



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

MCPB No. 17-052  
 Site Plan No. 820170040  
 Victory Haven  
 Date of Hearing: June 29, 2017

JUL 07 2017

**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 January 4, 2017, Nova-Habitat (“Applicant”) filed an application for approval of a site plan for a 74,060 square foot apartment building with 72 units of independent living for seniors including 15% MPDUs on 3.15 acres of CRT zoned-land, on the south side of Main Street (MD 108) approximately 500 feet east of Woodfield Road (“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. 820170040, Victory Haven (“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 June 16, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on June 29, 2017, 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, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820170040 for a 74,060 square foot apartment building with 72 units of

Approved as to  
 Legal Sufficiency:

*[Handwritten Signature]*  
 6/19/17

independent living for seniors including 15% MPDUs, the Subject Property, subject to the following conditions:<sup>1</sup>

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

1. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan No. 120170200.

### **Environment**

2. Forest Conservation & Tree Save

The Applicant must comply with the following conditions of the Final Forest Conservation Plan No. 820170040:

- a. Prior to the start of any clearing or grading on the Property, the Applicant must submit for review and approval a two-year Maintenance and Management Agreement for the landscape credit planting areas. The Agreement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records.
- b. Prior to the start of any clearing or grading on the Property, the Applicant must provide financial surety to the M-NCPPC Planning Department for the landscape credit planting areas, including but not limited to plants, deer protection, signage, installation costs, and implementation of the Maintenance and Management Agreement.
- c. The Applicant must complete all landscape credit planting as shown on the approved Preliminary/Final Forest Conservation Plan within one year or two growing seasons after the development project is complete.
- d. The limits of disturbance (LOD) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
- e. The Applicant must comply with all tree protection and tree save measures shown on the approved Preliminary/Final Forest Conservation Plan. Tree save measures not specified on the approved Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
- f. Prior to the start of any clearing, grading, or demolition occurring on the Subject Property, the Applicant must install permanent conservation easement signage along the perimeter of the Category II Conservation Easement. Signs must be installed a maximum of 100 feet apart with additional signs installed where the easement changes direction, or as determined 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.

- g. Prior to certified Site Plan, the Applicant must amend the tree variance request to remove any reference to non-specimen trees, T-1, T-4 and 8.

3. Noise Attenuation

- a) Before issuance of any building permit, the Applicant must provide certification to Staff from an engineer who specializes in acoustical treatment that the building shell for residential dwelling units is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) Before issuance of any Use and Occupancy Certificate for residents, the Applicant must certify that the noise impacted units have been constructed in accordance with the acoustical treatment required by condition 3 a), with the certification of an engineer that specializes in acoustical treatments.

**Public Open Space, Facilities and Amenities**

4. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 15,999 square feet of Public Open Space (11.6% of net lot area) on-site.
- b. Before the issuance of Use and Occupancy certificates for the last floor of the residential building, all public use space amenity areas on the Subject Property must be completed.

5. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to benches, light fixtures, landscaping, and hardscape.

**Transportation & Circulation**

6. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 17 private and 1 public bicycle parking space.
- b) The private spaces must be in a secured, well-lit bicycle room adjacent to one of the building access doors, or in secure bike lockers located near one of the building entrances, and the public space must be an inverted-U rack (or Staff approved equivalent) installed in a location convenient to the main entrance. The specific location(s) of the public and private bicycle rack(s) must be identified on the Certified Site Plan.
- c) The Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements set forth by the Maryland State Highway Administration before issuance of access permits.
  - a) A 10-foot shared use path along the south side of MD 108.

- d) The Applicant must construct the five-foot wide paved path between the United Methodist Church parking lot and the youth center property, as shown on the certified Site Plan.

## **Density and Housing**

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

The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated May 12, 2017, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a) The development must provide 15 percent MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Master Plan because the Applicant is receiving a three percent density bonus for providing 15 percent MPDUs on-site.
- 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.

### **8. Occupancy Provisions**

- a) The occupancy of the dwellings is restricted under Section 59.3.3.2.C.2.a.iii. The primary resident(s) must be at least 62 years of age, and other members of the household are not age-restricted. Other residents may be a care-giver or any other assistant authorized to occupy the housing unit under any federal or state program that is specifically designed and operated to assist seniors.
- b) Prior to building permit, The Applicant must provide proof to MCDPS that the use meets all Federal, State and County licensure, certificate and regulatory requirements
- c) Occupancy of all MPDUs units will be limited to households that satisfy the income restrictions set forth in Article 25A of the Montgomery County Code for MPDUs and any related regulations, as amended.

## **Site Plan**

### **9. Site Design**

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets ARCH-820170040-A2.1 through ARCH-820170040-A2.2, as determined by Staff. Specifically, the Applicant must provide at a minimum the following building elements:

- i. Masonry elements on all façade areas currently identified as brick veneer, soldier course, and rowlock sill
- ii. Metal balcony railings
- iii. A pitched roof line articulated with eaves and gables

10. Landscaping

- a) The Applicant must install the site elements as shown on the landscape plans submitted to M-NCPPC or an equivalent approved by Staff.
- b) The Applicant must install the plantings shown on the landscape plans submitted to M-NCPPC. Any variation in plant species or quantity needs approval of Staff.

11. Lighting

- a) Before issuance of any building permit, the Applicant must provide certification to Staff from a qualified professional that the lighting plans conform to the Illuminating Engineering Society of North America (IESNA) standards for residential development.
- b) All on-site down-lights must have full cut-off fixtures.
- c) Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- d) 90 degree shields shall be provided for the two light fixtures closest to the southern Site boundary.
- e) The light pole height must not exceed 14 feet including the mounting base.

12. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit or sediment and erosion 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; site furniture; mailbox pad sites; seating walls; fences; railings; hardscape; paths; and any other associated improvements. The surety must be posted before issuance of the any building permit, or sediment control permit, and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.

- d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets.

**13. 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.

**14. 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 any land disturbance."
- 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 Maryland State Highway Administration."
- d) Provide the standard landscape plan note that planting in stormwater management areas are subject to the final approval by MCDPS Water Resources staff.
- e) Modify data table to reflect development standards approved by the Planning Board.
- f) Ensure consistency of all details and layout between Site and Landscape plans.
- g) Remove reference to the proposed access easement over the path between the church and youth center.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Victory Haven, Plan No. 820170040, 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 120170200.

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

There are no binding elements of a development plan or schematic development plan that apply to the Subject Property.

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.*

There was no green area requirement required by the zoning in effect on October 29, 2014.

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

- a. Use Standards

The use of Independent Living Facility for Seniors is identified as a Limited Use under section 59.3.3.2, which includes the following three use standards:

- i. *The facility must meet all applicable Federal, State, and County licensure, certificate and regulatory requirements.*

The Applicant will be required, prior to building permit, to provide proof to MCDPS that the use meets all Federal, State and County licensure, certificate and regulatory requirements.

- ii. *Resident staff necessary for the operation of the facility are allowed to live on-site.*

The Site Plan does not include housing for the operators of the facility but also does not prohibit it in the future.

- iii. *Occupancy of a dwelling unit is restricted to the following:*
  - a) *A senior adult, as defined in Section 1.4.2, Defined Terms;*

As conditioned, the primary resident must be at least 62 years of age.

- b) *Other members of the household of a senior adult, regardless of age;*

The Site Plan does not age restrict other members of the household.

*c) A resident care-giver, if needed to assist a senior resident; or d) A person authorized to occupy housing provided under any federal or state program that is specifically designed and operated to assist seniors as defined in that program.*

The Site Plan does not limit the ability for additional residents of the units necessary to provide assistance to residents.

*e) If imposing age restrictions that would limit occupancy otherwise allowed by this Subsection, the facility must only impose age restrictions that satisfy at least one type of exemption for housing for older persons from the familiar status requirements of the federal "Fair Housing Act," Title VIII of the Civil Rights Act of 1968, as amended, or the state Fair Housing Act, Subtitle 7 of Title 20 of the Annotated Code of Maryland, State Government Article, as amended.*

The Site Plan does not impose any additional age restrictions not consistent with the Zoning Ordinance defined term for a senior adult.

**b. Development Standards**

The Subject Property includes approximately 3.15 acres zoned CRT 1.0, C-0.5, R-0.5, H-55T. 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-55T</b>		
<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>
<b>Site</b>		
Public Open Space, Site >10,000 sq. ft.	10%, 11,232 sq. ft.	11%, 15,999 sq. ft.
<b>Lot and Density</b>		
Tract Area	N/A	143,666 sq. ft.
Lot Area	N/A	137,428 sq. ft.
Lot width at front building line	N/A	376'
CRT Density Max (mapped + MPDU bonus)	C-0.5, 71,833 sq ft.	C – 0.00, 0.00 sq ft.
	R-0.5, 71,833 sq ft.	R-0.52, 74,060 sq ft.*
<b>Placement</b>		
Front Setback	0 ft.	20 ft.



Side Setback, abutting AG, RR, Residential Detached or Residential Town Zones	18 ft.	32 ft.
Side Setback, abutting other Zones	0 ft.	146 ft.
Rear setback, abutting other Zones	0 ft.	151 ft. +
Front Setback (BTA)	30 ft.	20 ft.
Building in BTA	70%	7%**
<b>Height</b>		
Principal Building	55 ft.	55 ft.
<b>Form</b>		
Entrance facing street or open space	required	provided
Transparency, Ground story, front	20%	30.8%
Transparency, Ground story, side/rear	20%	29.2%
Transparency, Upper story	20%	30%
Blank Wall, front	35 ft.	35 ft.
Blank Wall, side/rear	35 ft.	35 ft.
<b>Section 6.2 Parking</b>		
Vehicle Spaces	74	59***
Bicycle Spaces	18	18

\* Density bonus of 3.1% for providing 15% MPDUs

\*\* Waiver granted for the amount of the structure located within the front BTA

\*\*\* Parking adjustment factor of 0.75 applied per section 59.6.2.3.I.2.b

**Build-To-Area**

Section 59.4.5.3.C.3 of the Zoning Ordinance established a Build-To Area for the CRT zone, which includes a maximum front setback a building shall be and the minimum about of front building façade that must meet that setback. The apartment building type has a maximum setback of 30 feet or less, and at least 70% of the building should be within the setback. Subsection b allows the Planning Board, as part of a Site Plan review, to modify the Build-To Area if it finds that (1) it *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 spaces such as streets, sidewalks and paths.*

This Application requested a waiver of the Build-To Area requirements to place only 7% of the front façade within the Build-To Area. This is the minimum amount necessary because the layout of the building was chosen to provide compatibility with the surrounding uses, and to maintaining this

Property as an important gateway into the Town Center. Increasing the setback reduces the massing of the structure to the street, and provides opportunities for additional landscaping and screening. To continue providing engagement with the surrounding public realm, the portion of the building that is within the Build-To-Area contains windows, balconies and wall articulation. The front entrance to the building is located alongside the public open space which creates the opportunity to see the door from the street and to provide a pleasant pedestrian experience between the building and the shared use path. The Planning Board finds that the Application (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 spaces such as streets, sidewalks and paths and approves the Build-To-Area waiver, as requested by the Applicant.

c. General Requirements

i. *Site Access*

Access to the Subject Property is adequate for 72 units of Independent Living for Seniors including residents, visitors, and emergency vehicles. There is full movement vehicle access on MD 108, and a lead in sidewalk will provide pedestrian access to the new shared use path being constructed within the highway right-of-way. The Site Plan also includes a separate stairway along the southern portion of the Subject Property that allows for limited pedestrian access to the Damascus United Methodist Church. The front door, and side entrance to the building are both accessible to the internal parking lots and to the on-site sidewalks.

ii. *Parking, Queuing, and Loading*

The Site Plan provides adequate parking to serve the proposed development. The Site Plan utilizes the adjustment factor allowed by Section 59.6.2.3.I.2.b to reduce the necessary parking in half, from 74 down to 37. The Site Plan will have a total of 59 parking spaces associated with the 72 independent senior apartments and necessary employees. The bicycle parking requirement is for 18 spaces, and 95% to be long term, therefore the Site Plan provides 17 long term spaces and one short term space. The loading requirement is for one loading area for apartments with 50 or more dwellings and the Application meets the requirement of one loading area.

iii. *Open Space and Recreation*

The Application requires Public Open Space, equaling at least 10% of the net tract area. The Site Plan provides 11% (15,999 sq. ft.) of Public Open Space, located in the north and northwestern portion of the Subject Property, where it's adjacent to public sidewalks and other pedestrian routes, and is at least 15 feet wide, and contains seating and shade.

The Site Plan is subject to recreation requirements under the March 2017 Recreation Guidelines. The Site Plan provides a mix of indoor and outdoor amenities including fitness rooms, community space, lounges, picnic areas and a community grill.

The Application requested an exemption from providing recreation to two age groups, Tots and Children. The Planning Board looked at the following four considerations when granting the exemption to the age groups:

1. *The total number of recreation demand points for all age groups must be provided, with supply points shifted to the other age groups.*

The Site Plan provides more than the total amount of demand points for all age groups combined. The total demand for recreation for all age categories is 132.48 points, and the Site Plan is supplying a total of 153.54 supply points.

2. *The recreational needs of the neighborhood must be considered. The exemption should not contribute to increasing a current neighborhood recreation need.*

The exemption from tots and children does not contribute to an increasing or current neighborhood recreation need. The Application is for independent living for senior adults, therefore no tots or children are expected to live within this community.

3. *The Application must demonstrate the necessity of the age group recreation demand shift.*

It would be inefficient for the Application to provide recreation amenities geared towards tots and children because of the age restrictions conditioned by this Application.

4. *If an exemption is sought for two age group categories, the recreation facilities proposed must constitute a “very substantial” publicly accessible facility as determined by the Planning Board.*

The exemption is being requested for two categories; tots and children. As part of this Site Plan, the Applicant is providing almost 16,000 sq. ft. of Public Open Space which will be located along MD 108 which will provide a large public amenity that does not currently exist in the Damascus Town Center area.

The Planning Board grants an exemption to providing recreation to Tots and Children.

iv. *General Landscaping and Outdoor Lighting*

The Site Plan meets the standards for the provision of landscaping and outdoor lighting as required by Division 6.4. of the Zoning Ordinance. The landscaping being provided serves multiple purposes including compatibility, shade for open space and parking, visual interest, and as Forest Conservation landscape credit. The landscaping will complement the building and will provide the necessary canopy coverage for parking facilities; providing 30% canopy coverage after 20 years which is in excess of the required 25% canopy coverage.

The lighting will provide safety to the residents and will illuminate the parking and outdoor open spaces. All light fixtures will use full cut-off fixtures, and will be mounted at appropriate heights of 20 feet for parking and 15 feet for pedestrian areas. Illumination at the Subject Property boundary will not exceed 0.5 footcandles except at the entrance, with the excessive illumination located within the road right-of-way.

v. *Screening*

The Site Plan provides adequate screening for an apartment building type in a CRT zone, adjacent to a residential zone. Section 59.6.5.3.C.5 specifies the type of screening necessary, and the Application is providing planting in accordance with screening option B, which includes an eight-foot wide planting strip, including a four-foot tall wall, two canopy trees, two understory trees and 22 shrubs for each 100 linear feet of screening.

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 March 31, 2017. Applications will meet stormwater management goals through the use of micro-biofiltration facilities located throughout the Property.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law. A Final Forest Conservation Plan ("FFCP") was reviewed with the Site Plan. The FFCP identifies all 1.56 acres of existing forest on the Subject Property as cleared, which generates a 1.71 acre mitigation requirement. The Applicant will meet 0.34 acres of credit through landscaping which will be placed in a Category II Conservation Easement. The remaining 1.37 acres will be mitigated offsite through forest bank credits or through a required fee-in-lieu payment.

*Forest Conservation Variance*

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal of two Protected Trees and will have CRZ impact to two Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance. As part of the Preliminary Forest Conservation Plan No. 120170200 review, the Board found there was sufficient grounds for granting a Variance. The FFCP is identical in the impacts to the Protected Trees therefore the Planning Board re-affirms the Variance granted by the Preliminary Forest Conservation Plan.

*Noise*

The Applicant did not conduct a full noise study, as recommended in the *Staff Guidelines for the Consideration of Transportation Noise Impacts in*

*Land Use Planning and Development* from 1983 as part of the Application, but will attenuate the shell of the residential structure to ensure the interior noise levels will not exceed 45 dBA Ldn. The Planning Board accepts not being provided with a full noise analysis because the design principles of Public Open Space dictate locating the space in an area generally accepted to be impacted by noise, the average annual daily trips on MD 108 in 2016 was barely high enough to qualify the Site Plan for analysis, and the interior noise levels are being attenuated regardless of impact.

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

i. Parking and circulation

The Site Plan provides for safe and well-integrated parking and circulation patterns on the Subject Property utilizing the single access point located along MD 108. The Site Plan has a central traffic circle which has access to parking to the west and south, and serves as an emergency vehicle turn-around and a passenger drop-off location. The two parking areas are located in the southern half of the Subject Property, reducing their visibility from the road. The location and design of the parking lots are designed to minimize the amount of grading and retaining walls proposed for the Property. Sidewalks connect the street and the parking lot areas to both the front, and side doors to the structure.

ii. Building massing

The Site Plan proposes safe and well-integrated building massing. The apartment building is designed in a way that is compatible with the neighboring residential uses, and with the Town Center of Damascus. The majority of the building mass has been pulled away from the roadway edge to maintain a more open feeling from the road. The leg of the building closest to MD 108 has also been designed with a step down, reducing the height by one floor, and the roof line was designed with pitched roofs articulated with various eaves and gables to enhance the residential appearance. The building has its main door located at the top of the Public Open Space, allowing it to be visible from the road. The shape and location of the building help define the area for private outdoor space and screen the loading area and utility areas from public view.

iii. Open space, and site amenities

The Site Plan provides for safe and well-integrated open spaces and site amenities. The Applicant is providing both Public Open Space which satisfies a requirement of the CRT zone, and an area of private open space made

available to residents in the community. The Public Open Space is 15% of the tract area and meets all of the design and amenity requirements for Public Open Space in the Zoning Code including being located in a visible location abutting the public sidewalk that would attract the public to use it. Although bisected by the access drive, the Public Open Space is connected both visually and physically with sidewalks and plantings. The private open space located behind the building is a patio and lawn area with seating, shade and a possible grilling station. This space will be framed on two sides by the apartment building, and on the others with landscaping and stormwater management.

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 Site plan is substantially conforming with the recommendations of the Master Plan. Preliminary Plan No. 120170020 found the type and intensity of the use is appropriate given the Master Plan recommendations for senior housing, and moderate density development. The Site Plan addresses many of the land use recommendations that inform the site design and building placement. The Master Plan recommends development in this eastern edge of the Town Center serve as a transition between the rural and town center areas, and the building approved on the Site Plan facilitates that transition with a three to four story tall building, with sufficient setbacks to use space and landscaping to reduce the scale of the structure, while still creating an active streetscape and locating parking to the side and rear of the Subject Property. The building placement and landscaping choices also maintains the important view from Main Street to the Damascus United Methodist Church.

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.*

A full Adequate Public Facilities review was done with Preliminary Plan No. 120170020 and was found to be adequate. The use and density is consistent with the Preliminary Plan therefore all facilities are adequate.

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

The Site Plan is compatible with existing and approved or pending adjacent development.

The apartment building is subject to the setback and height compatibility requirements of Section 59.4.1.8. The structure must be located at least 1.5 times the minimum side setback required for a single family detached home in the abutting residential zone, which the structure meets and exceeds. The structure also does not protrude above a 45-degree angular plane, measured as the height allowed for a single family detached structure in the abutting and confronting zones, measured starting at the setback lines used for setback compatibility. The structure placement and three-story height along Main Street is compatible with the RE-1 zone confronting the Subject Property. The elevation drop on the Subject Property combined with structure placement enhance compatibility between the structure and the R-200 zone to the east. There are no codified compatibility requirements for the CRT zone to the south and east, and the structure and parking lot placement in the Site Plan do not prohibit future development of these properties or create any future conflicts in compatibility.

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 JUL 07 2017 (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).

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**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 Cichy, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Thursday, June 29, 2017, in Silver Spring, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board