



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

MCPB No. 15-153
Preliminary Plan No. 120150170
Woodfield Commons
Date of Hearing: December 17, 2015

JAN 22 2016

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on August 3, 2015, Woodfield Commons Associates, LLC ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create one lot for 84 multi-family residential dwelling units in three buildings on 3.88 acres of land in the CRT-1.5, C-0.5, R-1.0, H-55T zone, located on the west side of Woodfield Road (Rt.124), approximately 1,075 feet north of the intersection of Rt.124 and Main Street in Damascus ("Subject Property") in the Damascus Policy Area and Damascus Master Plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120150170, Woodfield Commons ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 4, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 17, 2015, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on December 17, 2015, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Wells-Harley, with a vote of 5-0; Commissioners Anderson, Dreyfuss, Fani-Gonzalez, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120150170 to create one lot on the Subject Property, subject to

Approved as to
Legal Sufficiency


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the following conditions:¹

1. This Preliminary Plan is limited to one lot for 84 dwelling units and must include a minimum of 12.5% Moderately Priced Dwelling Units; the final number of MPDU's will be determined at Site Plan.
2. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated August 13, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. The Planning Board has accepted the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated October 1, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. Prior to issuance of access permits, the Applicant must satisfy any provisions for access and improvements as required by MDSHA.
5. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated October 26, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. The Certified Preliminary Plan must contain the following note:
 - a. *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of Site Plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for*

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.

- b. A copy of the Site Plan Resolution must be included on the cover sheet.
7. The record plat must show necessary easements.
8. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
9. The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services (MCFRS) Fire Code Enforcement Section in its letter dated September 1, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by Fire and Rescue provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
10. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
11. The Subject Property is within the Damascus High School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the middle school level at the multi-family garden apt. unit rates for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
12. No clearing, grading or recording of plats prior to Certified Site Plan approval.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

Adopted in 2006, the Master Plan envisioned three areas—Town Center, Transition Area and Rural Area—for Damascus and its vicinity, and it recommended appropriate densities and zones for those areas. The Subject Property is within the Town Center. The Master Plan proposed a mixed use zone for the Town Center of Damascus called MXTC, or Mixed-Use Town Center. The recently approved comprehensive revision to the Montgomery

County Zoning Ordinance replaced the Mixed-Use Town Center Zone with the CRT (Commercial-Residential Town) Zone, which the County Council deemed to be largely equivalent to the MXTC Zone.

The Master Plan envisions a Town Center with multifamily housing options, including affordable housing at a moderate density. Additional housing in the Town Center is intended to support and renew the town's existing commercial uses and "create a more sustainable heart for the community." The Master Plan encourages both mixed-use and residential developments in the Town Center. While "[m]ixed-use buildings are preferred in the Town Center over single-use, single-story buildings," the Master Plan encourages the creation of moderate density housing in the outer area of the Town Center, where the Subject Property is located.

In addition to affordable housing, the Master Plan recommends housing for seniors in the Town Center. In particular, the Master Plan identifies two parcels of land located near the Damascus Library and Senior Center, east of the Subject Property, as prime locations for age-restricted housing.

The Master Plan recommends that at the time of subdivision or site plan, the Planning Board ensure that new residential development directly adjoining existing single-family residential development is compatible in scale, height, and proportion with existing homes. The Board has included its evaluation of the compatibility of the development associated with this Application in its resolution approving Site Plan No. 820150090. Finally, the Master Plan recommends the protection of forest resources in environmentally sensitive areas such as wetlands, floodplains, stream buffers, and steep slopes.

The Preliminary Plan substantially conforms to these Master Plan recommendations by providing multifamily housing at a moderate density within walking distance of existing commercial uses, including a grocery store. In light of this proximity to existing commercial uses and the fact that the large bulk of the Subject Property is located away from a public street, a fully residential development is more appropriate on the Subject Property than a mixed-use development.

Opponents of this Application appeared to argue at the public hearing that the Master Plan recommendation for senior housing in the Town Center should preclude this development. However, the Master Plan identified two sites *other* than the Subject Property as ideal for age-restricted housing, and in any case, the Master Plan's use recommendation is not preclusive of other uses within the Town Center, particularly moderate density housing open to low and moderate income renters, including seniors.

As discussed in more detail below, the Forest Conservation Plan ensures that the Application's minimal wetland encroachment is offset by significant mitigation efforts that will protect and enhance the wetland. And, while counted as "cleared" to meet the requirements of the Forest Conservation Law, a large portion of the forest on the steep slopes on the northern side of the Subject Property is outside the limits of disturbance of Site Plan No. 820150090, approved alongside this Application, and will therefore not be disturbed in connection with this Application.

2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

Roads and Transportation Facilities

The Subject Property is located 200 feet to the west of the post office entrance off of Woodfield Road. Woodfield Road was extended north from Main Street (MD 108) to Ridge Road (MD 27). The Subject Property will share the same full movement commercial access to Woodfield Road as the post office. The Applicant will also extend the sidewalk on the south side of the post office entrance that connects to Woodfield Road onto the Subject Property for full pedestrian access. On-site vehicle parking will be provided in garages under two of three proposed buildings and in surface parking spaces. Long-term bicycle parking will be provided with bike rooms in each building as well as outdoor short-term bicycle parking.

Montgomery County Ride-on Route 90 provides bus service along Main Street, which is south of the Subject Property, connecting the downtown Damascus area to the Shady Grove Metrorail station. The route runs Monday through Friday all day with service every 30 minutes. The closest bus stop is 0.3 miles to the south on Main Street about 150 feet to the west of Woodfield Road.

Trip Generation

The peak-hour trip generation estimated for the Preliminary Plan was based on trip generation rates included in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th edition. Based on the ITE trip generation rates, the Application will generate a total of 37 new peak-hour trips during the weekday morning peak period and 40 new peak-hour trips during the weekday evening peak period.

Local Area Transportation Review (LATR)

The Applicant submitted a traffic study dated March 28, 2015 to determine the Preliminary Plan's impact on the area transportation system. Four local

intersections and the Subject Property access to Woodfield Road were identified as critical intersections for analysis for a total of five intersections to determine whether they meet the applicable congestion standard. All five intersections are located in the Damascus Policy Area with a Critical Lane Volume (CLV) standard of 1,400. The only non-signalized intersection included in the traffic study is the driveway access at Woodfield Road.

The trips associated with the Application were added to the existing and the background traffic (trips generated from approved but unbuilt developments) to determine the total future traffic. The total future traffic was assigned to the critical intersections to evaluate the total future CLVs. All intersections analyzed are currently operating at acceptable CLV congestion standards and will continue to do so under the background development condition and total future traffic condition with the approved use on the Subject Property.

Transportation Policy Area Review (TPAR)

The Subject Property is located in the Damascus Policy Area. No TPAR payment is required because the Damascus Area is adequate under the roadway test and transit test according to the 2012-2016 Subdivision Staging Policy.

Master Plan Transportation Facilities

The 2006 Approved and Adopted Damascus Master Plan contains the following recommendations for adjacent roadway facilities:

- Woodfield Road (MD 124) plus the northern extension: An arterial (A-12) with two travel lanes (one lane in each direction) with a right-of-way of 800 feet. The extension of this road to the north from Main Street to MD 27 has already been constructed by Montgomery County and is operational.

The 2005 Countywide Bikeways Functional Master Plan contains the following recommendations for adjacent bikeway facilities:

- Woodfield Road: A dual bikeway (DB-30) consisting of a signed shared roadway and a shared-use path on the east side of the road from Harvest Knolls Way to Ridge Road (MD 27). This improvement has also been constructed.

Based on the submitted Traffic Study and proposed layout, the vehicular and pedestrian access for the Preliminary Plan will be safe and adequate with the public and private improvements.

Other Public Facilities and Services

The development associated with this Preliminary Plan will connect to public (community) water and sewer service, which is consistent with the existing W-1 and S-1 service category designations.

The Application has been reviewed by the Montgomery County Department of Fire and Rescue Service, which determined by transmittal dated September 1, 2015, that the Subject Property has adequate access for fire and rescue vehicles.

The Application is in the Damascus High School Cluster, which is operating at an inadequate level (more than 105 percent utilization) at the middle school level according to the current Subdivision Staging Policy. Therefore, the Applicant is subject to a School Facilities Payment to MCDPS at the middle school level at the multi-family unit rates for all units for which a building permit is issued. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

Other public facilities and services, such as, gas, electric, telecommunications, police stations, firehouses and health services are available and currently operating within the standards set by the Subdivision Staging Policy Resolution currently in effect.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations, and meets all applicable sections. The lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations included in the Damascus Master Plan, and the development of three garden apartment buildings is in substantial conformance with the Master Plan.

The 3.88-acre lot was reviewed for compliance with the dimensional requirements for the CRT zone as specified in the Zoning Ordinance. With the modifications to the build-to-area requirements included in the Board's approval of Site Plan No. 820150090, the lot as approved will meet all the dimensional requirements for area, frontage, width, and setbacks in the CRT zone. The Application has been reviewed by other applicable County agencies, all of which have recommended approval of the plan.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

The Board finds that the Preliminary Forest Conservation Plan complies with the requirements of the Montgomery County Environmental Guidelines and the Forest Conservation Law.

A. Forest Conservation

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Subject Property on March 31, 2015. The NRI/FSD indicates that the Subject Property contains approximately 0.90 acres of existing forest, 0.23 acres of wetlands, and 0.36 acres of wetland buffer. The Subject Property is within the Upper Patuxent watershed, a Use III-P watershed.

The Applicant does not propose to physically clear all of the existing forest in connection with this Application. However, after development of the Subject Property, the remaining portions of the forest stand will no longer meet minimum forest stand size requirements, so for purposes of the forest worksheet calculations, all the forest are counted as cleared. Based on the land use category and the forest conservation worksheet, the 0.90 acres of forest clearing results in a 1.58-acre reforestation planting requirement for the Application.

Under Section 22A-12(g)(2)(D), the Board finds that the Applicant may make an in-lieu payment rather provide than on- or off-site reforestation. The Subject Property, excluding acreage previously dedicated and used for right-of-way, is 3.88 acres. The Applicant is responsible for planting the on-site wetland area with native trees and shrubs to mitigate for the wetland encroachment described below, which leaves no priority or other planting areas on the Subject Property to meet the 1.58-acre reforestation requirement.

B. Wetland Encroachment

The wetland on the Subject Property appears to have developed due to man-made impacts that blocked a natural drainage feature. As described in the Staff Report, both the U.S. Army Corps of Engineers and the Maryland Department of the Environment have declined jurisdiction over the wetland. The Applicant will encroach approximately 1,600 sf (0.04 acres) into the wetland and 6,635 sf (0.15 acres) into the wetland buffer to accommodate the building layout, utilities, and a pedestrian connection. The remainder of the wetland and wetland buffer, outside of the previously existing WSSC easement, will be protected by a Category I conservation easement.

The pedestrian connection will be a crushed stone trail outside of the wetland, and a boardwalk will span the wetland itself. The boardwalk will be constructed on helical piers (screw-in pilings) to minimize construction within the wetland area. Additionally, the railing along the boardwalk will be attached to the boardwalk structure and will not require additional posts drilled into the wetland. The use of helical piers will allow for minimal disturbance and blockage of flow of water through the wetland.

Based on the following factors, the Board considers the Application's encroachment into the wetland and wetland buffer to be justified:

Avoidance

Several site constraints make total avoidance of the wetland very difficult. A steep, 20-foot-high slope runs the entire length of the northern property line within the rectangular portion of the Subject Property. Additionally, two contiguous 20-foot-wide WSSC water and sewer easements run in a north-south direction through the center of the Subject Property, make a ninety-degree bend to the east, and then run parallel to the northern property line for approximately 250 feet. A second 20-foot diameter WSSC water main runs along the entire southern boundary of the Subject Property and through the wetland and wetland buffer. The cumulative impacts of these natural and man-made constraints limit the possible locations for buildings, parking areas, driveways, fire department and emergency vehicle access, utilities, storm water management facilities and storm drain elements.

Minimization

After submitting a pre-application plan, the Applicant revised the site layout to move the buildings to the north and east to the greatest degree possible. The revised plan reduces the wetland area impacts by 84% and the wetland buffer impacts by 74%.

Mitigation

The Applicant will offset or mitigate the environmental impacts of the wetland encroachment through a combination of maintaining hydrology, invasive species management, and enhancing the plant material within the wetland. The hydrology will be maintained by a modified design that directs some water flow to the wetland, which will help maintain the hydrology. The wetland area will be enhanced through on-site invasive species management and supplemental plantings of native vegetation. The plantings will be a mix of shade trees, flowering trees, and shrubs that are suitable for wet locations. These plantings will not only improve the appearance of the wetland but will provide shade to prevent dry-out in summer and will discourage the recurrence of invasive species, thereby enhancing the function of the wetland. Additionally, an Invasive Species Management Plan will be prepared and

implemented by the Applicant after approval by Staff. The portion of the wetland and its buffer that remain outside of the limits of disturbance will be protected by a Category I easement in perpetuity.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

This finding is based in part upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

The MCDPS Water Resources Section approved the stormwater management concept dated October 26, 2015. The concept proposes to meet the stormwater management goals via micro bio retention facilities and gravel wetlands.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 22 2016 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, January 14, 2016, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board