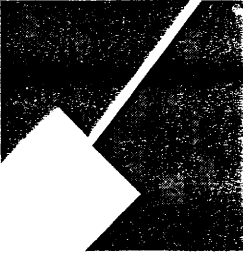


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MCPB ITEM #5
DATE: 9/20/01

TO: Montgomery County Planning Board

VIA: Joe Davis, Chief *JRE*
Development Review Division

FROM: Richard A. Weaver, Senior Planner *RAW*
Development Review Division

SUBJECT: Administrative Delegation 2001-6 - WSCCR 01A-DNT-01

DATE: September 14, 2001

Recommendation: Approval of the category change request from W-4 and S-6 to W-3 and S-3 for Parcels P671, P679 and P724 included within the Lerner Property – Preliminary Plan No. 1-01071

Discussion: This water and sewer category change request is an amendment to the *Montgomery County Comprehensive Water Supply and Sewerage Systems Plan*. The request is being considered under the Water and Sewer Plan, Administrative Delegation Policy, found in Chapter 1, Section IV, (F)(2)(d), “Consistent With Existing Plans”. (Attached) Under this policy, the Director of the Montgomery County Department of Environmental Protection, in concurrence with M-NCPPC, may authorize the Planning Board to conduct a concurrent hearing on a category change request and related Preliminary Plan that utilizes Transferable Development Rights.

It is the determination of staff, that the Preliminary Plan No. 1-01071 – Lerner Property utilizes the requisite number of TDR’s, therefore; the concurrent review of the category change request under this administrative policy is appropriate. Staff further recommends approval of the category change request for the parcels identified as P671, P679 and P724.

Copies of the category change applications and supporting documentation are included with this memorandum. The Planning Board should be prepared to make a separate motion on the category change request at the scheduled public hearing.

Attachments

Administrative Delegation Policy

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan

Chapter 1: Objectives and Policies

Approved 1999 - 2008 Plan: Page 1-22

Protection, Department of Permitting Services, Washington Suburban Sanitary Commission, Maryland - National Capital Park and Planning Commission, and incorporated municipalities. Concurrence for approval must also be provided by the Planning Board and by the members of the County Council; any individual councilmember can request deferral of an amendment from the administrative process for action by the Council.

a. Public Facilities -- DEP may approve service area category changes for public facilities and private buildings affected by public projects, as specified under Section IV.C.8.: Community Service for Public Facilities.

b. Changes to Individual Systems Regulations -- DEP may approve service area category changes for properties which satisfy the specific requirements of Section IV.C.12.: Community Service Due to Changes to Individual Systems Regulations.

c. Community Development -- DEP may approve service area category changes for projects defined as community development projects as specified under Section IV.C.9.: Community Service for Community Development Projects

→ **d. Consistent With Existing Plans** -- DEP may approve service area category changes where the provision of community service is found to be consistent with both the recommendations of the local area master plan and the general policies of this Water and Sewer Plan.

Such cases may include sites developing under cluster- or TDR-development options. In cases where a preliminary subdivision plan proposing the use of the TDR-development option has been filed with the Maryland - National Capital Park and Planning Commission (M-NCPPC), the Director of DEP, upon concurring recommendations of DEP and M-NCPPC staff, may authorize the Planning Board to conduct a joint public hearing on the category change request in conjunction with its hearing on the preliminary plan. The Director may be represented by a designee at this hearing. DEP staff shall ensure that the Planning Board's hearing on the category change conforms with the appropriate requirements for administrative public hearings. The Director of DEP may then grant approval of category changes under this policy upon written notice of the approval of a TDR-option preliminary plan from the M-NCPPC.

e. Child Lots -- DEP may approve water service area category changes where the provision of community water service will support the establishment of child lots consistent with Section IV.C.11: Community Water Service for Child Lots.

f. Larger-Capacity Multi-use Systems -- DEP may amend the water and sewer category maps to identify sites approved for multi-use water supply and/or sewerage systems. Larger-capacity multi-use systems, those with a peak capacity of 5000 or more gallons per day (gpd), are intended to be addressed under this policy, with its higher level of public notice and participation. Appropriate text amendments identifying the proposed multi-use systems may be handled under the provisions of administrative policy V.F.1.g.: Informational Comprehensive Plan Text Amendments. The provision of such systems shall be consistent with the protection of surface and ground waters and shall require the concurrence of the Department of Permitting Services. In order to ensure this protection, DEP may, upon consultation with the DPS, require hydrogeologic studies of the potential effects of the proposed systems on ground and surface water resources.

G. Public Outreach -- Much of the Water and Sewer Plan adoption and amendment process includes opportunities for public outreach and comments. Most plan amendments are acted on through processes that require a public hearing before either the County Council or DEP. State law requires that a notice of each public hearing appear in a newspaper of general circulation in the County at least ten days prior to the hearing. This published notice of the hearing should identify the proposed amendments and information on how to testify. In addition to this notice, DEP provides a notice of each hearing to the amendment



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Douglas M. Duncan
County Executive

James A. Caldwell
Director

MEMORANDUM

August 15, 2001

TO: Malcolm Shaneman, Development Review Division
Maryland - National Capital Park and Planning Commission

FROM: Alan Soukup, Senior Environmental Planner
Watershed Management Division, Department of Environmental Protection

SUBJECT: Lerner Property - Joint Public Hearing for Preliminary Plan and Category Change Request

This is to request that we set up a joint public hearing for preliminary plan no. 1-01071, the Lerner Property, and for WSCCR 01A-DNT-01, a service area category change request for several of the parcels included in the Lerner site. In our review of the preliminary plan for this project for the Development Review Committee, we indicated that part of the site, Parcels P671, P679, and P724, needed a category change to W-3 and S-3 in order to allow the provision of public water and sewer service. We further advised that, because the proposed plan uses TDRs, Water and Sewer Plan policies allow for the use of a joint public hearing before the Planning Board for both the preliminary plan and the category change request. The applicant's engineer has approached us about proceeding with this option. Although it has been several years since the Board last held a joint hearing of this type, it has proved a useful tool in helping to expedite TDR plans.

The project engineer, Russ Gardner of Charles P. Johnson & Assoc. (CPJA), had advised us that the preliminary plan is tentatively scheduled for the Planning Board's consideration on September 13th. Unfortunately, this date does not allow us adequate time to prepare the category change request and meet the legal requirements for notice of the public hearing. CPJA staff and Rich Weaver of your staff have negotiated a possible Planning Board date of September 20th instead. This will allow us just enough time both for the review of the category change request by our agencies and WSSC, and for appropriate public notice of the hearing.

Please contact me as soon as possible to confirm the Planning Board joint hearing date. I will proceed to develop the appropriate information and notifications necessary for the category change request hearing, assuming the September 20th Planning Board date. If for some reason this date proves unworkable from your standpoint, please notify me as soon as possible. Because I will need to place a public advertisement of the hearing in the *Montgomery Journal* on September 6, 2001, we cannot accommodate a change in the schedule after August 30th without incurring additional advertising costs.

Attachment

ADS:ads/S:\WMD\WSAD\2001\01-6_JPH\mshanaman-coordmmo.wpd

cc: Nazir Baig and Dominic Quattrocchi, County-Wide Planning Division/Environmental, M-NCPPC
Cameron Wiegand, Division Chief, WMD - MCDEP
Dorothy Pecson, WMD - MCDEP
Keith Levchenko, County Council
Russ Gardner, Charles P. Johnson & Associates



Watershed Management Division



Montgomery County Department of Environmental Protection
Watershed Management Division

Executive Office Building - 101 Monroe Street, Fourth Floor - Rockville, Maryland 20850-2589
Telephone No.: 301-217-6350 - FAX No.: 301-217-2160

REQUEST FOR WATER/SEWER
SERVICE AREA CATEGORY CHANGE

Proposed Amendment to the Montgomery
County Ten-Year Comprehensive Water
Supply and Sewerage Systems Plan

Type or print all information.
Please read the accompanying instructions
before filling out this application.

pg 1/2
WSSCR No. <u>OIA-INT-01</u>
CWSP 1992 Map Panel <u>C</u>
GIS/WSSC Tile <u>220NW12</u>
Tax Map <u>ES561</u>
State Watershed Use Class <u>I</u>
Plan No. <u>1-01071</u>
= MCDEP-WMD Staff Use Only =

= MCDEP-WMD Received Date =

1. APPLICANT: Mr. John Clark
Elm Street Development
Address: 6820 Elm Street
McLean, VA 22101

2. OWNER: E.M. Lerner Unitrusts 1 & 2
c/o August Zinisser
Address: 3851 Farragut Ave
Kensington, MD 20895

Telephone: 703-734-9730

Telephone: 301-949-5450

3. PROPERTY DESCRIPTION (Attach an 8 1/2"x11" copy of the state tax map with the subject property(ies) highlighted.)
Identification: Parcel 671, Tax MAP ES51
Premise Address: _____

Location: Quince Orchard Road Between Damson Road and Hidden Brook Terrace

4. LAND USE, ZONING, AND SUBDIVISION
Master Plan: ~~Suburban~~ PRIMA SUBDIVISION Zoning: R-200/TDR-3
Drainage Basin: Muddy Branch Site Area: 0.36
Recent Zoning Activity: N/A
Existing Use: Single Family Proposed Use: R-200 - R - 200 TDR3
Recent Subdivision Activity: ~~SEE~~ Plan No. 1-01071: Lerner Prop.; DEC 6/12/00

5. WATER AND SEWER SERVICE AREA CATEGORIES
Existing Water Category: W-4 Requested Water Category: W-3
Existing Sewer Category: S-26 Requested Sewer Category: S-13

6. REASON FOR THIS CATEGORY CHANGE REQUEST (continue on a separate page, if necessary)

Remaining site is in W-3, S-3 to be developed under P7P # 1-01071

7. APPLICANT'S AUTHORIZATION - Check one of the following as applicable:
 Property Owner Contract Purchaser
 Owner's or Purchaser's Authorized Representative
Signature: [Signature]
Date: 7/18/01

8. PROPERTY OWNER'S AUTHORIZATION - The applicant is authorized to pursue a service area category change on my behalf for the property(ies) described on this application.
Signature: [Signature]
Date: 7/19/01

ENGINEER: CHARLES P. JOHNSON + ASSOC, INC \ RUSSELL GARONER & DAVE O'BRIEN

JUL 17 2001

Montgomery County Department of Environmental Protection
Watershed Management Division

Executive Office Building - 101 Monroe Street, Fourth Floor - Rockville, Maryland 20850-2589
Telephone No.: 301-217-6350 - FAX No.: 301-217-2160



REQUEST FOR WATER/SEWER
SERVICE AREA CATEGORY CHANGE

Proposed Amendment to the Montgomery
County Ten-Year Comprehensive Water
Supply and Sewerage Systems Plan

Type or print all information.
Please read the accompanying instructions
before filling out this application.

WSSCR No. <u>01A-DNT-01</u>
CWSP 1992 Map Panel _____
GIS/WSSC Tile _____
Tax Map _____
State Watershed Use Class _____
Plan No. _____
= MCDEP-WMD Staff Use Only =

= MCDEP-WMD Received Date =

- 1. APPLICANT: Mr. John Clarke
Address: Elm Streets Development
Suite 200
6820 Elm Street
McLean, VA 22101
Telephone: 703-734-9730
- 2. OWNER: Jeffrey M & D Price
Address: 15010 Quince Orchard Road
Gaithersburg, MD 20878
Telephone: _____
- 3. PROPERTY DESCRIPTION (Attach an 8 1/2"x11" copy of the state tax map with the subject property(ies) highlighted.)
Identification: Parcel 679 and 724, Tax Map ES 51
Premise Address: Same AS OWNER
Location: Quince Orchard Road between Damson Road and Hidden Brook Terrace
- 4. LAND USE, ZONING, AND SUBDIVISION
Master Plan: ~~POTOMAC SUBDIVISION~~ Zoning: R-200/TDR-3
Drainage Basin: Muddy Branch Site Area: 3.05 Acres
Recent Zoning Activity: N/A
Existing Use: Single Family Proposed Use: R-200 and R-200 /TDR3
Recent Subdivision Activity: N/A
- 5. WATER AND SEWER SERVICE AREA CATEGORIES
Existing Water Category: W-4 Requested Water Category: W-3
Existing Sewer Category: S-36 Requested Sewer Category: S-ES
- 6. REASON FOR THIS CATEGORY CHANGE REQUEST (continue on a separate page, if necessary)

Remaining site is in W-3, 5-3 to be developed under P&P # 01071

7. APPLICANT'S AUTHORIZATION - Check one of the following as applicable: Property Owner Contract Purchaser
 Owner's or Purchaser's Authorized Representative

Signature *John Clarke*
Date 7/12/01

8. PROPERTY OWNER'S AUTHORIZATION - The applicant is authorized to pursue a service area category change on my behalf for the property(ies) described on this application.

Signature *Jeffrey M. Price / Deborah Price*
Date JULY 15, 2001



**MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERSHED MANAGEMENT DIVISION**

Rockville Center - 255 Rockville Pike, Suite 120 - Rockville, Maryland 20850-4166
Telephone No. 240-777-7780 - FAX No. 240-777-7715

**SUBDIVISION PLAN REVIEW: MNCPPC Development Review Committee (DRC)
Comprehensive Water Supply and Sewerage Systems Plan Issues**

MNCPPC File Number: **1-01071**

DRC Meeting Date: **06/18/2001**

Subdivision Plan Name: **Lerner Property**

Proposed Development: **17 single-family houses and 27 townhouses**

Watershed: **Muddy Branch**

Zoning: **R-200 & R-200/TDR3**

Planning Area: **Darnestown**

Site Area: **15.58 acres**

Location: **Quince Orchard Road**

Engineer: **Charles P. Johnson & Associates, Inc. 301-434-7000**

Water Supply and Sewerage Systems (as specified on the subject subdivision plan or plan application)

Proposed Water Supply:

Proposed Wastewater Disposal:

Community (public) WATER system

Community (public) SEWER system

Existing Service Area Categories: Water: **W - 1/W-3/W-4** Sewer: **S - 1/S-3/S-4**

Water/Sewer Plan Map Amendment:

Water Supply Comments:

Sewerage System Comments:

*see comments

*see comments

***Additional Comments:**

Uses cluster option.

For Existing Parcels P671, P679, and P724 (proposed Lots 4-6 and 19-26): Under the existing W-4 and S-6 service area categories, these proposed lots are not eligible for public water or sewer service. To implement the plan with public service to these proposed lots, approval of a category change from W-4 and S-6 to W-3 and S-3 will be required. The applicants or their engineer will need to contact either Alan Soukup or Dorothy Pecson at MCDEP to file a category change request. (Please note that as this project proposes to use TDRs, Water and Sewer Plan policies allow for a joint public hearing on the preliminary plan and the needed water/sewer service area change.)

The rest of the site is in categories W-1/3 and S-1/3 and therefore may develop using public water and sewer service.

It is not clear how public water service will be provided for Lots 1-5 off of Quince Orchard Road. The plan should show the existing water main along this street.

Prepared by: **Alan Soukup/Dorothy Pecson**

Date prepared: **06/14/2001**