



MCPB No. 16-115  
Site Plan No. 820160110  
Armstrong Property  
Date of Hearing: October 20, 2016

NOV - 9 2016

**RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on June 17, 2016, Craig Kazanjian (“Applicant”) filed an application for approval of a site plan for 55 dwelling units, comprised of eight one-family detached and 47 one-family attached units (including 7 MPDUs) on 8.17 acres of CRT 1.0 C-0.5, R-0.5, H-55T zoned-land, located on the south side of Lewis Drive, approximately 500 feet west of the intersection with High Corner Street (“Subject Property”), in the Damascus Policy Area and the 2006 Damascus Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s site plan application was designated Site Plan No. 820160110, Armstrong Property (“Site 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 October 7, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on October 20, 2016, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Dreyfuss, seconded by Commissioner Fani-Gonzalez, by a vote of 5-0, Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzalez, and Wells-Harley voting in favor.

Approved as to  
Legal Sufficiency:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820160110 for 55 dwelling units, comprised of eight one-family detached and 47 one-family attached units (including 7 MPDUs) on the Subject Property, subject to the following conditions:<sup>1</sup>

### **Conformance with Previous Approvals & Agreements**

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120160070 as listed in MCPB Resolution No. 16-043 dated April 22, 2016.

2. Forest Conservation & Tree Save

The development must comply with the conditions of the approved Final Forest Conservation Plan Included as part of the Site Plan.

- a) The Applicant must record a Category I Conservation Easement over all areas of forest retention, and environmental buffers as specified on the approved Forest Conservation Plan. The Category I Conservation Easement approved by the Maryland-National Capital Park and Planning Commission ("M-NCPPC") Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the start of any demolition, clearing, or grading on the Subject Property, and the Liber Folio for the easement must be referenced on the record plat.
- b) Applicant must obtain approval of the Final Forest Conservation Plan prior to recordation of the plat.
- c) The Applicant must install 4-foot high, 2-rail, split-rail fencing along the boundary line of the Category I Conservation Easement beginning at Lot 32 and ending at Lot 37 as shown on the approved FFCP or as determined by the M-NCPPC forest conservation inspector.
- d) The Applicant must install permanent forest conservation easement signage along the perimeter of the conservation easement in all areas as shown on the approved FFCP or as determined by the M-NCPPC forest conservation inspector.
- e) The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector.

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<sup>1</sup> 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.

- f) The limits of disturbance (“LOD”) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.

## **Open Space, Facilities and Amenities**

### **3. Common Open Space, Facilities, and Amenities**

- a) The Applicant must provide a minimum of three acres of common open space (35% of net lot area) on-site.
- b) Before the issuance of use and occupancy certificates for the 26<sup>th</sup> residential dwelling or for any dwelling on lots 21-25, the Applicant must be complete the tot lot and the two sitting areas.
- c) Before the issuance of use and occupancy certificates for the 49<sup>th</sup> residential dwelling, the open play area, picnic area and natural surface trail must be completed.

### **4. Common Open Space Covenant**

The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (Covenant).

### **5. Recreation Facilities**

The Applicant must provide at a minimum the following recreation facilities: one tot lot, one open play area II, two sitting areas, one picnic area including a grill, and a natural surface trail.

### **6. Maintenance of Public Amenities**

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the tot lot, sitting areas, grill, natural surface trail, landscaping, lighting, and sidewalks.

## **Density & Housing**

### **7. Moderately Priced Dwelling Units (MPDUs)**

- a) The development must provide 12.5 percent MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the Department of Housing and Community Affairs (DHCA) must be executed.

## Site Plan

### 8. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on all Sheets with the prefix of 09-ARCH of the submitted architectural drawings, as determined by M-NCPPC Staff.
- b) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.
- c) The location of structures and driveways shall match those shown on the certified site plan, including providing the 20-foot wide driveways shared by two units. At certified site plan, the Applicant may modify the driveway design to provide non-shared driveways for end units, subject to staff approval. Any modified driveway design must meet site distance requirements and be consistent with the goal of maximizing the size of planting panels.

### 9. Landscaping

- a) The Applicant must install all landscaping as shown on the landscape plan sheets of the certified site plan within six months, or by the next planting season, of receiving the use and occupancy certificate for the adjacent residential dwelling.

### 10. Lighting

- a) Prior to issuance of any above-grade building permit, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off fixtures.
- c) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- d) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

**11. Site Plan Surety and Maintenance Agreement**

Prior to issuance of any building permit or Sediment Control Permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads, alleys, sidewalks, paths and associated improvements within the relevant phase of development. The surety must be posted before issuance of the any building permit within each relevant phase of development.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.
- d) The bond or surety for each phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific certified site plan sheets depicting the limits of each block/phase.

**12. Development Program**

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

**13. Certified Site Plan**

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections

may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”

- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) The approved development program must be included on Certified Site Plan set.
- g) The Applicant must show the location of two free-standing streetlights within the right-of-way of Lewis Drive across the Subject Properties frontage. Final location and design of the lights will be coordinated with MCDOT Division of Traffic Engineering and Operations.
- h) Add a note to the Site Plan that the forest conservation easement parcel may be acquired by M-NCPPC in the future.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Armstrong Property, No. 820160110, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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 development satisfies any previous approval that applies to the site.*

The Site Plan conforms to all conditions of Preliminary Plan 120160070, which was approved by Resolution No. 16-043, on April 22, 2016.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This section is not applicable as the Site's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

a. Development Standards

The Subject Property includes approximately 8.17 acres zoned CRT 1.0 C-0.5 R-0.5 H-55 T. The Application satisfies the applicable development standards as shown in the following data table:

**Data Table**

<b>Section 4.5 Zoning Data Table: CRT 1.0 C-0.5 R-0.5 H-55 T</b>		
<u>Standard</u>	<u>Required</u>	<u>Provided</u>
<b>Site</b>		
Tract Area	N/A	8.17 acres
Density	1.0 FAR, R-0.5 max (177,997 sq. ft.)	0.45 FAR, 160,200 sq. ft.
Common Open Space, Site >10,000 sq. ft.	10%, 35,588 sq. ft. min.	35%, 130,680 sq. ft.
<b>Lot and Density</b>		
Lot Area Detached Dwelling	1,000 sq. ft. min	3,500 sq ft. or larger
Lot Area Attached Dwelling	800 sq. ft. min.	1,400 sq. ft. or larger
Lot width at front building line (detached)	25 ft. min.	
Lot width at front building line (attached)	12 ft. min.	16 ft. min.
CRN Density Max (mapped)	C-0.5, R-0.5	C- 0.0, R-0.45
<b>Placement</b>		
<b>Front Setback</b>		
Detached House	5 ft. min.	15 ft. min, 20 ft. max
Attached House	5 ft. min., 15 ft. max.	14 ft. min, 38 ft. max*
Side Street Setback	5 ft. min.	N/A
Side Setback, abutting AG, RR, Residential Detached or Residential Townhouse Zones	4 ft. (attached), 6ft. (detached) min.	10 ft. or more
Detached House	4 ft. min.	20 ft. or more
Attached House	6 ft. min.	15 ft. or more

<b>Section 4.5 Zoning Data Table: CRT 1.0 C-0.5 R-0.5 H-55 T</b>		
<u>Standard</u>	<u>Required</u>	<u>Provided</u>
Side Setback, abutting other Zones	4 ft. (detached only)	50 ft. or more
Side Setback, end unit	2 ft. min.	2 ft. or more
Side Setback, between lot and site boundary	4 ft. min.	10 ft. or more
Rear setback, abutting AG, RR, Residential Detached or Residential Townhouse Zones		
Detached House	15 ft. or more	50 ft. or more
Attached House	10 ft. or more	20 ft. or more
Rear setback, Abutting other Zones		
Detached House	15 ft. min.	50 ft. or more
Attached House	10 ft. min	30 ft. or more
Rear Setback, alley	4 ft. min.	15 ft. or more
Rear Setback between lot and site boundary	5 ft. min.	20 ft. or more
Building in BTA (Attached House only)		
Front setback maximum	15 ft. max	14 ft. min, 38 ft. max*
% of building in BTA	70%	N/A
<b>Height</b>		
Principal Building	55'	40 ft. or less
<b>Form</b>		
Units permitted per row	12	6
Entrance facing street or open space	required	provided
Blank Wall, front, max	35'	35' or less
Blank wall, side/rear, max	35'	35' or less
<b>Section 6.2 Parking</b>		
Vehicle Spaces (2 per DU)	110	134

\*Applicant is seeking a waiver from compliance with the build-to area pursuant to Section 59.4.3.C.3.b

*Modification of Build-To-Area*

The maximum allowed setback that meets the build-to-area requirement in the CRN Zone is 15 feet for townhouse units. The lot and dwelling layout on the Site Plan sets back most of the units 18-20 feet, with the largest setback reaching 38 feet. These setbacks were done to accommodate off-street parking on-lot for the dwellings. Section 4.5.3.C.3.b states that the build-to-area



requirements may be modified by the Planning Board during site plan review. *The Planning Board must find that the plan: (1) deviates from the build-to-area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible space such as streets, sidewalks, and parks.*

*1. The Extent Necessary*

The Planning Board is allowing the applicant to provide both required parking spaces for the townhouse dwellings on private lots, and is allowing the on-lot parking in front of the dwellings. During review of the Preliminary Plan, consideration was given to alternative structure and lot layout but was determined to be impractical due to topography and lot size. To accommodate on-lot parking for each dwelling's second vehicle, the driveway needs to be at least 18 feet deep, based on the dimensional requirements of a standard vehicle parking space in the zoning ordinance. The requested modification permits none of the structure to be located within the build-to-area, with front setbacks as great as 38 feet from the front lot line. A setback up to 38 feet is needed to accommodate lots 38, 39, and 50, which have substantially larger front setbacks due to street and lot patterns, including accommodating design requirements of the Montgomery County Fire and Rescue office which necessitate a certain turning radius in roads leading to the wider curves and greater setbacks. The setback for each lot shall be consistent with what is shown on the certified Site Plan.

*2. Design Elements*

To continue pedestrian engagement with the street and the increased building setbacks, the Site Plan provides design elements to increase green spaces and to minimize the number of driveway curb cuts across the sidewalks. Because each private driveway only needs to accommodate the width of a single vehicle, the Site Plan pairs dwellings together creating one, 20-foot wide driveway for each two dwelling units. This also allows two units to share a larger 18 – 20-foot wide front lawn area between the driveways. Minimizing the number of curb cuts is an important design element because it reduces the total number of potential conflict areas between pedestrians and vehicles, and it also helps with accessibility by reducing the number of times a section of sidewalk has to transition to a driveway. In addition, the landscape plan shows how these

wider front lawns will be used for planting canopy species street trees which would otherwise not be possible along the street. The Planning Board also considered the function of the internal private street, recognizing this community has no interconnectivity with surrounding properties, and with only 47 townhouse dwellings, is not a high traveled route for vehicles or pedestrians. Lastly, granting the requested modification to the build-to-area does not have any negative impacts to any of the on-site publicly accessible spaces as these unit's fronts are not oriented toward any of the amenity space, and the Site Plan still provides adequate accessibility to these spaces.

After consideration of the evidence for modifying the build-to-area requirements, the Planning Board approves the request, pursuant to the Applicant building the structures and driveways as shown on the certified site plan.

b. General Requirements

i. *Site Access*

Access to the approved dwellings is adequate to address the development standards. Each dwelling has a private driveway; the one-family detached dwellings' driveway is located to the rear of the dwelling connecting to an alley, and the one-family attached dwellings' driveways are located in the front connecting to a private street. Each dwelling also has access to sidewalks located along all public and private streets.

ii. *Parking, Queuing, and Loading*

The parking provided meets the parking requirements in the Zoning Ordinance. Each dwelling has room for two, off-street parking spaces located on each private lot. The one-family detached dwellings include a two car garage, and the one-family attached dwellings include a one car garage and room in the driveway for a second vehicle. There are 24 additional on-street parking spaces available for visitors and residents.

iii. *Open Space and Recreation*

The provided open spaces and recreational amenities meet the requirements of the Zone and the dwelling type. Townhouse dwelling types in the CRT zone require a minimum of 10% common open space, and the common open space shall be located

in a centralized location bordered by buildings or roads, or located to take advantage of important adjacent natural features or spaces. The common open space identified in the Site Plan comprises three acres (35% of the total tract) and is located in the western portion of the Subject Property. Although not centrally located, the common open space provides amenities adjacent to and within a large forested area identified as potential Legacy Open Space in the Master Plan, and is easily accessible to the entire community because of the Subject Property's small size and adequate sidewalks. The common open space includes an open play area, a picnic area with a grill, and a natural trail system within the wooded area. The Site Plan also includes smaller integrated amenity areas including two additional sitting areas and a tot-lot which is framed by the side of a townhouse unit and landscaping. The provided amenities, in conjunction with the off-site Damascus library and Damascus Neighborhood Park, provide the supply points necessary to be in compliance with the 1992 *Recreation Guidelines*.

iv. *General Landscaping and Outdoor Lighting*

The landscaping provided is appropriate for a residential development and includes providing street trees along the private street, ornamental landscaping around the amenity areas, and screening along the Subject Property Boundary. The species, size and quantity meet the requirements of Section 6.4. The lighting consists of street lighting that provides illumination to the private street, and does not result in less than the maximum permitted 0.5 footcandles of light at the Subject Property boundary.

v. *Screening*

The Site Plan is required to provide screening consistent with Section 59.6.5.3.C.4 for townhouse building type that is adjacent to a residential detached zone. The Site Plan provides screening option B, with modifications requested to the location of the screening which requires approval under the Alternative Compliance Section 6.8

*Alternative Compliance Section 6.8*

The Applicant requested the Planning Board review the screening requirements of Section 6.5 under the Alternative Compliance review allowed for by Section 6.8.

Section 59.6.5.3.A.1 specifies that *screening is required along a lot line shared with an abutting property that is vacant or improved with an agricultural or residential use. The Planning Board can find alternative compliance with any requirement of Division 6.1 and Division 6.3 through Division 6.6 if it is determined that there is a unique site, a use characteristic, or a development constraint, such as grade, visibility, an existing building or structure, an easement, or a utility line. The applicable deciding body must also determine that the unique site, use characteristic, or development constraint precludes safe or efficient development under the requirements of the applicable Division.*

The steep topography sloping from northeast to southwest has a big influence in the location of the stormwater outfall pipe and stormwater facilities, which need to be located downhill of the impervious surfaces. The lower elevations are generally at the Subject Property's edges; therefore, it would be inefficient from a site design perspective to change the location of the stormwater facilities.

The Planning Board must make four additional findings when granting review under alternative compliance:

- a. *Satisfy the intent of the applicable Division;*  
The intent of Division 6.5 is to ensure appropriate screening between different building types and uses. In this Application, the purpose is to screen the new townhouse development from the surrounding one-family detached dwellings located in a residential detached zone. Along the southern Subject Property boundary, the Site Plan still provides the plant material and dimensions associated with Option B, located between the rear of the proposed dwellings and the adjacent properties to the south. The screening area in the northwest also provides screening that meets the plant quantity requirements and location requirements of option B, while modifying the width of the planting area for approximately 50 feet. The reduced width is to avoid a stormwater facility which itself will be landscaped, and there is an approximate 20-foot elevation

difference between the existing off-site dwelling to the west and the proposed townhomes which helps to minimize the impact of the new townhomes.

- b. *Modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints;*

The amount of modification across the southern Subject Property boundary is approximately eight feet off of the site boundary across most of the border with the exception of behind lots 41 – 43, where the screening is located on the northern periphery of a stormwater facility. At its furthest point, the screening is approximately 25 feet from the Subject Property boundary. In the northwestern screening area, approximately 50 of the 200 linear feet of screening is requested to be only five feet wide instead of 10, which is the minimum necessary to avoid the stormwater facility, which will itself be landscaped.

- c. *Provide necessary mitigation alleviating any adverse impacts; and*

There is no additional mitigation necessary to alleviate any adverse impacts, because the Site Plan still provides the screening plantings as required, just in a modified location or dimension.

- d. *Be in the public interest*

Granting the alternative compliance requested by the Applicant is not adverse to the public interest. Screening is still provided between the approved structures and the surrounding properties, and the alternative compliance does not impact compliance with other sections of Chapter 59.

With the approval of the alternative compliance for screening required by Section 6.5, the Site Plan provides adequate screening between the townhouse dwellings and off-site one-family detached houses.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

- a. Chapter 19, Erosion, Sediment Control, and Stormwater Management  
A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on February 8, 2016 and is a condition of approval of the subject property's Preliminary Plan No. 120160070.
- b. Chapter 22A, Forest Conservation

The Site Plan meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. The Final Forest Conservation Plan 820160110 ("FFCP") was submitted with the Site Plan on June 6, 2016. The Subject Property is in the High Density Residential land use category which has an afforestation requirement of 15% of the net track area and a conservation threshold of 20% of the net tract area. The Subject Property contains 4.88 acres of existing forest, and the Site Plan application removes 2.56 acres of forest and retain 2.32 acres. The amount of retained forest is greater than the forest retention threshold of 1.68 acres for this project, therefore there is no planting requirement. The retained forest, environmental features, and their associated buffers will be protected through a Category I Conservation Easement.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

- a. *Parking and circulation*

The Site Plan provides for safe and well integrated parking and circulation patterns. There is one point of public access for vehicles and pedestrians, located along Lewis Drive which is sufficient for the number of dwelling units. The one-family detached dwellings along Lewis Drive have vehicle access to rear-located garages through an alley, and have pedestrian access by a new sidewalk that will be built as part of frontage improvements. Lead walks are provided from the single family units out to the new sidewalk on Lewis Drive. All of the townhome dwellings are accessed by a private street that forms one large circle and access to the dwellings is provided through lead sidewalks and front accessed garages. The steep terrain on the Subject Property makes for providing rear alleys behind the townhouse dwellings impractical. All of the private streets have sidewalks on both

sides, which will provide access to all on-site amenities as well as the sidewalk extension that will connect the site to the rest of Damascus.

The minimum parking requirements for each dwelling is two parking spaces, which is being provided on each private lot. The one-family detached dwellings each have a 2 car garage, and each townhouse dwelling as a one car garage, and space for an additional vehicle in the driveway. The Application provides for 24 additional visitor parking spaces, located throughout the site, and connected to the internal sidewalks.

b. *Building massing*

The Site Plan approves safe and integrated building massing. The eight, one-family detached dwellings located along Lewis Drive are oriented with their garage access located in the rear of the structures, and with the front doors opening to the public street. This orientation helps with the Master Plan recommendation of creating a street presence on Lewis Drive, while remaining compatible with the existing one-family detached residents located to the west of the Subject Property. The townhouses are located further back on the site, sitting at a lower elevation from the detached houses. The townhouse units are arranged in sticks of five or six, which keeps the scale and mass of the buildings approachable. The arrangement of the townhouse units provides pedestrian and vehicle access to the street. Where possible, the Applicant has used the location of the townhomes to take up some of the substantial grade change that occurs on the site from the northeast down to the southwest.

c. *Open Spaces and site amenities*

The Open Spaces and site amenities are well integrated throughout the Subject Property. Scattered within the developed portion of the Subject Property is two sitting areas and a tot-lot for younger children. These facilities are landscaped and accessible to all the dwellings by internal sidewalks. There common open space is located in the western portion of the developed area, adjacent to a forested stream valley, and contains an additional picnic area, open play area and trail system. The amenities provided are adequate for addressing the requirements for recreation found in the *1992 Recreation Guidelines* and include sitting areas, a picnic area, a tot-lot, an open play area and a natural surface trail.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Subject Property is located within the 2006 Damascus Master Plan (“Master Plan”), and specifically within the Town Center. The Master Plan establishes a vision of a small town surrounded by agricultural and rural open spaces. It proposes this by establishing a Town Center with a moderate intensity mix of uses, connected with residential neighborhoods and surrounded by rural space. The Master Plan promotes building livable neighborhoods with clustered development, and encourages a variety of housing options that will help support the retail and service businesses in the core. There are numerous design recommendations that apply to Town Center properties as they develop which are talked about in detail in the Staff Report. These include creating a transition between rural and town, protecting views, orienting buildings to the street, providing street parking, and promoting housing. The Site Plan implements these recommendations through lot layout and building design. The Site Plan locates a row of eight one-family detached dwellings along Lewis Drive, with their front doors opening onto the street and the vehicle access provided by an alley behind the dwellings, which helps create a residential transition from the existing one-family detached dwellings to the west to the commercial properties to the east. The orientation also activates the street which is important in establishing the main street character. The location of the open play area and common open space protect and provide access to views of identified Rural Legacy Area forest, and the mix of housing types between the one-family detached, and townhouse units provides a range of new housing options.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

The Subject Property was reviewed for adequate public facilities as part of the Preliminary Plan No. 120160070 which was approved by Resolution No. 16-043 on April 22, 2016. No changes to access or density are approved with this Site Plan therefore the development will be served by adequate public facilities.

9. *The development is compatible with existing and approved or pending adjacent development.*

The Site Plan is compatible with other uses and other site plans, as well with existing and proposed adjacent development. The Site Plan locates one-family detached dwellings along the site frontage with Lewis Drive to continue an



existing residential development pattern along the street. The location of the townhouse units behind the one-family detached dwellings reduces their visual impact to the existing one-family detached dwellings along Lewis Drive. The Application is also providing screening between the townhouse dwellings and the land zoned for residential development to the northwest and the south, and the structures themselves are set back 25 or more feet from any site boundary, far exceeding the four-foot minimum side setback and 10-foot rear setback requirements in the CRT zone. The Site Plan also maintains the option for a future inter-parcel connection to the property to the east first established by the Preliminary Plan.

The dwelling units also meet all of the height and setback compatibility requirements for townhouse dwellings in a commercial/residential zone, adjacent to a residential detached zone, detailed in Section 59.4.8.B of the Zoning Ordinance. Rear setbacks are required to be a minimum of 10 feet from the Subject Property Boundary, which this Site Plan exceeds with over 30 feet of setback. Height compatibility is determined for any structure proposed in a commercial/residential zone by not allowing any structure to protrude above a 45-degree angular plane projecting over the subject property, measured from a height equal to the height allowed for a detached house in the abutting zone, at the setbacks required for setback compatibility. The neighboring residential zone is RE-2C which has a height limit of 50 feet, therefore the height compatibility would start with a 50-foot height, located on the side lot line, and 10 feet off of the rear lot line. This Site Plan is proposing a 40-foot height maximum for all new structures, which is shorter than the 50 feet allowed by the neighboring zone, making all the proposed structures compatible.

**BE IT FURTHER RESOLVED** that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

**BE IT FURTHER RESOLVED** that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; 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 NOV - 9 2016 (which is the date that this resolution is mailed to all parties of record); and

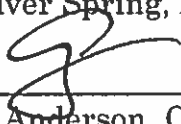
**BE IT FURTHER RESOLVED** that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of

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 Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, November 3, 2016, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board