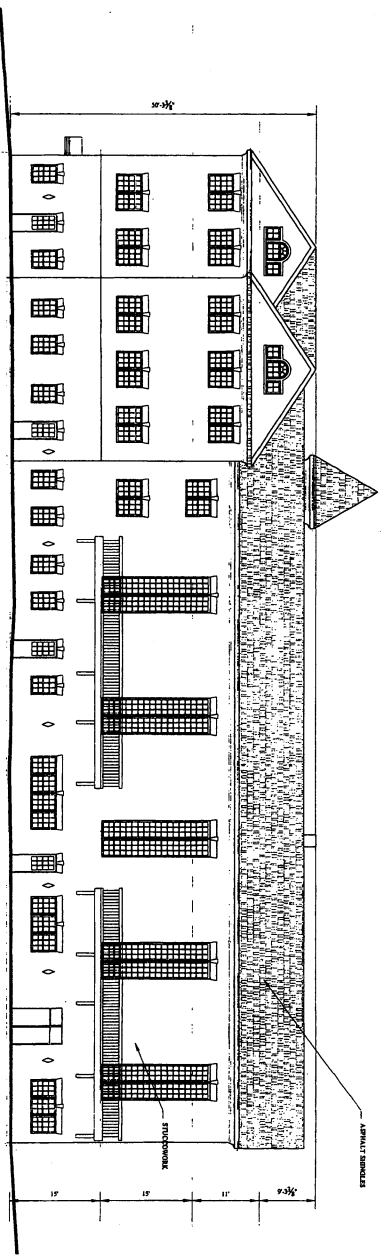
PREPARED FOR:
 Joe H. Koh
 11406 Old Baltimore Road
 North Bethesda, MD 20852
 Ph.: (301) 881-5600
 Fax: (301) 984-7631





1 SOUTH ELEVATION
SCALE 1/8" = 1'-0"

This elevation faces toward the road, capturing the building's profile using a silhouette for the main Country Inn. The architectural style complements all the new local neighboring residences.



2 NORTH ELEVATION
SCALE 1/8" = 1'-0"

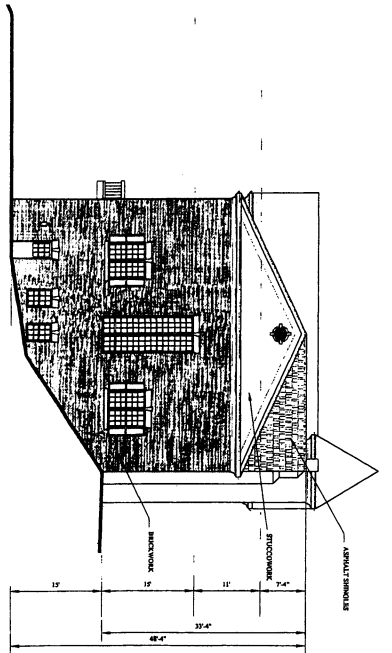
This elevation faces toward the national park, offering pleasant views from the restaurant and suites. Also the balconies are provided for direct contact to park environment. Also it overlooks the preserved slopes featuring rare trees.

GANDGITA VICTORIA, LLC
104 Water Street
Baltimore, Maryland 21202
240-423-9756 business@gandgita-victoria.com

Country Inn
Potomac, MD

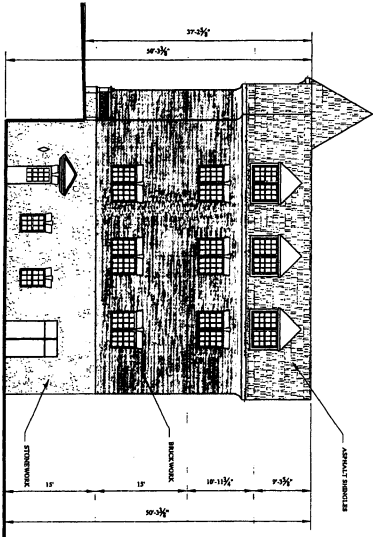
New Building
Building Elevations

E-1a



1 EAST ELEVATION
SCALE 1/8"=1'-0"

This elevation faces toward the existing Market building containing shops and new addition. There is slight slope away from this side toward existing Market building, providing eye pleasing view from restaurant to the on site activities. Note that the service entry is provided at the basement level.



2 WEST ELEVATION
SCALE 1/8"=1'-0"

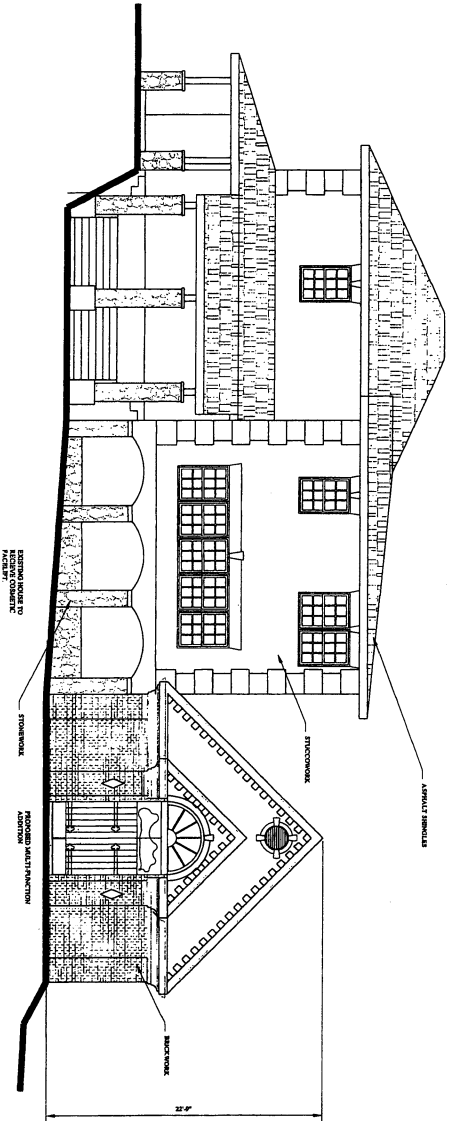
This elevation faces toward bike path, leading to the national park, offering pleasant views from the suites. Also it overlooks the preserved slopes featuring rare trees.

CANDINA VICTORIA, LLC
104 Water Street
Baltimore, Maryland 21202
240.423.9756 business@candinavictoria.com

Country Inn
Potomac, MD

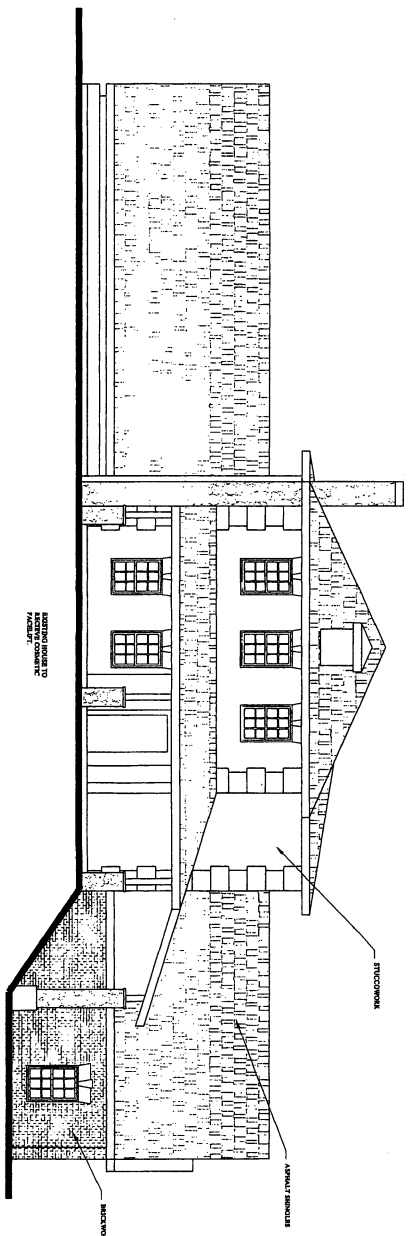
New Building
Building Elevations

E-1b



1 EAST ELEVATION
SCALE: 1/8" = 1'-0"

This elevation faces toward parking area and bike path leading to the national park, offering pleasant views from the offices.



2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

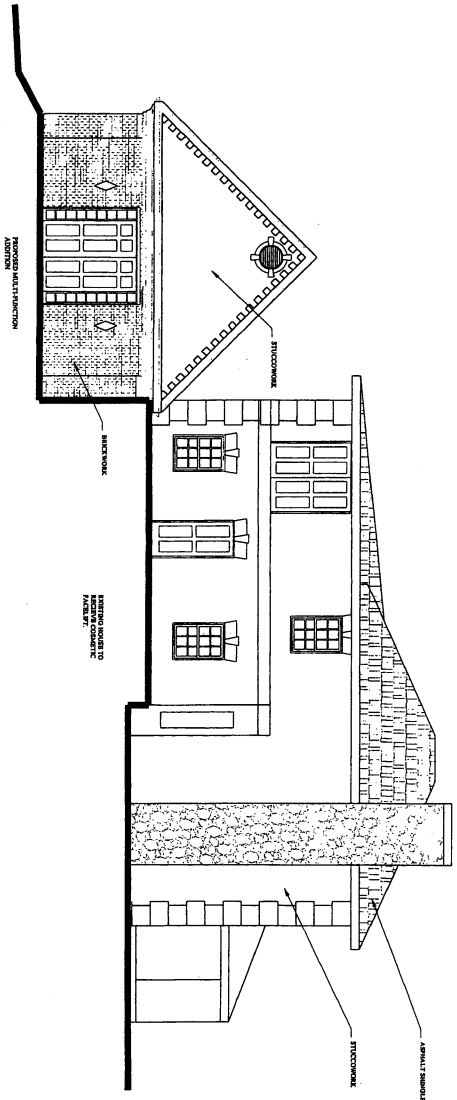
This elevation faces toward bike paths along the road and leading to the national park, offering pleasant views from the offices. This existing building provides services to all facilities and activities on the premises. Note that the new addition provides low profile backdrop.

GARDENIA VICTORIA, LLC
104 Water Street
Baltimore, Maryland 21202
240.423.9736 Business@gardeniavictoria.com

Country Inn
Potomac, MD

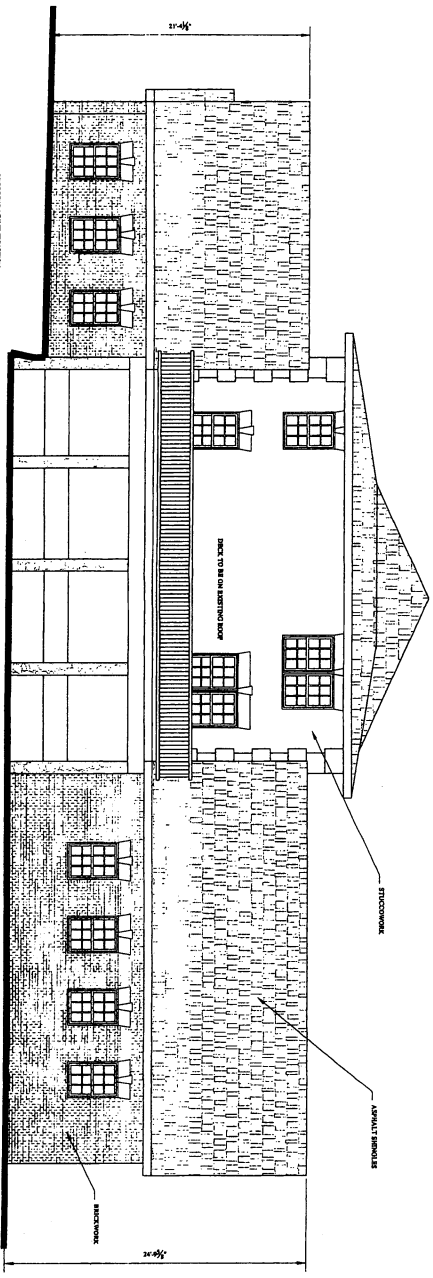
Brown Building
Building Elevations

E-2a



This elevation faces toward parking area and the existing Market building containing shops and new addition. There is slight slope away from this side toward existing Market building, providing eye pleasing view from the offices to the on site activities.

1 WEST ELEVATION
SCALE 1/4"



This elevation faces toward the new building sporting the best featured architecture and entrances to restaurant and suites. Also this relaxing area on deck provides view of bustling activities on premises.

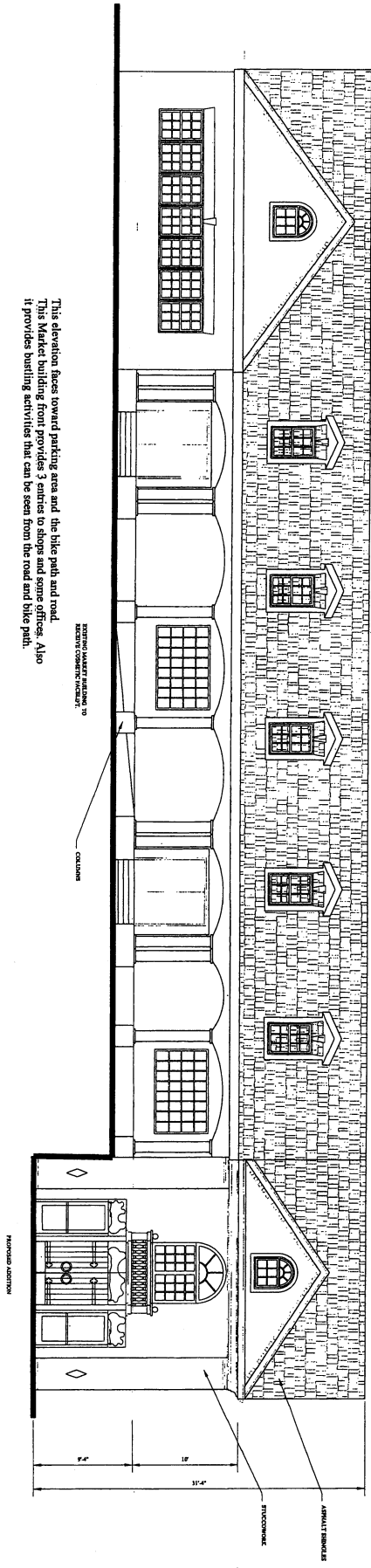
2 NORTH ELEVATION
SCALE 1/4"

GARDZIA VICTORIA, LLC
104 Water Street
Baltimore, Maryland 21202
240.423.9758 gardzia@gardziavictoria.com

Country Inn
Potomac, MD

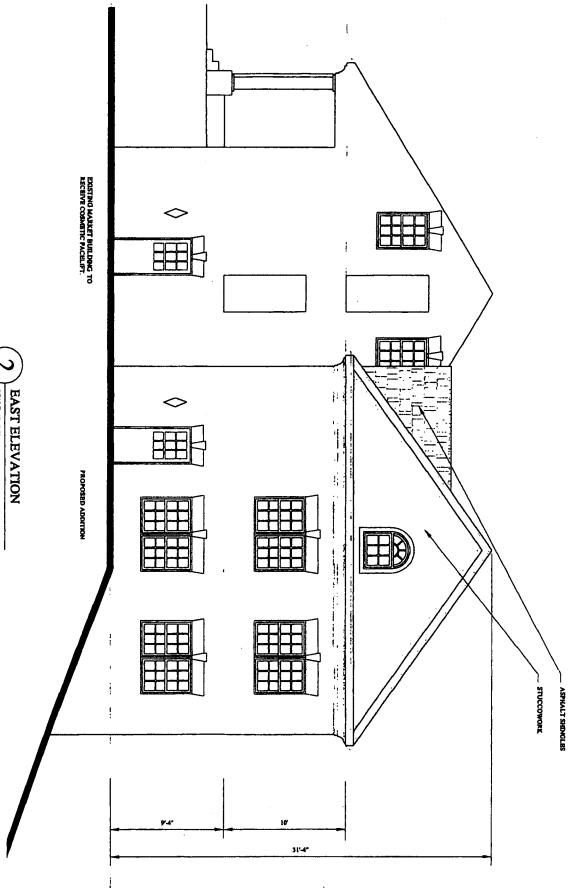
Brown Building
Building Elevations

E-2b



This elevation faces toward parking area and the bike path and road. This Market building front provides 3 entries to shops and some offices. Also it provides bustling activities that can be seen from the road and bike path.

1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



This elevation faces toward the existing building and new building. Note that the service entry is provided at the lower level.

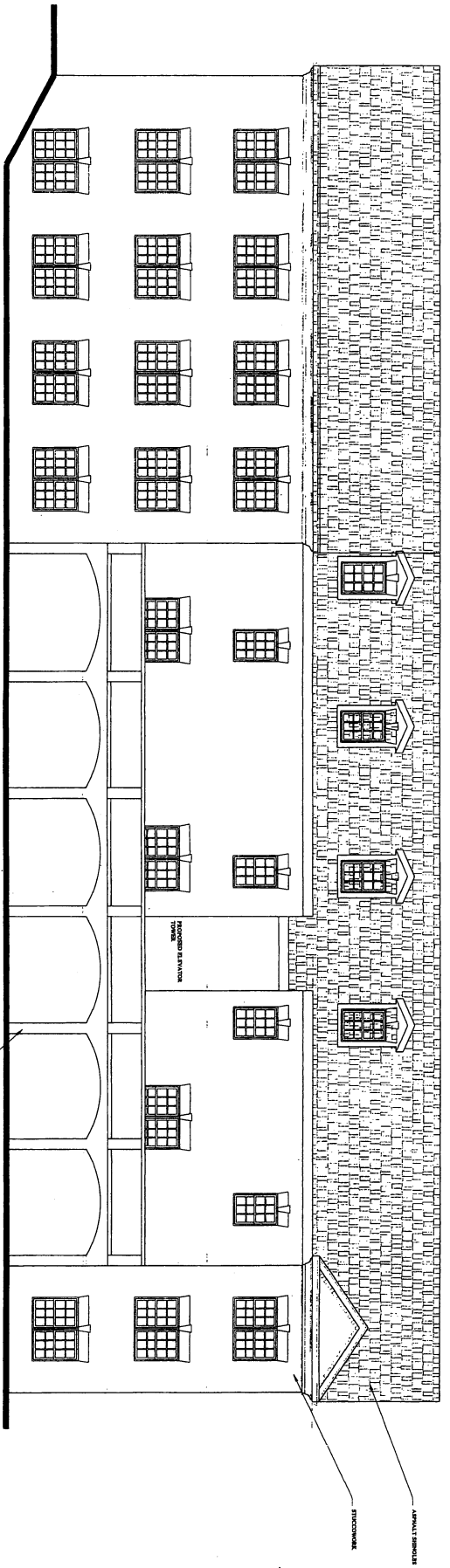
2 EAST ELEVATION
SCALE: 1/4" = 1'-0"

CARDIGIA VICTORIA, LLC
Baltimore, Maryland 21202
240.423.9756 business@gardnavictoria.com

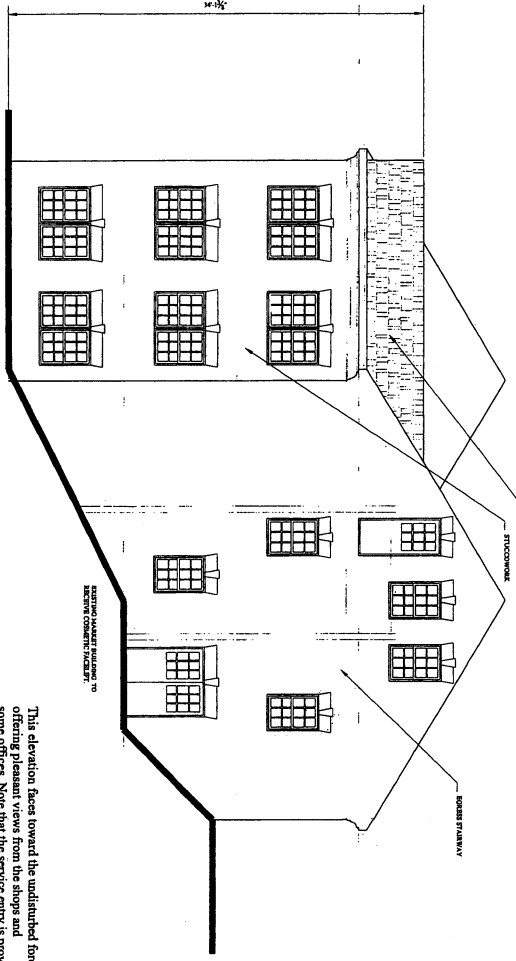
Country Inn
Potomac, MD

Market Building
Building Elevations

E-3a



1 NORTH ELEVATION
SCALE 1/8" = 1'-0"



2 WEST ELEVATION
SCALE 1/8" = 1'-0"

CARDIGIA VICTORIA, LLC
104 Water Street
Baltimore, Maryland 21202
240-423-9756 business@cardigianavictoria.com

Country Inn
Potomac, MD

Market Building
Building Elevations

E-3b



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

December 19, 2007

MEMORANDUM

TO: Elsabett Tesfaye
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning *[Signature]*

FROM: Ki H. Kim, Planner/Coordinator *[Signature]*
Transportation Planning

SUBJECT: Zoning Application No. G-829
River Road - Potomac Inn at 12201 – 12219 River Road
Potomac

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject zoning application. The application includes 5.61 acres of land, the River Road – Potomac Inn, located east of River Road (MD 190) south of Piney Meetinghouse Road across from WSSC Filtration Plant in the Potomac Policy Area. The subject site is currently zoned RE-2 zone and proposed to the C-Inn (Country Inn) zone to provide for a ~~10~~¹²-room Inn, small retail shops, a restaurant, and banquet facility.

RECOMMENDATION

Based on our review of the submitted traffic analysis and 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 a ~~16~~¹²-room inn, 4,800 square feet of retail, 2,800 square feet (patronage area) of restaurant, and 6,200 square feet of /inn facility.

DISCUSSION

Site Access and Vehicular/Pedestrian Circulation

Two driveways are proposed to the site from River Road (MD 190) and these driveways will be constructed according to the Maryland State Highway Administration's access requirements. River Road (MD 189) is classified as a major highway with two lanes and a master plan right-of-way of 150 feet. The development plan shows 75 feet

right-of-way dedication from the center line. Staff finds that the access points and the vehicle circulation system shown on the development plan are adequate.

There is a limited pedestrian activity in the vicinity of the site since the area in which the site is located is rural in character. Staff finds the pedestrian circulation system as shown on the development plan to be safe and adequate.

Local Area Transportation Review (LATR)

A traffic analysis for rezoning was prepared to determine the impact of the mixed use development as proposed under the requested zone. Staff agrees with the conclusion of that study that the proposed development of the subject site does 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 1,450 Critical Lane Volume (CLV) for the Potomac Policy Area. There is no approved but unbuilt development in the study area: thus, the existing and background traffic conditions are the same. The total future traffic was assigned to the critical intersections to determine the total future CLVs. The result of CLV calculation is summarized in Table I.

Table I

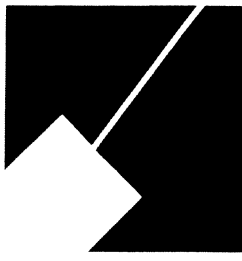
Intersection Capacity Analysis with CLV Under Various Development Schemes During the Peak Hour						
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
MD 190/ Travilah Road	919	923	919	923	928	956
MD 190/Site Driveway	1,048	913	1,048	913	1,072	1,081
MD 190/Piney Meetinghouse Road	1,337	1,250	1,337	1,250	1,345	1,321

As shown in the above table, all existing intersections analyzed are currently operating within acceptable CLVs (CLV standard is 1,450) during the morning and evening

peak hours and the projected CLVs are to be maintained under the background and total development conditions.

CONCLUSION

Staff concludes that the proposed development of the River Road – Potomac Inn under the C-Inn zoning with construction of the roadway and pedestrian path as shown on the development plan will not have an adverse impact on the surrounding roadway network.

**MEMORANDUM**

TO: Elsabett Tesfaye, Community Based Planning

VIA: Jorge Valladares, Environmental Planning

FROM: Michael Zamore, Environmental Planning

DATE: December 18, 2007

SUBJECT: Zoning Application No. G-829
Lake Potomac, Block B**Recommendation**

Environmental Planning staff recommends **approval** of this application. Staff believes that the plan generally meets the environmental requirements of the Country Inn zone. However, Staff believes that the following issues stemming from our review of the submitted plans should be addressed at time of Preliminary Plan and Site Plan:

1. The applicant has submitted a Preliminary Forest Conservation Plan with the rezoning request. The Planning Board will deal with the plan with the preliminary plan submission. The applicant must submit a Final Forest Conservation Plan (FCP) by time of site plan submission. This plan must demonstrate full compliance with the requirements of Forest Conservation Law, Section 22A. Additionally, forest conservation and common area access easements will also be required, and should be provided during the course of site plan review and recordation of property.
2. The site can be described as containing "unsafe lands" per Section 50-32(b) of the Montgomery County code. An October 27, 2005 geotechnical engineering report identified the presence of relatively deep unconsolidated fill extending to depths of 8.5 to 21 feet, throughout most of the property, and unstable slopes within the stream valley buffer. These conditions make the site unsuitable for the use associated with the proposed zoning change unless there is extensive reengineering. Future reviews must stress the engineering report's reservations on construction on fill and ensure that the engineer's options for dealing with the site's structural limitations are followed. The options to stabilize the site prior to construction include:
 - a. Modify the slope angle to 3:1 without changing the soil property.
 - b. Replace the existing fill in the slope with controlled fill. Extend excavation at least 10 feet beyond the top of the slope.
 - c. Use retaining walls with the footings supported by piles or caissons.
 - d. Install rows of concrete caissons, spaced at 7-foot intervals, in the middle height of the slope.
 - e. Use spread footings placed on suitable subgrade, for building construction.

- f. Use normal asphalt pavement and not porous pavement for parking, to address the presence of deep unconsolidated fill. Additionally, the underlying fill should be undercut by 3 feet below the subgrade and the undercut backfilled with controlled fill.

The Commission does not allow retaining walls or concrete caissons within stream valley buffers (c, d) so the two options should not be considered. The applicant has agreed to stabilize the slopes within the stream valley buffer by modifying the slope angle to 3:1 per the report's recommendations. This is the minimum required to facilitate planting as proposed, to meet the site's forest conservation requirements. Further to the geotechnical report, we recommend that by preliminary or site plan stage the applicant must provide evidence based on tests, that the soil properties within the stream buffer can support long-term survival of the material to be planted. We recommend that future approval of the forest conservation plan must include a qualified tree expert's assessment of any action that the applicant must take to facilitate the long-term survival of planted material.

3. The Department of Permitting Services (DPS) has approved a Stormwater Management Concept Plan for the site. If at later stages of stormwater management review and design DPS determines that a stormwater management facility, or sediment control facility is not properly sized and it must be enlarged to accommodate the proposed drainage areas, the applicant will have to find additional space outside of the forest conservation area. This may mean the reconfiguration of site layout, and loss of developable area.
4. To further protect the steep slopes within the stream buffer, we recommend that surface runoff should be diverted from the slope. Detailed drainage recommendations should be performed after the site plan is available.
5. Due to the presence of deep fill in the stream buffer, stormwater outfall pipes must extend to the toe of the slope. The last 10 to 15 feet of pipe must outfall at 0% grade to natural stable ground, and stabilized. Plans must be submitted to M-NCPPC/Parks for review and technical approval.
6. The site shares a common boundary to the east, with Watts Branch (Stream Valley Unit 1). Given the extent of grading and slope stabilization planned for the site, work must be closely coordinated with Park Development and Park Planning and Stewardship staff in terms of permits or oversight that may be required.

Discussion

Forest Conservation – Chapter 22A

The development has a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) (No. 4-04037), granted on October 3, 2003. The NRI/FSD was recertified on November 17, 2005. Another request for recertification was submitted on December 21, 2007, to update the NRI/FSD. The applicant has submitted a Forest Conservation Plan to Environmental Planning for review. Environmental Planning staff has reviewed the plan and finds that it meets the basic parameters of forest conservation law. We will conduct a more detailed review of this plan at preliminary plan stage. The Planning Board is not required to take action on the forest conservation plan at this (rezoning) stage of the review process. The Planning Board will take action on the forest conservation plan with the preliminary plan of subdivision. All stream valley buffers and credited afforestation on the site must be protected in a Category I Forest Conservation

Easement. The easement must be recorded by Deed in the Land Records Office prior to grading, land clearing or construction.

Environmental Guidelines

The site is not within a Special Protection Area or Primary Management Area. There is no encroachment into proposed environmental areas. All stream valley buffers (1.49 acres) onsite are recommended for protection. The applicant plans to stabilize the steep slopes in the stream valley buffer per the steps outlined in the geotechnical engineering report.

Stormwater Management – Chapter 19

The Department of Permitting Services (DPS) has approved the stormwater management concept request for the site. The stormwater management concept consists of onsite water quality control via biofilters and a separator sand filter. Onsite recharge where possible, will be provided under the biofilters. DPS outlined the items that the applicant must address during the detailed sediment control/stormwater management plan stage, in its approval letter of December 22, 2005.

Watershed Protection/Water Quality

The site drains to the Watts Branch Watershed. The updated Montgomery County *Countywide Stream Protection Strategy* (2003 update) rates average stream conditions as 'fair' and stream quality as generally 'good' based on stream monitoring from 1994 to 2000. The Maryland Department of the Environment has designated Watts Branch as Use I-P indicating its suitability for water contact recreation and protection of aquatic life.

Water and Sewer

The area is served by public facilities and WSSC water and sanitary sewer service. The property will be adequately served by public water and sewer systems (Water Service Category S-1 and Sanitary Sewer Service Category W-1).



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

December 18, 2007

MEMORANDUM

TO: Elsabett Tesfaye, Development Review Division
FROM: Callum Murray, Community-Based Planning Division
SUBJECT: Zoning Application G-829, RE-2 Zone to Country Inn Zone

The following are Community-based Planning's comments on the above referenced zoning application and the accompanying Development Plan.

The property is presently zoned RE-2 with an existing special exception for an antique shop, and is known as Parcel 270, 12201-12219 River Road in the Bealemont Partnership subdivision, in the Potomac Subregion. It extends to 5.61 acres and abuts the Watts Branch Stream Valley Park on the north side and confronts the 34.84-acre Washington Sanitary Service Commission (WSSC) Filtration Plant on the south side of River Road. Adjacent residential subdivisions, all zoned RE-2, include Saddle Ridge to the east, Potomac Hunt to the southeast, and Lake Potomac Drive and Beall Mountain Road to the north and west. Access is from River Road, classified as a major highway, and the property lies within the master planned sewer service envelope.

The 2002 Approved and Adopted Potomac Subregion Master Plan confirmed the existing zoning but did not directly address the site 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 fact that a development plan meets all applicable standards does not in itself create a presumption that the resultant development will be compatible with surrounding land uses and is not in itself sufficient to require the granting of the application.

This elongated property presents many challenges to development, and is, in all probability, unlikely to be developed with large lot single family residences, due to the massive presence of the directly confronting WSSC Filtration Plant. The presence of steep slopes and the proximity of the stream valley buffer also present challenges.

In order for a Country Inn to be successful at this location, it will be necessary to vastly improve the appearance of the property, screen the Inn from River Road (classed as a Major Highway) and the visually dominating WSSC Plant, and face the buildings with views to the north over the stream valley park. The previous owner was cited several times for dumping considerable amounts of rubble fill, particularly on the east end of the site, and the applicant has proposed a combination of removal and consolidation of un-compacted fill, re-grading, slope stability measures, and landscaping to reduce erosion and remove visual blight. Staff notes that the landscape plan is conceptual in nature, and that further details regarding numbers, size and species will be required during any subsequent review process.

Subdivision and site plan approval, together with dedication of the master planned right-of-way, will be required if the zoning application is approved. The applicant has amended the original development plan to remove structures and retaining walls from the master planned right-of way, but omitted to show a bikeway. Both the Potomac Master Plan and the Countywide Master Plan of Bikeways recommend the latter. The applicant has also responded to staff suggestions and amended the original plans to reduce impervious parking surfaces and the height of retaining walls.

The State Highway Administration reviewed and found acceptable a sight distance profile for the application because of the location and proximity of the entrances to the WSSC plant. WSSC removes residual solids from the plant off-site day and night seven days a week. The solids consist of river silt treated with poly-aluminum chloride and the 20-ton dump trucks presently number 4 or 5 per day. That number will not decrease but conceivably will increase. Community-Based Planning staff discussed the application with the WSSC Plant Superintendent. The Superintendent expressed a concern that a high-end Inn/Restaurant facing the facility would possibly result in future demands for removal of the plant. Otherwise, he had no objections to the proposed zoning change.

In response to a suggestion from staff, the applicant has held meetings with local citizens and the West Montgomery County Citizens Association. Issues expressed by citizens include compatibility, the size of buildings, the proportion of ancillary uses, hours of operation, traffic and noise ensuing from banqueting facilities, increases in impervious surfaces, and environmental impact on the Watts Branch watershed.

These are all legitimate issues. Staff notes that the proposed Country Inn would be a transition from the large lot subdivisions to the north to the massive WSSC edifice to the south and that the subject property has extensive frontage on a major highway. Staff also notes a parallel situation with the Normandie Farm Country Inn zoning where the Inn, also located on a major highway, forms a transition between RE-2 zoned single family residences and the Bullis School, Falls Road Golf Course, and a Manor Care facility.

Staff notes that the plans have undergone substantial changes from those originally submitted and that if the District Council ultimately approves the local map amendment, future regulatory processes such as preliminary plan and site plan will address the issues outlined above. For example, it is probable that required storm water management facilities will be a substantial improvement on the present situation where runoff is uncontrolled.

Community-Based Planning staff finds the proposed use to be compatible with the adjacent single-family residential development and neighborhood, and recommends APPROVAL.

D:/CM/ G-829KOHfinal

**SHULMAN
ROGERS
GANDAL
PORDY &
ECKER, P.A.**

David D. Freishtat, Esq.
(301) 230-5206
dfreishtat@srgpe.com

Anne Marie Vassallo, Esq.
(301) 255-0541
amvassallo@srgpe.com

December 27, 2007

Ms. Elsabet Tefaye
Principal Planner, M-NCPPC
Development Review Division
8787 Georgia Ave.
Silver Spring, MD 20910-3780

Re: Local Map Amendment Application G-829
Applicant: Jae H. Koh, 12219 River Road, Potomac, Maryland 20854
Our File No. 110120.00002

Dear Ms. Tefaye:

We wish to advise you of the Applicant's expected development time-table for the above-captioned project. This project is not intended as a phased project, but rather it is projected that build-out will take place according to the submitted development plan within ten years of site plan approval. The Applicant intends first to improve the property's existing structures, and as the business grows and can sustain additional operations, he will construct the new buildings as shown on the development plan. In sum, the Applicant intends to use his good faith efforts to complete the project within a ten-year period or sooner, if possible. Please let us know if you have any questions.

Sincerely yours,

SHULMAN, ROGERS, GANDAL,
PORDY & ECKER, P.A.

By:


David D. Freishtat

Attorneys for Applicant, Jae H. Koh

cc: Martin Klauber, Esq.
Mr. George A. Barnes
Norman Knopf, Esq.
Francis Koh, Esq.

Errata Sheet

APPLICATION FOR ZONING RECLASSIFICATION PLANNING REPORT

Local Map Amendment No. G-829
Lot Zoning District Reclassification RE-2 to Country Inn Zone

December 26, 2007

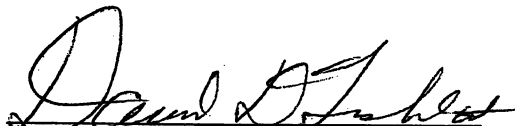
This errata sheet describes corrections that should be made to statements in the Planning Report for Local Map Amendment No. G-829.

References to "The Planning Board" or to "the County Board" in the Planning Report should be changed to read "The Planning Board Staff" and changed to read "County Planning Board Staff."

These changes are intended to reflect the fact that the Montgomery County Planning Board has not yet reviewed or approved the petition for the Country Inn zoning district reclassification and the associated development plan. Rather, as of the present date, the petition and the associated development plan have been reviewed and recommended for approval by the Planning Board Staff in a Staff Report dated October 16, 2006.

SHULMAN, ROGERS, GANDAL,
PORDY & ECKER, P.A.

By:


David D. Freishtat

LETTERS FROM THE COMMUNITY

RECEIVED
0025
JAN 07 2008

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

11601 Lake Potomac Drive
Potomac, Md. 20854
January 2, 2008

Mr. Royce Hanson
Chairman of the Montgomery County Planning Board
Montgomery County Department of Park and Planning
8787 Georgia Avenue
Silver Spring, Md. 20910-3760

Re: Zoning Application No. G- 829

Dear Mr. Chairman:

This letter reflects the concerns of the Lake Potomac Citizens Association, which is comprised of the owners of properties in the Lake Potomac Subdivision located on Lake Potomac Drive and side streets. The entrance to our neighborhood lies adjacent to the Koh property on River Road.

The Lake Potomac Citizens Association strongly opposes the proposed change in zoning and therefore respectfully asks the Planning Board to deny the application.

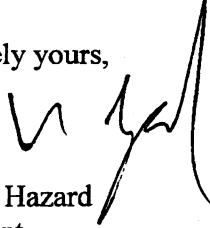
(1) The property is located in an RE-2 residential area. The current zoning exception permits its use as a Farmer's Market only. The former as well as the current owners have never tried to repair the existing building on the property and use it as a Farmer's Market. We see absolutely no reason nor justification to grant another exception to use the property as a Country Inn and banquet hall, restaurant, and retail establishment. We believe it should remain zoned as a special exception for a Farmer's Market only, or used for two acre residential housing to conform with the surrounding area.

(2) The proposed plan includes not only a country inn, but also a 6,200 sq ft. meeting center and banquet hall, 4,800 sq ft. general retail space, and 2,800 sq ft. for a restaurant (almost 14,000 sq ft. of additional buildings). The extremely large size of the proposed new buildings accommodating commercial ancillary use is inconsistent with the intent of the country inn zoning exception. We believe that the size and scope of the project is completely incongruous with our residential neighborhood.

(3) The proposed facility with its banquet and party uses and 157 parking spaces would bring additional noise, air pollution, and other nuisances to our neighborhood which do not exist today. The additional car and truck traffic generated as a result of this project would not only create significantly more air pollution in our neighborhood, but would also pose additional risks for children playing, riding bicycles, and jogging in our neighborhood, since Lake Potomac Drive is a through street connecting to Glen Road near Piney Meeting House Road and would serve as a short cut to the Koh property on River Road from Glen Road. The additional traffic flow on Lake Potomac Drive would significantly disturb the current peace and quiet enjoyed by our residents.

We appreciate the opportunity to convey our opinion and thank you in advance for your serious consideration of our concerns.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Neil L. Hazard', written in a cursive style.

Neil L. Hazard
President
Lake Potomac Citizens Association

RECEIVED
JAN 07 2008

MCP-Chairman

From: Grace Morgenstein [gracemorgenstein@yahoo.com]
Sent: January 06, 2008 10:41 AM
To: MCP-Chairman; councilmember.berliner@montgomerycountymd.gov
Subject: Change of Zoning at 12219 River Road

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Sirs:

We just received information regarding the change of zoning at the above address and we are enraged. This man has NO right to change the zoning rules for himself just to build a city-like complex in the middle of a rural area and profit at OUR expense!! We are 1,000% against this proposal. The eyesore it would present, the noise and traffic would be a horrendous infringement on our rights to live in the type of area we pay highly for. It is outrageous that this type of destruction of a country setting and its rustic beauty is even being considered.

Elected as well as appointed officials should be looking out for their constituents and not bowing to the business interests of one greedy businessman who will sacrifice the surrounding woods, homes and people for his own aggrandisement and economic interests.

We will be watching carefully to see which of YOU supports this horrible proposal. When deciding this, please take into account how YOU would react to this type of complex of commercial buildings and parking lots being built near YOUR homes and families. Then choose how you will vote.

We hope you choose the high road in your decision and save one of the last remaining beautiful parts of Montgomery County. That is what you committed yourself to do when you took office.

Grace and Stan Morgenstein
(301) 983-8552

Never miss a thing. [Make Yahoo your homepage.](#)

MCP-Chairman

From: Liza W. Durant [durant8@verizon.net]
Sent: December 01, 2006 5:31 PM
To: MCP-Chairman
Cc: Janousek, Daniel; Murray, Callum
Subject: Zoning Application No. G-829 (Koh Property)

#10

Mr. Chairman and Members of the Montgomery County Planning Board,

Please see the attached letter from the Beall Mountain Road Homeowners Association regarding Zoning Application G-829.

Thank you advance for your consideration of our concerns.

Liza W. Durant, PhD
President,
Beall Mountain Road Homeowner's Association

RECEIVED
1535
DEC 01 2006

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Beall Mountain Road Homeowners Association
11620 Beall Mountain Road
Potomac, Maryland 20854

November 30, 2006

Mr. Royce Hanson
Chairman of the Montgomery County Planning Board
Montgomery County Department of Park and Planning
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Zoning Application No. G-829

Dear Mr. Chairman,

This letter reflects the concerns of the Beall Mountain Road Homeowners Association. The Beall Mountain Road Homeowners Association is comprised of the owners of the properties located on Beall Mountain Road and Beall Mountain Lane encompassing some 60 + acres of land lying directly north of the Koh Property and bordering the Lake Potomac Drive Subdivision. I have shared the development plan for the Koh Property and the supporting documents, and discussed the merits of the plan in great detail with the membership. After careful consideration, the Beall Mountain Road Homeowners Association opposes the proposed change in zoning and therefore respectfully asks the Planning Board to deny the application.

We oppose the proposed change in zoning based on the following criteria:

- While the Country Inn Zone is intended to be used for the purpose of permitting country inns in appropriate rural locations, the invasive development plan proposed with this zoning change is not compatible with the surrounding residential neighborhood. The property is surrounded by single family dwellings to the north, east and south in the Beall Mountain Road, Lake Potomac Drive and Saddle Ridge subdivisions and the Koh Property and existing buildings are clearly visible from the surrounding residential properties. The neighborhood has a rural feel with large lots, green-space and horse properties as was planned by the County. Many lots are five acres or more and many homeowners moved here for the opportunity to enjoy that rural setting. It's a challenge to live with the WSSC facility in our neighborhood the brings trucks, high-intensity lights and an unsightly facility; this proposal would compound the problem.
- The extremely large size of the buildings accommodating commercial ancillary use indicate the development plan is inconsistent with the intent

of the Country Inn Zone; the plan does not comply with the purpose of the proposed zone classification. The development plan indicates 8000 square feet of the total finished space will be devoted to commercial uses leaving approximately 6400 sq feet for the restaurant and overnight accommodations (almost 15,000 square feet of buildings). This investment in ancillary uses (banquet hall, etc.), is intended to promote disallowed, highly incompatible and business use to financially bolster the country inn. As the development plan only addresses the square footage associated with categories of intended use and does not include the details of the Country Inn and restaurant operations, it is not clear how the facility will meet the needs of the community or if a banquet/party facility of this size will be sustainable in this residential community.

- The schematic drawings of the primary "centerpiece" building represent an edifice which is highly inconsistent with country inns and is of a massive scale and a construction style incompatible with the homes and properties in the neighborhood.
- A Country Inn that fits in the area would possibly be a welcome addition, but this facility with its banquet and party use would bring nuisances that disturb quiet enjoyment by residences including: Noise, traffic, the unsightly design, size of the facility, loss of economic impact and the change of the neighborhood to a commercial versus a residential feel.

The Beall Mountain Homeowners Association is pleased to see that the plan includes measures to mitigate the impact of the approximately 14,700 square feet of buildings and the 111 planned parking spaces and their associated impervious surface. However, the development plan is ambitious and extensive and will have an impact on the drainage in the region which will impact the Watts Branch as well as the surrounding residential properties. We thus remain concerned about the environmental impact of the development plan on the fragile Watts Branch watershed.

We appreciate the opportunity to convey our opinion. Thank you for your consideration of our concerns.

Very truly yours,

Liza W. Durant, PhD
President
Beall Mountain Road Homeowners Association

cc: Dan Janousek, Community Based Planning Division, M-NCPPC
Callum Murray, Community Based Planning Division, M-NCPPC

December 2, 2006

#10

**** By email and fax ****

To: Mr. Royce Hanson, Chairman
Montgomery County Department of Park and Planning
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Opposition Letter
Zoning Application # G-829, RE-2 Zone to Country Inn Zone
12201-12219 River Road

RECEIVED
1516
DEC 04 2006

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Mr. Chairman,

We are homeowners that live near the subject property located on River Road just East of Lake Potomac Drive and wish to express our strong opposition to this proposed zoning change. While we do not oppose a Country Inn on the property, we specifically oppose this proposal. Since the proposal is tied to the Zoning change we therefore oppose the zoning change.

The definition of a Country Inn per Montgomery County guidelines:

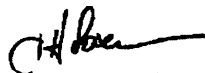
An establishment primarily for dining in a rural area of the county, removed from planned or existing commercial areas and generally accessible for patronage only by automobile transportation. A country inn may contain in the same building a maximum of 12 guest rooms where, for compensation, food and lodging are provided for guests, and may also contain specific commercial uses. A country inn is not a bed-and-breakfast lodging, motel, inn or other use defined or regulated elsewhere in this ordinance.

This proposal is different from the intention and specifics of the Zoning ordinance for the reasons including the following:

1. It is a 15,000 square foot project with well over a hundred parking spaces; a scale in no way compatible with the surrounding neighborhood of residential homes.
2. The design of the building is incompatible with the surrounding neighborhood.
3. It has more space dedicated to ancillary use (retail and banquet facilities, etc.) than is designated for the Country Inn – this is not a Country Inn proposal. With a zoning limit of 12 rooms; even with staff use, 112 parking spaces does not indicate "food and lodging provided for guests"
4. The size of the facility and intended use will create noise, traffic, unsightly parking and overall disturbance. We also feel that the value of our homes and ability to sell will be diminished.

We chose a neighborhood with a rural nature designated by County Planning resources and are rightfully protective of this condition. This proposal is completely incompatible with that use and we strongly oppose this proposal. Thank you for your consideration.

Sincerely,



Jonathan and Amalia Rosen
11711 Beall Mountain Road
Potomac, MD 20854
Jrosen01@aol.com

December 3, 2006

#10

To: Mr. Royce Hanson, Chairman
Montgomery County Department of Park and Planning
mcp-chairman@mncppc-mc.org
FAX: (301) 495-1320

Re: Opposition Letter
Zoning Application # G-829, RE-2 Zone to Country Inn
12201-12219 River Road

RECEIVED
DEC 04 2006

By Electronic Mail and Facsimile

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Mr. Hanson:

We are homeowners that live within one mile of the subject property located on River Road just East of Lake Potomac Drive and wish to express our strong opposition to this proposed zoning change. While we do not oppose a Country Inn, properly defined, on the property, we specifically oppose this proposal. Since the proposal is tied to the Zoning change we therefore oppose the zoning change.

The definition of a Country Inn per Montgomery County guidelines:

An establishment primarily for dining in a rural area of the county, removed from planned or existing commercial areas and generally accessible for patronage only by automobile transportation. A country inn may contain in the same building a maximum of 12 guest rooms where, for compensation, food and lodging are provided for guests, and may also contain specific commercial uses. A country inn is not a bed-and-breakfast lodging, motel, inn or other use defined or regulated elsewhere in this ordinance.

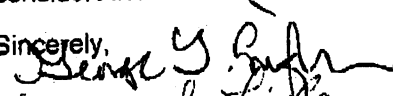

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1. It is a 15,000 square foot project with well over a hundred parking spaces; a scale in no way compatible with the surrounding neighborhoods of residential homes.
2. The design of the building is incompatible with the surrounding neighborhood.
3. It has more space dedicated to ancillary use (retail and banquet facilities, etc.) than is designated for the Country Inn – this is not a Country Inn proposal. With a zoning limit of 12 rooms; even with staff use, 112 parking spaces does not indicate "food and lodging provided for guests."
4. The size of the facility and intended use will create noise, traffic, unsightly parking and overall disturbance. We also feel that the value of our home and/or ability to sell will be diminished.

Mr. Royce Hanson
December 3, 2006
Page Two

We chose a neighborhood twenty-one years ago with a rural nature designated by County Planning resources and are rightfully protective of this condition. We are further concerned about the impact of a project of this magnitude on Watts Branch Creek's watershed; increased flooding of the creek, largely as a result of upstream development, has cost us over \$10,000 in repairs to our pastures this year alone. This proposal is completely incompatible with the character of our neighborhood and we strongly oppose this proposal. Thank you for your consideration.

Sincerely,



George T. and Frances S. Ligler
12400 Beall Mountain Lane
Potomac, Maryland 20854-1121
ligler1@earthlink.net

#10

RECEIVED
1522
NOV 29 2006

WEST MONTGOMERY COUNTY
CITIZENS ASSOCIATION

FOUNDED 1948

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

November 26, 2006

Dan Janousek, Community Based Planning
Montgomery County Department of Park and Planning
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Zoning Application No. G-829

Dear Mr. Janousek,

We would like to thank you for meeting with us to discuss our concerns regarding the application by the Koh family for a zoning change from the RE 2 zone to the Country Inn Zone for their property at 12219 River Road in Potomac. We have reviewed the proposal, toured the property with the Koh family, who showed us every hospitality, and, after much deliberation, have come to the difficult conclusion that we must ask that the Planning Board deny the application. Our reasons are as follows.

The application does not comply with the intent of the Zone. The Country Inn Zone was created to help existing older restaurants in the county, established prior to Zoning Ordinances being enacted and located in residential zones, by placing them in their own zone with a restaurant as the anchor which they could use to upgrade or expand without having to do so in a residential zone and provide a meaningful review process through the requirement for a development plan that must be approved in detail along with the zoning change. Two of the first examples with which we are familiar are the Comus Inn up-county and Normandy Farm in our own community, both of which are establishments of considerable quality and stature. The current application has only the slimmest framework to inform either the community or the Planning Board and Council of the kind and quality of restaurant intended to occupy the site and which has more commercial space than dining space.

The zoning ordinance clearly states that the allowed commercial uses must be ancillary to the restaurant. The completed project does not meet this requirement. It will contain 8,000 sq. ft of commercial space for such uses as an art gallery and antique store. The dining area will contain substantially less square footage, 6,715 sq. ft: - a restaurant of 2,915 sq. ft and a banquet hall of 3,800 sq. ft. (Further, a banquet hall is not of the same character as a country inn/ restaurant. We believe that it should be considered as a commercial or ancillary use making even smaller the total square footage being used for a country inn.)

We also have serious concerns as to the adequacy of the number of parking

spaces. The Code requires 25 parking spaces per 1,000 sq. ft of dining area. The dining use alone would appear to require more parking spaces than the number being provided for all uses. Insufficient parking spaces could well result in cars parking along the side of River Road and in other inappropriate and environmentally detrimental areas. We ask the Board to deny the application based on this failure of the development plan to clearly identify the type and quality of restaurant which will be on this site, the ratio of commercial to restaurant space, and the lack of sufficient parking.

Finally, the Development Plan is flawed. We would submit that the development plan in this case is flawed because of the phasing of the project. How can the Planning Board and the Council judge the merits of a plan which may never be completed? We are asked to change the zoning based on a plan which relies on some level of success in phase I to move on to phase II at some indefinite time in the future. This is not a plan which provides the community or the Board and Council with a known quantity and which, by its very nature, cannot provide any level of assurance that it will be completed as planned. We believe that by requiring approval of a development plan the Council intended that communities would know what they would get and that decision making on the fundamental step of changing the existing zoning would be based on sound planning, not on nebulous plans which may or may not come to pass.

On the other hand, we support the environmental work which the applicants have agreed to undertake if this proposal is approved. The site is in sad condition through the negligence of a previous owner and the applicants willingness to do what is necessary to remedy this is exemplary. We support the environmentally friendly design of the parking and the landscaping plan. We support the efforts to improve the slope leading to the Watts Branch. Planning staff has clearly worked hard to improve this site and the applicant has shown a willingness to make the necessary improvements.

This is clearly a proposal which has both positive and negative sides. It is only after much deliberation that we have come to the conclusion that the negatives outweigh the positives and therefore we cannot support this proposal.

Sincerely,

George A. Barnes
Zoning Chair

MCP-Chairman

From: Ginny Barnes [ginnybarnes@juno.com]
Sent: November 28, 2006 11:56 AM
To: Janousek, Daniel
Cc: MCP-Chairman
Subject: Fw: Koh Country Inn proposal

Dan - Sorry you couldn't open the attached letter. Here it is as an email. I'm surprised you are unable to receive wordperfect documents.....

Sincerely.....ginny

Ginny Barnes, Environmental Chair
West Montgomery County Citizens Association
10311 Glen Road
Potomac, Md. 20854
(301) 762-6423 -phone / (301) 762-9287 - fax

<DIV style=""background: " #cccccc\?>

**WEST MONTGOMERY COUNTY
CITIZENS ASSOCIATION**

FOUNDED 1948

November 26, 2006

Dan Janousek, Community Based Planning

Montgomery County Department of Park and Planning

8787 Georgia Avenue

Silver Spring, MD 20910-3760

Re: Zoning Application No. G-829

Dear Mr. Janousek,

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11/28/2006

The application does not comply with the intent of the Zone. The Country Inn Zone was created to help existing older restaurants in the county, established prior to Zoning Ordinances being enacted and located in residential zones, by placing them in their own zone with a restaurant as the anchor which they could use to upgrade or expand without having to do so in a residential zone and provide a meaningful review process through the requirement for a development plan that must be approved in detail along with the zoning change. Two of the first examples with which we are familiar are the Cornus Inn up-county and Normandy Farm in our own community, both of which are establishments of considerable quality and stature. The current application has only the slimmest framework to inform either the community or the Planning Board and Council of the kind and quality of restaurant intended to occupy the site and which has more commercial space than dining space.

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This is clearly a proposal which has both positive and negative sides. It is only after much deliberation that we have come to the conclusion that the negatives outweigh the positives and therefore we cannot support this proposal.

Sincerely,

11/28/2006

George A. Barnes

Zoning Chair

11/28/2006

Harry and Joan Weintrob
11200 Tack House Court
Potomac, MD 20854

#10

December 5, 2006

RECEIVED
1536
DEC 05 2006

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Planning Board
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910
FAX: 301-495-1320

RE: Dec. 7, Agenda Item 10 Local Map Amendment No. G-829
(Koh Property Request for Country Inn Zoning)

Dear Sirs:

I wish to state our reasons for opposing the request to amend the zoning of the Koh property from RE-2 to Country Inn.

Our home on Tack House Court is immediately adjacent to the Koh property so, for us, this is an important issue.

The request is totally out of character for the neighborhood. The plan includes parking for over 100 cars. There is no commercial facility within 1.5 miles of the Koh property that has parking on this scale. Likewise, there is no restaurant within this 1.5 mile radius. This area is a totally residential area except for the WSSC facility and the very minor businesses that have operated on the Koh property. As a resident on Tack House Court for 15 years I can testify that when businesses have operated on that property, two cars parked to do business at the same time were rare and three parked to do business almost never happened, except perhaps buying Christmas trees on Sunday afternoon. The requested development authorization is essentially two orders of magnitude greater over what has generally been experienced in the way of car traffic. Such an increase is a clear violation of the neighborhood's character. Furthermore, the businesses operated during "normal" hours, until 5 or 6 p.m. The request for a large dining hall that can accommodate weddings and other festivities means that there will be noise and traffic until very late in the evening. Again this is not consonant with the character of the neighborhood.

I feel that it is also necessary to state that the Koh's have not respected the quality of the neighborhood. I pointed out to them that their tenant, who lived in a house on the property, regularly shot off fireworks, the remains of which I often found on my property.

This disturbance continued even after I had brought it to the attention of the Kohs. I hesitate to think how this disregard for the neighbors will translate if this development is allowed.

I trust that these thoughts will be considered.

Yours truly,


Harry Weintrob

MCP-Chairman

From: Carol Van Dam [cvdfalk@verizon.net]
Sent: December 02, 2006 6:14 PM
To: MCP-Chairman
Subject: Koh property

RECEIVED
 1541
 DEC 05 2006

#10

OFFICE OF THE CHAIRMAN
 THE MARYLAND NATIONAL CAPITAL
 PARK AND PLANNING COMMISSION

Dear Chairman Hanson,

Proposing to rezone the Koh property on River Road to a "Country Inn" status is very troublesome to me and several of my neighbors on many fronts. As a resident of West Montgomery County for more than 20 years, I have seen many changes. This proposal would fall into the category of bad changes.

First of all, I don't believe the "Country Inn" zone has much integrity. It is ill-defined and really a misnomer, as it denotes a Bed and Breakfast type of operation. Realizing that a few properties have been granted this new zoning status in Montgomery County, none of those properties, as far as I can tell, offer an Inn, as in rooms to rent for a night or two in a rather charming house that's been converted to a B&B. The "Country Inn" zone definition and its ensuing restrictions should be reworked, as it is misleading to say the least, but that is for another time.

The Koh property is a very narrow strip of land with a steep drop-off in back which can not sustain the kind of large scale vision that includes banquet hall facilities, restaurants, and shops as laid out at a West Montgomery County Citizens General meeting by Mr. Koh some time ago, of which I was in attendance. Such an operation is not compatible with the property at hand. The number of parking spaces Mr. Koh suggested he would like to undertake far exceeds the capacity of the property.

Generally speaking, Mr. Koh's blueprint for the property seemed to have little relationship to the land itself. It would be hard to imagine his vision of development on this small piece of property. I realize the River Road location is tempting to developers, but the proposed development is not a suitable undertaking for this land. It's important to keep in mind that we have an impervious problem in this part of the county.

Whenever we get more than an inch or so of rain, River Road is frequently awash in rainwater, making travel conditions hazardous.

Also, judging from the comments I've heard from neighbors, there is not exactly a groundswell of support for yet another business undertaking of this magnitude in our midst. Shops, restaurants, and banquet facilities are all within easy reach of our neighborhoods.

Our larger concern is protecting the last remaining green spaces we have left, as developers have had their way in this county for far too many years.

Sincerely,

Carol Van Dam Falk
 13100 Esworthy Road
 N.Potomac, Md. 20878

12/05/2006

BRIAN J. FELDMAN
15th Legislative District
Montgomery County

Economic Matters Committee



The Maryland House of Delegates

ANNAPOLIS, MARYLAND 21401-1991

Annapolis Office
226 Lowe House Office Building
Annapolis, Maryland 21401-1991
301-858-3052 · 410-841-3052
Fax 301-858-3219 · 410-841-3219
E-Mail Brian_Feldman@house.state.md.us

District Office
12110 Little Creek Drive
Potomac, Maryland 20854
301-517-5719

December 5, 2006



Dr. Royce Hanson
Chair, Montgomery County Planning Board
8787 Georgia Ave.
Silver Spring, Maryland 20910-3760

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Re: Zoning Application No. G-829

Dear Chairman Hanson,

My understanding is that you are in receipt of letters reflecting a variety of community concerns regarding the above-referenced zoning change application. A hearing on the application is currently scheduled for December 7, 2006.

I share the concerns raised in the letter to you dated December 1, 2006, from Liza W. Durant, President of the Beall Mountain Road Homeowners Association. I understand that the Western Montgomery County Citizens Association and others have expressed, or will be expressing, similar concerns regarding the proposed change in zoning.

For the reasons set forth in Ms. Durant's letter, I would respectfully request that the application be denied. I further request that this letter be incorporated and be made part of the formal record in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian J. Feldman".

Brian J. Feldman



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIRMAN

December 27, 2006

The Honorable Brian Feldman
State Delegate – District 15
116 Lowe House Office Building
Annapolis, MD 21401-1991

RE: Zoning Application G-829
Subject: Postponement

Dear *Brian* Delegate Feldman,

As you are aware, the Montgomery County Planning Board is currently reviewing the subject zoning case (G-829) that is of concern to you. However, as we approached the original hearing date of December 7th, staff began to receive numerous letters of concern from nearby residents. As a result, the applicant in the case requested that the Planning Board postpone its review of the proposed development plan to allow time for negotiations between the applicant and citizens.

The Planning Board will continue to review changes to the proposed plan and investigate issues related to the zoning case. After the Planning Board holds its hearing on the proposed development plan (date unknown at this time pending negotiations), the Board will transmit its recommendation on the matter to the District Council, who will eventually decide to approve or deny the application.

Thank you for letting us know of your concerns, and if you have any additional questions about the zoning case and/or the process, please feel free to contact Dan Janousek, AICP, at (301) 495-4564. Mr. Janousek is assigned to this case and is monitoring the citizen negotiations between the applicant and the citizenry.

Sincerely,

Royce
Royce Hanson
Chairman

DPB/dj

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

MCP-Chairman

From: Naren Shahani [nshahani@mescorp.com]
Sent: December 06, 2006 12:03 PM
To: MCP-Chairman
Cc: beallmountain@greenbriarkennels.com; rshahani@mescorp.com
Subject: Country Inn Zoning Application # G-829, RE-2 Zone to Country Inn Zone

R E C E I V E D
1543
DEC 06 2006

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

#10

Date: December 6th, 2006
To: Mr. Royce Hanson, Chairman
Montgomery County Department of Park and Planning
mcp-chairman@mncppc-mc.org
FAX: (301) 495-1320
Re: Opposition Letter
Zoning Application # G-829, RE-2 Zone to Country Inn Zone
12201-12219 River Road

Dear Sir,

We are very much concerned about the massive Country Inn structure in a residential neighborhood. We live in Lake Potomac Community which is in the closest vicinity of the country inn site. Country Inn development site should be restricted to Potomac Village where there is ample commercial development. This property will have an adverse impact on the environment, traffic patterns, roads, drainage system, theft, burglary, crime and property values of all the residences in the neighborhood.

We as property owners of Lake Potomac Community do not support the Country Inn plans for the reasons mentioned above.

Sincerely,

Naren & Rita Shahani
1 Lake Potomac Ct
Potomac, MD 20854

MCP-Chairman

From: ahughey@bloomberg.net on behalf of ANN HUGHEY, BLOOMBERG/ NEWSROOM:
[ahughey@bloomberg.net] #10
Sent: December 06, 2006 11:26 AM
To: MCP-Chairman
Subject: country inn on River Road across from WSSC plant

RECEIVED
DEC 06 2006

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Maryland Parks and Planning, This is a note in opposition to the monster hotel being contemplated to replace Flora's Feathered Nest. A country inn is by definition small, charming and unobtrusive. The project currently planned is huge, ugly and totally unacceptable to me as a resident of 11205 Tack House Court, the street immediately next to the site, It is not only offensive aesthetically, but the volume of traffic clearly contemplated, requiring a parking lot the size of those in downtown Potomac Village, would disturb not only its residential neighbors, but the wildlife in the park it backs up on. If something other than a farmer's market and an antiques shop has to be put there, please insist that it be limited to a small restaurant, which would actually be a welcome addition to the neighborhood. Very truly yours, Ann Hughey (Mrs. Morris Feibusch) and Morris Feibusch. 301-299-2937. 11205 Tack House Court, Potomac, Maryland 20854

RECEIVED
DEC 06 2006

Lake Potomac Citizens Association
11601 Lake Potomac Drive
Potomac, Maryland 20854

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

December 5, 2006

#10

Mr. Royce Hanson
Chairman of the Montgomery County Planning Board
Montgomery County Department of Park and Planning
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Zoning Application No. G-829

Dear Mr. Chairman,

This letter sets forth the concerns of the Lake Potomac Citizens Association regarding Zoning Application No. G-829.

The Lake Potomac Citizens Association is comprised of owners of the properties located on Lake Potomac Drive, Court, and Terrace in the Lake Potomac subdivision. The entrance to our neighborhood is at the intersection of Lake Potomac Drive and River Road adjacent to the Koh property.

We are very concerned with the current appearance and general state of disrepair of the property over the past 15 years. A Country Inn development on the property which fits in with the general surrounding area would be an acceptable use of the property and be an improvement over what exists today.

However, we are concerned that the addition of the large banquet hall and the over 100 parking spaces is going a little too far from the current zoning of RE-2 Farmer's Market exception. We are concerned with the large size of the proposed banquet hall addition, the traffic and associated noise particularly on the weekends, and the change from residential zoning to zoning for a commercial facility. While we welcome any efforts to clean up the site and invest in a structure that is esthetically pleasing, we believe that the current Country Inn plan and large number of parking spaces is too much for the site, and a smaller Country Inn without the banquet facility and fewer parking spaces would be more consistent with the surrounding area.

We appreciate the opportunity to convey our opinion. Thank you for your consideration of our concerns.

Very truly yours,

Neil L. Hazard
President
Lake Potomac Citizens Association

cc: Dan Janousek, Community Based Planning Division, M-NCPPC
Callum Murray, Community Based Planning Division, M-NCPPC

MCP-Chairman

From: Neil Hazard [neil.hazard@terrestar.com]
Sent: December 05, 2006 6:43 PM
To: MCP-Chairman
Cc: daniel.janous; Murray, Callum
Subject: Zoning application No. G-829 (Koh Property)

RECEIVED
DEC 06 2006

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Mr. Chairman and Members of the Montgomery County Planning Board,
Please see the attached letter from the Lake Potomac Citizens Association regarding Zoning Application G-829.
Thank you in advance for your consideration of our concerns.

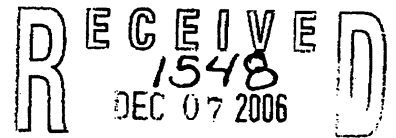
Neil L. Hazard
President
Lake Potomac Citizens Association

12/06/2006

MCP-Chairman

From: Morris Feibusch [mdfbcoa@aol.com]
Sent: December 06, 2006 9:28 PM
To: MCP-Chairman
Subject: Zoning Application # G-829, RE-2 Zone to Country Inn Zone

#10



OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Mr. Royce Hanson, Chairman
Montgomery County Department of Park and Planning

Mr. Hanson:

RE: Zoning Application # G-829, RE-2 Zone to Country Inn Zone

My name is Morris Feibusch and I reside at 11205 Tack House Court, a short walk from the subject zoning application site.

The staff of your commission is recommending a "country inn" designation for a site at 12201-12219 River Road. The application includes parking for 110 cars--more space than would be necessary for a supermarket. This is major commercial space masquerading as an Inn.

The proposed project is totally inconsistent with the neighborhood and the residences therein. There is already a major commercial establishment, the water plant, nearby and there is no need for one more.

The site has been home to low key retailers, whose rustic quality have blended in with the neighborhood.

The proposal is an abuse of the purpose of the country inn definition. Your staff's reasoning in recommending approval is a recitation of the country inn requirements and totally ignores that the amount of parking requested is at odds with the concept of an Inn. One wonders if they have examined the site, which is in a fragile ecosystem and does not seem an appropriate place for a large building and at least an acre of parking.

Anyone who has actually looked at the housing around the site, especially in Saddle Ridge, would immediately notice that the rather bizarre design of the proposed Inn is totally at odds with its residential surroundings.

In addition, someone should examine the economics of the proposal and the financial backing for the enterprise. Clearly, for a project of this scope to succeed, it will have to attract a large and consistent customer base. I do not believe this location could support such activity and the possibility of failure and a large abandoned building exists.

I also assume that the developer expects to have his plan scaled back

and has some hidden bottom line that is acceptable. While, a Country Inn sounds like a nice addition to the neighborhood, the legal definition is too broad. Therefore the change in zoning is not justified by this plan and should be opposed by the Commission.

Morris Feibusch

December 2, 2006

#10

RECEIVED
DEC 07 2006

To: Mr. Royce Hanson, Chairman
Montgomery County Department of Park and Planning
rc.hanson@montcopc.org
FAX: (301) 495-1320

Re: Zoning Application # G-829, RE-2 Zone to Country Inn Zone
12201-12219 River Road

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Mr. Chairman,

Our family lives within view of the subject property located on River Road just East of Lake Potomac Drive and wish to express our strong opposition to this proposed zoning change. We do not oppose a Country Inn on the property; however we specifically oppose this proposal. Since the proposal is tied to the Zoning change we therefore oppose the zoning change.

As we understand it, this is the definition of a Country Inn per Montgomery County guidelines:

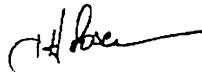
An establishment primarily for dining in a rural area of the county, removed from planned or existing commercial areas and generally accessible for patronage only by automobile transportation. A country inn may contain in the same building a maximum of 12 guest rooms where, for compensation, food and lodging are provided for guests, and may also contain specific commercial uses. A country inn is not a bed-and-breakfast lodging, motel, inn or other use defined or regulated elsewhere in this ordinance.

We believe that this proposal is different from the intention and specifics of the Zoning ordinance for the reasons including the following:

1. It is a 15,000 square foot project with well over a hundred parking spaces; a scale in no way compatible with the surrounding neighborhood of residential homes.
2. The design of the building is incompatible with the surrounding neighborhood.
3. It has more space dedicated to ancillary use (retail and banquet facilities, etc.) then is designated for the Country Inn – this is therefore not a Country Inn proposal in a material manner but a proposal for a multi-use commercial dining, entertainment and lodging facility. With a zoning limit of 12 rooms; even with staff use, 112 parking spaces *does not* indicate "food and lodging provided for guests"
4. The size of the facility and intended use will create noise, traffic, unsightly parking and overall disturbance. Banquet facilities have expressly different hours, noise, traffic volume and support requirements (delivery and ancillary vendors) then do that of a Country Inn.
5. Additionally we feel that the value of our homes and ability to sell will be diminished by the presence of this facility within view of our home.

We chose a neighborhood with a rural nature designated by County Planning resources and are rightfully protective of this condition. This proposal is completely incompatible with that use and we strongly oppose this specific proposal. Thank you for your consideration.

Sincerely,



Jonathan and Amalia Rosen
11711 Beall Mountain Road
Portomac, MD 20854
301.299.1929
jrosen01@aol.com
Fax: 240.238.2996

MCP-Chairman

From: Jrosen01@aol.com
Sent: December 02, 2006 11:29 AM
To: MCP-Chairman
Subject: Zoning Application # G-829 - 12201-12219 River Road
Follow Up Flag: Follow up
Due By: December 07, 2006 9:30 AM
Flag Status: Flagged

Please accept the enclosed letter as our opposition to the proposed Zoning change

Sincerely
Jonathan Rosen
11711 Beall Mountain Road
Potomac, MD 20854

12/07/2006

SENATOR ROB GARAGIOLA
15th Legislative District
Montgomery County

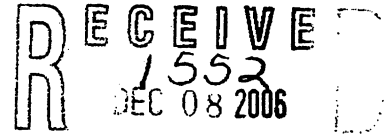
Judicial Proceeding Committee
Joint Committee on Administrative,
Executive & Legislative Review
Joint Committee on Federal Relations
Joint Committee on Legislative Ethics
Joint Committee on Welfare Reform
Co-Chair, Veterans Caucus



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401-1991

December 6, 2006

Annapolis Office
104 James Senate Office Building
Annapolis, Maryland 21401-1991
301-858-3169 · 410-841-3169
Fax 301-858-3850 · 410-841-3850
1-800-492-7122 Ext 3850
E-Mail Rob_Garagiola@senate.state.md.us



OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Mr. Royce Hanson
Chairman of the Montgomery County Planning Board
Montgomery County Department of Park and Planning
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Zoning Application No. G-829

Dear Mr. Chairman:

I have received a copy of the letter sent to you dated December 1, 2006 from the President of Beall Mountain Road Homeowners Association regarding the proposed change in zoning for the property surrounding Beall Mountain Road and Beall Mountain Lane.

I share the Homeowner's concerns and agree that the proposed changes would not be compatible with the surrounding residential neighborhood and furthermore would compound existing problems that the WSSC facility in the neighborhood brings to the area.

Please keep me informed on the progress of this important issue.

Sincerely,

Rob Garagiola
State Senator - District 15

Cc: Dr. Liza W. Durant




MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIRMAN

December 27, 2006

The Honorable Rob Garagiola
State Senator – District 15
104 James Senate Office Building
Annapolis, MD 21401-1991

RE: Zoning Application G-829
Subject: Postponement

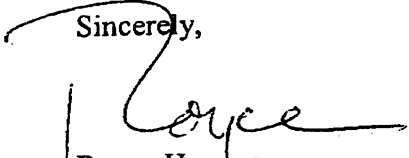

Dear Senator Garagiola:

As you are aware, the Montgomery County Planning Board is currently reviewing the subject zoning case (G-829) that is of concern to you. However, as we approached the original hearing date of December 7th, staff began to receive numerous letters of concern from nearby residents. As a result, the applicant in the case requested that the Planning Board postpone its review of the proposed development plan to allow time for negotiations between the applicant and citizens.

The Planning Board will continue to review changes to the proposed plan and investigate issues related to the zoning case. After the Planning Board holds its hearing on the proposed development plan (date unknown at this time pending negotiations), the Board will transmit its recommendation on the matter to the District Council, who will eventually decide to approve or deny the application.

Thank you for letting us know of your concerns, and if you have any additional questions about the zoning case and/or the process, please feel free to contact Dan Janousek, AICP, at (301) 495-4564. Mr. Janousek is assigned to this case and is monitoring the citizen negotiations between the applicant and the citizenry.

Sincerely,


Royce Hanson
Chairman

DPB/drij

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

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OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

MCP-Chairman

From: Diana Conway [dconway@erols.com]
Sent: December 14, 2006 3:58 PM
To: MCP-Chairman
Subject: Proposed rezoning to Country Inn on River Road of Koh Property---Opposed

Chairman Royce Hanson
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910
December 14, 2006

Re: Proposed rezoning to Country Inn of Koh property on River Road

Sent via E-mail

Dear Chairman Hanson,

As a concerned resident of Potomac for over eleven years, I respectfully request that you heed our community and reject the proposed massive Country Inn on River Road.

The proposal is too large and is out of character with our surrounding community. In particular, I am disturbed that the art gallery is so much larger than the Inn portion. That makes it seem more like a commercial art venue than a Country Inn, and defies the common meaning of "ancillary". I am also concerned that given the two-phase nature proposed to date, it is not clear if or when the second phase would be implemented: the community has no security about what will actually be built. The site lacks adequate parking, and the property--a narrow crescent between a State Highway and a steep slope-- seems to functionally prevent the concept itself: the steady whoosh of rush-hour traffic in close proximity can hardly create a setting for casual lingering or bucolic strolls.

Finally, I remain perplexed by the on-again, off-again nature of the applicants' process. Twice they have brought out community members who prepared for the hearings, and twice they have balked. In addition to wasting staff and board time--both valuable public resources, it is a serious burden on the community members who volunteer to attend on all our behalf, and whose time is completely wasted and uncompensated.

Accordingly I urge you and the board to reject this plan.

Sincerely,
Diana Conway
10600 River Road
Potomac, MD 20854
301-983-6124
dconway@erols.com