



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

MCPB  
Item No.: 6  
Date: 06-29-17

Victory Haven: Preliminary Plan No. 120170200 and Site Plan No. 820170040

*BCB* Benjamin Berbert, Planner Coordinator, Area 3, [Benjamin.Berbert@Montgomeryplanning.org](mailto:Benjamin.Berbert@Montgomeryplanning.org) 301-495-4644

*SP* Sandra Pereira, Acting Supervisor, Area 3, [Sandra.Pereira@Montgomeryplanning.org](mailto:Sandra.Pereira@Montgomeryplanning.org) 301-495-2186

*RAW* Richard Weaver, Acting Chief, Area 3, [Richard.Weaver@Montgomeryplanning.org](mailto:Richard.Weaver@Montgomeryplanning.org) 301-495-4544

Completed: 06/16/17

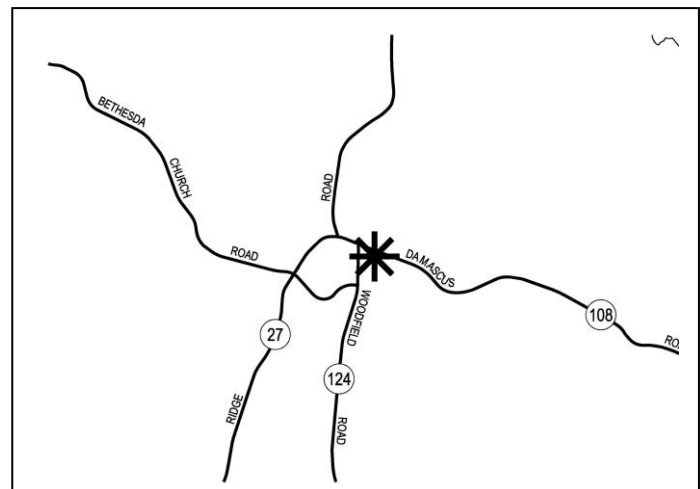
### Description

**A. Victory Haven: Preliminary Plan No. 120170200:** Application to create one lot for up to 72 units of Independent Living for Seniors, including 15% MPDUs, located on the south side of Main Street (MD 108), approximately 500 feet east of the intersection with Woodfield Road; 3.3 acres, CRT 1.0 C-0.5 R-0.5 H-55T; 2006 Damascus Master Plan.

*Recommendation – Approval with conditions*

**B. Victory Haven: Site Plan No. 820170040:** Application to construct a 74,060 square foot apartment building for 72 units of Independent Living for Seniors, including 15% (11) MPDUs, and associated site improvements, located on the south side of Main Street (MD 108), approximately 500 feet east of the intersection with Woodfield Road; 3.15 acres, CRT 1.0 C-0.5 R-0.5 H-55T; 2006 Damascus Master Plan.

*Recommendation – Approval with conditions*



**Applicant:** Nova-Habitat

**Application Accepted:** January 4, 2017

**Review Basis:** Chapter 22A, Chapter 50, Chapter 59

### Summary

- Staff recommends **Approval with conditions** for both the Preliminary Plan and Site Plan.
- The project conforms to the 2006 Damascus Master Plan which specifically identifies this site as a possible location for senior housing.
- The Preliminary Plan is reviewed using the old Subdivision Regulations in effect on February 12, 2017
- Application is requesting a density bonus under Section 59.4.5.2.C.2.a.i for providing 15% MPDUs rather than the minimum 12.5%.
- Application is requesting a waiver for the percent of building located in the build-to-area under Section 59.4.5.3.C.3.
- Independent Living Facility for Seniors is a Limited Use in the CRT zone.
- Requested exemption from providing recreation facilities for tots and children.

## TABLE OF CONTENTS

|  |    |
|--|----|
| <b>SECTION 1 – RECOMMENDATIONS &amp; CONDITIONS</b>                    |    |
| Preliminary Plan Recommendation and Conditions                         | 3  |
| Site Plan Recommendation and Conditions                                | 5  |
| <b>SECTION 2 – SITE LOCATION &amp; DESCRIPTION</b>                     |    |
| Location   | 9  |
| Site Vicinity  | 9  |
| Site Analysis  | 10 |
| <b>SECTION 3 – APPLICATIONS &amp; PROPOSAL</b>                         |    |
| Preliminary Plan Application   | 12 |
| Site Plan Application  | 13 |
| <b>SECTION 4 – ANALYSIS &amp; FINDINGS, PRELIMINARY PLAN 120170200</b> |    |
| Master Plan  | 16 |
| Public Facilities  | 19 |
| Transportation   | 19 |
| Others   | 20 |
| Lot Appropriateness  | 20 |
| Forest Conservation Law  | 20 |
| Environmental Guidelines   | 21 |
| Tree Variance  | 21 |
| Stormwater Management  | 23 |
| <b>SECTION 5 – ANALYSIS &amp; FINDINGS, SITE PLAN 820170040</b>        |    |
| Findings Apply Only to This Site                                       | 24 |
| Meets Previous Approvals   | 24 |
| Complies with a Development Plan or Schematic Development Plan         | 24 |
| Satisfies Green Area Requirements of a LMA                             | 24 |
| Satisfies Use & Development Standards                                  | 24 |
| Data Table   | 25 |
| Build-To-Area Waiver   | 26 |
| Division 6, General Use Standards                                      | 27 |
| Satisfies Chapter 19 and Chapter 22A                                   | 30 |
| Well-Integrated Parking, Circulation, Building Massing                 | 31 |
| Conforms to the Master Plan  | 32 |
| Served by Adequate APF   | 33 |
| Compatible with Existing, Approved or Pending Adjacent Development     | 33 |
| For Sites with A Drive-Through   | 34 |
| For Sites Zoned C-1 or C-2   | 34 |
| <b>SECTION 6 – COMMUNITY OUTREACH</b>                                  | 35 |
| <b>SECTION 7 – CONCLUSION</b>  | 35 |

## SECTION 1 – RECOMMENDATIONS AND CONDITIONS

**PRELIMINARY PLAN NO. 120170200:** Staff recommends approval of the Preliminary Plan subject to the following conditions:

- 1) This approval is limited to one lot for up to 72 units of Independent Living for Seniors, including up to 15% MPDUs.
- 2) The Applicant must comply with the following conditions for the Preliminary Forest Conservation Plan No. 120170200, approved as part of this Preliminary Plan, including:
  - a. The Applicant must record a Category II Conservation Easement over 0.34 acres of landscape planting as specified on the approved Preliminary/Final Forest Conservation Plan. The Category II Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the start of any clearing or grading on the Property, and the Liber Folio for the easement must be referenced on the record plat.
  - b. Prior to the start of any demolition, clearing, or grading on the Property, the Applicant must either i) record a Certificate of Compliance for an off-site forest mitigation bank for an equivalent of 1.37 acres of forest planting, or ii) provide fee-in-lieu payment to the M-NCPPC Planning Department for 1.37 acres.
- 3) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated 03/02/2017, 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.
- 4) Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by Maryland State Highway Administration.
- 5) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated 05/31/2017, 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 Applicant must dedicate and show on the record plat 40 feet of dedication from the centerline of Main Street (MD 108) along the Subject Property’s entire frontage.
- 7) The Applicant must construct the frontage improvement elements for an Urban Minor Arterial Road Section Standard No. MC-2004.19, as modified and shown on the Certified Preliminary Plan, including specified pavement width, shared use path width and location, and street tree type and location, subject to MDSHA final approval. The final design and location of specific improvements may be modified by MDSHA, however at a minimum, the Applicant must install the 10-foot wide shared use path, and provide for street trees.

- 8) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated June 1, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
- 9) The certified Preliminary Plan must contain the following note:  
*“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 each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”*
- 10) Final approval of the size and location of the Independent Living building, on-site parking, site circulation, sidewalks, and open spaces will be determined at site plan.
- 11) Prior to recordation of any plat, Site Plan No. 820170040 must be certified by M-NCPPC Staff.
- 12) Record plat must show necessary easements.
- 13) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution.
- 14) Prior to certified Preliminary Plan, the Applicant must remove the reference on the Preliminary Plan drawing to the proposed access easement over the path between the church and youth center.



**SITE PLAN NO. 820170040:** Staff recommends approval of the Site Plan with all site development elements shown on the latest electronic version as of the date of this Staff Report, submitted via ePlans to the M-NCPPC except as modified by 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.
- g. Prior to certified Site Plan, the Applicant must amend the tree variance request to remove any reference to non-specimen trees, including trees T-1, T-4, and 8.

---

<sup>1</sup> For the purposes 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.

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 b), 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.
  - b) 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 M-NCPPC 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.

## SECTION 2 – SITE LOCATION & DESCRIPTION

### Site Location

The subject property is located on the south side of Main Street (“MD 108”) approximately 500 feet east of the intersection with Woodfield Road. The property is currently identified as Parcel 865 on tax map FX563 and is approximately 3.3 acres in size (“Property or Subject Property”) (Figure 1). The Property is zoned CRT 1.0 C-0. 5 R-0. 5 H-55T, and is on the eastern edge of the Damascus Town Center, identified by figure 10 on page 15..

### Site Vicinity

To the west of the Property is the Damascus Town Center including the main commercial street, fire station and post office and directly confronting the Property is the Damascus Library and the Damascus Senior Center. The Town Center properties are located in a CRT zone with FAR density between 1 and 1.75. Immediately to the north and southeast of the Property are one-family detached housing in the R-200 and RE-1 zone, and adjacent to the Property is a youth center associated with the Damascus United Methodist Church which abuts the Property to the south in the CRT zone. The Methodist Church site is developed in an institutional campus style with the main church and associated ancillary uses in multiple detached buildings with large amounts of green space around them. Further to the north and east, beyond the adjacent one-family detached housing is large lot residential and agricultural uses in the RE-2C and RC zones (Figures 1, and 2).



Figure 1 - Vicinity

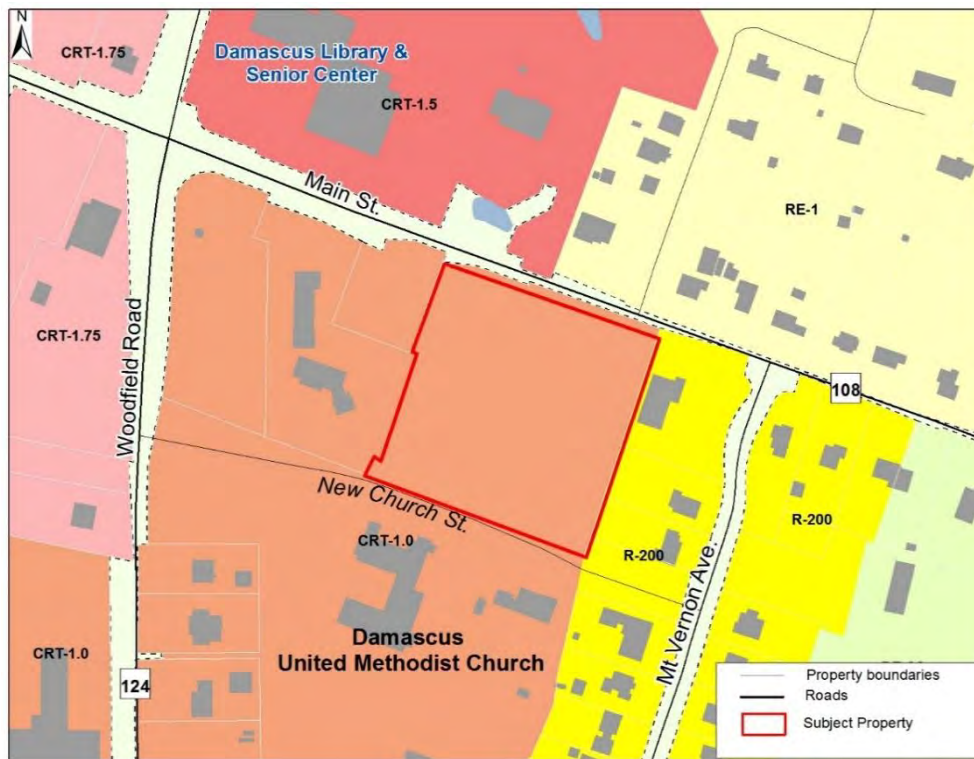


Figure 2 - Zoning

## Site Analysis

The Property is currently partially forested and partially cleared, helping maintain a narrow view of the Methodist Church from MD 108. At the southern edge of the Subject Property are approximately 38 parking spaces, located perpendicular to New Church Street, constructed on an easement granted to the Methodist Church. Also in the southeastern corner of the Property is an existing lit path that connects the main buildings of the Methodist Church with an associated youth center. The path traverses the southeast corner of the Property. The Property is moderately sloped with the elevation at the southern Property boundary approximately 24 feet higher than at the northern Property boundary. The Property is within the Patuxent River watershed, classified by the State of Maryland as Use Class III-P waters. The Property however is not located within the Patuxent River Primary Management Area. There is approximately 1.56 acres of forest existing on the Property, located in the northeastern area, which includes several large trees. There are no steep slopes, highly erodible soils, streams, wetlands, floodplains or stream buffers on or immediately adjacent to the Property.





Figure 3 - Aerial

## **SECTION 3 – APPLICATIONS AND PROPOSAL**

### **Previous Regulatory Approvals**

#### Concept Plan 520170010

The Applicant, Nova-Habitat submitted a concept plan application for the Property, which was review by the Development Review Committee on August 22, 2016. During the concept plan and subsequent revisions, the Applicant presented multiple different Property layouts that all included similar basic elements including approximately 72 apartments for active seniors, and a small separate location for a retail building. Staff provided the Applicant with various design comments including keeping the views of the Methodist Church steeple open across the Property, redesigning the layout of the parking to minimize paving, ensuring that the building serves as an appropriate transition between the Damascus Town Center and the rural areas, and to provide comments about required road dedication and frontage improvements.

### **Current Applications**

#### Preliminary Plan 120160030

The Preliminary Plan, No. 120170200, was accepted by Staff for review on January 4, 2017, and proposes to subdivide parcel 865 into one 3.15 acre lot, and approximately 0.15 acres of right-of-way dedication. Lot 1 is planned to accommodate up to 74,060 square feet of apartment building type for up to 72 units of Independent Living for Seniors, including 15% MPDU's, and the associated density bonus ("Preliminary Plan"). The Preliminary Plan drawing includes a proposed L shaped apartment building with a short edge bordering MD 108, and longer edges perpendicular to MD 108 into the middle of the Property, and then parallel to MD 108 set back off of the road. Also included is the main access drive, a large traffic circle acting as a focal point and as a turn-around for emergency vehicles, and parking for the residences. The Preliminary Plan is dedicating 40 feet from centerline of MD 108 across the Subject Property's frontage. Within the right-of-way, the Applicant will build a new 10-foot wide shared use path, and will also increase the width of the eastbound travel lane to current highway standards. A common use and access easement is proposed that will enable the relocation of an existing path connecting the Methodist Church to the south with the church's youth center to the east, a proportion of which will be located in the southeastern corner of the Property.



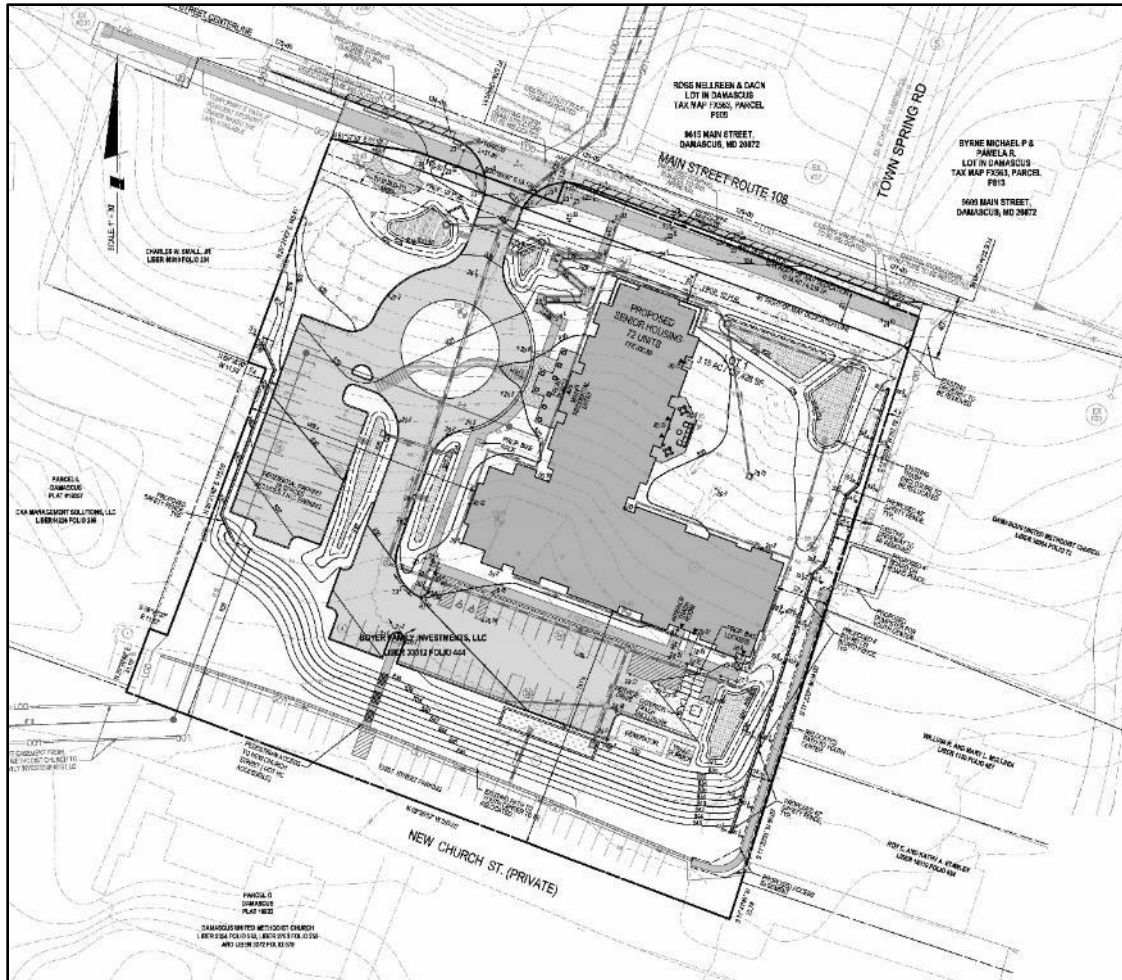


Figure 4 – Preliminary Plan

#### Site Plan 820170040

The site plan, No. 820170040, was accepted by Staff for review on January 4, 2017, and proposes constructing up to 74,060 square feet of apartment building for up to 72 units of Independent Living for Seniors, including 15% MPDUs on Lot 1 ("Site Plan"). Independent Living for Seniors is identified in the Zoning Ordinance as a Limited Use, subject to the use provisions of Section 59.3.3.2.C.2.a. The Limited Use also requires review of a site plan review, consistent with Section 7.3.4.A.8. The Site Plan is eligible for up to a 22% density bonus for providing 15% MPDU's, however they are only requesting

#### Architecture and Location

The structure is primarily a four-story tall apartment building, shaped like an L, with a short, three story tall end fronting on MD 108 approximately 20 feet from the right-of-way edge. One of the long sides is perpendicular to MD 108 and the other parallel to MD 108, approximately 150 feet set back from the right-of-way edge. The façade of the building is articulated at irregular intervals to provide interest along the building walls, and there is a mix of brick and siding proposed to further vary the façade. The building will have a pitched roof to help establish residential character, and includes numerous A-frame gable ends with decorative trusses to break up the roof line. Masonry elements are used on the lower portion of the façade with a transition to lighter weight and color materials on the upper floors to help reduce the perceived size of the structure (Figures 5 and 6).



Figure 5 – Main St. Elevation



Figure 6 – Parking Lot Elevation

### *Landscaping*

Landscaping on the Property is being used both as a decorative element, and to provide landscape credits under the Forest Conservation Law. The foundation of the apartment building is lined with a mix of shrubs and ornamental trees to soften the masonry elements and provide ground level interest. Larger canopy trees are being provided within the internal parking lot to provide shade, and numerous native trees and shrubs are being planted in the southern portion of the Property to help stabilize the moderately steep slope and as the forest conservation credits. A mix of canopy trees, ornamental trees, shrubs and perennials are also found in the areas of common open space and the private open space to create shade, visual interest, and screening. Because there is an approximate 26-foot elevation change from south to north, retaining walls have become necessary on the eastern and western Property boundaries in order to accommodate the necessary grading for parking and to provide usable outdoor space for residents of the independent living facility. Staff worked with the Applicant to minimize the impacts of the walls to the extent possible by providing landscaping around the walls, and to adjust the parking lot layout to further reduce grading impacts in the southern and western portions of the Property.



Figure 7 – Rendered Site Plan

#### *Right-of-way*

The Damascus Master Plan recommends an 80-foot wide right-of-way for MD 108, with one travel lane in each direction, and a shared use path on the south side of the roadway to connect the Town Center with a local park to the east. Staff and the Applicant have worked to create a cross-section that accommodates the roadway, the shared use path, the existing overhead utilities, and providing new canopy trees. Using canopy trees rather than understory trees is important to soften the side of the apartment building closest to MD 108, however the location and type of canopy trees need to take into consideration overhead utilities. Undergrounding the utilities is financially infeasible to the Applicant, and there are no specific Master Plan or Design guidelines recommending undergrounding utilities in this area. The Cross-section that will be implemented, where feasible, is reflected on the Site Plan drawing and includes the utilities, a 10-foot wide shared use path, and canopy trees that grow in a more columnar form, reducing utility impacts.



## SECTION 4 – ANALYSIS AND FINDINGS - Preliminary Plan No. 20170200

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

The Preliminary Plan substantially conforms with the recommendations of the Damascus Master Plan, adopted in June 2006 (“Master Plan”). 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.

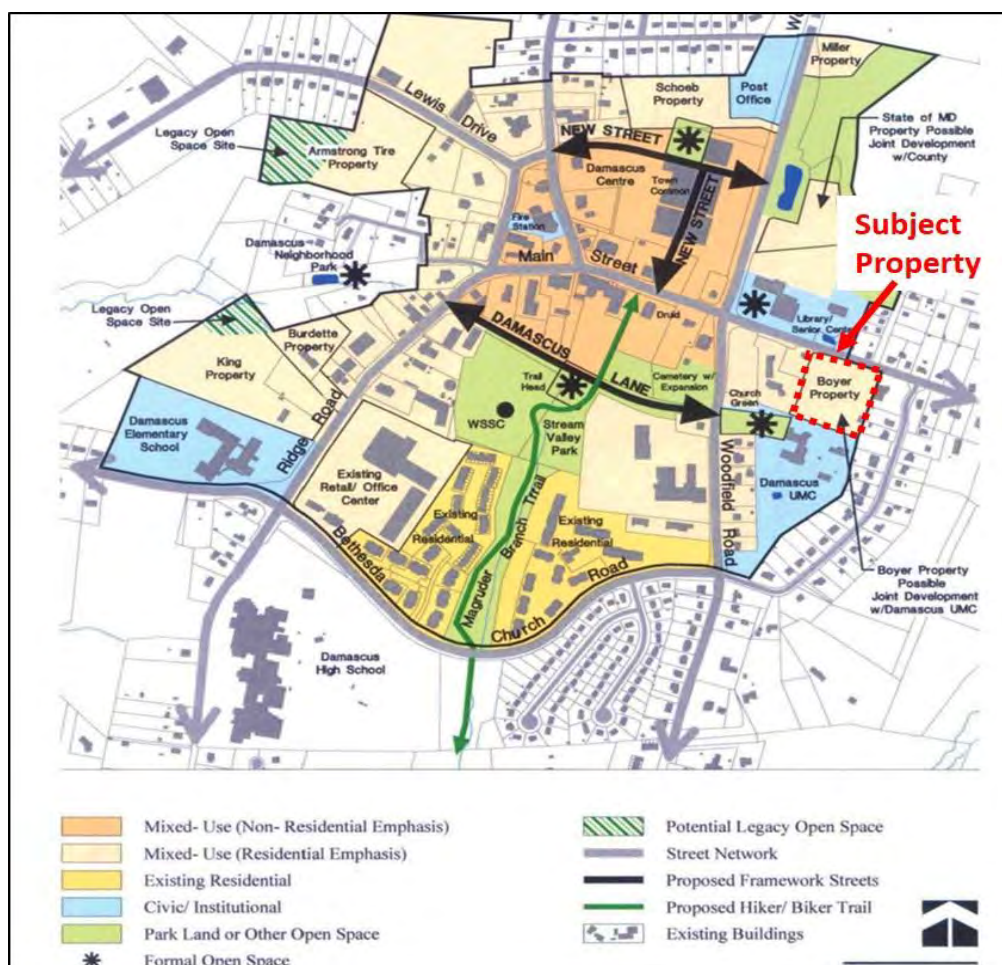


Figure 8 – Land Use Map, Damascus Master Plan, Page 14

#### Land Use

The Subject Property is within the Town Center area of the Master Plan and is identified as the Boyer Property in the Town Center Framework map for future land uses (Figure 8). The Master Plan identifies the purpose of the Town Center on page 3 of the Master Plan, including a desire to continue the commercial uses along Main Street and at major intersections to create opportunities for residential development that will support the retail and service businesses in the core. The Land Use Recommendation for the Subject Property is for a mixed-use development with a residential emphasis, and specifically on page 21 of the Master Plan is a recommendation that the Boyer Property sits at the eastern gateway to the Town Center and would be appropriate for senior housing.

There are also numerous land use recommendations for the Town Center found on pages 15-22 of the Master Plan, which are meant to provide guidance in implementing the vision for the Master Plan and the Town Center. These recommendations are grouped into five themes: Enhance Town Center Identity; Enhance Main Street Identity; Expand and Enhance Mobility and Connectivity; Expand and Enhance Community Open Space; and Guidelines for Development. Not all of the recommendations found within these five themes are appropriate or applicable to the Subject Property due to some being site or project specific, or recommendations intended for properties directly along Main Street. The following are applicable recommendations, paraphrased from these Town Center discussion in the Master Plan, and is followed with how the Preliminary Plan conforms to these recommendations.

*Enhance Town Center Identity (p. 15)*

*Providing additional placemaking tools to strengthen the sense of place, including a compact town-scale intensity.*

- *Transition Experience – Enhance the experience of transition at Town Center entrances from rural to neighborhood to town character on approaches to the Town Center.*
- *Vistas and Views - Views of important focal points (Such as the Damascus United Methodist Church steeple) must be maintained from various vantage points throughout the town core and from major street approaches...*

The layout of the Property and the proposed access point help enhance and frame the existing view of the Damascus United Methodist Church steeple, for both passing by vehicles on MD 108 and for visitors to the Subject Property. The proposed layout in conjunction with the proposed open spaces also help transition between the rural residential zones further east, with the core of the Damascus Town center to the west, by introducing larger, apartment style buildings, without placing too much height or volume directly against the roadway.

*Enhance Main Street Identity (p. 15-18)*

*The Main Street of Damascus is a powerful symbol of the community's shared experience and should be easily recognizable as the focus of the Town Center. This Plan augments the identity of Main Street by design standards and enhancements to the pedestrian realm.*

- *Building Orientation – Orient buildings toward streets to enhance spatial definition.*
- *Streetscape Treatment – Enhance the streets in the Town Center with street trees, uniform lighting and special paving. A continued commitment to the implementation should be extended to all streets within the Town Center.*

The proposed building orientation provides a presence to the street without overwhelming the existing transition character. A small portion of the structure will be located in the build-to area, while most will be set back further, with landscaping and open space between the building and the road. The front door of the structure will also not directly front on the road, but will be visible from the road, and will be connected to the road with public open space. This Application will also implement right-of-way improvements including adding street trees, and a shared use path across the Property frontage, consistent with the Master Plan recommendations.

Expand and Enhance Mobility and Connectivity (p. 18-21)

- *Sidewalk Connections – Provide an extended sidewalk system to encourage more pedestrians from adjacent neighborhoods to walk into the Town Center.*
- *Traffic Management – Implement appropriate traffic calming and context-based design measures, particularly at the gateway points. Context-based street design and traffic-calming tools encourage slower speeds and add awareness of the presence of pedestrians. This Plan recommends tools that provide visual cues at the gateways into the Town Center such as narrower vehicle travel lanes, reconfigured travel lanes, and street trees*

The Preliminary Plan will be providing a new 10-foot wide shared use path across the Property frontage, which will continue with filling in missing links of bike and pedestrian infrastructure on the east side of Damascus. The right-of-way improvements including the road reconstruction and street trees are all appropriate for transitioning from the rural areas to the east to the Town Center core just to the west. The Applicant is also working with the adjacent property owner to the west about creating an interim 5-foot wide sidewalk connection, which would connect the Subject Property's frontage improvements to the rest of the town center. There is inadequate right-of-way to require this improvement but Staff supports the Applicant continuing to coordinate with the neighbor to implement this improvement.

Guidelines for Development and Redevelopment (p.21 – 22)

- *Housing Types – Provide a range of housing types in the Town Center that will accommodate varied lifestyle choices. Residential opportunities in the Town Center will add vitality and a stronger market for locally oriented commercial activity.*
- *Senior Housing – Two parcels of land located near the Damascus Library and Senior Center are prime locations for age-restricted housing. Residents at either of these sites would be within walking distance to the stores and services located on Main Street as well as transit, and the amenities in the Senior Center. The Boyer property, a vacant site located on the south side of Main Street at the eastern gateway to the Town Center, would also be appropriate for senior housing.*
- *Residential Uses – This Plan recommends that careful attention be given at the time of subdivision or site plan to proposed new residential development that directly adjoins existing single-family residential development, ensuring compatibility of scale, height, and proportion. Such review may limit development potential below that allowed in the zone.*
- *Parking Concepts – Parking Lots Located Behind Buildings*
- *Building Orientation – Buildings within the Town Center should be street-oriented. Residential buildings should have entrances facing the street in order for visitors to instinctively know where to enter, to encourage social interaction, and to promote natural surveillance and safety.*

The Subject Property is recommended in the Master Plan for possible senior housing and this Preliminary Plan is proposing 72 units of independent living for seniors. This is located less than one eighth of a mile from the Damascus Library and senior center and less than a quarter mile from the core of the Damascus Town Center. The building will be oriented on the Property to provide street presence while still acting as a transition between the rural and

town center areas. The topography of the Property and the necessary grading is lowering the ground elevation relative to the residential uses to the east by approximately 10 feet, reducing the effective building height and helping with compatibility with the adjacent uses. The parking will be located to the side and rear of the structure and will not be highly visible from the street, and the front door while not directly on the street, will be visible and is located on public open space that connects to the street.

### ***Environment***

The Master Plan has numerous environmental recommendations for protecting water quality, especially in forested stream buffers, or properties with stream headwaters. Although the Property contains some existing forest, it is not a high-quality forest, and is highly fragmented from other forest resources. The Property contains no stream buffer or headwaters and therefore the standard environmental protection offered by the Environmental Guidelines is adequate. The Subject Property is also located within the Patuxent River Watershed, a drinking water supply, but the Property is not located within the Patuxent River Primary Management Area and is therefore does not subject to an impervious surface limit to meet the Master Plan goals.

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

The Preliminary Plan was reviewed using the Subdivision Staging Policy 2012-2016 in effect through December 31, 2016. Although the official acceptance date for the Preliminary Plan was not until January 4, 2017, other elements of the submission including the transportation and other APF review documents were submitted and deemed accepted by Staff in 2016.

### **Roads and Transportation Facilities**

Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements. The Subject Property has one access for vehicles along MD 108 and two points of access for pedestrians; one located adjacent to the vehicle access, and a second pedestrian access between the Subject Property and the church property to the south. MD 108 is a Master Plan designated Arterial (A-26) roadway with 80 feet of necessary right-of-way to include two travel lanes and an on-road class II or Class III bikeway (SR-44). There is also a specific Master Plan recommendation for a shared-use path along the south side of MD 108 connecting the town center with a future Seneca Springs Local Park. The Applicant is providing the necessary dedication to meet the recommended 40 feet from centerline. Within the right-of-way the Applicant will be increasing the paving width to accommodate an 11-foot wide travel lane and a 3.5-foot wide bikeable shoulder, and installing a new 10-foot wide shared use path. The Applicant is also working with the adjacent property owner to the west about creating an interim 5-foot wide sidewalk connection, which would connect the Subject Property's frontage improvements to the rest of the town center. There is inadequate right-of-way west of the Subject Property to require this as a mandatory off-site improvement, but Staff supports the Applicant continuing to coordinate with the neighbor to implement this interim connection.

### **Local Area Transportation Review**

The Preliminary Plan was reviewed under the Local Area Transportation Review (LATR) and the Transportation Policy Area Review (TPAR) guidelines that were part of the Subdivision Staging Policy 2012-2016. The Applicant submitted a traffic statement with the Preliminary Plan showing that 72 new units of Independent Living for seniors generates 14 AM peak hour trips in the AM peak period and 18 PM peak

hour trips in the PM peak period. Because the Application generates fewer than 30 vehicle trips during a peak hour during the peak period, a traffic statement is all that is necessary to satisfy the LATR test.

#### Transportation Policy Area Review

The Subject Property is located in the Damascus Policy Area, which according to the 2012-2016 Subdivision Staging Policy is adequate under the roadway test and transit test; therefore, no TPAR payment is required. Also, as of March 30, 2017, MCDPS no longer collects TPAR payments and instead collects a new increased general impact tax during building permit applications, which this Application will be responsible for at the time of building permit.

#### Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed use on the Property. The Subject Property is located in the W-1 and S-1 water and sewer categories for service and the development plans for use of public water and sewer. Other telecommunications and utility companies reviewed the Preliminary Plan and found that the proposed development can be adequately served. The Preliminary Plan has also been reviewed by the Montgomery County Fire and Rescue Services who have determined that the Application provides adequate access for fire and emergency vehicles (Attachment F). Other public services such as police and health services are currently operating within the standards set by the Subdivision Staging Policy in effect at the end of 2016. Although a portion of the development is residential, there are age restrictions on Independent Living for Seniors; therefore, Staff did not perform a test for school adequacy.

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.*

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The proposed lot size, shape and orientation is appropriate for the location of the subdivision taking into account the design recommendations included in the Master Plan, and for the apartment building type proposed by the Application. The lot is able to accommodate placing the structure in a position that provides the needed open space, places parking to the side and rear, and sets the transition experience along MD 108.

The lot was reviewed for compliance with the dimensional requirements for the CRT zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A detailed summary of this review is included in Table 3, located in the Site Plan section of this report on page 26. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

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

The Subject Property is in compliance with all of the applicable requirements of the Forest Conservation Law including the tree variance. The 3.3 acre Property has approximately 1.56 acres of forest, dominated by silver maple and non-native invasive species. The forest stand is isolated by development and roads on all sides. On or adjacent to the Property are also seven trees greater or equal to 24" Diameter at Breast Height ("DBH") that were identified; four of which are 30" DBH or greater which are subject to a higher level of protection.



### Forest Conservation Law

A Preliminary/Final Forest Conservation Plan ("FCP") was submitted and has a total 3.76-acre net tract area, which includes the 3.3 acres of the Subject Property and 0.46 acres of off-site disturbance due to the construction of a sewer line, a stormwater outfall and road improvements. All 1.56 acres of forest on the Property will be removed, which generates a 1.71-acre reforestation requirement. The Application proposes 0.34 acres of on-site landscape credit, and 1.37 acres of off-site credit, either as credits purchased from an approved forest bank or by a fee-in-lieu payment. The landscape credit area is located in the southern portion of the Property, and will be placed in a Category II Conservation Easement.

### Tree Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The law requires no impact to trees that: measure 30 inches or greater, DBH ("Protected Tree"); are part of a historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to a Protected Tree, including removal or disturbance within the Protected Tree's critical root zone (CRZ) requires a variance. An application for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. In the written request for a variance, an applicant must demonstrate that strict adherence to Section 22A-12(b)(3), i.e. no disturbance to a Protected Tree, would result in an unwarranted hardship as part of the development of a Property.

#### *Variance Request*

The Applicant submitted a variance request in a letter dated May 16, 2017, for the impacts/removal of trees (Attachment D). The Applicant proposes to remove two (2) Protected Trees, identified as T-2 and T-3 on the FCP (Table 1). These Protected Trees are located within the existing forest proposed for removal. The Applicant is also proposing impacts to, but not removal of two Protected Trees located off-site, identified as OS-1 and 7 on the FCP (Table 2). Tree OS-1 will have its CRZ impacted by construction of the parking lot, and tree 7 is located on Montgomery County owned land to the north and will have its CRZ impacted as part of the stormwater outfall construction.

**Table 1**

| Tree No. | Common Name  | Botanical Name              | Size (DBH) | Tree Condition | Location   |
|----------|--------------|-----------------------------|------------|----------------|--|
| T-2      | Silver Maple | <i>Acer saccharinum</i>     | 30 inch    | Poor           | Northeast part of site; stormwater management facility |
| T-3      | Catalpa      | <i>Catalpa bignonioides</i> | 35 inch    | Good           | East-central part of site; building construction       |

**Table 2**

| Tree No. | Common Name  | Botanical Name               | Size (DBH) | CRZ Impact | Tree Condition | Location                      |
|----------|--------------|------------------------------|------------|------------|----------------|-------------------------------|
| OS-1     | American Elm | <i>Ulmus americana</i>       | 40 inch    | 26%        | Good           | Off-site, parking lot         |
| 7        | Black Locust | <i>Robinia Pseudo-Acacia</i> | 37 inch    | 8%         | Good           | Off-site, storm drain outfall |

### *Unwarranted Hardship*

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of the Property. The Applicant contends that an unwarranted hardship would be created due to the relatively small size of the Property, the existing conditions, and the zoning and development requirements for the Property.

The 3.3-acre Property is zoned CRT, and proposes the construction of a four-story, senior housing residential building with 72 multi-family dwelling units, including Moderately Priced Dwelling Units. The Property is located within the Town Center area of the 2006 Damascus Master Plan, where it is specifically identified as an appropriate location for senior housing. The Master Plan also recommends that buildings within the Town Center be oriented along Main Street and the view of the Damascus United Methodist Church steeple from Main Street be maintained. The two on-site trees slated for removal are directly impacted by the building placement, stormwater management, and necessary frontage improvements. The off-site tree OS-1 is impacted by the parking lot construction which is necessary to serve the proposed use. The Off-site tree No. 7 is impacted with the stormwater outfall which is necessary to safely convey the stormwater. The impacts of the stormwater outfall were greatly minimized during the development review process, allowing the Applicant to reduce the size of the variance request. The Properties limited size and multiple Master Plan recommendations limit the ability to avoid impacts to the Protected Trees while still implementing the recommendations of the Master Plan. After full review of the variance request and the Property, Staff finds there would be an unwarranted hardship if a variance were not considered.

### *Variance Findings*

The Planning Board must make findings that the Applications have met all requirements of section 22A-21 of the County Code before granting the variance. Staff has made the following determination on the required findings for granting the variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants;*

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Trees is due to the preferred development of the Property as specified in the Master Plan. The Protected Trees are in or adjacent to the developable area of the Property, and a development of this size is recommended by the Master Plan and is not unique to the CRT zone. Development of this type on this Property would be an issue for any applicant, not just the current Applicant.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant;*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing Property conditions, the location of the Protected Trees within the developable area of the Property, recommendations of the Master Plan, and the requirements of the zone.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property;*

The need for a variance is a result of the existing conditions, and the Master Plan recommendations for the use and preferred design of the Property, and not a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality;*

The variance will not violate State water quality standards or cause measurable degradation in water quality. No trees located within a stream buffer, wetland, or Special Protection Area will be impacted or removed as part of this Application, and the proposed mitigation in combination with the associated Forest Conservation Plan is requiring additional on and off-site reforestation. In addition, the Montgomery County Department of Permitting Services (MCDPS) has found the stormwater management concept for the proposed project to be acceptable.

*County Arborist's Recommendation*

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist for a recommendation prior to acting on the request. The request was forwarded to the County Arborists on May 22, 2017. As of the publishing of this Staff Report, the Arborist has provided Staff with e-mail confirmation of her support for the variance request, as conditioned. The official Arborist letter will be forthcoming and added to the record prior to the Planning Board hearing.

*Mitigation*

The two Protected Trees proposed for removal are located within the existing on-site forest being removed, therefore mitigation for their loss is considered part of the FCP worksheet. Staff does not recommend mitigation for impacts to the CRZ for either off-site tree as they are proposed for retention.

*Variance Recommendation*

Staff recommends that the variance be granted as requested by the Applicant, based on the analysis made above.

Noise

Per the *Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development* (June 1983) (*Noise Guidelines*), this Application needs to study and potentially mitigate for noise impacts because it's located on an arterial road with an Average Daily Trips between 5,000 and 20,000, and is located within 300 feet of the road. Staff is primarily concerned with impact to the residential units and not the open space, because the CRT zoning, Public Open Space design requirements and the Master Plan guidance prefer open spaces located in highly visible spaces near public roadways, and mitigating any negative noise impact would have a negative impact on the design and function of the open spaces. In addition, the average annual daily trip volume for MD 108 in 2016 was only 5,891, barely meeting the traffic volumes that require the analysis. Staff is requiring the Applicant to provide certification from an engineer that specializes in acoustical treatment that the building shell for residential dwelling units be constructed to achieve an interior level not to exceed 45 dBA Ldn. In addition, a written commitment signed by the builder shall be submitted assuring the construction of the units in accord with the engineer's specifications.

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.*

The Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on May 31, 2017 (Attachment G). The Application will meet stormwater management goals through the use of micro-bioretenment, including the use of enhanced filters.

## SECTION 5 – ANALYSIS AND FINDINGS - Site Plan No. 820160010

### Findings – Chapter 59

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*

The Approval of the Site Plan findings will only apply to the Subject Property being reviewed as part of this Application.

2. *To approve a site plan, the Planning Board must find that the proposed development:*

- a. satisfies any previous approval that applies to the site;*

The Site Plan conforms to all conditions of Preliminary Plan 120170200, which is being reviewed concurrently.

- b. satisfies under Section 7.7.1.B.5 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.

- c. satisfies under Section 7.7.1.B.5 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;*

The Property's zoning classification on October 29, 2014 did not have a required green area requirement.

- d. satisfies applicable use standards, development standards, and general requirements under this Chapter;*

#### Division 4.5. Commercial/Residential Zones

##### *Use and Development Standards*

The Lot is approximately 3.15 acres and zoned CRT 1.0 C-0. 5 R-0. 5 H-55T. The following table, Table 3, shows the project's conformance to the development standards of the zone including the applicable development standards of Section 4.5 Commercial/Residential Zone, and Section 6.2 Parking.

| <b>TABLE 3 - Section 4.5 Zoning Data Table: CRT 1.0 C-0. 5 R-0. 5 H-55T</b>   |                         |                        |
|---|-------------------------|------------------------|
| <u>Standard</u>   | <u>Required/Allowed</u> | <u>Provided</u>        |
| <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 requested for the amount of the structure located within the front BTA

\*\*\* Parking adjustment factor of 0.5 applied per section 59.6.2.3.1.2.b

#### *Use Standards 59.3.3.2*

The proposed use of an Independent Living Facility for Seniors or Persons with Disabilities is identified as a limited use in the CRT zone, and is to the following specific 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 requirements.

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

The proposed 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;*  
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 unit's 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 familial 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.

#### *Build-To Area Waiver*

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 has requested a waiver of the Build-To Area requirements, granting approval to place only 7% of the front façade within the Build-To Area. This request is the minimum amount necessary because the layout of the building is proposed deliberately to provide compatibility with the surrounding uses, and to maintaining this Property as an important gateway into the Town Center. In this instance, there is some desirability to pulling the structure away from the road to keep it in scale with the existing library, senior center and youth centers, all abutting or confronting the Property and only 1-2 stories in height. The topography is challenging as the lowest portions of the Property are located along MD 108, making it impractical to further reduce the perceived building height along the road, and the use as an independent living facility for seniors does not

lend itself to creating multiple smaller structures. Pulling the structure further back from the road is the most practical solution to reducing the perceived size and to allow room for additional landscaping and buffering. To continue providing engagement with the surrounding public realm, the portion of the building that is within the Build-To-Area does step down from four down to three stories in height, and 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. Staff recommends approval of the Build-To-Area waiver, as requested, based on the analysis above.

#### Division 6 – General Development Standards

##### *i. Division 6.1. Site Access*

Access to the Property is adequate for 72 units of Independent Living for Seniors including residents, visitors, and emergency vehicles. There is a full movement vehicle access on MD 108, and 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 Property that allows for limited pedestrian access to the Damascus United Methodist Church. This access will not be ADA accessible because of the steep grades. Other means of access through sidewalks along the public road network is available to provide alternative pedestrian access to church for those in need of ADA level accessibility. The front door, and side entrance to the building are both accessible to the internal parking lots and to the on-site sidewalks.

##### *ii. Division 6.2. Parking, Queuing, and Loading*

The Site Plan provides adequate parking to serve the proposed development. The Property will have a total of 59 parking spaces associated with the 72 independent senior apartments and necessary employees. The required vehicle parking based on the standard vehicle parking tables in the Zoning Ordinance is 74 spaces. However, Section 59.6.2.3.1.2.b allows an adjustment factor of up to 0.5 for senior housing, which allows a parking minimum of 37 spaces. The Site Plan also complies with the bicycle parking requirement of 18 bicycle spaces, 17 in long term and 1 in short term. Also included with the Application is one loading area, located in the far southeastern end of the building and parking lot. The provision of one loading area is consistent with the requirement for one loading bay for apartments of 50 dwelling units or more.

##### *iii. Division 6.3. Open Space and Recreation*

The Site Plan proposes an apartment type building with 72 units in the CRT Zone, which is required to provide Public Open Space of at least 10% of the net tract area. The Application provides for 11% (15,999 sq. ft.) of Public Open Space, generally located in the north and northwestern portion of the Subject Property. The standard method of development requirements for Public Open Space require the space about a sidewalk or pedestrian route, be a minimum of 15 feet wide, include seating and shade, and be contiguous. The proposed Public Open Spaces meet these requirements by being

accessible to the public road and proposed shared use path, providing ample landscaping including shade trees, and providing for benches in two separate areas.

The Recreation amenities provided on the Site Plan are adequate to meet the recreation needs of the proposed development. The provision of 72 dwelling units subjects the Site Plan to the Montgomery County Recreation Guidelines. This Applicant has chosen to follow the new guidelines that were approved in March of 2017. The Application is proposing a number of on-site recreation facilities, include a mixture of both indoor activity spaces and outdoor amenities available to the residents (Table 4). As part of this Site Plan, the Applicant has requested an exemption from providing adequate recreation for Tots and Children categories. In order to approve the exemption, the following four criteria must be satisfied:

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.

Based on the exemption request, Staff believes it's appropriate to grant an exemption to requiring recreation amenities for the tots and children categories. With the exemption, Staff finds the provided recreation amenities are adequate for the planned development (Table 5).



Table 4

| Recreation Demand   |                                    |                |       |          |       |              |        |         |
|---|------------------------------------|----------------|-------|----------|-------|--------------|--------|---------|
| Code  | Housing Type                       | Quantity       | Tots  | Children | Teens | Young Adults | Adults | Seniors |
| Mid-Rise  | Multiple-Family, 4 stories or less | 72             | 11.52 | 16.56    | 12.96 | 51.12        | 34.56  | 5.76    |
| Total Demand Points =   |                                    | 72             | 11.52 | 16.56    | 12.96 | 51.12        | 34.56  | 5.76    |
| Proposed Onsite Recreation Facilities and their Supply Points |                                    |                |       |          |       |              |        |         |
| Recreation Facility   | Quantity                           | % Bonus Points | Tots  | Children | Teens | Young Adults | Adults | Seniors |
| Indoor Community Space  | 1                                  | 0%             | 1.15  | 2.48     | 3.89  | 15.34        | 10.37  | 2.3     |
| Indoor Fitness Room   | 1                                  | 0%             | 0     | 1.66     | 1.3   | 12.78        | 6.91   | 0.86    |
| Resident Lounge   | 1                                  | 0%             | 0     | 2        | 5     | 10           | 8      | 7       |
| Multi-Purpose Lobby Area                                      | 1                                  | 0%             | 0     | 0        | 2     | 3            | 3      | 2       |
| Picnic/Seating  | 1                                  | 0%             | 1     | 1        | 1.5   | 3            | 3      | 3       |
| Stairs, Steps and Railings                                    | 1                                  | 0%             | 0     | 3        | 4     | 5            | 5      | 4       |
| Grilling Area   | 1                                  | 0%             | 0     | 0        | 2     | 6            | 6      | 5       |
| Total Onsite Supply Points=                                   |                                    |                | 2.15  | 10.14    | 19.69 | 55.12        | 42.28  | 24.16   |

Table 5

| Results: Demand, Supply & Adequacy |                     |                       |                      |                     |            |
|------------------------------------|---------------------|-----------------------|----------------------|---------------------|------------|
| Age Group                          | Total Demand Points | Offsite Supply Points | Onsite Supply Points | Total Supply Points | Adequacy   |
| Tots                               | 11.52               | 0                     | 2.15                 | 2.15                | Inadequate |
| Children                           | 16.56               | 0                     | 10.14                | 10.14               | Inadequate |
| Teens                              | 12.96               | 0                     | 19.69                | 19.69               | Adequate   |
| Young Adults                       | 51.12               | 0                     | 55.12                | 55.12               | Adequate   |
| Adults                             | 34.56               | 0                     | 42.28                | 42.28               | Adequate   |
| Seniors                            | 5.76                | 0                     | 24.16                | 24.16               | Adequate   |

iv. *Division 6.4. 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. The landscaping being provided serves multiple purposes including compatibility, shade for open space and parking, visual interest, and as Forest Conservation landscape credit. Closest to the building, landscaping is predominantly shrubs, perennials and flowering ornamental trees to soften the lower floor without blocking light from the dwelling units. Around the parking, the public and private open spaces, and along the southern Property boundary, the Site Plan is providing for more large canopy trees and understory shrub plantings. The tree planting in and around the parking will create approximately 30% canopy coverage, which is more than the required 25% minimum. The tree and shrub placing also maintains a visual window on the

southern Property boundary to ensure the Methodist Church's steeple remains visible to the public.

The lighting plans for the Property serve the dual purpose of providing safety to the entrances of the building, and to illuminate all publicly accessible areas of parking and open space. The Applicant has proposed a variety of free standing and wall mounted light fixtures that all feature full cut-off designs to minimize glare, and are proposed as LEDs which reduce energy use. The lighting for the parking lot will be mounted no higher than 20 feet above grade, and the pedestrian and open space lighting will not exceed 15 feet. The included photometric plan shows that the illumination at the proposed lot line will not exceed 0.5 footcandles except for at the Property entrance which spills onto the right-of-way.

v. *Division 6.5. Screening Requirements*

The Site Plan proposes an apartment building type in the CRT Zone which requires screening when abutting residential zones in a residential use. The zone that abuts the apartment building to the east is R-200. The northernmost two adjacent lots are improved with institutional uses (youth center) that do not require screening, however the two adjacent lots further to the south are used as residences and do required screening. The requirements of 59.6.5.3.C.5 for apartment type buildings less than 60 feet in height apply, and the Applicant has chosen to implement option B of the four available screening options, which requires an eight-foot wide strip that includes a four-foot tall wall, two canopy trees, two understory trees, and 22 shrubs per 100 linear feet. The screening area is located on top of the retaining wall running along the eastern Property boundary, and serves the dual purpose of creating the visual break between the adjacent properties, and also acts as a barrier to keep pedestrians using the access path between the Church and the youth center away from the top of the wall.

e. *satisfies the applicable requirements of:*

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

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.

ii. Chapter 22A, Forest Conservation.

The Site Plan is subject to the Chapter 22A, Montgomery County Forest Conservation Law. The Site Plan includes a copy of the Preliminary/Final Forest Conservation Plan No. 820170040 ("FCP") which Staff recommends approval of with conditions. The FCP shows the removal of all 1.56 acres of existing forest on the Site which generates a 1.71-acre mitigation requirement which the Applicant will meet by proving 0.34 acres of on-site landscape credits, and 1.37 of off-site mitigation in the form of an off-site forest bank or fee-in-lieu. Associated with the FCP is a tree variance requesting removal of two on-site Protected Trees and impacts to two off-site Protected Trees. The Staff analysis of the Environmental Guidelines, the FCP, and the tree variance is located in the Preliminary Plan section of this Staff Report, starting on page 21.

*f. 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 Property utilizing the single access point located along MD 108. Upon entering the Subject Property, vehicles will enter a 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 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 parking lot areas to both the front, and a resident only side door. Pedestrians have two points of access to the Property, one paralleling the vehicle access point through an area of public open space, and one in the southern edge of the Property that connects the back of the parking lot to the Methodist Church. Because the southern Property boundary is on a very steep hill, the pedestrian connection to the church requires use of a staircase.

*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 as a whole. This Property is located in a transition area between the rural area and the core of the Town Center, therefore the majority of the building has been pulled slightly away from the roadway edge to maintain a more open feeling. 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.



Figure 9 – Main St. Perspective

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 requirement is for at least 10% of the Property, that it include shade and seating, that it's accessible, at least 15 feet wide, and is contiguous. The Site Plan shows all of the Public Open Space in the northwestern portion of the Property. Although it's bisected by the access drive, it's still connected both visually and physically with sidewalks and plantings. There will be paved areas and benches located close to MD 108, and the Public Open Space is also providing a large landscaped area that allows the front door of the building to be visible from the street. 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.

- g. *substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The Site Plan is in substantial conformance with the recommendations of the 2006 Damascus Master Plan. The Site is located in the Town Center section of the Master Plan and serves as a transition between the more rural areas to the east, and the core of the Town Center to the west. The Site Plan is under concurrent review with the Preliminary Plan, and the full Master Plan analysis can be found in the Preliminary Plan section of this report on pages 16 - 19.

- h. 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. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As discussed in the accompanying Preliminary Plan No. 120170200 findings, the proposed development in the Site Plan will be served by adequate public facilities, police and fire protection, water, sanitary sewer, public roads, and other public facilities.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Property is not located in a Rural Residential or Residential zone.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The Site Plan is compatible with other uses and other site plans, as well as with existing and proposed adjacent development. The building meets all height and setback compatibility requirements detailed in Section 59.4.8.B of the Zoning Ordinance.

#### *Setback Compatibility*

Section 59.4.1.8.A.1.a provides the specific guidance for setback compatibility, which is applicable because this Application is proposing an apartment building type in a CRT zone, adjacent to R-200 zoned property used for residential uses. The building must be located 1.5 times the minimum side setback required for a detached house on the abutting property. The side setback minimum for the abutting R-200 property is 12 feet, so the minimum setback on the Subject Property is 18 feet. The building is set back a minimum of 32 feet from the side lot line, therefore the Site Plan complies with the setback compatibility requirements.

#### *Height Compatibility*

Section 59.4.1.8.B.2.a is applicable to the Subject Property because it applies to any development within a CR family of zones, abutting a property in a residential zone with a residential use. The requirement states that no structure may 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 maximum height allowed in the adjacent R-200 zone is 35 feet, so no structure can protrude over a 45-degree angular plane, starting at a height of 35 feet, set 18 feet from the Property line. The Applicant provided a diagram (Figure 10) showing how the structure, with its proposed building height of 55 feet, remains below the 45 degree angular plane. There is also a height compatibility that is met with the proposed building and the RE-1 zone across MD 108. The compatibility measurements require a structure to stay below a 45-degree angular plane, starting at the height allowed in the RE-1 zone, starting at the front setback on the Subject Property. This starts a 45-degree angular plane at 50 feet in height, and the proposed building stays below that level.



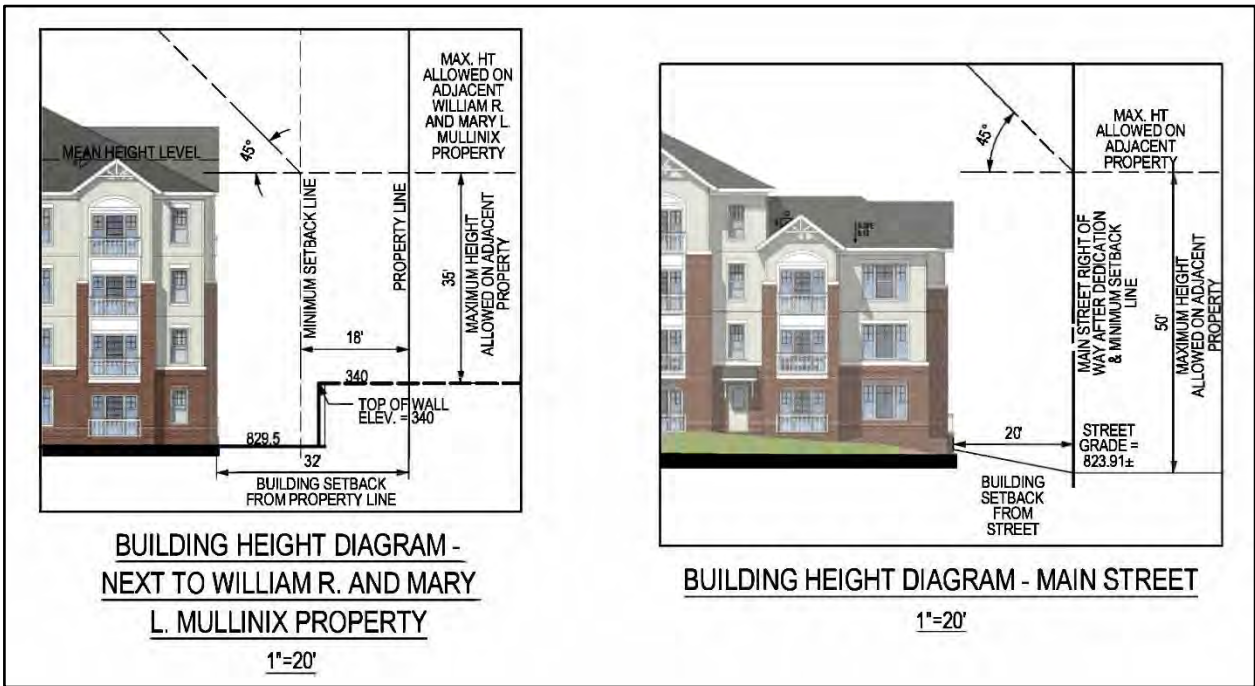


Figure 10 – Height Compatibility

3. *To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

4. *For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

## **SECTION 6: CITIZEN COORESPONDENCE AND ISSUES**

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. A pre-submission meeting for the Preliminary Plan and Site Plan was held on November 7, 2016 at the Damascus United Methodist Church. The Applicant gave a presentation and engaged in a question and answer with the community in attendance. As of the date of this Staff Report, Staff has not received any correspondence from the community.

## **SECTION 7: CONCLUSION**

The Applications meet all requirements established in the Subdivision Regulations and the Zoning Ordinance. Access and public facilities will be adequate to serve the proposed lots, the use conforms with the Master Plan and the general requirements of Chapter 59, and the Applications have been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Staff recommends approval of the Preliminary Plan and Site Plan, with the conditions as enumerated in the Staff Report.

### **ATTACHMENTS**

Attachment A – Preliminary Plan Composite  
Attachment B – Site Plan Composite  
Attachment C – Forest Conservation Plan Composite  
Attachment D – Variance Request  
Attachment E – MCDOT Approval  
Attachment F – MC Fire and Rescue Approval  
Attachment G – Stormwater Management Concept Approval  
Attachment H – DHCA  
**Attachment I – Variance Letter (added)**  
Attachment J – Extension Requests



# Attachment A

The original of this drawing document was prepared by Soltesz, Inc. (SOLTESZ). If this document was not obtained directly from SOLTESZ, and/or it was transmitted electronically, SOLTESZ cannot guarantee that unauthorized changes and/or alterations were not made by others. If verification of the information contained herein is needed, contact should be made directly with SOLTESZ. SOLTESZ makes no warranties, express or implied, concerning the accuracy of any information that has been transmitted by electronic means.

LEGEND

BOUNDARY LINES

EXISTING EASEMENTS

PROPOSED EASEMENTS

EXISTING STORM DRAIN, INLET, & MANHOLE

PROPOSED STORM DRAIN, INLET, & MANHOLE

EXISTING SEWER LINE, MANHOLE & DIRECTION

EXISTING WATER LINE, BEND, REDUCER & CAP

EXISTING VALVE & FIRE HYDRANT

EXISTING UNDERGROUND TELE, ELEC, GAS, CATV

EXISTING OVERHEAD TELE, ELEC, CATV

EXISTING UTILITY POLE

EXISTING STREET TREES

EXISTING CURB

PROPOSED CURB

EXISTING BUILDINGS

PROPOSED BUILDINGS

EXISTING FENCE

PROPOSED FENCE

EXISTING CONTOURS

PROPOSED CONTOURS

EXISTING & PROPOSED SPOT ELEVATIONS

EXISTING & PROPOSED DRAINAGE FLOW

PROPOSED HANDICAP PARKING SPACE

EXISTING & PROPOSED SIGNS

PROPOSED WSSC EASEMENT

PROPOSED SOIL BORING AND LABEL

PROPOSED TRANSFORMER

PROPOSED UTILITY EASEMENT

LIMITS OF DISTURBANCE

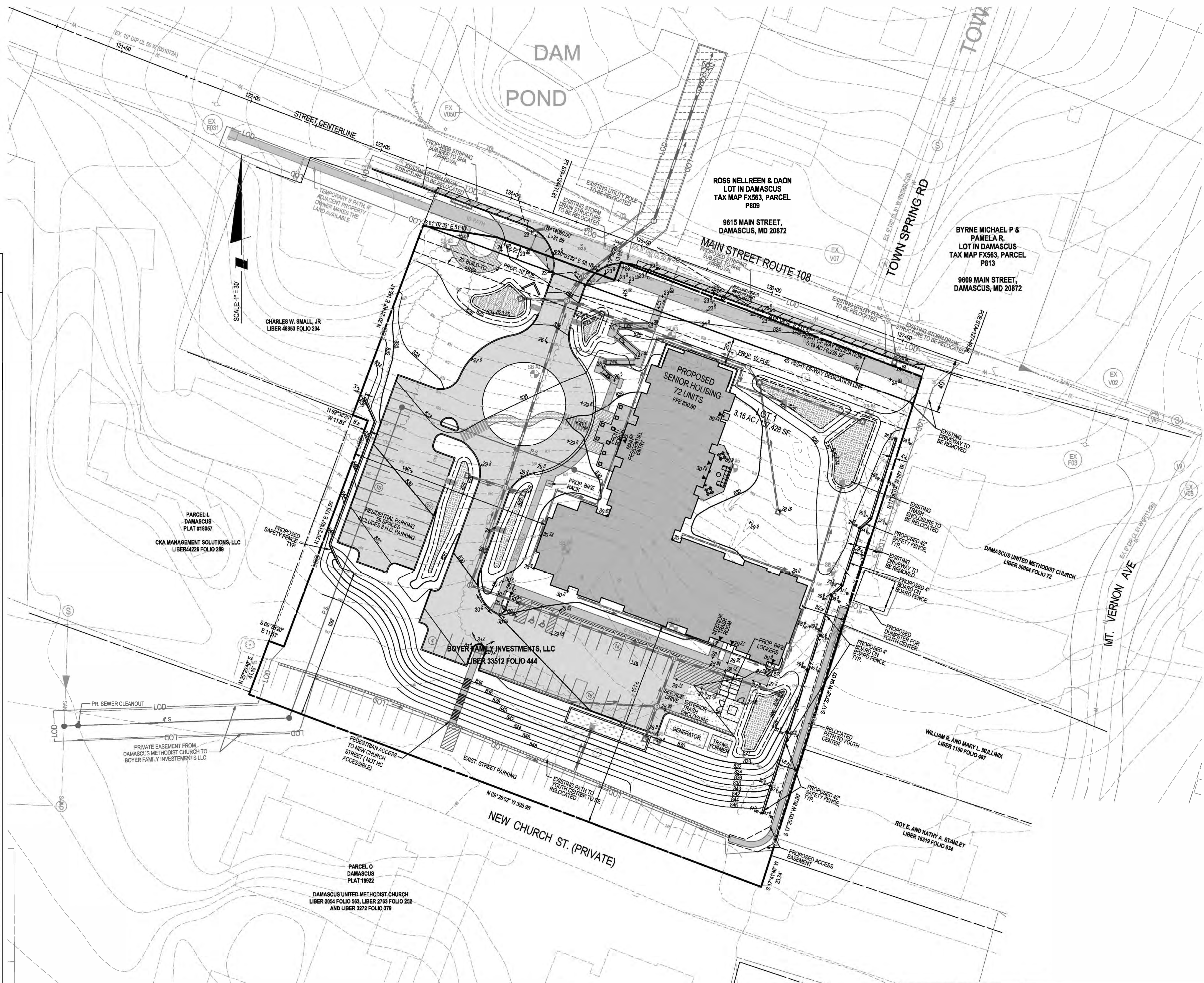
MICRO-BIORETENTION

ENHANCED MICRO-BIORETENTION

PLANTER BOX

PROPOSED ASPHALT

PROPOSED SIDEWALK



Rockville  
Lanham  
Leesdowntown  
Frederick  
Soltesz DC, LLC

ROCKVILLE OFFICE

2 Research Place, Suite 100  
Rockville, MD 20850  
P. 301.948.2750 F. 301.948.9067

www.soltesz.com

| NO. | DATE     | REVISIONS | BY      | DATE |
|-----|----------|-----------|---------|------|
| 1   | MAY 2017 | DESIGNED  | SOLTESZ |      |
| 2   |          | TECHNICAL | AZ      |      |
| 3   |          | CHECKED   | DEP     |      |

**MISS UTILITY NOTE**

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DRIVING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT MISS UTILITY AT 1-800-251-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THE PLAN.

**OWNER/DEVELOPER/APPLICANT**

DEVELOPER:  
VICTORY HOUSING, INC.  
11400 ROCKVILLE PIKE, SUITE 505  
ROCKVILLE, MD 20851  
PHONE: 301.463.0424  
JEFF BLACKWELL

CONTRACT PURCHASER:  
NOVA-HABITAT  
7220 CHESTNUT ST  
CHEVY CHASE, MD 20815  
PHONE: 301.312.0491  
CONTACT: DAMON OROBONA

|                       |        |                 |         |
|-----------------------|--------|-----------------|---------|
| MAP                   | 4809   | GRID            | HS & JS |
| TAX MAP               | FX 563 | ZONING CATEGORY | CRT     |
| FX 342                |        |                 |         |
| WSSC 200' SHEET       |        |                 |         |
| 237 NW 10             |        |                 |         |
| 237 NW 09             |        |                 |         |
| SITE DATUM            |        |                 |         |
| HORIZONTAL: NAD 83/91 |        |                 |         |
| VERTICAL: NGVD 29     |        |                 |         |

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

EXPIRATION DATE: 03/23/2018

PRELIMINARY PLAN

PRELIMINARY PLAN (PLAN NO. 120170200)

VICTORY HAVEN

NEW CHURCH ST, DAMASCUS

DAMASCUS (12TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

1" = 30'

SHEET 3 OF 3

PROJECT NO. 0529-11-NC



[illegible]

|  |  |
|--|--|
| BOUNDARY LINES                             |  |
| EXISTING EASEMENTS                         |  |
| PROPOSED EASEMENTS                         |  |
| EXISTING STORM DRAIN, INLET, & MANHOLE     |  |
| PROPOSED STORM DRAIN, INLET, & MANHOLE     |  |
| EXISTING SEWER LINE, MANHOLE & DIRECTION   |  |
| EXISTING VALVE & FIRE HYDRANT              |  |
| EXISTING UNDERGROUND TELE, ELEC, GAS, CATV |  |
| EXISTING OVERHEAD TELE, ELEC, CATV         |  |
| EXISTING UTILITY POLE                      |  |
| EXISTING STREET TREES                      |  |
| EXISTING CURB                              |  |
| PROPOSED CURB                              |  |
| EXISTING BUILDINGS                         |  |
| PROPOSED BUILDINGS                         |  |
| EXISTING FENCE                             |  |
| PROPOSED FENCE                             |  |
| EXISTING CONTOURS                          |  |
| PROPOSED CONTOURS                          |  |
| EXISTING & PROPOSED SPOT ELEVATIONS        |  |
| EXISTING & PROPOSED DRAINAGE FLOW          |  |
| PROPOSED HANDICAP PARKING SPACE            |  |
| EXISTING & PROPOSED SIGNS                  |  |
| PROPOSED WSSC EASEMENT                     |  |
| PROPOSED SOIL BORING AND LABEL             |  |
| PROPOSED TRANSFORMER                       |  |
| PROPOSED UTILITY EASEMENT                  |  |
| LIMITS OF DISTURBANCE                      |  |
| MICRO-BIORETENTION                         |  |
| ENHANCED MICRO-BIORETENTION                |  |
| PLANTER BOX                                |  |
| PROPOSED ASPHALT                           |  |
| PROPOSED SIDEWALK                          |  |

**Developer's Certificate**  
The undersigned agrees to execute all the features of the Site Plan Approval No. 620170040  
including Approval Conditions, Development Program, and Certified Site Plan.

Developer: VICTORY HOUSING, INC.      JEFF BLACKWELL  
Company      General Partner

Address: 11400 ROCKVILLE PIKE, SUITE 505, ROCKVILLE, MD 20852

Phone: (301) 493-0424


Signature: \_\_\_\_\_

**PROFESSIONAL CERTIFICATION**  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE  
PREPARED OR APPROVED BY ME, AND THAT I AM A DUL  
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS  
OF THE STATE OF MARYLAND.  
LICENSE NO. 17731 , EXPIRATION DATE: 03/23/20

## SITE PLAN

**SITE PLAN (PLAN NO. 820170040)**  
**VICTORY HAVEN**  
**NEW CHURCH ST, DAMASCUS**

DAMASCUS (12TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND


**SOLTESZ**

ROCKVILLE OFFICE  
2 Research Place, Suite 100  
Rockville, MD 20850  
P. 301.948.2750 F. 301.948.9067

Rockville  
Lanham  
Waldorf  
Leonardtown  
Frederick  
Soltesz DC, LLC

[www.solteszco.com](http://www.solteszco.com)

[illegible]

## MISS UTILITY NOTE

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MSS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR 12 INCHES (2" MINIMUM), WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

## OWNER/DEVELOPER/APPLICANT

DEVELOPER:  
VICTORY HOUSING, INC.  
11400 ROCKVILLE PIKE, SUITE 505  
ROCKVILLE, MD 20852  
PHONE: 301.493.0424  
JEFF BLACKWELL

CONTRACT PURCHASER:  
NOVA-HABITAT  
7220 CHESTNUT ST  
CHEVY CHASE, MD 20815  
PHONE: 301.312.6497  
CONTACT: DAMON OROBONA

|  |                        |
|--|------------------------|
| MAP <u>4809</u> GRID <u>H5 &amp; J5</u>                                |                        |
| TAX MAP<br>FX 563<br>FX 342  | ZONING CATEGORY<br>CRT |
| WSSC 200' SHEET<br>237 NW 10<br>237 NW 09                              |                        |
| SITE DATUM<br>HORIZONTAL: <u>NAD 83/91</u><br>VERTICAL: <u>NGVD 29</u> |                        |



1" = 30'

SHEET 3

OF 3

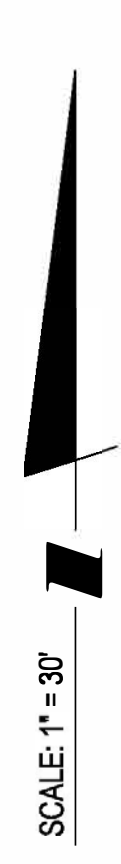
PROJECT NO.  
0529-11-NC

Q:\052811\NCEngineer\Sheet\_Files\Site\07\_SITE\_820170040\_003.sht Scale= 30.0000 sf / in User= D:\No PI Trng PDF Grey 150 c\Info Penht= TEXT SUB IN 5/19/17 4:49:49 PM



The original of this drawing document was prepared by Solmax, Inc. (SOL/ESS). This document was not obtained directly from SOL/ESS and/or it was transmitted electronically. SOL/ESS cannot guarantee that unauthorized changes and/or alterations were not made by others. Verification of the information contained herein is needed; contact should be made directly with SOL/ESS. SOL/ESS makes no warranties, express or implied, concerning the accuracy of any information that has been transmitted by electronic means.

## SHEET INSERT



## PRELIMINARY /FINAL FOREST CONSERVATION PLAN

|   |   |  |  |                        |           |              |                        |           |     |       |  |           |    |             |    |          |    |  |   |   |      |      |       |         |                  |     |          |                  |  |  |  |  |                  |                        |  |  |  |  |             |           |  |  |  |  |             |         |  |  |  |  |  |  |
|---|---|--|--|------------------------|-----------|--------------|------------------------|-----------|-----|-------|--|-----------|----|-------------|----|----------|----|--|---|---|------|------|-------|---------|------------------|-----|----------|------------------|--|--|--|--|------------------|------------------------|--|--|--|--|-------------|-----------|--|--|--|--|-------------|---------|--|--|--|--|--|--|
| <div style="display: inline-block; vertical-align: middle;"> <div style="font-size: 24px; font-weight: bold; margin-bottom: 5px;">SOLTESZ</div> <div style="font-size: 10px; margin-top: 5px;">             Engineering<br/>Surveying<br/>Planning<br/>Environmental Sciences           </div> </div> | <div style="text-align: center; margin-bottom: 10px;">             ROCKVILLE OFFICE<br/>             2 Research Place, Suite 100<br/>             Rockville, MD 20850<br/>             P. 301.948.2750 F. 301.948.9067           </div> <div style="font-size: 8px;">             www.sdtess.com           </div> | <div style="text-align: center; margin-bottom: 10px;">             Rockville<br/>Landham<br/>Waldorf<br/>Lanham<br/>Frederick<br/>Soltesz DC, LLC           </div> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">NO.</td> <td style="width: 20%;">DATE:</td> <td style="width: 20%;">OCTOBER 2016</td> <td style="width: 20%;">CAD STANDARDS VERSION:</td> <td style="width: 20%;">V8 - 2000</td> <td style="width: 10%;">BY:</td> <td style="width: 10%;">DATE:</td> </tr> <tr> <td></td> <td>DESIGNED:</td> <td>SL</td> <td>TECHNICIAN:</td> <td>SL</td> <td>CHECKED:</td> <td>AZ</td> </tr> </table> | NO.                    | DATE:     | OCTOBER 2016 | CAD STANDARDS VERSION: | V8 - 2000 | BY: | DATE: |  | DESIGNED: | SL | TECHNICIAN: | SL | CHECKED: | AZ | <div style="text-align: center; margin-bottom: 10px;"> <b>MISS UTILITY NOTE</b> </div> <div style="font-size: 8px;">             INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITIES CROSSING BY AUGURING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT: MISS UTILITY AT 1-800-425-4777. 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHOEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE SUBSIDIARY TO THIS PLAN.           </div> | <div style="text-align: center; margin-bottom: 10px;"> <b>OWNER/DEVELOPER/APPLICANT</b> </div> <div style="font-size: 8px;">             DEVELOPER:<br/>             VICTORY HOUSING, INC.<br/>             11400 ROCKVILLE PIKE, SUITE 505<br/>             ROCKVILLE, MD 20852<br/>             PHONE: 301.493.0424<br/>             JEFF BLACKWELL           </div> <div style="font-size: 8px; margin-top: 10px;">             CONTRACT PURCHASER:<br/>             NOVA-HABITAT<br/>             7220 CHESTNUT ST<br/>             CHEVY CHASE, MD 20815<br/>             PHONE: 301.312.9491<br/>             CONTACT: DAMON OROBONA           </div> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">MAP:</td> <td style="width: 10%;">4809</td> <td style="width: 10%;">ORIG:</td> <td style="width: 10%;">HS 6.25</td> <td style="width: 10%;">ZONING CATEGORY:</td> <td style="width: 10%;">CRT</td> </tr> <tr> <td>TAX MAP:</td> <td>FX 553<br/>FX 342</td> <td colspan="4"></td> </tr> <tr> <td>WSSC 200' SHEET:</td> <td>237 NW 10<br/>237 NW 09</td> <td colspan="4"></td> </tr> <tr> <td>SITE DATUM:</td> <td>NAD 83/91</td> <td colspan="4"></td> </tr> <tr> <td>HORIZONTAL:</td> <td>NGVD 29</td> <td colspan="4"></td> </tr> </table> | MAP: | 4809 | ORIG: | HS 6.25 | ZONING CATEGORY: | CRT | TAX MAP: | FX 553<br>FX 342 |  |  |  |  | WSSC 200' SHEET: | 237 NW 10<br>237 NW 09 |  |  |  |  | SITE DATUM: | NAD 83/91 |  |  |  |  | HORIZONTAL: | NGVD 29 |  |  |  |  | <div style="font-size: 12px; margin-bottom: 5px;"> <b>PRELIMINARY / FINAL FOREST CONSERVATION PLAN</b> </div> <div style="font-size: 14px; margin-bottom: 10px;"> <b>PRELIMINARY PLAN NO. 120170200, SITE PLAN NO. 820170040</b> </div> <div style="font-size: 24px; margin-bottom: 10px;"> <b>VICTORY HAVEN</b> </div> <div style="font-size: 18px; margin-bottom: 10px;"> <b>NEW CHURCH ST, DAMASCUS</b> </div> <div style="font-size: 8px;">             DAMAS GIS (12TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND           </div> | <div style="text-align: center; margin-bottom: 10px;"> </div> <div style="font-size: 8px;">             SHEET <b>2</b><br/>OF <b>3</b><br/>PROJECT NO.<br/>0628-11-NC           </div> |
|   | NO.   | DATE:  | OCTOBER 2016   | CAD STANDARDS VERSION: | V8 - 2000 | BY:          | DATE:                  |           |     |       |  |           |    |             |    |          |    |  |   |   |      |      |       |         |                  |     |          |                  |  |  |  |  |                  |                        |  |  |  |  |             |           |  |  |  |  |             |         |  |  |  |  |  |  |
|   | DESIGNED:   | SL   | TECHNICIAN:  | SL                     | CHECKED:  | AZ           |                        |           |     |       |  |           |    |             |    |          |    |  |   |   |      |      |       |         |                  |     |          |                  |  |  |  |  |                  |                        |  |  |  |  |             |           |  |  |  |  |             |         |  |  |  |  |  |  |
| MAP:  | 4809  | ORIG:  | HS 6.25  | ZONING CATEGORY:       | CRT       |              |                        |           |     |       |  |           |    |             |    |          |    |  |   |   |      |      |       |         |                  |     |          |                  |  |  |  |  |                  |                        |  |  |  |  |             |           |  |  |  |  |             |         |  |  |  |  |  |  |
| TAX MAP:  | FX 553<br>FX 342  |  |  |                        |           |              |                        |           |     |       |  |           |    |             |    |          |    |  |   |   |      |      |       |         |                  |     |          |                  |  |  |  |  |                  |                        |  |  |  |  |             |           |  |  |  |  |             |         |  |  |  |  |  |  |
| WSSC 200' SHEET:  | 237 NW 10<br>237 NW 09  |  |  |                        |           |              |                        |           |     |       |  |           |    |             |    |          |    |  |   |   |      |      |       |         |                  |     |          |                  |  |  |  |  |                  |                        |  |  |  |  |             |           |  |  |  |  |             |         |  |  |  |  |  |  |
| SITE DATUM:   | NAD 83/91   |  |  |                        |           |              |                        |           |     |       |  |           |    |             |    |          |    |  |   |   |      |      |       |         |                  |     |          |                  |  |  |  |  |                  |                        |  |  |  |  |             |           |  |  |  |  |             |         |  |  |  |  |  |  |
| HORIZONTAL:   | NGVD 29   |  |  |                        |           |              |                        |           |     |       |  |           |    |             |    |          |    |  |   |   |      |      |       |         |                  |     |          |                  |  |  |  |  |                  |                        |  |  |  |  |             |           |  |  |  |  |             |         |  |  |  |  |  |  |



## Attachment D

May 16, 2017

MaryJo Kishter  
Area 3 Division  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Victory Haven (Preliminary Plan # 120170200, Site Plan # 820170040)  
Final Forest Conservation Plan - Variance Request  
Soltesz Project #0529-02-00

Dear Ms. Kishter,

On behalf of Nova-Habitat, Inc., Soltesz, Inc. is requesting a variance for the removal of two (2) trees 30 inches or greater in DBH, as required under Section 22A-21 of Montgomery County's Forest Conservation Law and 2010 revisions to the State Forest Conservation Law enacted by State Bill 666, where it notes the variance pertains to "Trees having a diameter measured at 4.5 feet above the ground of 30 inches diameter or 75% of the diameter of the current state champion tree of that species as designated by the department". The removal or impact of these trees is for the senior housing multi-family building on an undeveloped parcel (Tax Map FX53, Parcel P865) in Damascus, Montgomery County, Maryland.

### Project Information

The subject property (Victory Haven) consists of one parcel total approximately 3.3 acres located in Damascus, Maryland, along Main Street (Route 108), approximately 500 feet from the intersection of Woodfield Road and Route 108. The property is zoned CRT (Commercial Residential Town) Zone (CRT 1.0: C 0.5, R 10.5, H 55) and is developed under the standard method of development. The property has an approved Natural Resource Inventory / Forest Stand Delineation Plan (#420162160). The approved Natural Resources Inventory showed four (4) specimen or significant trees located on the property, and one (1) specimen tree on the adjacent Parcel L property. Further field work conducted on February 22, 2017 showed two (2) specimen or significant trees located on the Montgomery County property across Main Street (Route 108), where the storm drain outfall of the subject property is located.

The proposed Victory Haven Preliminary Plan and Site Plan proposes residential development of one senior housing residential buildings with approximately 72 multi-family dwelling units, including Moderately Priced Dwelling Units ("MPDUs").

The proposed plan retains two (2) specimen trees and one (1) significant tree.

The trees identified in this variance request for removal are shown on the Preliminary / Final Forest Conservation Plan. The trees to be removed are located within the limits of disturbance or the LOD impacts to their critical root zone are too large to expect tree survival.

### Trees for Removal

Listed below are the trees identified for impact on the Preliminary / Final Forest Conservation Plan for Victory Haven:

| CODE  | Existing /Significan/Specimen Tree  | DBH | CRZ   | CRZ IMPACT | % of Impact | Proposed Status | Specimen |
|---|-------------------------------------|-----|-------|------------|-------------|-----------------|----------|
| Specimen Trees on subject property:           |                                     |     |       |            |             |                 |          |
| T-1   | Black Cherry – Prunus serotina      | 25" | 4418  | 4418       | 100%        | REMOVE          | No       |
| T-2   | Silver Maple – Acer saccharinum     | 30" | 6362  | 6359       | 100%        | REMOVE          | Yes      |
| T-3   | Catalpa – Catalpa bignonioides      | 35" | 8659  | 8659       | 100%        | REMOVE          | Yes      |
| T-4   | Black Locust – Robinia pseudoacacia | 27" | 5153  | 4316       | 84%         | REMOVE          | No       |
| Specimen Trees on Montgomery County property: |                                     |     |       |            |             |                 |          |
| 7   | Black Locust – Robinia pseudoacacia | 37" | 9677  | 749        | 8%          | REMAIN          | Yes      |
| 8   | Black Locust – Robinia pseudoacacia | 27" | 5153  | 65         | 1.3%        | REMAIN          | No       |
| Specimen Trees on Adjacent Parcel L property: |                                     |     |       |            |             |                 |          |
| OS-1  | American Elm – Ulmus americana      | 40" | 11310 | 2942       | 26%         | REMAIN          | Yes      |

Trees T-2 is located in the proposed Public Utility Easement after Main Street right of way dedication. The proposed site grading for Main Street improvement to meet State Highway Administration standard and the grading requirement for PUEs make the preservation of this tree unachievable.

Tree T-3 is located in the center of the subject property. The site layout and grading configuration makes the removal of this tree unavoidable.

### Critical Root Zone Impacts

There are two (2) specimen trees impacted by the limits of disturbance (LOD) for the development. All of these trees will have less than 30% CRZ impact. Tree protection fencing will be erected for trees which are impacted. An arborist will be involved in writing a Certified Arborist report.

### Application Requirements

Per Montgomery County's Forest Conservation Law Section 22A-21(b) of the *Application Requirements* states that the applicant must:

- (1) describe the special conditions peculiar to the property which would cause the unwarranted hardship;
- (2) describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
- (3) verify that state water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and
- (4) Provided any other information appropriate to support the request.

Pursuant to: Item “(1) describe the special conditions peculiar to the property which would cause the unwarranted hardship; and” Item “(2) describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas”:

The land use and proposed density is recommended in Damascus Master Plan. The current development proposal for one senior housing multi-family building is appropriate for the location of the site, which is located within the “Town Center” land use area of the Master Plan. The proposed multi-family building is a four story, 72 units of senior housing that matches the existing single family detached house neighborhood character.

The unwarranted hardship to the property owner is that the property can't be developed as Master Plan recommended without removing the trees. Considering the configuration of the property, the design constraints, the location of the specimen trees to be removed and the Master Plan objectives, it would cause unwarranted hardship to the applicant if the variance were to be denied.

Pursuant to “(3) verify that state water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance”

The trees proposed for removal are not directly connected to any streams, or part of a riparian buffer system. The proposed stormwater management plan for the new buildings makes provision for stormwater runoff that would have been intercepted by these trees. SWM calculations show that the proposed plan will improve water quality at this location.

Pursuant to “(4) Provided any other information appropriate to support the request.”

The site is recommended to be developed as a senior housing development. The configuration of the site doesn't allow the trees to be saved.

### **Minimum criteria for Variance**

As further basis for its variance request, the applicant can demonstrate that it meets the Section 22A-21(d) *Minimum criteria*, which states that a variance must not be granted if granting the request:

- (1) *Will confer on the applicant a special privilege that would be denied to other applicants;*
- (2) *Is based on conditions or circumstances which are the result of actions by the applicant;*
- (3) *Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or*
- (4) *Will violate State water quality standards or cause measurable degradation in water quality*

Pursuant to “(1) *Will confer on the applicant a special privilege that would be denied to other applicants.*” The use of this site for a senior housing is a permitted and Master Plan recommended use and will operate in a manner consistent with that of surrounding single family dwellings in the area and in Montgomery County. As such, this is not a special privilege to be conferred on the applicant.

Pursuant to “(2) *Is based on conditions or circumstances which are the result of actions by the applicant; and (3) Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.*” Due to the existing site constraints, the proposed development that is in accordance with Master Plan designation is not possible to be built without removing the specimen trees. Furthermore, the surrounding land

uses on neighboring properties do not have any inherent characteristics that have created this particular need for a variance.

Pursuant to "(4) *Will violate State water quality standards or cause measurable degradation in water quality*" the applicant cites the reasoning in the previous response to requirement 22A-21 (b)(3), and restates its belief that granting this variance request will not violate State water quality standards or cause measurable degradation in State water quality standards.

For these reasons listed above, we believe it is appropriate to grant this request for a variance. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,  
SOLTESZ, INC.



Amy Zou, RLA, ASLA  
Technical Director

cc:

# Attachment E



Isiah Leggett  
County  
Executive

## DEPARTMENT OF TRANSPORTATION

Al R. Roshdieh  
Director

March 2, 2017

Mr. Benjamin Berbert, Planner Coordinator  
Area 3 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120170200  
Victory Haven

*Ben:*  
Dear Mr. Berbert:

We have completed our review of the revised preliminary plan printed February 5, 2017. A previous plan was reviewed by the Development Review Committee at its meeting on January 24, 2017. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication for future widening of Main Street (MD 108) in accordance with the master plan.
2. Access and improvements along Main Street (MD 108) as required by the Maryland State Highway Administration. We defer to the MDSHA for the review of the consultant's storm drain study.
3. Bicycle Facilities along Main Street (MD 108) as required per the applicable Master Plan.
4. In accordance with Section 50-35(n) of the Montgomery County Code, we recommend the Montgomery County Planning Board require the applicant to construct an off-site

### Office of the Director

---

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178

FAX

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

Located one block west of the Rockville Metro Station



Mr. Benjamin Berbert  
Preliminary Plan No. 120170200  
March 2, 2017  
Page 2

sidewalk along Main Street (MD 108) to connect with the existing sidewalk just west of the property.

5. Provide a ten (10) foot wide Public Utility Easement (PUE) along all existing street frontages.
6. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
7. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
8. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Ms. Rebecca Torma our Development Review Area Senior Planning Specialist for this project at [rebecca.torma-kim@montgomerycountymd.gov](mailto:rebecca.torma-kim@montgomerycountymd.gov) or (240) 777-2118.

Sincerely,



Gregory M. Leck, Manager  
Development Review Team  
Office of Transportation Policy

Sharepoint/DOT/directors office/development review/Rebecca/developments/Damascus/Victory haven/120170200 Victory Haven DOT prelim plan ltr.docx

|     |                                   |                               |
|-----|-----------------------------------|-------------------------------|
| cc: | Helen Boyer                       | Boyer-Famiily Investments LLC |
|     | Damon Orobona                     | Nova Habitat                  |
|     | Amy Zou                           | Soltesz                       |
|     | Jeff Blackwell                    | Victory Housing Inc.          |
|     | Jody Kline                        | Miller, Miller & Canby        |
|     | Richard Weaver                    | M-NCPPC Area 3                |
|     | Laura Hodgson                     | M-NCPPC Area 3                |
|     | Kwesi Woodroffe                   | SHA District 3                |
|     | Preliminary Plan folder           |                               |
|     | Preliminary Plan letters notebook |                               |

|       |                  |            |
|-------|------------------|------------|
| cc-e: | Sam Farhadi      | MCDPS RWPR |
|       | Deepak Somarajan | MCDOT OTP  |
|       | Rebecca Torma    | MCDOT OTP  |

# Attachment F



---

---

## Department of Permitting Services Fire Department Access and Water Supply Comments

---

---

**DATE:** 01-Jun-17  
**TO:** Daniel Pino (LSA)  
Loiederman Soltesz Associates, Inc  
**FROM:** Marie LaBaw  
**RE:** Victory Haven  
820170040

---

### PLAN APPROVED

1. Review based only upon information contained on the plan submitted **01-Jun-17** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

# Attachment G



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

May 31, 2017

Ms. Jyotika Sharma, EIT  
Sr. Engineer  
Soltesz  
2 Research Place  
Suite 100  
Rockville, MD 20850

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
Victory Haven  
Preliminary Plan #: 120170200  
Site Plan #: 820170040  
SM File #: 282526  
Tract Size/Zone: 3.3 ac./CRT-1.0, C-0.5, R-0.5  
and H-55T  
Total Concept Area: 3.3 ac.  
Lots/Block: n/a  
Parcel(s): P865, Tax Map FX563  
Watershed: Patuxent

Dear Ms. Sharma:

Based on a review by the Montgomery County Department of Permitting Services (MCDPS) Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via micro-bioretenion, some of which will have enhanced filters.

The following items will need to be addressed during the detailed sediment control/stormwater management (SC/SWM) plan stage:

1. A detailed review of all computations will occur at the time of SC/SWM plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media manufactured best management practices must consist of MDE approved material.
4. The walls of micro-bioretenion planters must be concrete. The submission can include either structural details and computations or the facility can be shown as pre-cast which will require shop drawings to be reviewed by the engineer and accepted by MCDPS prior to fabrication.



255 Rockville Pike, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311  
[www.montgomerycountymd.gov/permittingservices](http://www.montgomerycountymd.gov/permittingservices)

5. The submission must demonstrate that the volume of runoff to be treated can be captured and conveyed without bypassing the micro-bioretenion facilities.
6. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the SC/SWM plans by MCDPS, Water Resources Section.
7. Runoff from the proposed development is proposed to be conveyed to downstream property owned by Montgomery County (Damascus Library.) The design must demonstrate that the 10-year event can be safely and non-erosively drained onto the County property and to the receiving stream.
8. Prior to MCDPS' approval of the SC/SWM plan the applicant must obtain approval to direct runoff from the proposed development into the existing MSHA storm drain system in Main Street (MD 108)

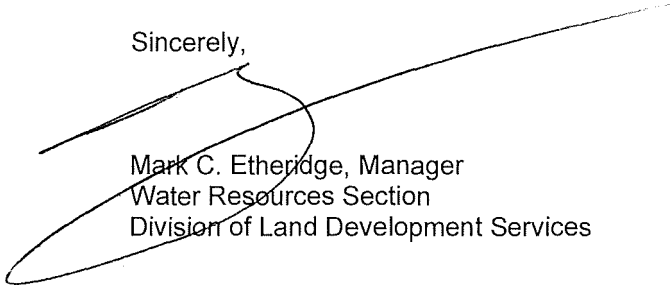
This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not** required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mary Fertig at 240-777-6202 or at [mary.fertig@montgomerycountymd.gov](mailto:mary.fertig@montgomerycountymd.gov).

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: MMF

cc: C. Conlon  
SM File # 282526

ESD: 3.3 ac/ 10,440 CU FT  
STRUCTURAL Acres: 0.0 ac  
WAIVED Acres: 0.0 ac

# Attachment H



## DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
*County Executive*

Clarence J. Snuggs  
*Director*

May 12, 2017

Mr. Benjamin Berbert  
Area 3 Division  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Victory Haven  
Preliminary Plan No. 120170200  
Site Plan No. 820170040

Dear Mr. Berbert:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced Preliminary Plan and Site Plan and recommends Approval. The developer will need to execute an agreement with DHCA that meets the requirements of Chapter 25A prior to building permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa S. Schwartz".

Lisa S. Schwartz  
Senior Planning Specialist

cc: Amy Zou, Soltesz, Inc.

S:\Files\FY2014\Housing\MPDULisa Schwartz\Victory Haven DHCA Letter 5-12-2017.docx

### Division of Housing

Affordable Housing

Common Ownership Communities

Landlord-Tenant Affairs

Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)



June 16, 2017

MaryJo Kishter  
Area 3 Division  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Victory Haven (Preliminary Plan # 120170200, Site Plan # 820170040)  
Final Forest Conservation Plan - Variance Request  
Soltesz Project #0529-02-00

Dear Ms. Kishter,

On behalf of Nova-Habitat, Inc., Soltesz, Inc. is requesting a variance for the removal of two (2) trees (Tree T-2, T-3), and critical root zone impact of two (2) trees (Tree #7, OS-1 – both to remain), all are 30 inches or greater in DBH as required under Section 22A-21 of Montgomery County's Forest Conservation Law and 2010 revisions to the State Forest Conservation Law enacted by State Bill 666, where it notes the variance pertains to "Trees having a diameter measured at 4.5 feet above the ground of 30 inches diameter or 75% of the diameter of the current state champion tree of that species as designated by the department". The removal or impact of these trees is for the senior housing multi-family building on an undeveloped parcel (Tax Map FX53, Parcel P865) in Damascus, Montgomery County, Maryland.

### **Project Information**

The subject property (Victory Haven) consists of one parcel total approximately 3.3 acres located in Damascus, Maryland, along Main Street (Route 108), approximately 500 feet from the intersection of Woodfield Road and Route 108. The property is zoned CRT (Commercial Residential Town) Zone (CRT 1.0: C 0.5, R 10.5, H 55) and is developed under the standard method of development. The property has an approved Natural Resource Inventory / Forest Stand Delineation Plan (#420162160). The approved Natural Resources Inventory showed four (4) specimen or significant trees located on the property, and one (1) specimen tree on the adjacent Parcel L property. Further field work conducted on February 22, 2017 showed two (2) specimen or significant trees located on the Montgomery County property across Main Street (Route 108), where the storm drain outfall of the subject property is located.

The proposed Victory Haven Preliminary Plan and Site Plan proposes residential development of one senior housing residential buildings with approximately 72 multi-family dwelling units, including Moderately Priced Dwelling Units ("MPDUs").

The proposed plan retains two (2) specimen trees.

The trees identified in this variance request for removal are shown on the Preliminary / Final Forest Conservation Plan. The trees to be removed are located within the limits of disturbance or the LOD impacts to their critical root zone are too large to expect tree survival.

## Trees for Removal

Listed below are the trees identified for impact on the Preliminary / Final Forest Conservation Plan for Victory Haven:

| CODE  | Existing /Significan/Specimen Tree         | DBH | CRZ   | CRZ IMPACT | % of Impact | Proposed Status | Specimen |
|---|--|-----|-------|------------|-------------|-----------------|----------|
| Specimen Trees on subject property:           |  |     |       |            |             |                 |          |
| T-2   | Silver Maple – <i>Acer saccharinum</i>     | 30" | 6362  | 6359       | 100%        | REMOVE          | Yes      |
| T-3   | Catalpa – <i>Catalpa bignonioides</i>      | 35" | 8659  | 8659       | 100%        | REMOVE          | Yes      |
| Specimen Trees on Montgomery County property: |  |     |       |            |             |                 |          |
| 7   | Black Locust – <i>Robinia pseudoacacia</i> | 37" | 9677  | 749        | 8%          | REMAIN          | Yes      |
| Specimen Trees on Adjacent Parcel L property: |  |     |       |            |             |                 |          |
| OS-1  | American Elm – <i>Ulmus americana</i>      | 40" | 11310 | 2942       | 26%         | REMAIN          | Yes      |

Trees T-2 is located in the proposed Public Utility Easement after Main Street right of way dedication. The proposed site grading for Main Street improvement to meet State Highway Administration standard and the grading requirement for PUEs make the preservation of this tree unachievable.

Tree T-3 is located in the center of the subject property. The site layout and grading configuration makes the removal of this tree unavoidable.

## Critical Root Zone Impacts

There are two (2) specimen trees (Tree #7 and #OS-1) impacted by the limits of disturbance (LOD) for the development. All of these trees will have less than 30% CRZ impact. Tree protection fencing will be erected for trees which are impacted. An arborist will be involved in writing a Certified Arborist report.

## Application Requirements

Per Montgomery County's Forest Conservation Law Section 22A-21(b) of the *Application Requirements* states that the applicant must:

- (1) describe the special conditions peculiar to the property which would cause the unwarranted hardship;
- (2) describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
- (3) verify that state water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and
- (4) Provided any other information appropriate to support the request.

Pursuant to: Item "(1) describe the special conditions peculiar to the property which would cause the unwarranted hardship; and" Item "(2) describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas".



The land use and proposed density is recommended in Damascus Master Plan. The current development proposal for one senior housing multi-family building is appropriate for the location of the site, which is located within the "Town Center" land use area of the Master Plan. The proposed multi-family building is a four story, 72 units of senior housing that matches the existing single family detached house neighborhood character.

The unwarranted hardship to the property owner is that the property can't be developed as Master Plan recommended without removing the trees. Considering the configuration of the property, the design constraints, the location of the specimen trees to be removed and the Master Plan objectives, it would cause unwarranted hardship to the applicant if the variance were to be denied.

Pursuant to *"(3) verify that state water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance"*

The trees proposed for removal are not directly connected to any streams, or part of a riparian buffer system. The proposed stormwater management plan for the new buildings makes provision for stormwater runoff that would have been intercepted by these trees. SWM calculations show that the proposed plan will improve water quality at this location.

Pursuant to *"(4) Provided any other information appropriate to support the request."*

The site is recommended to be developed as a senior housing development. The configuration of the site doesn't allow the trees to be saved.

### **Minimum criteria for Variance**

As further basis for its variance request, the applicant can demonstrate that it meets the Section 22A-21(d) *Minimum criteria*, which states that a variance must not be granted if granting the request:

- (1) Will confer on the applicant a special privilege that would be denied to other applicants;*
- (2) Is based on conditions or circumstances which are the result of actions by the applicant;*
- (3) Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or*
- (4) Will violate State water quality standards or cause measurable degradation in water quality*

Pursuant to *"(1) Will confer on the applicant a special privilege that would be denied to other applicants."* The use of this site for a senior housing is a permitted and Master Plan recommended use and will operate in a manner consistent with that of surrounding single family dwellings in the area and in Montgomery County. As such, this is not a special privilege to be conferred on the applicant.

Pursuant to *"(2) Is based on conditions or circumstances which are the result of actions by the applicant; and (3) Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property."* Due to the existing site constraints, the proposed development that is in accordance with Master Plan designation is not possible to be built without removing the specimen trees. Furthermore, the surrounding land uses on neighboring properties do not have any inherent characteristics that have created this particular need for a variance.

Pursuant to "(4) *Will violate State water quality standards or cause measurable degradation in water quality*" the applicant cites the reasoning in the previous response to requirement 22A-21 (b)(3), and restates its belief that granting this variance request will not violate State water quality standards or cause measurable degradation in State water quality standards.

For these reasons listed above, we believe it is appropriate to grant this request for a variance. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,  
SOLTESZ, INC.

A handwritten signature in blue ink, appearing to read "Amy Zou", is positioned above the printed name.

Amy Zou, RLA, ASLA  
Technical Director

CC:

# Attachment J



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

MCPB  
Consent  
Item No.:  
Date: 5/4/17

Victory Haven: Site Plan No. 820170040

*BCB* Benjamin Berbert, Planner Coordinator, Area 3, [Benjamin.Berbert@montgomeryplanning.org](mailto:Benjamin.Berbert@montgomeryplanning.org), 301-495-4644

*SP* Sandra Pereira, Acting Supervisor, Area 3, [Sandra.Pereira@Montgomeryplanning.org](mailto:Sandra.Pereira@Montgomeryplanning.org) 301-495-2186

*RAW* Richard Weaver, Acting Chief, Area 3, [Richard.Weaver@Montgomeryplanning.org](mailto:Richard.Weaver@Montgomeryplanning.org) 301-495-4544

Staff Report Date: 4/21/17

## Description

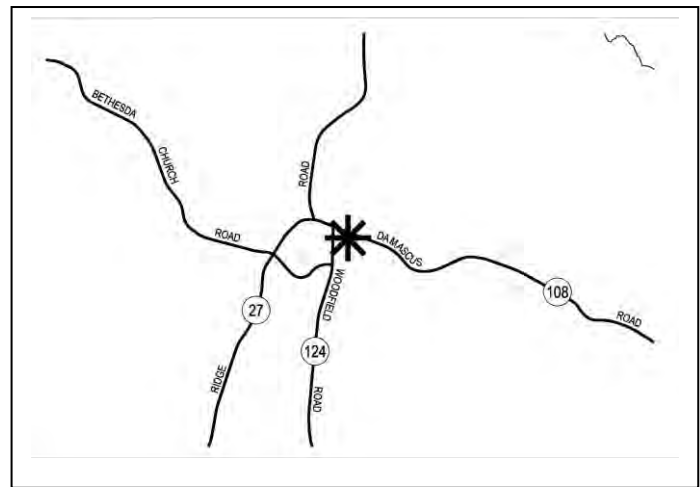
### **Victory Haven: Site Plan No. 820170040:**

Request to extend the regulatory review period by two months to no later than July 6, 2017; to construct an apartment building for 72 apartments of Independent Living for Seniors, and associated site improvements, located on the south side of Main Street (MD 108), approximately 500 feet east of the intersection with Woodfield Road; 2.62 acres, CRT 1.0 C-0.5 R-0.5 H-55T; 2006 Damascus Master Plan.

**Applicant:** Nova-Habitat

**Submittal Date:** January 4, 2017

**Review Basis:** Chapter 22A, Chapter 59



## Summary

Section 59-7.3.4.C. of the Zoning Ordinance establishes the review procedures for a Site Plan application and states that:

“the Planning Board must schedule a public hearing to begin within 120 days after the date an application is accepted. The Planning Director may postpone the public hearing by up to 30 days once without Planning Board approval. The Planning Director or applicant may request an extension beyond the original 30 days with Planning Board approval. Any extension of the public hearing must be noticed by mail and on the hearing agenda with the new public hearing date indicated”.

The Victory Haven Site Plan application was accepted on January 4, 2017, which established a Planning Board date no later than May 4, 2017. The submitted extension is requesting an additional two months of review time, which would bring the Site Plan before the Planning Board no later than July 6, 2017. The extension has been necessary to provide the Applicant time to respond to major site redesign comments provided by Planning Staff. Staff and the Applicant intend to be prepared for a Board hearing in the middle to end of June, however the request is extended to July 6<sup>th</sup> to accommodate any unforeseen issues in coordinating with other DRC review agencies.

Staff recommends **approval** of this extension request.

Attachment A: Applicant's extension request



**Montgomery County Planning Department**  
**Maryland-National Capital Park and Planning Commission**

Attachment A Page 1 of 2

Effective: December 5, 2014

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

www.montgomeryplanning.org

Phone 301.495.4550  
Fax 301.495.1306

**REGULATORY PLAN EXTENSION REQUEST**

☒ Request #1

☐ Request #2

M-NCPPC Staff Use Only

File Number

Date Received

MCPB Hearing Date

**Plan Name:** Victory Haven

**Plan No.** 820170040

This is a request for extension of:



Project Plan



Preliminary Plan



Sketch Plan



Site Plan

The Plan is tentatively scheduled for a Planning Board public hearing on: May 4, 2017

The Planning Director may postpone the public hearing for up to 30 days without Planning Board approval. Extensions beyond 30 days require approval from the Planning Board.

**Person requesting the extension:**

☐ Owner, ☒ Owner's Representative, ☐ Staff (check applicable.)

Damon Orobona

Nova-Habitat, Inc.

Name

Affiliation/Organization

7220 Chestnut Street

Street Address

Chevy Chase

City

MD

State

20815

Zip Code

301-312-6497

Telephone Number

ext.

Fax Number

damon@nova-habitat.com

E-mail

We are requesting an extension for 2 months until July 6, 2017

**Describe the nature of the extension request. Provide a separate sheet if necessary.**

The Applicant, Victory Housing, and the developer, Nova-Habitat, has been diligently responding to a substantial re-design of the site, requested by Planning Staff after the DRC meeting. The engineering work required has been time consuming and we have been unable to provide final plan drawings in time for the regulated 120 day review schedule. We feel confident final plans can be submitted in time to allow for a mid- to late-June Planning Board hearing, however, we are requesting an extension for as late as July 6th to provide for any addition unforeseen challenges working to get approvals from the various DRC review agencies.

**Signature of Person Requesting the Extension**

Damon Orobona

Signature

April 19, 2017

Date

**Extension Review**

*Planning Director Review for Extensions 30 days or less*

I, the Planning Director, or Director's designee, have the ability to grant extensions of the Planning Board public hearing date of up to 30 days and approve an extension of the Planning Board public hearing date from \_\_\_\_\_ until \_\_\_\_\_.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

*Planning Board Review for Extensions greater than 30 days*

The Montgomery County Planning Board reviewed the extension request on \_\_\_\_\_ and approved an extension for more than 30 days of the Planning Board public hearing date from \_\_\_\_\_ until \_\_\_\_\_.