



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

MCPB

Item #

6/11/09

MEMORANDUM

MCPB HEARING

DATE:

June 11, 2009

REPORT DATE:

May 26, 2009

TO:

Montgomery County Planning Board

VIA:

Mark Pfefferle, Acting Chief *mr*
Stephen Federline, Supervisor *sf*
Environmental Planning Division

Rose Krasnow, Chief *RK*
Catherine Conlon, Supervisor *CC*
Development Review Division

FROM:

CB
Candy Bunnag, Planner Coordinator (301-495-4543)
Environmental Planning Division

SS
Stephen Smith, Senior Planner/Plat Reviewer
Development Review Division (301-495-4522)

REVIEW TYPE:

Record Plat and Special Protection Area Preliminary and
Final Water Quality Plan

APPLYING FOR:

Minor Subdivision to Convert an Unplatted Parcel into One
Lot

CASE #:

220090420

PROJECT NAME:

Norbeck Country Club

REVIEW BASIS:

Section 50-35A(a)(7), Montgomery County Subdivision
Regulations; and Article V (Water Quality Review in
Special Protection Areas), Montgomery County Code

LOCATION:

On the west side of Cashell Road, opposite Hines Road

MASTER PLAN:

Olney Master Plan

APPLICANT:

Norbeck Country Club

RECOMMENDATION: Approval with conditions

STAFF RECOMMENDATION

Part I. Special Protection Area (SPA) Preliminary and Final Water Quality Plan

Approval of the Special Protection Area (SPA) preliminary and final water quality plan with the following conditions:

- 1) Prior to recording of the plat, the applicant must enter into an agreement with the Planning Board to limit impervious surfaces to no more than 5.8 percent.
- 2) Prior to release of building permits, the applicant must demonstrate conformance to the impervious surface limits as shown on the preliminary and final water quality plan. Any modification to this plan which increases site imperviousness above 5.8 percent will require Planning Board action.
- 3) Applicant must conform to the conditions as stated in the Department of Permitting Services (DPS) letter dated February 27, 2009.

Part II. Minor Subdivision

Approval of the record plat subject to the following conditions:

- 1) The applicant must comply with the conditions of approval for the Preliminary/Final Water Quality Plan.
- 2) The applicant must dedicate 40' from the centerline (for a total of 80' from the opposite right-of-way) along the property frontage for Cashell Road from Hines Road to the northern property boundary. This dedication must be shown on the final record plat.
- 3) Other necessary easements must be shown on the record plat.

SITE DESCRIPTION (Vicinity map - Figure 1)

The Norbeck Country Club, "Property" or "Subject Property", contains 197.76 acres, zoned RNC, and is located on the west side of Cashell Road, opposite Hines Road. The site contains an 18-hole golf course, club house, a tennis facility, swimming pool and associated parking and maintenance facilities. Original construction of the golf course occurred before 1960. A portion of the 18-hole golf course extends onto land acquired in 1967 by M-NCPPC for North Branch Stream Valley Park. The country club has a lease agreement with M-NCPPC that allows the golf operation to continue on this portion of the parkland. The site lies within the North Branch of Rock Creek watershed (Use III). A tributary of North Branch and associated floodplain and environmental buffers occur along the northern portion of the site. It also lies within the Upper Rock Creek Special Protection Area (SPA) and its associated Environmental Overlay Zone.

Figure 1. Vicinity Map



PROJECT DESCRIPTION

The applicant proposes to record a plat for the entire property as one recorded parcel, 197.76 acres in size, in accordance with the minor subdivision provision of Section 50-35A(a)(7) of the Subdivision Regulations. The property is the subject of Special Exception Case CBA-2724. The most recent modification to the case CBA-2724-C was approved September 10, 2008 by the Board of Appeals via the administrative modification process. Improvements to the site granted by the Board of Appeals are as follows:

- A small one story addition to the clubhouse for upgraded office and meeting room space

- A second small addition to the clubhouse to accommodate convenience rest rooms for the dining area
- A redesigned canopy at the clubhouse entrance and façade improvements
- Replacement of the existing pool house with a new 1,800 square foot structure containing a small café, administrative space, lockers and restrooms
- An addition of 80 square feet to the existing clubhouse containing a pair of unisex toilets to serve on-course golfers

PART I. SPECIAL PROTECTION AREA (SPA) PRELIMINARY AND FINAL WATER QUALITY PLAN

ANALYSIS AND FINDINGS

2005 Olney Master Plan Recommendations

The Olney Master Plan recommended that two areas within the planning area be included in the Upper Rock Creek Special Protection Area and the Environmental Overlay Zone for the SPA. County Council Resolution No. 15-924, adopted on March 15, 2005, approved the Planning Board Draft Olney Master Plan, dated May 2004, and also designated the two areas as part of the SPA and the Environmental Overlay Zone. One of these areas is the Norbeck Country Club property.

Review for Conformance to the Special Protection Area Requirements, Including the Environmental Overlay Zone

Since the proposed expansion involves land-disturbing activities, a Special Protection Area (SPA) water quality plan is required for review and approval. Section 19-62(b) of Article V (Water Quality Review in Special Protection Areas) of the Montgomery County Code specifies that any person proposing an amendment to an approved special exception must submit a water quality plan for review and approval:

“(b) *Privately owned property.* Except as otherwise expressly provided in this Chapter, the requirements for a water quality inventory and a preliminary and final water quality plan apply in any area designated as a special protection area to a person proposing a land disturbing activity on privately owned property:
 ...or (2) who is seeking approval of an amendment to an approved development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan or subdivision, or site plan.”

The original special exception for the golf course and country club was granted in 1969. It has been modified several times. The most recent amendment to the special exception, Case No. CBA-2724-C, was granted on September 10, 2008 (Attachment C) and should have included the review and approval of a SPA water quality plan. However, the water quality plan review did not occur at the time of the special exception amendment.

Section 50-35A(a)(7)(d) of the Montgomery County Code (part of the Subdivision Regulations) requires that under the minor subdivision process the water quality plan be approved prior to recordation of the plat.

“Plats for Existing Places of Worship, Private Schools, Country Clubs, Private Institutions and Similar Uses Located on Unplatted Parcels. A plat may be recorded under the minor subdivision procedure provided:

...d. If located within a special protection area, as shown on an approved and adopted master plan, all applicable special protection area requirements and guidelines, including the approval of a water quality plan, are satisfied prior to recordation of the plat.”

The water quality plan that is the subject of this Planning Board review incorporates the additional elements of the amended special exception that was approved in September 2008.

Under the provision of Article V of the Montgomery County Code (Special Protection Area Law), the Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of a water quality plan. DPS reviews and acts on those elements of the water quality plan that relate to water quality protection performance goals, stormwater management, sediment and erosion control, and monitoring of best management practices. **DPS has reviewed and conditionally approved the elements of the preliminary water quality plan under its purview (see Attachment A).** The Planning Board’s responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

Site Performance Goals

As part of the preliminary and final water quality plan, several performance goals were established for the site: minimize storm flow runoff increases, minimize increases in ambient water temperatures, and minimize sediment runoff.

Site Imperviousness

The subject site lies within the Upper Rock Creek Environmental Overlay Zone and is served by community sewer. The overlay zone restricts most private development that is served by community sewer and limits the impervious surface for a building or sediment control permit to no more than 8 percent impervious surface of the tract area under application for development. The Olney Master Plan states that by placing the overlay zone over the subject site, there is a significant reduction in the “potential for imperviousness increase on the largest redevelopable property in the Olney Planning Area portion of the Rock Creek Watershed.”

The existing imperviousness on the site and that portion of the golf course that lie within parkland is 5.70% (comprised of a total of 494,332 square feet of impervious surfaces). The project would slightly increase the country club's imperviousness to 5.76% with the addition of 4,944 square feet of impervious surfaces. This is significantly lower than the 8 percent imperviousness limit of the Environmental Overlay Zone. The project complies with the overlay zone and the master plan recommendation for maintaining low imperviousness on the site.

Staff recommends that the country club use be limited to the imperviousness that is proposed. This would meet the master plan intent of minimizing imperviousness increases in this part of the SPA. Any future, proposed increases to the imperviousness on the site would require Planning Board review to determine if the increases are necessary and justified.

Figure 2. Proposed Impervious Surfaces

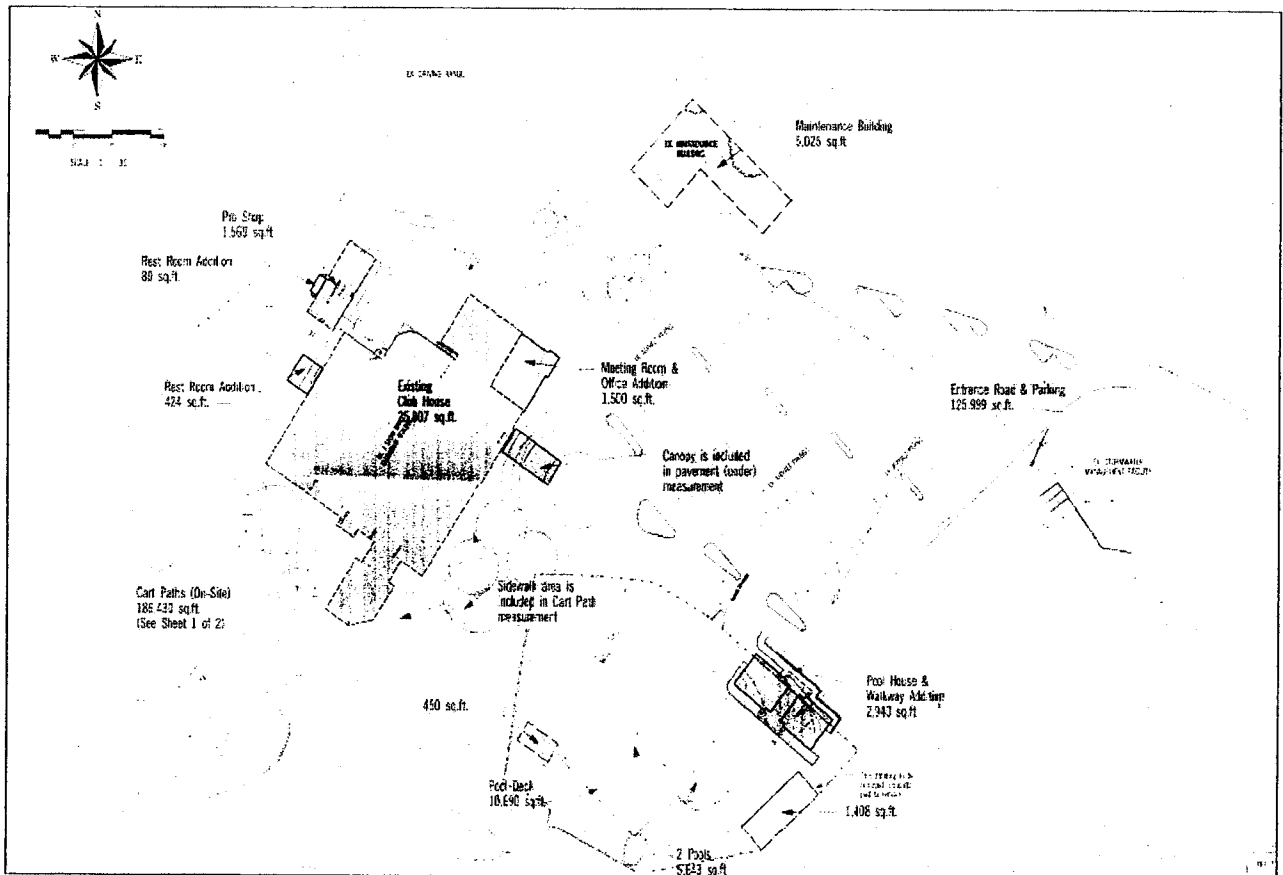


Figure 3. Impervious Surface Tabulation

IMPERVIOUS AREA TABULATION

PART 1: EXISTING IMPERVIOUS AREA

Note:

The following impervious area figures are per detailed CAD measurement, confirmed by field observation (October, 2008)

SITE ELEMENT	IMPERVIOUS AREA (In sq.ft.)
Existing Club House (incl. canopy)	25,807
Pro Shop	1,569
Tennis Building	21,810
Tennis Courts (3 groups)	57,624
Existing Pool Buildings (2)	1,858
Swimming Pools (2)	5,643
Pool Deck	10,885
Maintenance Building (adj. to club house)	5,025
Maintenance Buildings (2, in NE corner)	5,678
Existing House (near NE maint. bldgs.)	1,408
Barn at Maintenance Area	868
Garage at Ex. House	256
Trailers (2) at Maintenance Area	1,200
Shed	196
Maintenance Building Vehicular Area	23,370
Entrance Road & Parking Area	126,160
Cart Paths (On-Site)	187,093
Cart Paths (Off-Site)	17,882 *
TOTAL EXISTING IMPERVIOUS AREA	494,332 sq.ft.
Gross Tract Area:	198.68 Ac.
Plus Area of Off-Site Cart Path	0.41 Ac. (17,882 sq.ft.)
GROSS TRACT AREA +	199.09 Ac.
IMPERVIOUS AREA AS PERCENTAGE OF GROSS TRACT AREA +	5.70% (494,332 sq.ft.)

* Area of Off-Site Cart Path is added to Gross Tract Area to comprise Gross Tract Area +

PART 2: ADDITIONAL PROPOSED IMPERVIOUS AREA

New Pool House & Access walkway	2,940
Club House Addition / Meeting & Office Area	1,500
Club House Addition / Rest Rooms	424
Pro Shop Addition / Rest Room	80
TOTAL PROPOSED ADDED IMPERVIOUS AREA	4,944 sq.ft.
TOTAL EXISTING & PROPOSED IMPERVIOUS AREA	499,276 sq.ft.
TOTAL EXISTING & PROPOSED IMPERVIOUS AREA AS A PERCENTAGE OF GROSS TRACT AREA +	5.76%

[Note that 8% of Gross Tract Area + = 693,780 sq.ft. (15.927 Ac.)]

Environmental Buffers

Two tributaries of the North Branch of Rock Creek flow through the northeastern part of the site. Parts of the existing golf holes are located within the environmental buffers. There are also forest stands within the buffers that are protected with Category I conservation easements.

The modifications proposed, and as included in the approval of the special exception, do not affect the existing conditions in any part of the site that lie within environmental buffers; therefore, no mitigation for these encroachments is required.

Forest Conservation

A Final Forest Conservation Plan (FCP) was approved on March 12, 2004. It required the protection of the entire 29.8 acres of existing forest on the site. No forest planting was required. To provide permanent protection of these forest stands, Category I conservation easements were recorded by deed in 2004. The record plat that is the subject of the minor subdivision shows the same Category I conservation easements over these forest stands.

The project will affect individual trees near the clubhouse and parking lot. The applicant has submitted a tree save plan as an amendment to the Final FCP. Staff has reviewed the FCP amendment and has conditionally approved it.

The proposed project does not change any of the protected forest stands. There is no forest clearing associated with the project. Therefore, the amendment to the Final FCP can be approved by the Planning Director or Director's designee (i.e., Environmental Planning staff) and does not require review and approval by the Planning Board. This is consistent with Section 22A-11(2)(B) of the County Forest Conservation Law:

“(2) Modification to an approved plan. The Planning Director may approve modifications to an approved forest conservation plan that are consistent with this Chapter if:

...(B) each modification is minor and does not impact any forest in a priority area (such as substituting an on-site conservation area for an equal or greater on-site area of similar character, or substituting a marginal on-site conservation area for equal or greater amount of off-site priority area)...”

Stormwater Management Concept

DPS is not requiring control of the channel protection storm (i.e., water quantity) since the increase of impervious surfaces is relatively small. Stormwater quality control and groundwater recharge will be provided through the use of non-structural measures,

including dry wells for the new pool house, rooftop disconnections, and expansion of the existing biofilter to control the additional parking area.

Sediment Control

DPS is requiring an engineered sediment control plan. Super silt fence will be used, and standard silt fence can be used for only very limited areas of disturbance. Site disturbance will be limited as much as possible.

Conclusion

The application meets all of the requirements of Article V of the County Code (Special Protection Area Law) that are under the purview of the Board, and staff recommends approval of the Preliminary and Final Water Quality Plan with the specified conditions.

PART II. MINOR SUBDIVISION (Record Plat 220090420 – Attachment B)

ANALYSIS AND FINDINGS

Section 50-35A(a)(7) requirements

The proposed parcel is to be platted pursuant to Section 50-35A(a)(7) of the Subdivision Regulations. This section establishes the ability for an existing Country Club located on an unplatted parcel to record a plat through the minor subdivision process. Applications for minor subdivision under Section 50-35A(a)(7) must meet the following criteria:

- a) The requirements for adequate public facilities, under Sec. 50-35(k), are satisfied prior to plat recordation;
- b) Any required street dedications are shown on the record plat;
- c) Forest conservation and stormwater management requirements, if applicable, are satisfied prior to recording the plat;
- d) If located in a special protection area, as shown on the approved and adopted master plan, all applicable special area protection requirements and guidelines, including the approval of a water quality plan, are satisfied prior to recordation of the plat; and
- e) A landscaping and lighting plan including the parking lot layout is submitted for staff approval prior to recording the plat.
- f) If the property is the subject of an approved special exception, all conditions of the special exception approval remain in full force and effect.

With respect to the above provisions:

- a) The modifications at the country club facilities are intended to enhance the experience for its existing members; there is no proposed increase in membership or employees associated with this minor subdivision application. There will be no additional morning or evening peak hour vehicular trips generated by this

application. The property is already served by sewer and water and has sufficient access from Cashell Road. Other public facilities and services, such as police stations, firehouses and health services electrical and telecommunications services are also available to serve the property.

- b) The Olney Master plan has two road classifications for Cashell Road. From Hines Road south to Emory Lane the road is classified as a primary residential street with a 70' right of way, while from Hines Road north to Bowie Mill Road, it is classified as an arterial with an unspecified right of way width. This site contains frontage along both sections of Cashell Road, no further dedication is necessary along the property frontage south of Hines Road. For the section of Cashell Road north of Hines Road, staff recommends dedication of 40' from the centerline, for a total of 80' from the existing opposite right-of-way line. This is consistent with the previously approved right of way width for the connecting, arterially classified, Bowie Mill Road and Hines Road.
- c) The property is subject to an approved Final Forest Conservation Plan (FCP) CBA-2724-C and has several Category I easements previously recorded by deed (Liber 27196, Folio 531) in conjunction with that FCP. The proposed modifications do not impact any of the protected easement areas, but do require an amendment to the FCP.
- d) The property is located within a special protection area and is subject to the approval of a water quality plan. Staff is recommending approval of the Water Quality Plan as discussed in Part I of this report.
- e) The applicant has a previously approved landscape plan in conjunction with the approval of special exception CBA-2724-C. The landscape plan and the existing trees lining the golf course provide significant screening from the adjoining neighborhood to accommodate the limited modifications to the clubhouse.
- f) The property is subject to an existing special exception CBA-2724-C and its resulting modifications, all conditions of which remain in effect and the approval of this minor subdivision in no way compromises those prior approvals.

Citizen Notification

Staff notified adjacent and confronting property owners as well as community groups and civic associations of this public hearing.

DPS posted a public notice for the SPA water quality plan on the Planning Board's January 29, 2009 agenda. No requests for review of the water quality plan or correspondence have been received by DPS.

Conclusion

The proposed lot meets all of the requirements of Section 50-35A(a)(7) of the Subdivision Regulations and staff recommends approval of the application with the conditions specified.

Attachments

Attachment A – MCDPS SPA Water Quality Plan Approval Letter

Attachment B – Proposed Record Plat

Attachment C – Board of Appeals Special Exception Resolution



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

February 27, 2009

Mr. Michael Devine
Site Solutions, Inc.
20410 Observation Drive, Suite 205
Germantown, Maryland 20876

Re: **Preliminary/Final Water Quality Plan**
for Norbeck Country Club Improvements
SM File #: 235000
Tract Size/Zone: 198.68 Ac/RE-1
Watershed: Upper Rock Creek

SPECIAL PROTECTION AREA

Dear Mr. Devine:

Based on a review by the Department of Permitting Services Review Staff, the Preliminary/Final Water Quality Plan for the above mentioned site is approved. This approval is for the elements of the Preliminary/Final Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream buffer encroachments.

Site Description: The proposed site improvements include replacing the existing pool house and the addition of restrooms to the pro shop and dining area. The site is located off of Cashell Road and is within the Upper Rock Creek Special Protection Area.

Stormwater Management: Control of the channel protection storm is not required because of the relatively small amount of new impervious area that's proposed (4500 square feet). Quality control and recharge will be provided via non-structural measures that include dry wells for the new pool house, rooftop disconnections and increasing the size of the existing biofilter to control additional parking area.

Sediment Control: Disturbance of the site is to be limited as much as possible. The use of super silt fence will be acceptable for sediment control. The use of silt fence is acceptable for very limited areas of disturbance. The disturbed area is to be permanently stabilized as soon as possible after the initial disturbance. An engineered sediment control plan is required for this development.

Conditions of Approval: The following condition must be addressed during the detailed sediment control/stormwater management plan stage. This list may not be all inclusive and may change based on available information at the detailed plan review stage.

1. It appears that an additional dry well will be needed for the proposed pool house roof top.

2. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
3. A detailed review of the stormwater management computations will occur at the time of detailed plan review.

Payment of the stream monitoring fee is required prior to the approval of the sediment control plan. The stream monitoring fee computation is to be submitted for verification during the stormwater management/sediment control review process.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required. Note that monitoring is not required for this site.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at (240)777-6242.

Sincerely,



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

RRB:dm:CN235000

cc: C. Bunnag (MNCPPC-EP)
L. Galanko
R. Gauza (MCDEP)
SM File # 235000

Qn not required
QI on-site; Acres: 0.32
Recharge provided

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
www.montgomerycountymd.gov/content/council/boa/index.asp

(240) 777-6600

CASE NO. CBA-2724-C

PETITION OF NORBECK COUNTRY CLUB

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution Adopted September 10, 2008)
(Effective Date of Resolution: February 9, 2009)

The Board of Appeals has received a letter, dated September 2, 2008, from Jody S. Kline, Esquire, on behalf of the Norbeck Country Club. Mr. Kline requests administrative modification of the special exception to allow:

- A small one-story addition to the club house for upgraded office and meeting room space;
- A second small addition to the club house for convenience rest rooms for the dining area;
- A re-designed canopy at the club house entrance and an upgrade to the façade of the building which will include shelter for drivers dropping off guests;
- Replacement of the existing pool house with a permanent, 1800 square foot structure including administrative space, lockers, restrooms and a small café;
- A very small pair of unisex toilets added to the existing golf pro shop to serve golfers on the course.

Mr. Kline states that "There will be no increase in the number of members allowed, or hours of operation, nor is there an anticipated increase in the number of employees". He encloses plans and drawings to illustrate the requested changes.

The subject property is Parcel 400, located at 17200 Cashell Road, Rockville, Maryland, in the RE-1 Zone.

The Board of Appeals considered Mr. Kline's request at its Worksession on September 10, 2008. Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance provides, pertaining to modification of special exceptions:

If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the Board, without convening a public hearing to consider the proposed change, may modify the term or condition.

The Board finds that the requested modifications to the club's facilities will have little, if any outward impact, and with no increase in membership or employees, will therefore not substantially changing the nature, character or intensity of the use and or its effect on traffic or on the immediate neighborhood. Therefore, on a motion by David K. Perdue, seconded by Catherine G. Titus, Vice-Chair, with Wendell M. Holloway and Allison Ishihara Fultz, Chair, in agreement:

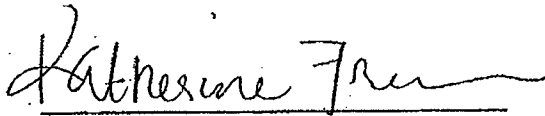
BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. CBA-2724-C, Petition of Norbeck Country Club, is re-opened to receive Jody S. Kline's letter of September 2, 2008, with attachments as Exhibit Nos. 30-30(j); and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception is **granted**; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that all terms and conditions of the original special exception, together with any modifications granted by the Board of Appeals, remain in effect.


Catherine G. Titus
Acting Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 9th day of February, 2009.



Katherine Freeman
Executive Director

NOTE:

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision and conduct a public hearing to consider the action taken.

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.