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

MCPB
Item No.:
Date: 1-23-20

St. Anne's Episcopal Church, Preliminary Plan No. 120180230

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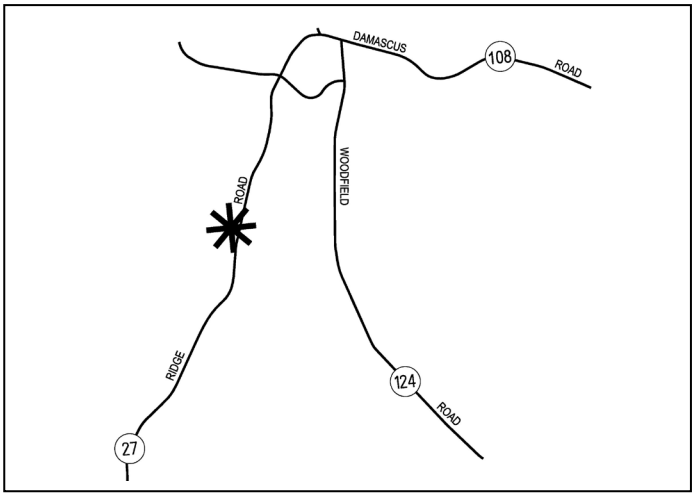
Completed: 1/10/20

Description

St. Anne's Episcopal Church, Preliminary Plan No. 120180230: Request to subdivide the Subject Property into two (2) lots, one lot for an existing religious assembly use and one-family residential use and a lot for a proposed 76 multi-family dwelling unit, independent senior living facility, from one platted parcel shown on Plat No. 6531; located on the 25100 Ridge Road, 10.49 acres, R-200 Zone, 2006 *Damascus Master Plan*.



Staff Recommendation: *Approval with conditions*

Applicant: Rector, Wardens & Vestryman of St. Anne's Episcopal Church
Accepted Date: July 8, 2019
Review Basis: Chapter 50, 22A, 19

Summary

- Staff recommends **Approval with conditions**
- Meets requirements of Chapter 22A, Forest Conservation Law
- Conforms with Conditional Use Permit CU 18-11, which established that the majority of units will be reserved for persons with incomes below 60 percent of the average median income (AMI) for Montgomery County
- Substantially conforms to the *2006 Damascus Master Plan*
- As conditioned, the Applicant will provide a contribution to Capital Improvement Project No. P501908 to help fund a sidewalk on Oak Drive or, alternatively, help fund other bicycle infrastructure improvement in the Damascus Master Plan area instead of constructing the master-planned 10-foot wide shared-use path along their frontage. Construction of the shared use path would incur significant environmental and infrastructure costs without any near-term benefit.
- Staff has received correspondence from two community members to date.

SECTION 1 - RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN NO. 120180230: Staff recommends approval of the Preliminary Plan subject to the following conditions:

1. This Application is limited to two (2) lots, one lot for an existing religious assembly including a one-family residential use operated by the church, and a second lot for a 76-unit multi-family, Independent Living Facility for Seniors or Persons with Disabilities.

2. The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. 120180230, approved as part of this Preliminary Plan, subject to the following conditions:

    a. The Applicant must record a 2.35-acre Category I Conservation Easement over existing and planted forest, as shown on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel. The Category I Conservation Easement must be recorded among the Montgomery County Land Records by deed prior to the start of any demolition, clearing or grading on the Property, and the Book and Page of the Category I Conservation Easement must be referenced on the record plat(s).
    b. Prior to any clearing, grading, or demolition on the Property, the Applicant must provide financial surety to guarantee the proposed forest planting on the Property, as specified on the approved Final Forest Conservation Plan, in a form acceptable to the M-NCPPC Office of the General Counsel.
    c. Prior to the start of any clearing, grading or demolition on the Property, the Applicant must submit for review and approval a two-year Maintenance and Management Agreement to the M-NCPPC Planning Department for the required forest planting on the Property as shown on the approved Final Forest Conservation Plan. The Agreement must be approved by the M-NCPPC Office of the General Counsel.
    d. The Applicant must install permanent conservation easement signage along the perimeter of the Category I Conservation Easement. Signs must be installed a maximum of 100 feet apart with additional signs installed where the easement changes direction, or at the discretion of the M-NCPPC forest conservation inspector. The M-NCPPC forest conservation inspector is authorized to determine the timing of sign installation.
    e. The Applicant must perform non-native invasive species control measures as outlined on the approved Final Forest Conservation Plan.
    f. The Applicant must locate the proposed natural surface trail to minimize impacts to trees and their roots, in direct consultation with the M-NCPPC forest conservation inspector.
    g. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
    h. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the approved Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.

3. Prior to issuance of any building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that the building shell for

residential dwelling units attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

4. If any changes occur to the plan which affect the validity of the noise analysis dated, November 12, 2019, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the revised plans and new noise attenuation features may be required.

5. 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, with the certification of an engineer that specializes in acoustical treatments.

6. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated December 12, 2019, and 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 if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

7. 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 December 12, 2019, 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.

8. 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 June 26, 2018 and its reconfirmation letter on September 26, 2019, 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.

9. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.

10. Prior to the recording of any record plat, the Applicant shall record a joint use agreement in the land records consistent with Section 59.6.2.3.G of the Zoning Ordinance, for a term not less than five (5) years, establishing a shared parking agreement between property owner(s) of Lot 1 and Lot 2 as shown on the Certified Preliminary Plan.

11. The Book and Page on the joint use agreement must be referenced on the record plat.

12. Prior to the recording of a record plat, the Applicant must make a financial contribution towards Capital Improvement Project No. P501908 to help fund a sidewalk on Oak Drive or, alternatively, help fund other bicycle infrastructure improvement in the Damascus Master

Plan area consistent with MCDOT's letter dated December 12, 2019, or as amended.

13. Record plat must show all necessary easements including a cross access easement over the existing driveway entrance on Lot 1 in order to provide access to Lot 2.

14. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty (60) months from the date of mailing of the Planning Board resolution.

15. The Certified Preliminary Plan must contain the following note:

> "*Unless specifically noted on this plan set 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 approval of a building permit. 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*."

16. <u>Certified Preliminary Plan</u>

Prior to approval of the Certified Preliminary Plan, the following revisions must be made and/or information provided subject to M-NCPPC Staff review and approval:

a. Certified Preliminary Plan to reflect a cross access easement over the existing driveway entrance on Lot 1 in order to provide access to Lot 2.
b. Revise data table to reflect minimum setbacks required by the zone rather than the exact setbacks.
c. Modify the data table to reflect the existing residential use and pavilion as principle buildings rather than accessory structures.
d. Delete the rows in the data table related to accessory structures.

SECTION 2 – SITE LOCATION & DESCRIPTION

Site Location

The property is described on Plat No. 6531 as Parcel A (Attachment 6), ("Subject Property" or "Property"). The Subject Property is located at 25100 Ridge Road in Damascus, Maryland. It is located along the west side of Ridge Road/MD 27 approximately 0.30 miles north of the intersection of Oak Drive and Ridge Road/MD 27 (Figure 1), and about 1.5 miles south of Main Street in Damascus.

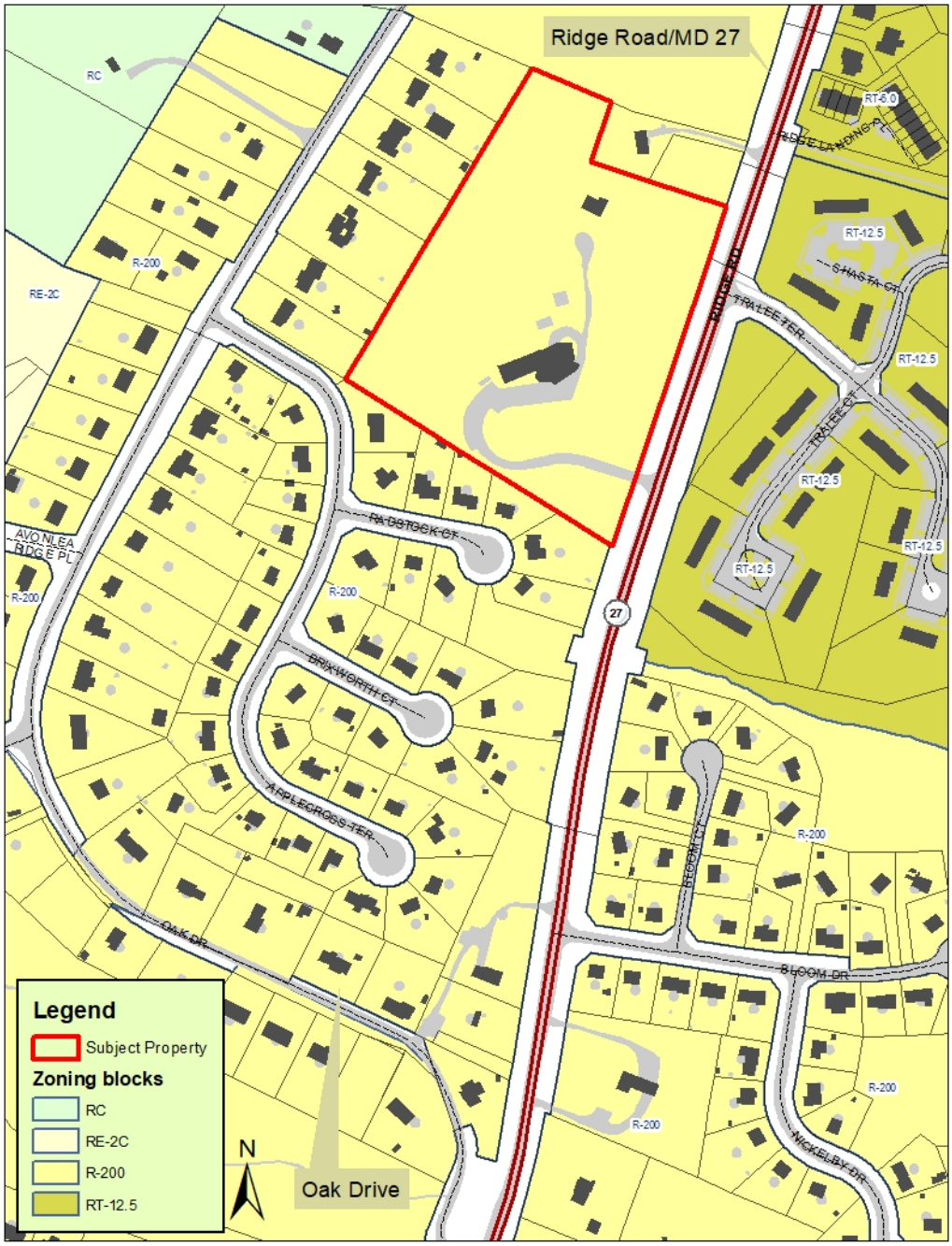


Figure 1– Vicinity

Site Description

Access to the Property is from Ridge Road via a private drive. The 10.49-acre Property has a varied and hilly topography. There are relatively steep slopes with mature tree cover (Figures 2 and 3) that extend from Ridge Road to a flatter area of the Property where the church building and parking lot are located. The parcel is irregularly shaped with 778 ft. of frontage along Ridge Road.

The Property is developed with an approximately 15,500 sq. ft. church building and a separate two-story frame dwelling used for church-related services. The church building is set back approximately 200 ft. from the front property line. The dwelling is setback approximately 250 ft. from the front property line. There is a 25 ft. wide driveway with access from Ridge Road that serves a parking lot for 73 cars, and also provides access to the dwelling.

Figure 2 – Existing topography including steep slopes along the Property's frontage on Ridge Road.

Figure 3 – Ridge Road as viewed from the top of the slopes along the Property's frontage.

Figure 4 – Existing Religious Assembly Use, view from the Property's driveway access

Landscaping is present on the remainder of the Property. The landscaping consists of an ornamental lawn, meadowed areas, and a variety of trees, shrubs, evergreens and some invasive species. A dense line of mature evergreen trees is located along the Property's highest elevation, near the western property line.

There are 2.75 acres of existing forest cover. The forested areas are in the northwestern section of the Property, along the north property line; and the southeastern corner, which contains an ephemeral stream channel. The slope along Ridge Road consists of mainly forest cover, with some shrubs and evergreens. An ephemeral channel is located near the northeastern property corner near Ridge Road.

The Property is located within the Great Seneca Creek watershed, classified by the State of Maryland as Use Class I waters. There are approximately 2.75 acres of forest on the Property as well as two trees over 24" D.B.H. Around are no wetlands or known rare or endangered species present. There are no historically significant structures or sites located on or near the Property.

Figure 5 - Aerial

SECTION 3 – APPLICATIONS AND PROPOSAL

Previous Approvals

Conditional Use 18-11

Conditional Use 18-11 was approved for the construction and operation of an Independent Living Facility for Seniors or Persons with Disabilities in a new 73,000 sq. ft., four-story, 76-unit apartment building. The portion of the Property subject to the conditional use review consist of 3.44 acres of the 10.49-acre Property and is delineated as Lot 2.

To satisfy Sec. 59-3.3.0.C.2.ii, the majority of units will be reserved for persons with incomes below 60 percent of the average median income (AMI) for Montgomery County. Occupancy of dwelling units will be restricted to senior adults, members of the household of a senior adult, and a resident care-giver as provided by Sec. 59-3.3.2.C.2ii.

The facility will include a resident community room, sitting room, library, wellness suite, fitness room, cybercafé, and on-site property management.

Current Application

Preliminary Plan 12018230

The plan, designated as Preliminary Plan No. 120180230, St. Anne's Episcopal Church ("Preliminary Plan" or "Application"), proposes to subdivide one (1) platted parcel in order to create two lots. One lot for the existing religious assembly use and residential use and one lot for a 76-unit multi-family building to be used as an independent living facility for senior or persons with disabilities, in the R-200 zone. The Application utilizes the existing access point on Ridge Road/MD 27 as well as nearly all of the existing driveway currently used by the church and house. The Application creates the lot for the senior housing within the existing parking lot. Public water and sewer will serve all structures associated with the Application.

The Application proposes no frontage improvements along Ridge Road (MD-27) which, based on Master Plan guidance should be a 10-foot wide shared use path. Instead, the Applicant will pay into an existing Capital Improvement Project (CIP) #P501908 along Oak Drive which is located around the corner from the Subject Property. If the County decides not to implement the CIP project, the Applicant will make this payment to fund other bicycle infrastructure improvements in the Damascus Master Plan area. This payment will be based on a cost estimate prepared by MCDOT to construct a 10-foot-wide shared use path across flat ground over the distance of the Subject Property's frontage.

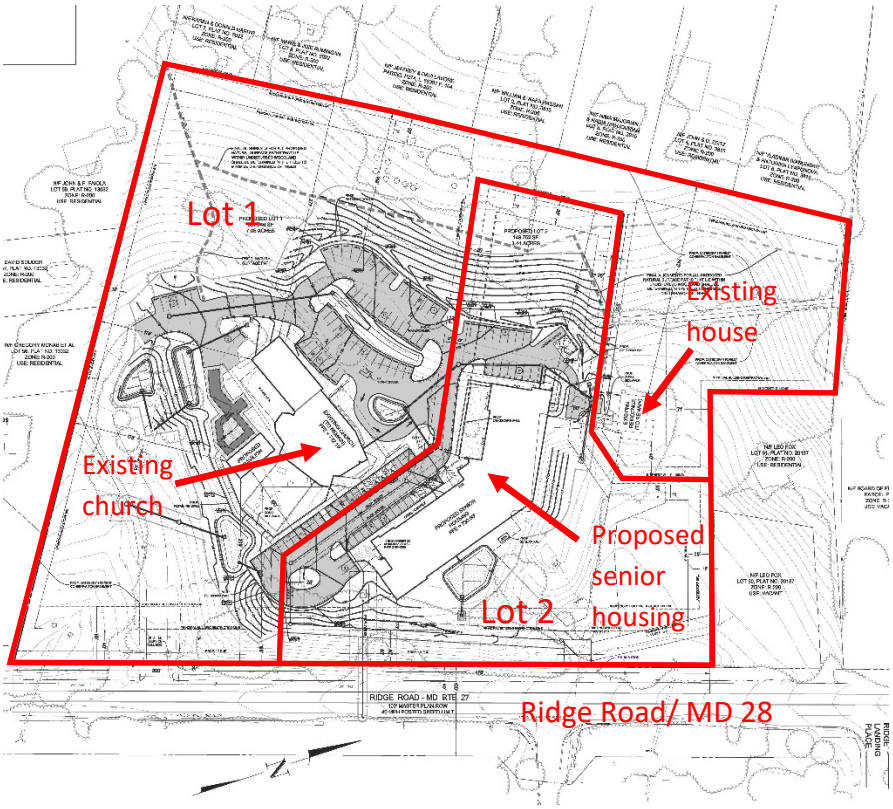


Figure 6 – Preliminary Plan

SECTION 4 – ANALYSIS AND FINDINGS, 50.4.2.D

1. *The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

   The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The proposed lots sizes, widths, shapes and orientations are appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, and for the building type (senior housing, residential, and religious assembly) use contemplated for the Property. While the shape of the lot is irregular, it is necessary given the location of the existing main religious facility and the residential structure both of which must remain on the same lot. Therefore, lot size, shape, width and orientation is appropriate to accommodate the uses approved on the Property.

   The lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area, frontage and can accommodate the religious assembly and senior housing buildings which can reasonably meet the width and setbacks requirements in that zone. A summary of this review is included in Table 1. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

Table 1 – Development Standards Table – R-200

R-200	Required by the Zone	Approved with Conditional Use for Lot 2 Only	Proposed for Approval
Minimum Lot Area	20,000 sq. ft.	149,846 sq. ft.	Lot 1 = 20,000 sq. ft. or more Lot 2 = 20,000 sq. ft. or more
Minimum Lot Frontage	25 ft.	479 ft.	Lot 1 = 25 ft. or more Lot 2 = 25 ft. or more
Minimum Lot Width at B.R.L.	100 ft.	479 ft.	Lot 1 = 100 ft. or more Lot 2 = 100 ft. or more
Maximum Lot Coverage	25%	13%	Lot 1 = 25% or less Lot 2 = 25% or less
Principle Building, Min. Setbacks (for all lots)			
Front	Lot 1: 40 ft. Lot 2: 50 ft.[1]	NA	Lot 1: 40 ft. or more (ex. Church) Lot 2: 50 ft. or less
Side	Lot1: 12 ft. min./ 25 feet total Lot 2: 25 ft. min./ 50 ft. total[2]	N/A	Lot 1: 12 ft. or more/ 25 ft. total (ex. church) Lot 2: 25 ft. or more/50 ft. or more total (senior housing)
Rear	Lot 1: 30 ft. Lot 2: 25 ft.[3]	N/A	Lot 1: 30 ft. or more (ex. church) Lot 2: 25 ft. or more (senior housing)
Building Height	Lot 1: 50 ft. max. Lot 2: 60 ft. max.[4]	Lot 1: N/A Lot 2: 45 ft.	Lot 1: 50 feet or less Lot 2: 60 feet or less
Parking	Lot 1: 68 spaces Lot 2: 39 spaces[5]	Lot 1: N/A Lot 2: 34 spaces[6]	Lot 1: 80 spaces Lot 2: 34 spaces[7]
Site Plan Required	No	No	No

2. The Preliminary Plan substantially conforms to the Master Plan

The Subject Property is located in the 2006 *Damascus Master Plan* ("Master Plan"). Damascus lies in the northernmost portion of Montgomery County, and is approximately 23 miles northwest of downtown Silver Spring. The Property is located about 1.5 miles south of the intersection of Main Street and Ridge Road in the Damascus town center.

[1] 50.3.3.2.C.2.c.vi requires conditional uses for Independent Living Facility for Seniors or Persons with Disabilities to utilize a front setback of 50 feet.
[2] 50.3.3.2.C.2.c.vii requires a minimum side of 25 feet or as specified by the relevant zone, whichever is greater.
[3] 50.3.3.2.C.2.c.vii requires a minimum rear setback of 25 feet or as specified by the relevant zone, whichever is greater.
[4] 50.3.3.2.C.2.c.iv allows conditional uses for Independent Living Facility for Seniors or Persons with Disabilities to be constructed up to 60 feet in height.
[5] 0.5 parking space adjustment factor applied to senior housing per 59-6.2.3.I.2.b
[6] As conditioned, joint shared use agreement for parking provides the required 39 spaces total
[7] As conditioned, required spaces provided on Lot 1 via joint shared use agreement

a. Land Use

The Master Plan established three transition areas that reflect decreasing residential density: Town Neighborhood, Neighborhood Transition, and Rural Transition areas. These transition areas serve as a bridge between the higher density development found in the Damascus town center. The Property is located in the Town Neighborhood transition area. The Master Plan discusses interrelated themes to address challenges and opportunities with land development to provide "a variety of housing options including affordable housing and housing opportunities for seniors suitable to the small-town character of Damascus" (*Damascus Master Plan*, 2006, p. 43).

There are no specific recommendations in the Master Plan concerning the Property. However, the Project substantially conforms with the general recommendations of the Master Plan and is not inconsistent with the Plan's general land use and housing goals.

The Application substantially conforms with the following general policies contained in the Master Plan:

- *Provide a variety of housing options including affordable housing and housing opportunities for seniors suitable to the small-town character of Damascus (2006, p. 43).*

  The Application consists of age-restricted affordable senior housing units. The Applicant has not determined the number of affordable units but has indicated at least a majority of the units will be affordable. The Application is consistent with this recommendation.

- *Ridge Road South Neighborhood: The R-200 Zone is proposed in this neighborhood located along the west side of Ridge Road between Bethesda Church Road and Oak Drive. Although few properties without homes remain, some lots are large enough that some re-development might occur. (2006, p.25).*

  The Application consists of age-restricted senior housing and affordable housing units and is located in the area described above. The Subject Property is large enough in land area to accommodate the existing and proposed buildings. As such, the Application is consistent with this recommendation.

b. Transportation

Master-Planned Roadway and Bikeways

The Property is located along Ridge Road/MD 27, identified by the Master Plan of Highways and Transitways as a two-lane arterial with 100 feet of right-of-way. It appears the property across Ridge Road/MD 27 granted right-of-way based on a previous master plan which required 120 feet of right-of-way. Under the current Damascus Master Plan, the right-of-way recommendation is 100 feet. As such, the existing 40 feet of right-of-way granted by Plat No. 6531 in 1961 satisfies the Master Plan dedication requirement resulting in a total right-of-way width of 100 feet.

Pedestrian and Bicycle Facilities

There are existing bike facilities located on both sides of Ridge Road/MD 27 along the frontage of the Subject Property consisting of a wide paved shoulder with signage. (See Figure 7, 8, and 9) The 2018 *Bicycle Master Plan* recommends a 10-foot wide, shared use path along the west side of Ridge Road/MD 27 along the frontage of the Subject Property. Due to the significant slope along the frontage of the Property that would necessitate major regrading, retaining walls, and

removal of a large area of vegetation to install a shared use path, the environmental cost of implementing this section of shared use path is considered to be unreasonably high at this time. Retaining wall heights to accommodate a 10-foot wide path are estimated to be in the 15 – 20 foot tall given the 40 – 50% slopes along this Property's frontage. Staff supports the eventual construction of the full shared use path, with the understanding that it could be a candidate for eventual CIP funding.

Figure 7 – Signed bike shoulder

Figure 8 – Ridge Road/MD 27 view towards the north

Figure 9 – Ridge Road/MD 27 view towards the south

Alternatively, Staff, in coordination with MCDOT, recommends for the Applicant to provide a contribution equal to the estimated engineered cost of constructing a segment of bike path of equal length as the Subject Property frontage, but without the cost of grading (to approach a cost closer to area averages). The contribution provided will help fund an existing CIP project #P501908 on Oak Drive, or MCDOT could redistribute the funds toward bicycle infrastructure improvements in the Damascus Master Plan area. It important to note that Baker Middle School is located on Oak Drive. Oak Drive is lined with one family homes and intersects with other roads leading to numerous housing developments. Oak Drive is a primary residential street with no sidewalks that would allow students easy opportunity to walk of bike the Middle School

The proposed use is consistent with the *Damascus Master Plan*, *the Master Plan of Highways* and Transitways, and the 2018 *Bicycle Master Plan*.

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

Local Area Transportation Review

According to the Institute of Transportation Engineer's (ITE) 10th Edition Trip Generation Manual and adjusted for the Damascus Policy Area, this Application will produce a net increase of 34 AM peak hour trips and 31 PM peak hour trips (based on 76 senior adult dwelling units). The Applicant is not required to submit a traffic study to satisfy the LATR test because the proposed land use generates fewer than 50 peak-hour person trips within the weekday morning and evening peak periods.

Circulation and Connectivity

The Property is accessed by an existing driveway onto Ridge Road/MD 27. There are no existing or proposed turning lanes (right or left) to access the driveway on Ridge Road. There are no sightline or access issues with the driveway, which is safe and adequate for both the current and proposed uses. Internal to the site, the existing parking facilities have been expanded, with adequate parking for both the existing church as well as the proposed housing.

The Applicant will provide a network of natural surface paths on the Subject Property connecting the proposed building with the church, as well as a circuitous path around the Property. A sidewalk leading to Ridge Road from the proposed building is considered infeasible; there is approximately 20 feet of grade change between the existing entrance drive and the proposed pavilion and patio area. An accessible path up this slope would require eight 30-foot long switchbacks, including additional retaining walls. Instead, the Applicant proposes a call box and shuttle service for the driveway entrance for use by those who may need access from Ridge Road to the senior housing facility.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. The Subject Property is in the W-1 and S-1 water and sewer service categories, respectively, and will utilize public water and sewer.

The Application was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on December 12, 2019 (Attachment 12 & 13). The Fire Department Access Plan provides a fire code compliant driveway to adequately access for all existing and proposed structures. The driveway and parking areas meet all the required turning radii, widths, and turnaround requirements for fire trucks serving the Subject Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy in effect at the time that the Application was submitted.

Applicable School Test

This Preliminary Plan for St. Anne's Episcopal Church proposes senior housing which does not produce any school aged children under the Subdivision Staging Policy. Therefore, a school facility test does not apply to this Application.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied*

The Subject Property is in compliance with all of the applicable requirements of the Forest Conservation Law.

Existing Conditions and Approvals

The Property is located within the Upper Great Seneca Creek watershed, which is classified by the State of Maryland as Use Class I-P waters. Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 420021340 was approved for the Property in January 2002. The NRI/FSD identified 2.75 acres of forest, an area of steep slopes along the frontage of the Property, adjacent to Ridge Road, and two areas of highly erodible soils, the largest area in the western portion, along the rear of the Property, and a smaller area in the southeastern portion of the Property. There were no intermittent or perennial streams, wetlands or 100-year floodplain identified on the Property. Final Forest Conservation Plan SC2002011 was approved as part of a sediment and erosion control permit in June

2002 for the expansion of the existing church. The Final Forest Conservation Plan SC2002011 required that 2.2 acres of the existing 2.75 acres of forest be permanently protected with a Category I conservation easement that totaled 2.35 acres. The area to be protected under conservation easement exceeded the area of retained forest, and there was no forest planting required. This conservation easement was never recorded, but the areas of forest protection remain undisturbed as approved. A Conditional Use (CU 18-11) for a senior independent living facility was approved with the condition that the Final Forest Conservation Plan be revised as part of the proposed preliminary plan.

Proposed Final Forest Conservation Plan Amendment 120180230

The Application meets all the applicable requirements of Chapter 22A of the Montgomery County Forest Conservation Law. The proposed revision to the Final Forest Conservation Plan rearranges the original configuration of the protected areas (Attachment 4). Approximately 0.62 acres of Category I conservation easement that was never recorded in the land records will be replaced with 0.33 acres of existing forest previously counted as removed but now saved, and 0.29 acres of on-site forest planting. The 2.35-acre Category I conservation easement required by approved Final Forest Conservation Plan SC2002011 will be reconfigured on-site resulting in the same amount of Category I conservation easement on revised Final Forest Conservation Plan 120180230. An updated tree inventory was completed in 2017 and identified four trees with a diameter at breast height (DBH) between 24 – 29 inches and three trees with a DBH ≥ 30 inches located on or immediately adjacent to the Property. These trees are shown on the revised Forest Conservation Plan, and one of them, a 27" DBH tulip tree in poor condition is proposed to be removed.

Noise Analysis

A Traffic Noise Analysis was prepared for this project on November 12, 2019 (Attachment 5). The analysis indicates the vehicular traffic on Ridge Road contributes to the noise impact on the proposed residential development. The Montgomery County "Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development" stipulate a 55 dBA L_{dn} maximum noise level for exterior recreation areas and 45 dBA L_{dn} for interior areas. The noise analysis from 2019 determined the south end of the proposed residential building to be noise impacted. Staff recommends that an engineer that specializes in acoustical treatments certify that the building shell for the affected units is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA L_{dn}., and that the applicant/developer/builder certify that they will construct the noise impacted units in accordance with the recommendations of an engineer that specializes in acoustical treatments. The noise analysis determined that proposed outdoor space for the residential use is adequately distant and shielded from traffic noise and meets the standards for noise sensitive outdoor use.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The Preliminary Plan received an approved stormwater concept from the Montgomery County Department of Permitting Services, Water Resources Section on June 26, 2018 (Attachment 10) and reconfirmed the September 26, 2019 (Attachment 11). The Application will meet stormwater management goals through the use of micro bioretention, bio-swales, and an existing surface sand filter.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.*

   There is no evidence, actual notice, or constructive notice of a burial site on the Subject Property. The Subject Property is not included in the Montgomery County Inventory.

7. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

   The Application is in conformance with the conditions of Conditional Use 18-11.

SECTION 5 – CITIZEN CORRESPONDENCE AND ISSUES

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. One sign referencing the proposed Application was posted along the Subject Property's frontage. A pre-submission meeting was held at St. Anne's Episcopal Church located at 25100 Ridge Road (the Subject Property) in Damascus, Maryland on May 21, 2019.

As of the date of this report, Staff has received two letters regarding this Application from adjacent property owners on Oak Drive. One letter is concerned with views and privacy from their rear yard. Staff responded that the limits of disturbance shown on the proposed Final Forest Conservation Plan is over 120 feet from this owner's property line. The trees referred to in the letter are outside the limits of disturbance and will remain. Furthermore, although the building is proposed to be 45 feet in height, the building pad elevation is approximately 40 feet lower than the surrounding properties including the property owned by the author of the letter. Therefore, the remaining trees combined with the difference in elevation between the proposed building elevation and surrounding residential properties will largely hide the proposed building.

The second letter is not related directly to the Application itself. Staff had explored the possibility of a pedestrian connection to the southwest, from the Subject Property to Applecross Terrace. This potential connection must cross a small portion of private property. The submitted letter from the property owner indicates strong opposition towards any pedestrian connection across their property. This connection is not required or necessary to meet any legal findings of approval for a preliminary plan. As a result, the pedestrian connection to Applecross Terrace will not occur as part of this Application.

SECTION 6 – CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations in Chapter 50, Forest Conservation Law in Chapter 22A, and the proposed use substantially conform to the recommendations of 2006 *Damascus Master Plan.* Access and public facilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan with the conditions provided. Therefore, approval of the Application with the conditions specified herein is recommended.

ATTACHMENTS
Attachment 1 – Statement of Justification
Attachment 2 – Preliminary Plan, Sheet 1

Attachment 3 – Preliminary Plan, Sheet 2
Attachment 4 – Final Forest Conservation Plan
Attachment 5 – Previous Plats
Attachment 6 – Conditional Use 18-11 Notice of Decision & Applicable Procedures, December 28, 2018
Attachment 7 – Conditional Use 18-11 Hearing Examiner's Report and Decision, December 28, 2018
Attachment 8 – MCDOT Approval Letter, December 12, 2019
Attachment 9 – MCDPS Stormwater Concept Approval Letter, June 28, 2018
Attachment 10 – MCDPS Stormwater Concept Reconfirmation Letter, September 26, 2019
Attachment 11 – Approved Fire Department Access Plan, December 12, 2019
Attachment 12 – DPS Fire Department Access and Water Supply Approval Letter, December 12, 2019
Attachment 13 – Citizen Correspondence

Attachment 1

28 May 2019

BEFORE THE MONTGOMERY COUNTY PLANNING BOARD

IN THE MATTER OF THE APPLICATION	)	
OF THE RECTOR, WARDEN AND	)	Preliminary Plan of Subdivision
VESTRYMEN OF ST. ANNE'S EPISCOPAL	)	Application No. 120180230
CHURCH	)	

STATEMENT OF JUSTIFICATION

The Applicant for Preliminary Plan of Subdivision, the Rector, Warden and Vestrymen of St. Anne's Episcopal Church, submits the following Statement of Justification in support of its application for amendment of the preliminary plan of subdivision already covering the Church's property known as Parcel A, Chesney's Subdivision.

Subdivision of the subject property into two lots is intended to implement the approval of a conditional use application (Case No. CU 18-11) for an independent seniors housing community to be constructed and operated on the Church's 10.49 acre parcel of land located at 25100 Ridge Road, Damascus. Approval of this amended preliminary plan will result in the creation of two lots, one for the existing Church and a separate lot for the seniors housing community.

The subject preliminary plan of subdivision is in conformance with the provisions of Section 50.4.2.D of the Montgomery County Subdivision Regulations as follows:

1. *the layout of the subdivision, including size, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location*

and the type of development or use contemplated and the applicable requirements of Chapter 59;

The configuration of the two (2) proposed lots has been determined by the uses of the respective parcels of land and the natural features found on the overall tract of land. The land area to be devoted to the seniors housing use has been minimized in order to retain the largest amount of remaining land under the Church's direct control. But the orientation of the two lots, and the shared facilities, such as drive lanes and parking areas, are organized in a way to efficiently use the infrastructure on what will be, in essence, an integrated campus.

2. *the preliminary plan substantially conforms to the master plan;*

The Damascus Master Plan does not contain any specific recommendations for the subject property. However, one of the goals of the Master Plan is to promote senior living accommodations which this resubdivision will accomplish.

3. *public facilities will be adequate to support and service the area of the subdivision;*

In conjunction with a conditional use application submitted in conjunction with this application, including a detailed traffic statement, the availability of public facilities have been shown to be adequate to support the proposed use of the subject property. Public water and sewer service is already available to the property and will be extended to the seniors housing

building. Other public services such as fire, police, library, etc. are located in the nearby Damascus commercial district.

4. *all Forest Conservation Law, Chapter 22A requirements are satisfied;*

In conjunction with the companion Conditional Use Application, a Forest Conservation Plan has been prepared and preliminarily approved confirming that the proposed development will satisfy the requirements of Chapter 22A of the County Code.

5. *all stormwater management, water quality plan, and floodplan requirements of Chapter 19 are satisfied.*

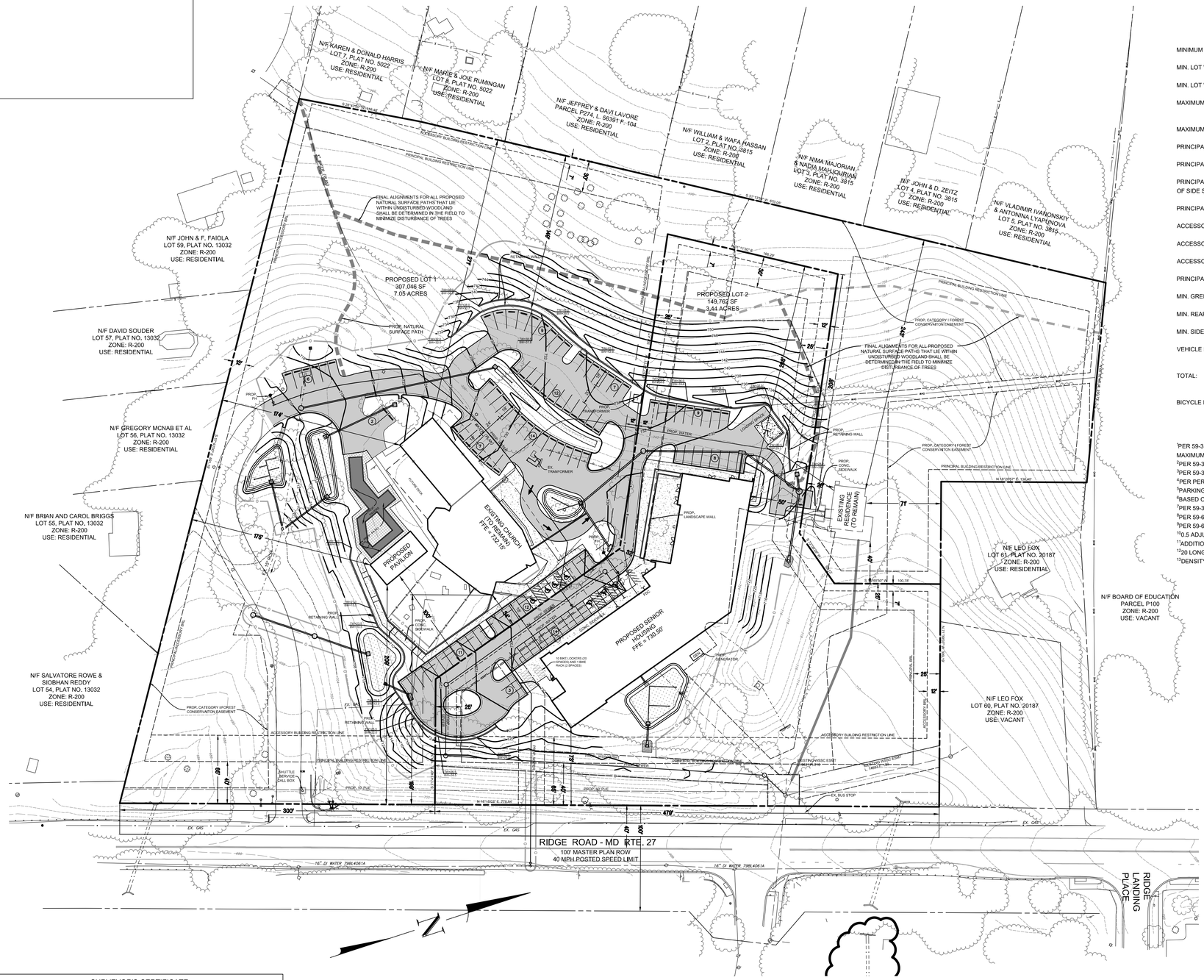
An application for stormwater management concept plan approval has been filed with and approved by MCDPS.

6. *any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied.*

The approval of Conditional Use Application No. CU 18-11 for an independent seniors' community contains terms and conditions with which this application for preliminary plan of subdivision application is consistent.

In summary, this preliminary plan of subdivision is consistent with a previously approved Conditional Use Application and that the proposed use of land in the two lots is in accordance with all applicable provisions of the Montgomery County Subdivision Regulations.

Attachment 2



GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARY SHOWN HEREON IS CORRECT BASED ON EXISTING DEEDS AND PLATS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, SUBJECT TO CHANGE UPON COMPLETION OF A FINAL SURVEY. TOPOGRAPHY FROM SOURCES NOTED HEREON.

DATE

MACRIS, HENDRICKS, & GLASCOCK, P.A.
BY: BARRY EDWARD HOYLE
PROFESSIONAL LAND SURVEYOR
MD REG. NO. 21135
LICENSE EXPIRES: 6-21-20

STANDARD METHOD DEVELOPMENT STANDARDS: R-200 ZONE
59-4.4.7
PROPOSED LOT 2
SENIOR HOUSING FACILITY

	PERMITTED/REQUIRED	APPROVED BY CU 18-11	PROVIDED PER THIS PLAN
MINIMUM NET LOT AREA:	20,000 SF	149,762 SF (3.44 ACRES)	149,762 SF (3.44 ACRES)
MIN. LOT WIDTH AT FRONT BUILDING LINE:	100 FT	479 FT	479 FT
MIN. LOT WIDTH AT FRONT LOT LINE:	25 FT	479 FT	479 FT
MAXIMUM DENSITY:	AS DETERMINED BY THE HEARING EXAMINER[1]	23 DWELLING UNITS PER ACRE (76 DUS PROPOSED)	23 DWELLING UNITS PER ACRE (76 DUS PROPOSED)
MAXIMUM COVERAGE:	25%	13%	13%
PRINCIPAL BUILDING MIN. FRONT SETBACK:	50 FT[2]	73 FT	73 FT
PRINCIPAL BUILDING MIN. SIDE SETBACK:	25 FT[3]	32 FT	32 FT
PRINCIPAL BUILDING MIN. SUM OF SIDE SETBACKS:	50 FT[4]	82 FT	82 FT
PRINCIPAL BUILDING MIN. REAR SETBACK:	30 FT	208 FT	208 FT
ACCESSORY STRUCTURE MIN. FRONT SETBACK:	65 FT	N/A	N/A
ACCESSORY STRUCTURE MIN. SIDE SETBACK:	12 FT	N/A	N/A
ACCESSORY STRUCTURE MIN. REAR SETBACK:	7 FT	N/A	N/A
PRINCIPAL BUILDING HEIGHT:	60 FT[1]	45 FT[6]	45 FT[6]
MIN. GREEN AREA:	60%[7]	75%	75%
MIN. REAR PARKING SETBACK:	30 FT[8]	150 FT	150 FT
MIN. SIDE PARKING SETBACK:	24 FT[9]	0 FT[5]	0 FT[5]
VEHICLE PARKING REQUIRED:			
1.0 PER DWELLING UNIT:	76 (76 DWELLING UNITS)		
0.5 PER EMPLOYEE:	2 (4 EMPLOYEES)		
TOTAL:	39 SPACES[10]		34 SPACES[11]
ACCESSIBLE SPACES:	2 SPACES		3 SPACES
BICYCLE PARKING REQUIRED:			
0.25 PER DWELLING UNIT:	19 (76 DWELLING UNITS)		
LONG TERM SPACES:	18 SPACES	20 SPACES[12]	
SHORT TERM SPACES:	1 SPACE	2 SPACES	

[1]PER 59-3.3.2.C.2.c.iv, MAXIMUM BUILDING HEIGHT OF AN INDEPENDENT LIVING FACILITY FOR SENIORS OR PERSONS WITH DISABILITIES IS 60 FT AND THE MAXIMUM DENSITY IS DETERMINED BY THE HEARING EXAMINER.
[2]PER 59-3.3.2.C.2.c.vi, MINIMUM FRONT SETBACK IS 50 FT.
[3]PER 59-3.3.2.C.2.c.vii, MINIMUM SIDE SETBACK IS 25 FT.
[4]PER PER 59-3.3.2.C.2.c.vii, EFFECTIVE MINIMUM SUM OF SIDE SETBACKS IS 50 FT.
[5]PARKING FACILITY SETBACK WAIVER GRANTED (CU 18-11)
[6]BASED ON INFORMATION PROVIDED BY ARCHITECT AND MEASURED FROM AVERAGE GRADE = 727.00'
[7]PER 59-3.3.2.C.2.c.viii, MINIMUM GREEN AREA IS 60% IN THE R-200 ZONE.
[8]PER 59-6.2.5.K.2.a, MINIMUM REAR PARKING SETBACK EQUALS THE MINIMUM REAR SETBACK REQUIRED FOR THE DETACHED HOUSE
[9]PER 59-6.2.5.K.2.b, MINIMUM SIDE PARKING SETBACK EQUALS 2 TIMES THE MINIMUM SIDE SETBACK REQUIRED FOR THE DETACHED HOUSE
[10]0.5 ADJUSTMENT FACTOR APPLIED TO SENIOR HOUSING PER 59-6.2.3.I.2.b
[11]ADDITIONAL REQUIRED SPACES PROVIDED ON LOT 1
[12]20 LONG TERM SPACES PROVIDED BY 10 BIKE LOCKERS
[13]DENSITY ESTABLISHED BY HEARING EXAMINER (CU 18-11)

STANDARD METHOD DEVELOPMENT STANDARDS: R-200 ZONE
59-4.4.7
PROPOSED LOT 1
RELIGIOUS ASSEMBLY, PRIVATE EDUCATIONAL INSTITUTION, AND SINGLE UNIT LIVING

	PERMITTED/REQUIRED	PROVIDED PER THIS PLAN
MINIMUM NET LOT AREA:	20,000 SF	307,046 SF (7.05 ACRES)
MIN. LOT WIDTH AT FRONT BUILDING LINE:	100 FT	300 FT
MIN. LOT WIDTH AT FRONT LOT LINE:	25 FT	361 FT
MAXIMUM DENSITY (UNITS/ACRE):	2.18	0.15
MAXIMUM COVERAGE:	25%	5%
PRINCIPAL BUILDING MIN. FRONT SETBACK:	40 FT	199 FT (EX. CHURCH)
PRINCIPAL BUILDING MIN. SIDE SETBACK:	12 FT	34 FT (EX. CHURCH)
PRINCIPAL BUILDING MIN. SUM OF SIDE SETBACKS:	25 FT	208 FT (EX. CHURCH)
PRINCIPAL BUILDING MIN. REAR SETBACK:	30 FT	271 FT (EX. CHURCH)
PRINCIPAL BUILDING HEIGHT:	50 FT[14]	48 FT (EX. CHURCH)
ACCESSORY BUILDING MIN. FRONT SETBACK:	65 FT	209 FT (PAVILION)
ACCESSORY BUILDING MIN. SIDE SETBACK:	12 FT	100 FT (PAVILION) 26 FT (EX. RESIDENCE)
ACCESSORY BUILDING MIN. REAR SETBACK:	7 FT	243 FT (EX. RESIDENCE)
ACCESSORY BUILDING HEIGHT:	35 FT	35 FT MAX. (PAVILION) 30 FT (RESIDENCE)
VEHICLE PARKING REQUIRED:		
CHURCH - 0.25 PER FIXED SEAT (250 SEATS):	63 SPACES	
PRESCHOOL - 1.00 PER EMPLOYEE (3)	3 SPACES	
RESIDENCE - 2.00 PER DWELLING UNIT	2 SPACES	
TOTAL:	68 SPACES	80 SPACES
ACCESSIBLE SPACES:	4 SPACES	4 SPACES
BICYCLE PARKING REQUIRED:		
PRESCHOOL - 1.00 PER 5,000 GFA (1,000 GFA):		
LONG TERM SPACES:	1 SPACE	1 SPACE[15]
SHORT TERM SPACES:	1 SPACE	1 SPACE[15]

[14]FOR LOTS GREATER THAN 40,000 SF
[15]ADDITIONAL REQUIRED SPACES PROVIDED ON LOT 2

MHG
Civil Engineers
Land Planners
Landscape Architects
Land Surveyors

9220 Wightman Road, Suite 120
Montgomery Village, MD 20886
Phone: 301.670.0840
www.mhgpa.com

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. Lic. No. 16905 Exp. Date. 04.21.2020

OWNER

RECTOR WARDENS & VESTRYMEN OF ST. ANNE'S EPISCOPAL CHURCH

25100 RIDGE ROAD
DAMASCUS, MD 20872

ARCHITECT

ZAVOS ARCHITECTURE + DESIGN
323 WEST PATRICK STREET
FREDERICK, MD 21701

CONTACT: JOHN KERSHNER
PHONE: (301) 698-0020
EMAIL: JKERSHNER
@ZAVOSARCHITECTURE.COM

LAND USE ATTORNEY

MILLER, MILLER & CANBY
200-B MONROE STREET
ROCKVILLE, MD 20850
CONTACT: JODY KLINE
PHONE: (301) 762-5212
EMAIL: JSKLINE@MMCANBY.COM

REVISIONS

NO.	DESCRIPTION	DATE

TAX MAPFX341 WSSC 235NW10

PLAT NO. 6531

12TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

PARCEL A
CHESNEYS SUBDIVISION

ST. ANNE'S EPISCOPAL CHURCH

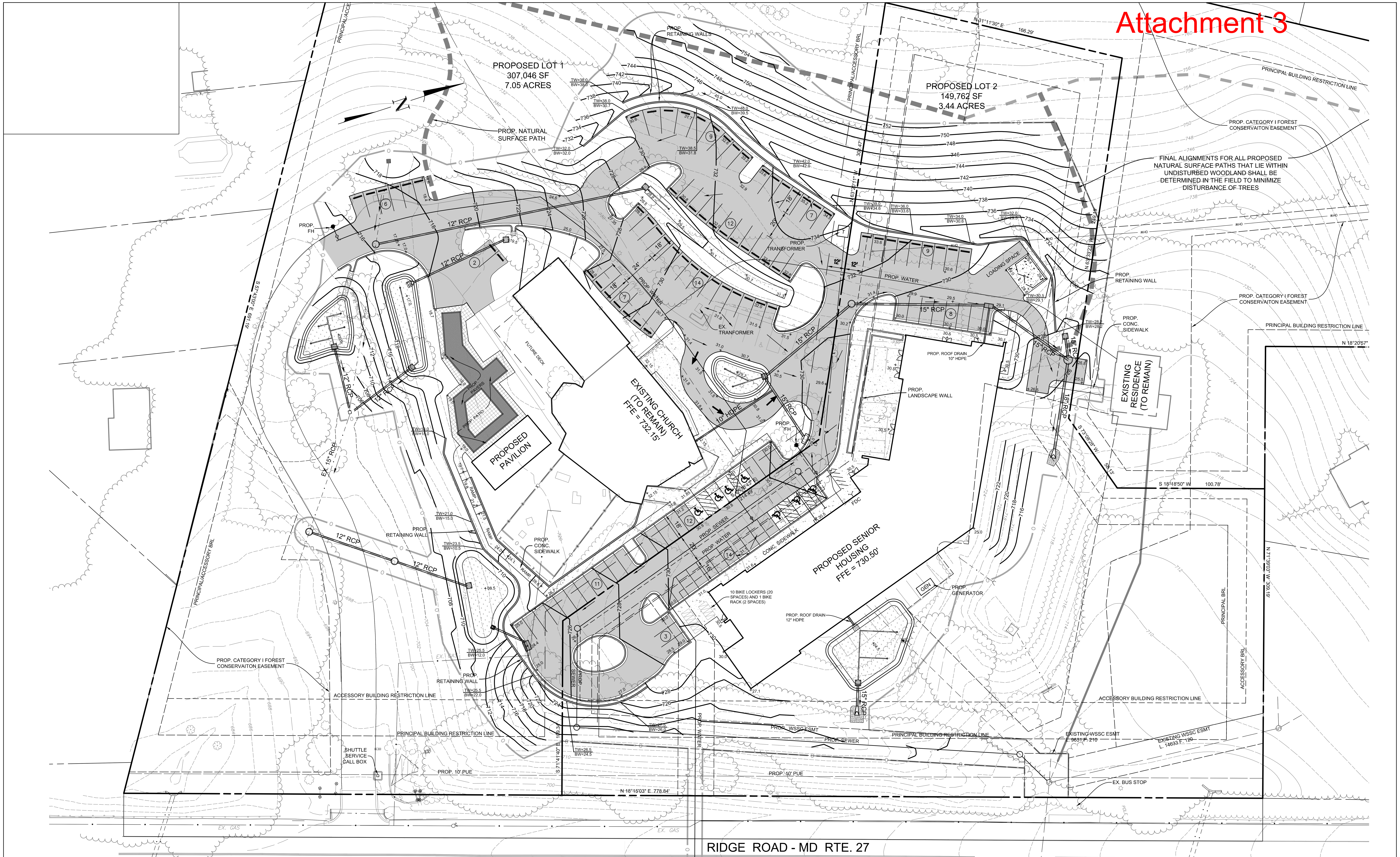
PROJ. MGR	KDJ
DRAWN BY	KDJ
SCALE	1"= 50'
DATE	11/15/19

PRELIMINARY PLAN

C2.11

PROJECT NO.	16.135.11
SHEET NO.	1 OF 2

Attachment 3



GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

SURVEYOR'S CERTIFICATE

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PROFESSIONAL LAND SURVEYOR
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REVISIONS

NO.	DESCRIPTION	DATE

TAX MAPFX341 WSSC 235NW10

PLAT NO. 6531

12TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

PARCEL A CHESNEYS SUBDIVISION

ST. ANNE'S EPISCOPAL CHURCH

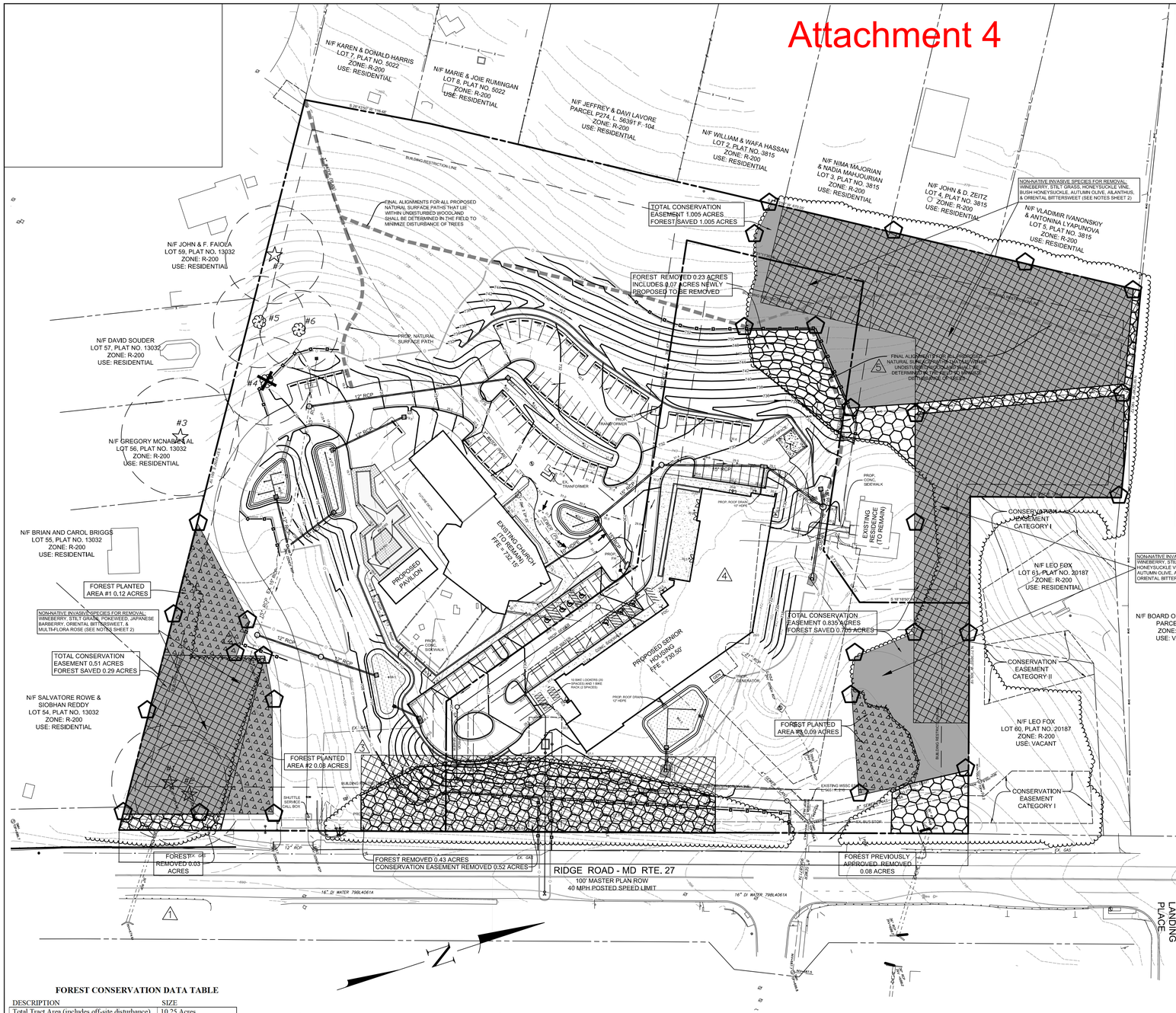
PROJ. MGR	KDJ
DRAWN BY	KDJ
SCALE	1"= 30'
DATE	11/15/19

PRELIMINARY PLAN

C2.12

PROJECT NO.	16.135.11
SHEET NO.	2 OF 2

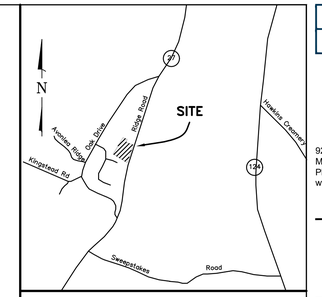
Attachment 4



GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.
50 0 25 50 100
15.24 0 7.62 15.24 30.48
(IN METERS)
1 inch = 15.24 m.

Legend

- SIGNIFICANT TREE
- SPECIMEN TREE
- APPROVED NRI TREE CANOPY
- TREE TO BE REMOVED
- LIMIT OF DISTURBANCE
- PROPERTY BOUNDARY
- OHW — OHW — OVERHEAD WIRES
- TEMP. TREE PROTECTION FENCE, ROOT PRUNING, & TEMPORARY TREE PROTECTION SIGNAGE (AS SHOWN IN TREE FENCE DETAIL)
- CRITICAL ROOT ZONE
- PROPOSED FOREST REMOVED/COUNTED AS REMOVED
- APPROVED FOREST CONSERVATION EASEMENT
- PROPOSED FOREST CONS. EASEMENT SUPPLEMENTAL FOREST PLANTING
- PROPOSED FOREST CONSERVATION EASEMENT
- APPROXIMATE NATURAL SURFACE TRAIL
- PERMANENT FOREST CONSERVATION SIGNAGE



VICINITY MAP
SCALE 1" = 2,000'

SC-02011A REVISION NOTES:

1. FC EASEMENT REDUCTIONS FOR PUE AND SD STRUCTURE
2. STORM DRAIN OUTFALL IMPROVEMENTS AND FC EASEMENT REDUCTIONS
3. FC EASEMENT REDUCTIONS FOR PUE, UTILITIES, AND GRADING
4. PROPOSED SENIOR LIVING WITH ASSOCIATED DEVELOPMENT IMPROVEMENTS
5. FC EASEMENT REDUCED FOR EXISTING UTILITIES AND INCREASED TO INCLUDE AREAS PREVIOUSLY COUNTED AS REMOVED. FOREST PLANTING ADDED TO COMPENSATE FOR EASEMENT REMOVAL
6. FC EASEMENT CALCULATIONS UPDATED

FOREST CONSERVATION DATA TABLE

DESCRIPTION	SIZE
Total Tract Area (includes off-site disturbance)	10.25 Acres
Off-site disturbance	0.01 Acres
Tract remaining in Agricultural Use	0.00 Acres
Road & utility ROW (unimproved)	0.00 Acres
Existing Forest	0.00 Acres
Total Forest Retention	2.20 Acres
Total Forest Cleared	0.55 Acres
Land Use Category	High Density Residential
Afforestation Threshhold	15%
Reforestation Threshhold	20%
Forest in Wetlands Retained	0.00 Acres
Cleared	0.00 Acres
Planted	0.00 Acres
Forest in 100-year Floodplain Retained	0.00 Acres
Cleared	0.00 Acres
Planted	0.00 Acres
Forest in StreamValley Buffer Retained	0.00 Acres
Cleared	0.00 Acres
Planted	0.00 Acres
Forest in other Priority Areas Retained	0.00 Acres
Cleared	0.00 Acres
Planted	0.00 Acres
Stream Valley Buffer Length	0 Feet
Avg. Width	0 Feet

NOTE: Tree inventory done by Frank Johnson, MHG, in December 2017.

TREE TABLE

ID #	Common Name	Botanical Name	DBH	CRZ (s.f.)	CRZ (radius)	Conditions/Remarks
*1	Tulip Poplar	Liriodendron tulipifera	35 - 34	8659	52.5	Fair - DW(deadwood), vines, baserot
*2	Tulip Poplar	Liriodendron tulipifera	33 - 26 - 19	7698	49.5	Poor - DW, P.Ivy, large cavity, epicormic growth
*3	Silver Maple	Acer saccharinum	36 -	9161	54	Good - multistem above 4.5'
4	Tulip Poplar	Liriodendron tulipifera	27 - 20	5153	40.5	Poor- Hazard split to base, 20" dead, vines; **REMOVE**
5	Tulip Poplar	Liriodendron tulipifera	28 - 15	5542	42	Good
6	Tulip Poplar	Liriodendron tulipifera	24 -	4072	36	Good
*7	Tulip Poplar	Liriodendron tulipifera	30 -	6362	45	Fair/Good - DW

Notes: Diameters are given for each trunk of multiple bole trees when division occurs below 4.5 feet. If major division occurs above 4.5 feet only the trunk diameter at 4.5 feet is given. Tree ID Numbers correspond to those assigned on the Natural Resource Inventory/Forest Stand Delineation Map.
* Specimen tree

NOTE: Trail location is approximate. Some trails exist and others are proposed. Final location of trail may be adjusted in field.

Know what's below. Call before you dig.
FOR UTILITY LOCATIONS CONTACT "ONE CALL" AT 811 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION

FOREST CONSERVATION WORKSHEET
St. Anne's Episcopal Church

NET TRACT AREA:

A.	Total tract area ... (includes 0.01 acres of off-site disturbance)	10.25
B.	Land dedication acres (parks, county facility, etc.) ...	0.00
C.	Land dedication for roads or utilities (not being constructed by this plan) ...	0.00
D.	Area to remain in commercial agricultural production/use ...	0.00
E.	Other deductions (specify)	0.00
F.	Net Tract Area ..... =	10.25

LAND USE CATEGORY: (from *Trees Technical Manual*)
Input the number "1" under the appropriate land use, limit to only one entry.

ARA	MDR	IDA	HDR	MPD	CIA
0	0	0	1	0	0

G.	Afforestation Threshold ...	15%	x F =	1.54
H.	Conservation Threshold ...	20%	x F =	2.05

EXISTING FOREST COVER:

I.	Existing forest cover ..... =	2.75
J.	Area of forest above afforestation threshold ..... =	1.21
K.	Area of forest above conservation threshold ..... =	0.70

BREAK EVEN POINT:

L.	Forest retention above threshold with no mitigation .... =	2.19
M.	Clearing permitted without mitigation ..... =	0.56

PROPOSED FOREST CLEARING:

N.	Total area of forest to be cleared ..... =	0.55	
O.	Total area of forest to be retained ..... =	2.20	
P.	Reforestation for clearing above conservation threshold .... =	0.14	
Q.	Reforestation for clearing below conservation threshold .... =	0.00	0
R.	Credit for retention above conservation threshold ..... =	0.15	
S.	Total reforestation required ..... =	0.00	0
T.	Total afforestation required ..... =	0.00	
U.	Credit for landscaping (may not exceed 20% of "S") ..... =	0.00	
V.	Total reforestation and afforestation required ..... =	0.00	

w orksheet updated 8/5/2002

6 Forest Conservation Worksheet per approved 2002 FCP #SC2002011. Approved Forest Easement totaled 2.35 acres. This amendment removes 0.62 acres of Conservation Easement and replaces it with 0.33 acres of forest previously counted as removed but now saved and 0.29 acres of on-site forest planting. Proposed conservation easement is 2.35 acres.

DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 120180230 , including financial bonding, forest planting, maintenance and all other applicable agreements.

Developer's Name: Mission First Housing Dev. Corp. (Company) Chris Everett (Contact Person)

Address: 1330 New Hampshire Ave, NW Suite 116 Washington, DC 20036
Phone: 202-223-3401
Email: ceverettmissionfirsthousing.org
Signature: _____

MHG
Civil Engineers
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Land Surveyors

9220 Wightman Road, Suite 120
Montgomery Village, MD 20886
Phone: 301.670.0840
www.mhgpa.com

FRANK C. JOHNSON
09/13/19
DATE
RECOGNIZED AS QUALIFIED PROFESSIONAL BY MD DEPT. OF NATURAL RESOURCES COMAR 08.19.06.01

Qualified Professional Certification
I hereby certify that the information shown hereon is correct and that this plan has been prepared in accordance with the requirements of the existing state and county forest conservation legislation.

APPLICANT

MISSION FIRST HOUSING DEVELOPMENT CORPORATION
1330 NEW HAMPSHIRE AVE, NW SUITE 116
WASHINGTON, DC 20036
CONTACT: CHRIS EVERETT
(202) 223-3403
CEVERETT @MISSIONFIRSTHOUSING.ORG

ARCHITECT

ZAVOS ARCHITECTURE + DESIGN
323 WEST PATRICK STREET
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ROCKVILLE, MD 20850
CONTACT: JODY KLINE
(301) 762-5212
JSKLINE@MMCANBY.COM

REVISIONS

NO.	DESCRIPTION	DATE
1	FC Easement changes & Senior Living Proposed	5/14/18

TAX MAP FX341 WSSC 235NW10

PLAT NO. 6531

12TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

PARCEL A
CHESNEYS SUBDIVISION

ST. ANNE'S EPISCOPAL CHURCH

PROJ. MGR	KDJ
DRAWN BY	FCJ
SCALE	1"= 50'
DATE	05/24/19

FINAL FOREST CONSERVATION PLAN MNCPPC# 120180230

L2.01

PROJECT NO.	16.135.11
SHEET NO.	1 OF 2

Attachment 5

MILLER, BEAM & PAGANELLI, INC.
CONSULTANTS IN ACOUSTICS, VIBRATION & AUDIOVISUAL SYSTEM DESIGN

November 12, 2019

Christopher Everett
Mission First Housing Development Corporation
Suite 116
1330 New Hampshire Avenue, NW
Washington, D.C. 20036

RE: ST. ANNE'S EPISCOPAL CHURCH - SENIOR APARTMENTS
Environmental / Transportation Noise Assessment

Dear Mr. Everett:

Miller, Beam & Paganelli, Inc. has performed a transportation noise study for the proposed four story senior housing residences at 25100 Ridge Road in Damascus, Montgomery County, Maryland. The site is subjected to associated roadway traffic noise from Ridge Road. A summary of the noise criteria, analysis, and results are presented below.

Criteria

The most commonly used sound level descriptor which relates the degree of environmental noise to its subjective annoyance is the day-night average sound level, abbreviated DNL or L_{dn}. It is an A-weighted (simulating human hearing and denoted dBA), 24-hour average sound level with levels during the nighttime hours (10 p.m. through 7 a.m.) mathematically increased by 10 dBA to account for increased sensitivity to noise at night.

The HUD noise guidelines are the basis for the environmental noise criteria of many government and lending agencies, including Montgomery County. The goal of the criteria is to limit noise levels within residential units to not exceed 45 DNL. HUD assumes that normal building construction methods and materials will provide 20 dBA of noise reduction. Therefore, buildings exposed to noise levels less than 65 DNL are assumed to result in interior noise levels less than 45 DNL. However, buildings exposed to noise levels exceeding 65 DNL may require "better than normal" construction methods and/or materials to achieve interior noise levels less than 45 DNL. When applicable, noise levels in sensitive outdoor areas should not exceed 65 DNL.

Development Site Noise Sources and Exterior Noise Exposures

The current site plan is shown in Figure 1 below, indicating the location of the proposed four story senior apartment building. At its closest point, the building is approximately 110 ft from the centerline of Ridge Road - MD Rte. 27.

A measurement of the existing environmental noise levels at the site was performed between approximately 3 pm October 23 and 3 pm, October 24, 2019. Sound pressure level measurements were made using a B&K integrating sound level analyzer Type 2270, which meets ANSI standards for Type 1 (precision) instruments, and was field calibrated prior to the testing.

The primary noise assessment location was the south building corner closest to Ridge Road. The building location is on a hill/plateau, the edge of which can provide some obstruction of the road

noise at ground level. Thus, the microphone was attached to a pole and raised to an elevation of approximately 15 feet above grade in order minimize any terrain shielding effects and provide noise levels to be expected at upper building elevations.

Based on the on-site measured noise levels, the south building edge is expected to be exposed to noise levels in the 67-68 DNL range. Based on data obtain by the project's traffic engineer from MDOT SHA, 2017 annual average daily traffic volume for this segment of Ridge Road was 21,330 vehicles. Using historical data to calculate a conservative growth rate of 0.5% per year, current 2019 traffic volumes are estimated to be 21,545 vehicles and future year 2035 volumes are projected to be 23,335 vehicles. This represents a conservative increase of 0.5 dBA over existing noise levels, or a future year 2035 noise level of 68 DNL. The current and year 2035 unmitigated 65 DNL noise contours are shown on Figure 1, and are approximately 200 ft and 220 ft from the centerline of Ridge Road, respectively.

Thus, current and projected noise levels at the southern building locations exceed the impact criterion level of 65 DNL. Therefore, upgraded building construction components and methods may be necessary to ensure interior noise levels are less than 45 DNL.

Note that the actual noise exposure levels are more complicated than implied by the simplistic unmitigated noise contours. For example, in addition to noise levels diminishing with increased distance from the source and the potential topographic effects mentioned above, self-shielding will be provided by the building itself, such that noise levels at building elevations not facing the road will be much quieter than the south faces and, therefore, are not expected to be noise impacted.

Interior Noise Levels

As noted above, some building locations will be moderately noise impacted and therefore may require upgraded construction. Since windows and glass patio doors are often weaker acoustically than the wall systems, selecting a better than typical window system is usually the only upgrade necessary in order to reduce interior noise levels to less than 45 DNL. Though a wall upgrade may be needed, standard wall construction is usually acceptable.

The degree of the window upgrade is to be determined and depends on several factors, such as exterior noise levels, window sizes and area percentages, and interior room layouts. Thus, as building designs are developed, we can provide guidance and noise mitigation recommendations, as needed, to ensure sufficient noise mitigation to meet the interior noise criteria.

Noise Levels in Outdoor Spaces

As noted above, noise sensitive outdoor areas should not exceed 65 DNL. There is a proposed outdoor patio area located at the northwest side of the building as shown in Figure 1. The patio area is beyond the noise contours and shielded from the roadway by the building. Thus, noise levels at the patio area will be less than 65 DNL and therefore meet the noise standards.

Conclusion

An environmental exterior noise analysis was performed for the proposed St Anne's Senior Apartments in Damascus, Montgomery County, Maryland. The analysis determined the building's south end to be moderately noise impacted. As building designs are developed, noise mitigation recommendations can be provided to ensure the interior noise standards are met. The outdoor patio area on the northwest side of the building is sufficiently distant and shielded from traffic noise sources to meet the standards for noise sensitive outdoor use.

Please contact us if you have any questions.

Sincerely,

Douglas P. Koehn

Douglas P. Koehn, M.S.
Senior Consultant

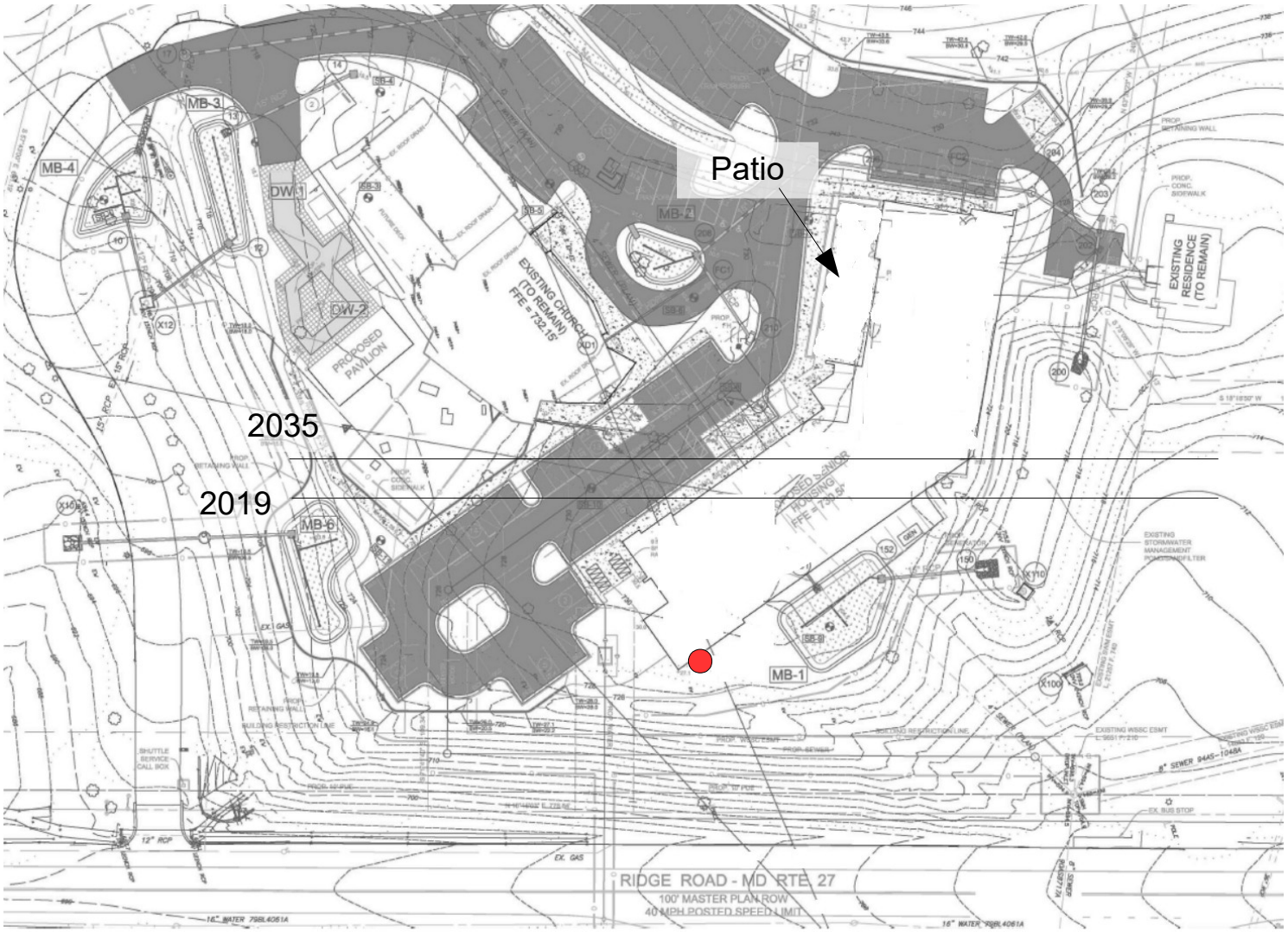


Figure 1: Site Plan with Primary Noise Assessment Location (●) and Unmitigated 65 DNL Noise Contours 2019 and 2035

PLAT No 6531

Attachment 6

ENGINEER'S CERTIFICATION

I hereby certify that the plan shown hereon is correct; that it is a subdivision of all the lands conveyed by Roy P. Chesney et ux, to The Convention of the Protestant Episcopal Church of the Diocese of Washington by deed dated June 6, 1960, and recorded in the Land Records of Montgomery County, Md. in Liber 2554 at Folio 145, and that pipes marked thus —o— are in place.

DATE: Oct. 16, 1961 R. K. Maddox

R. K. MADDOX - REGISTERED LAND SURVEYOR MD. No. 528

OWNER'S DEDICATION

We, The Convention of the Protestant Episcopal Church of the Diocese of Washington, a corporation created by an act of Congress, by Bishop Angus Dun, President, and Hilary J. Deason Secretary, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines, and that there are no street dedications concerning this plat.

THE CONVENTION OF THE PROTESTANT EPISCOPAL CHURCH OF THE DIOCESE OF WASHINGTON

DATE: 25 October 1961

ATTEST: Hilary J. Deason BY: Angus Dun

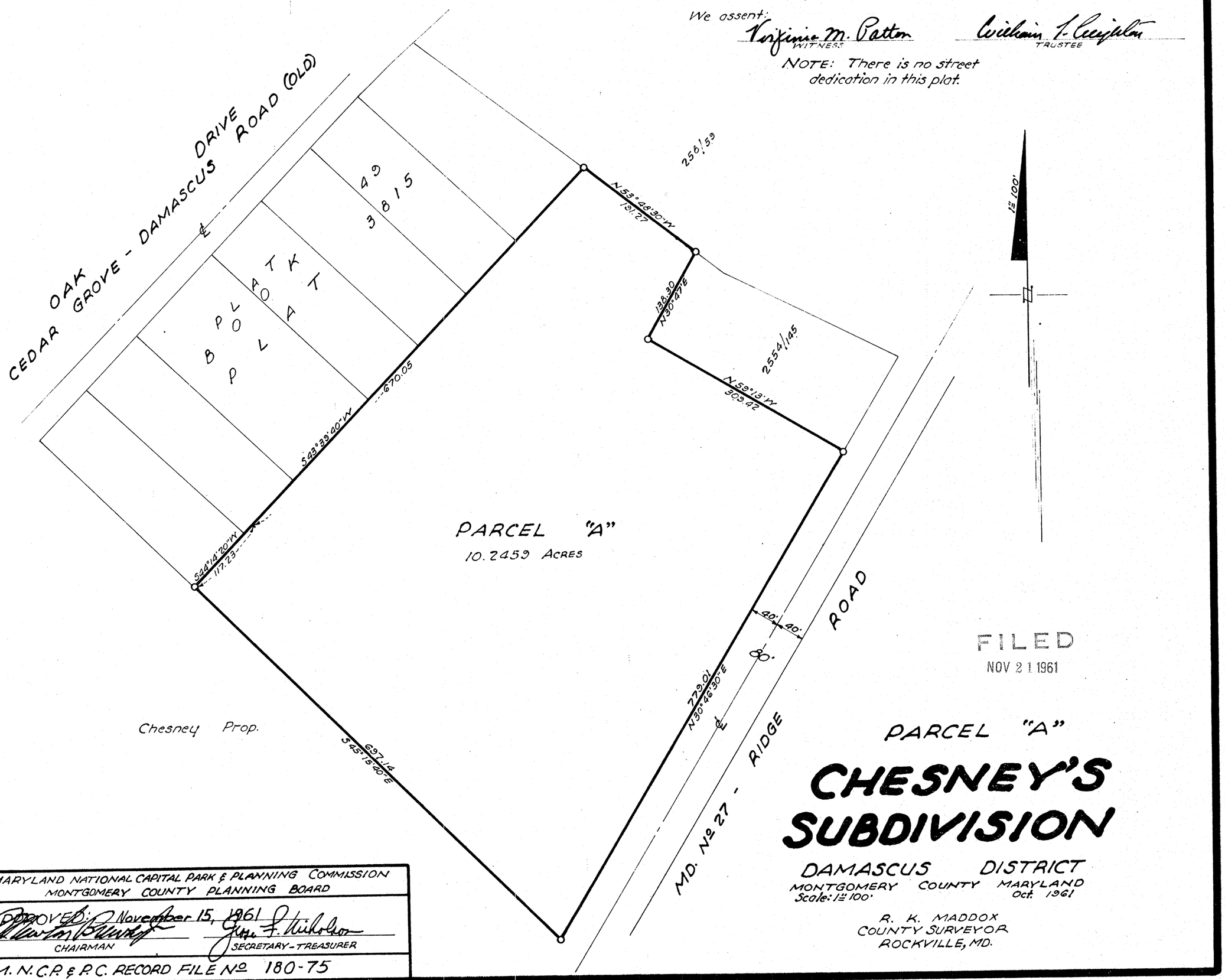
HILARY J. DEASON, SECRETARY — BISHOP ANGUS DUN, PRESIDENT

We assent:

Virginia M. Patton — WITNESS

William T. Coughlan — TRUSTEE

NOTE: There is no street dedication in this plat.



FILED
NOV 21 1961

PARCEL "A"

CHESNEY'S SUBDIVISION

DAMASCUS DISTRICT
MONTGOMERY COUNTY MARYLAND
Scale: 1" = 100' Oct. 1961

R. K. MADDOX
COUNTY SURVEYOR
ROCKVILLE, MD.

MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD

APPROVED: November 15, 1961

CHAIRMAN — SECRETARY-TREASURER

M.N.C.P.&P.C. RECORD FILE No. 180-75

Attachment 7

MONTGOMERY COUNTY, MARYLAND

December 28, 2018

TO: Parties to OZAH Case No. CU 18-11,

FROM: Montgomery County Office of Zoning and Administrative Hearings (OZAH)

SUBJECT: Notification of Decision and Applicable Procedures

On December 28, 2018, the Hearing Examiner issued a Report and Decision in **OZAH Case No. CU 18-11, *Application of St. Anne's Episcopal Community Development Corporation*** for a conditional use under Zoning Ordinance Section 59.3.3.2.C.2.c. The decision approves the application for a conditional use to build and operate an Independent Living Facility for Seniors or Persons with Disabilities, at 25100 Ridge Road (Route 27) in Damascus, Maryland, subject to the following conditions:

1. Physical improvements to the Subject Property are limited to those shown on the Applicant's Conditional Use Site Plan, Landscaping Plan, Lighting Plan and all other plans approved in this Report and Decision, subject to any revisions required by the Planning Board at Subdivision. The Applicant must file copies with OZAH of any plans modified at Subdivision.
2. The maximum number of dwelling units is limited to 76 units on 3.44 acres, and the density of the development is therefore limited to a maximum of 23 dwelling units per acre. Occupancy of the dwelling units shall be in accordance with the applicable Limited Use standards of Zoning Ordinance Sections 59.3.3.2.C.2.a. and b.
3. The maximum number of weekday employees is limited to four (4) persons during normal business hours. Weekend staff is limited to one (1) person. Additional staff may be permitted for emergencies and occasional special events.
4. The conditional use must be operated in a manner so as to provide the facilities and services to residents outlined in Applicant's Statement of Justification (Exhibit 8, p. 9). The Applicant and any successors in interest must also provide reasonable transportation to medical services, shopping areas, recreation and other community services desired by resident senior adults or persons with disabilities, as required by Zoning Ordinance Section 59.3.3.2.C.2.c.i.
5. The collection of solid waste refuse and recyclable materials must occur on a weekday and not on Saturday or Sunday.
6. The Applicant and any successors in interest must comply with the requirement of Zoning Ordinance Section 59.3.3.2.C.2.c.iii, that a minimum of 15 percent of the dwelling units are permanently reserved for households of very low income, or 20 percent for households of low income, or 30 percent for households of MPDU income. If units are reserved for households of more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs.

7. Prior to the issuance of any building permit for the subject conditional use, the Applicant must obtain approval of a Preliminary Plan of Subdivision and a Record Plat pursuant to Chapter 50 of the Montgomery County Code.

8. Prior to the approval of a Preliminary Plan of Subdivision, the Applicant must demonstrate compliance with the Bicycle Master Plan recommendations, including the recommended shared-use side-path along the west side of Ridge Road (MD 27) along the frontage of the subject property, or an alternative method of compliance acceptable to the Planning Board.

9. Prior to the approval of a Preliminary Plan of Subdivision, the Applicant must demonstrate an adequate pedestrian circulation plan that is appropriate for the subdivision, given its location and the type of proposed development and use, as provided in Montgomery County Code Section 50-4.2.D.1.

10. Prior to the approval of a Preliminary Plan of Subdivision, the parties to the Joint Parking Agreement (Exhibit 42) must execute that document, record it among the Land Records of Montgomery County and provide a copy of the executed and recorded Joint Parking Agreement to the Planning Department and to the Office of Zoning and Administrative Hearings for inclusion in the record of the conditional use application.

11. A Parking Facility Setback Waiver is hereby granted, pursuant to Zoning Ordinance §59.6.2.10, reducing the side setback required by Zoning Ordinance §59.6.2.5.K 2.b. from 24 feet to 0 feet, as shown on the Applicant's Conditional Use Site Plan.

12. Prior to the approval of the Preliminary Plan of Subdivision application, the Applicant must obtain approval of the stormwater management concept plan from the Montgomery County Department of Permitting Services.

13. As part of the approval of a Preliminary Plan of Subdivision application, the Applicant must obtain an approval from the Planning Board of a final Forest Conservation Plan Revision.

14. If the Applicant seeks to install an exterior sign, it must first obtain a sign permit from the Department of Permitting Services for any proposed sign, and must file a copy of any such sign permit with OZAH and amended plans showing the sign's location and details. The final design of the proposed sign must be in compliance with the Zoning Ordinance restrictions for signs displayed in a residential zone, or the Applicant must first obtain a sign variance from the Sign Review Board.

15. If the Applicant makes any significant changes to the colors of the proposed building, as shown in Exhibits 55(a) and (b), it must request an amendment to the Conditional Use Plans approved in this case

16. The proposed facility must meet all applicable Federal, State, and County licensure, certificate, and regulatory requirements.

17. The Applicant and any successors in interest must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the conditional use premises and operate the conditional use as granted herein. The Applicant and any successors in interest shall at all times ensure that the conditional use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements, including the annual payment of conditional use administrative fees assessed by the Department of Permitting Services.

The full text of the Hearing Examiner's report is available at the following website address: http://www.montgomerycountymd.gov/OZAH/spec_excep.html. Any person receiving this notice who does not have access to the internet or to a printer may request a paper copy of the report by stating in writing that he or she lacks internet or printer access. Any interested person may also make a paper copy of the report, at a cost of ten cents per page, by visiting our office in the County Council Office Building, 100 Maryland Avenue, Suite 200, Rockville, Maryland 20850. For further information on obtaining a paper copy, please call the Office of Zoning and Administrative Hearings at 240-777-6660.

Any party of record may file a written request to present an appeal and oral argument before the Board of Appeals, within 10 days after the Office of Zoning and Administrative Hearings issues the Hearing Examiner's Report and Decision. Any party of record may, no later than 5 days after a request for oral argument is filed, file a written opposition to it or request to participate in oral argument. If the Board of Appeals grants a request for oral argument, the argument must be limited to matters contained in the record compiled by the Hearing Examiner. A person requesting an appeal, or opposing it, must send a copy of that request or opposition to the Hearing Examiner, the Board of Appeals, and all parties of record before the Hearing Examiner.

Contact information for the Board of Appeals is listed below, and additional procedures are specified in Zoning Ordinance §59.7.3.1.F.1.c.

The Board of Appeals may be contacted at:

Montgomery County Board of Appeals
100 Maryland Avenue, Room 217
Rockville, MD 20850
(240) 777-6600
http://www.montgomerycountymd.gov/boa/

The Board of Appeals will consider your request for oral argument at a work session. Agendas for the Board's work sessions can be found on the Board's website and in the Board's office. You can also call the Board's office to see when the Board will consider your request. If your request for oral argument is granted, you will be notified by the Board of Appeals regarding the time and place for oral argument. Because decisions made by the Board are confined to the evidence of record before the Hearing Examiner, no new or additional evidence or witnesses will be considered. If your request for oral argument is denied, your case will likely be decided by the Board that same day, at the work session.

Parties requesting or opposing an appeal must not attempt to discuss this case with individual Board members because such *ex parte* communications are prohibited by law. If you have any questions regarding this procedure, please contact the Board of Appeals by calling 240-777-6600 or visiting its website: http://www.montgomerycountymd.gov/boa/.

cc: St. Anne's Episcopal Community Development Corporation, Applicant
Jody S. Kline, Esquire
Barbara Jay, Executive Director
Montgomery County Board of Appeals
All parties of record
Charles Frederick, Esquire, Associate County Attorney
Diane Schwartz-Jones, Director, Department of Permitting Services

Ehsan Motazedi, Department of Permitting Services
Greg Nichols, Manager, SPES at DPS
Gwen Wright, Director, Planning Department
Phillip Estes, Planning Department
Alexandre Espinosa, Director, Finance Department
Washington Suburban Sanitary Commission
Montgomery County Public Schools
Abutting and Confronting Property Owners
(or a condominium's council of unit owners or renters, if applicable)
Civic, Renters' and Homeowners' Associations within a half mile of the site
Any Municipality within a half mile of the site

Attachment 8

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
Stella B. Werner Council Office Building
Rockville, Maryland 20850
(240) 777-6660

IN THE MATTER OF:	*	
ST. ANNE'S EPISCOPAL COMMUNITY	*	
DEVELOPMENT CORPORATION	*	
Applicant	*	
Reverend Lee Davis	*	
Kenneth Jones	*	OZAH Case No. CU 18-11
Christopher Everett	*	
John Kershner	*	
Nicole White	*	
For the Application	*	
Jody S. Kline, Esquire	*	
Attorney for the Applicant	*	

* *

Before: Martin L. Grossman, Hearing Examiner
Director, Office of Zoning and Administrative Hearings

HEARING EXAMINER'S REPORT AND DECISION

TABLE OF CONTENTS

I. STATEMENT OF THE CASE AND DESCRIPTION OF PROCEEDINGS

On June 14 2018, St. Anne's Episcopal Community Development Corporation (hereinafter, "the Applicant" or "St. Anne's") filed an application for a conditional use under Zoning Ordinance §59.3.3.2.C.2.c., to establish an Independent Living Facility with 76 dwelling units for Seniors or Persons with Disabilities. The subject site consists of a 3.44 acre property, to be subdivided into Lot 2 from a 10.24 acre parcel of land owned by the "Rector, Wardens and Vestryman of St. Anne's Episcopal Church." The property owner has authorized this application. Exhibit 36. The site is identified as Parcel A, Chesney Subdivision, and it is located at 25100 Ridge Road (Route 27) in Damascus, just over one mile south of downtown Damascus. It is in the R-200 Zone and is subject to the *Damascus Master Plan.* The property has the Tax ID No. 12-00926447.

The conditional use application was originally accompanied by an application for a variance (Board of Appeals No. A-6569), but that was withdrawn on October 30, 2018 (Exhibit 40), when revisions to the plans suggested by Technical Staff of the Montgomery County Planning Department (Technical Staff or Staff) eliminated a retaining wall over 6.5 feet in height and thereby eliminated the need for a variance.

On November 2, 2018, Technical Staff issued a report, recommending approval of the application, subject to 14 proposed conditions. Exhibit 45. At the request of the Hearing Examiner (Exhibit 46), Staff supplemented its report on November 20, 2018 (Exhibit 47(a)).

Proposed amendments to some of the plans and supporting documents, including a Joint Parking Agreement with the abutting Church and a requested waiver of parking space and setback requirements, were filed with the Office of Zoning and Administrative Hearings (OZAH) by the Applicant on November 5, 2018 (Exhibits 41(a) – (i) and 42), and OZAH issued a notice of the motion to amend and waiver requests on November 6, 2018, giving parties until November 16, 2018 to object to the motion (Exhibit 43). No letters opposing the amendments

were received, and the amendments to the application were therefore automatically granted.

By the Notice issued on November 6, 2018, the OZAH also announced a public hearing to be held on December 7, 2018. Exhibit 43.

The Montgomery County Planning Board met on November 15, 2018, and unanimously recommended approval of the application, but with modifications to proposed conditions 11 and 12. The Board adopted the conditions recommended by Staff, as modified, concluding that "The project is consistent with the Damascus Master Plan and satisfies the requirements of the zoning ordinance for the approval of a conditional use for a senior independent living facility in the R-200 zone." *Planning Board letter of November 26, 2018 (Exhibit 49).*

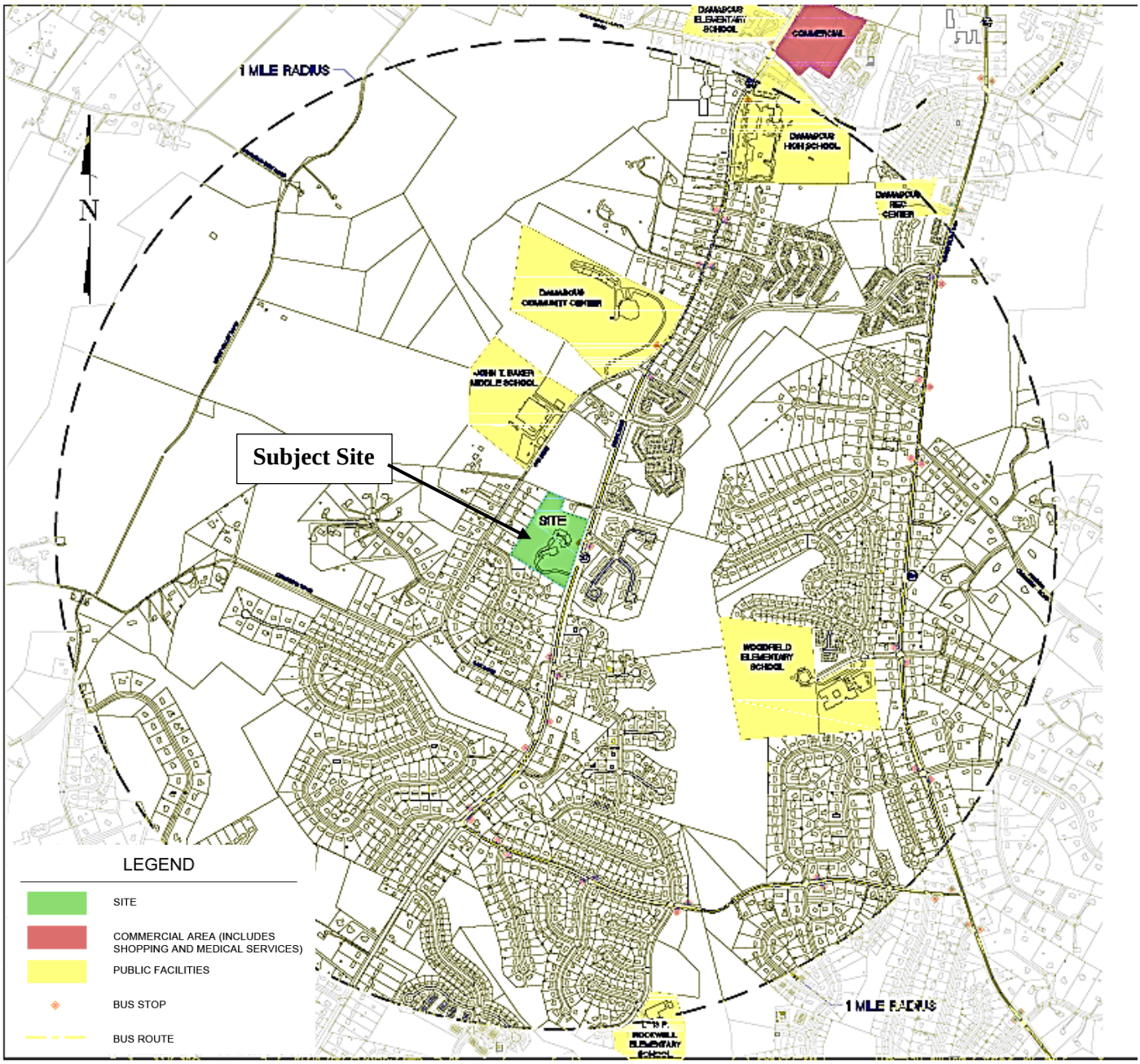
The December 7, 2018, public hearing proceeded as scheduled. The Applicant called five witnesses, and there was no other testimony. At the hearing, the Applicant introduced two rendered views of the proposed building (Exhibits 55(a) and (b)), thereafter filing electronic copies. The record was kept open till December 24, 2018 to give the Applicant the opportunity to also file a vicinity map in accordance with Zoning Ordinance §59. 3.3.2.C.2.c.i , and to allow Technical Staff time to comment. The map was filed on December 14, 2018 (Exhibit 59(a)), and Technical Staff commented that it was "accurate and acceptable" (Exhibit 60). The record closed, as scheduled, on December 24, 2018.

Based on the entire record, the Hearing Examiner finds that the proposed use, as set forth in the Conditional Use Site Plan and related Plans (Exhibits 15-20, 24, 25, 29, 30 and 41(a) – (i)), will meet all the criteria specified in the Zoning Ordinance. More specifically, it will be compatible with the neighborhood; it will be consistent with the goals of the applicable Master Plan; it will not have undue adverse effects on the neighbors; it will comply with development standards; and it will not harm the environment. Therefore, the Hearing Examiner approves the conditional use application, subject to the conditions listed in Part IV of this Report and Decision.

II. FACTUAL BACKGROUND

A. The Subject Property

The subject site consists of 3.44 acres of land (after subdivision of the existing 10.24 acre property) in the R-200 Zone. The site is identified as Parcel A, Chesney Subdivision, and it is located at 25100 Ridge Road (Route 27) in Damascus, just over one mile south of downtown Damascus, as can be seen on the Vicinity Map (Exhibit 59(a)) provided by the Applicant:



The site is well described by Technical Staff (Exhibit 45, pp. 4-5),

> The Property is situated on the west side of Ridge Road (MD 27), about 1.5 miles south of Main Street in Damascus. Access to the Property is from Ridge Road. The 10.24-acre Property has a varied and hilly topography. There are relatively steep slopes with mature trees cover that extend from an elevation of about 700 ft. at Ridge Road to about 720 ft. to a flatter area of the Property where the church building and parking lot is located. The parcel is irregularly shaped with 778 ft. of frontage along Ridge Road.
>
> The Property is developed with an approximately 15,500 sq. ft. church building and a separate two-story frame dwelling used for church-related services. The church building is set back approximately 200 ft. from the front property line. The dwelling is setback approximately 250 ft. from the front property line. There is a 25 ft. wide driveway with access from Ridge Road that serves a parking lot for 73 cars, and also provides access to the dwelling.
>
> Landscaping is present on the remainder of the Property. The landscaping consists of an ornamental lawn, meadowed areas, and a variety of trees, shrubs, evergreens and some invasive species. A dense line of mature evergreen trees is located along the Property's highest elevation, near the western property line.
>
> There are 2.75 acres of existing forest cover as shown on the existing forest conservation plan (SC2002011). The forested areas are in the northwestern section of the Property, along the north property line; and the southeastern corner, which contains an ephemeral stream channel. The slope along Ridge Road consists of manly forest cover, with some shrubs and evergreens. Another ephemeral channel is located near the northeastern property corner near Ridge Road.
>
> There are no wetlands or known rare or endangered species present. There are no historically significant structures or sites located on or near the Property.

It is shown below in an aerial photo provided by Technical Staff (Exhibit 45, p. 4):

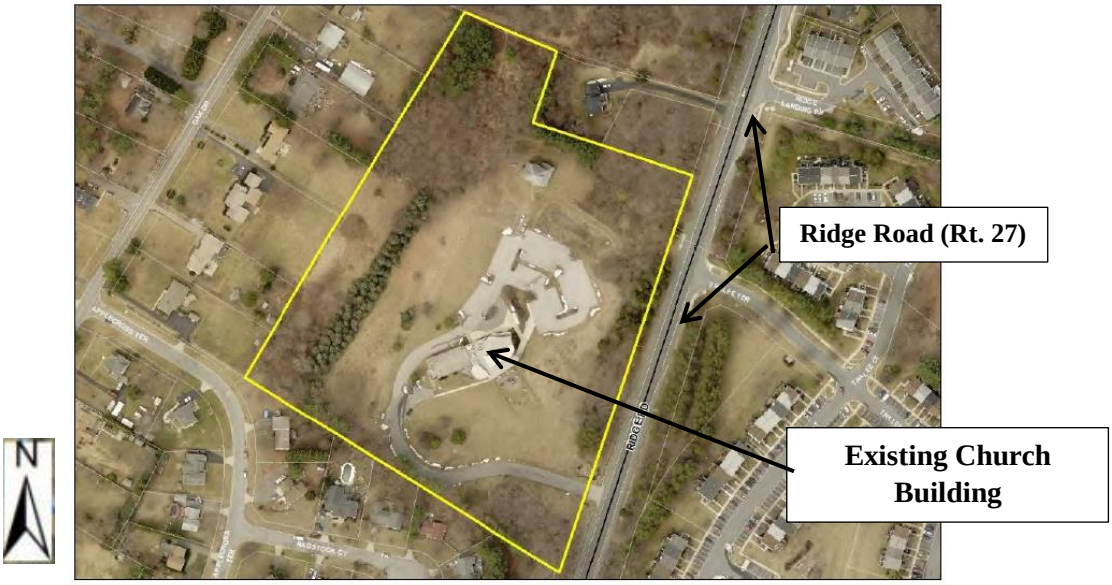


Figure 1 – Aerial view of the subject Property

Staff also attached photographs of the site to its Report (Attachment 3), some of which are reproduced below:

Photo No. 7 View of parking lot and church from west slope of property

Photo No. 4 View of church from driveway

Photo No. 5 View of property interior and house from northeast corner of property

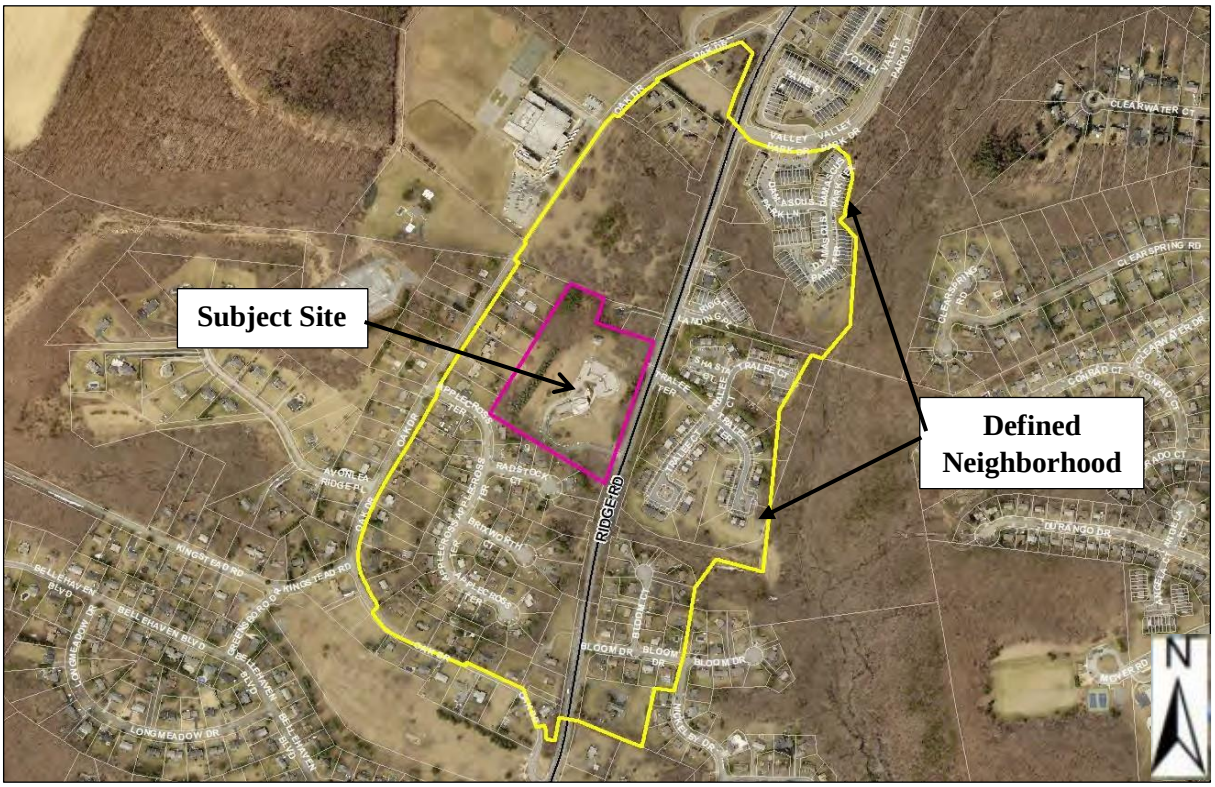
Photo No. 6 View of property interior and parking lot from west slope of property

Photo No. 2 North view of Ridge Road from driveway

Photo No. 8 View from driveway near church towards exit and Ridge Road

For the purpose of determining the compatibility of the proposed use, it is necessary to delineate and characterize the "surrounding neighborhood" (*i.e.*, the area that will be most directly impacted by the proposed use). Technical Staff has defined the surrounding neighborhood to include all abutting and confronting properties. Specifically, ". . . The neighborhood boundary begins at the intersection of Oak Drive and Ridge Road, follows south along Oak Drive to the intersection of Ridge Road at Joh Haines Park, north on Ridge Road to Bloom Drive, west on Bloom Drive, then roughly north along the western boundary of Upper Magruder Branch Park to Valley Park Drive, then west to the intersection with Ridge Road and north to Oak Drive." Exhibit 45, pp. 6-7. It is virtually identical with the definition proposed by the Applicant (Exhibit 8, p. 6).

The Hearing Examiner accepts Staff's proposed definition of the neighborhood, as it includes the area and uses most likely to be affected by the proposed facility. Technical Staff also provided an aerial photo showing the defined neighborhood, and a chart and map showing the zoning and uses within the neighborhood (Exhibit 45. pp. 6-8), all of which are reproduced below:



The existing zoning and land uses, as provided in Staff's Table and Zoning Map, below:

Table 1 - Neighborhood Description

Existing Zoning	
Subject:	R-200 (Residential 200)
North	R-200, R-90
South:	R-200
East:	RT-12.5 (Residential-Townhouse)
West:	R-200

Existing Land Use	
Subject:	Church and daycare
North:	Detached dwellings, vacant land
South:	Detached dwellings, veterinary clinic
East:	Townhomes
West:	Detached dwelling

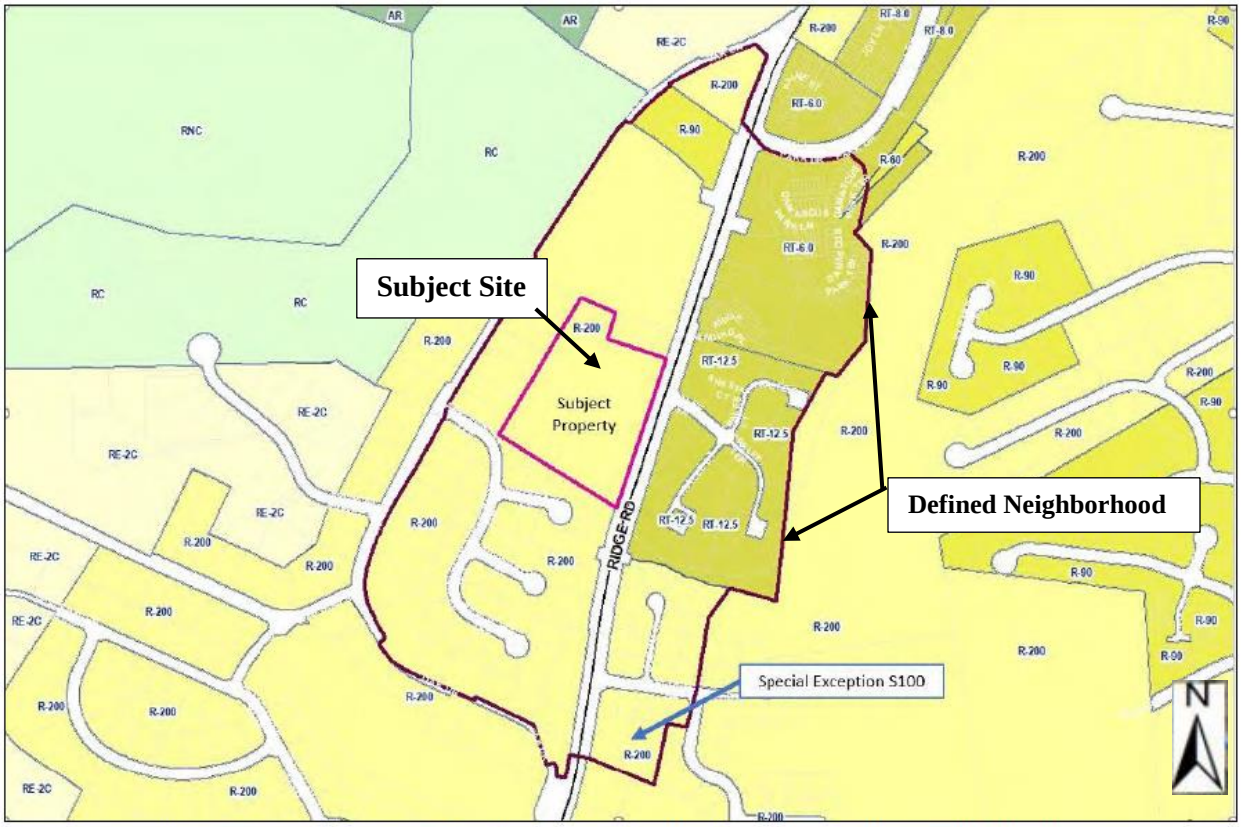


Figure 4 – Zoning map and conditional uses located within the defined neighborhood.

According to Staff, the neighborhood consists primarily of suburban residential homes and vacant school district property. There is one conditional use/special exception (S-100) located within the defined neighborhood at 24939 Ridge Road, south of the subject site. It was approved in 1972 for a veterinary hospital, and it has been in continuous operation since then. To the north, west and south are detached dwellings and vacant land, and to the east are townhouse developments.

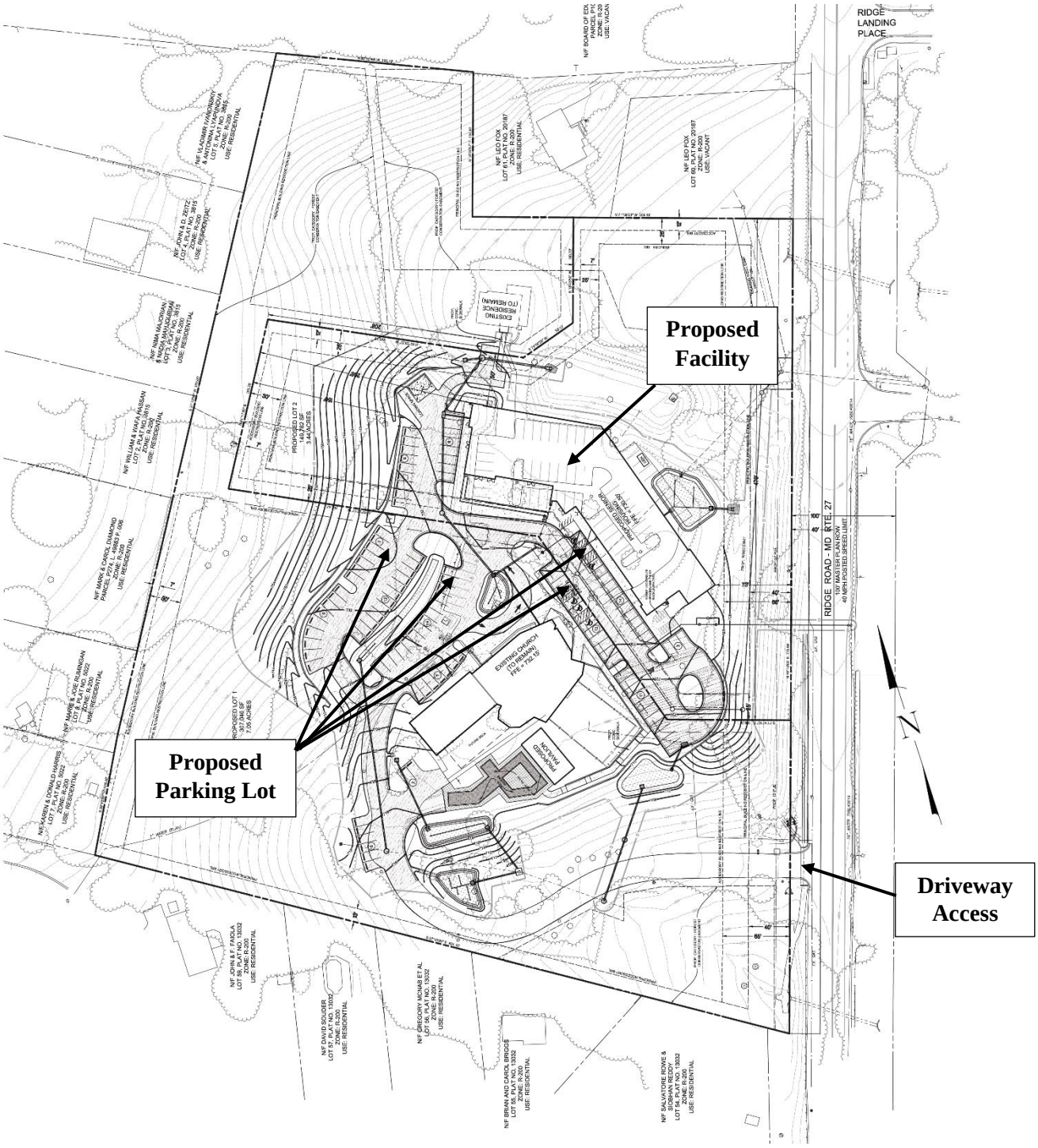
C. Proposed Use

The Applicant seeks a conditional use, pursuant to Section 59.3.3.2.C.2.c. of the Zoning Ordinance, to construct and operate an Independent Living Facility for Seniors or Persons with Disabilities, consisting of 76 independent living units on a 3.44 acre site (Lot 2). The proposal is described by the Technical Staff (Exhibit 45, pp. 8-9),

> The Project consists of the construction and operation of an independent senior living facility in a new 73,000 sq. ft., four-story, 76-unit apartment building . . .. The portion of the Property subject to the conditional use review consist[s] of 3.44 acres of the 10.24-acre Property and is delineated as Lot 2. . . .
>
> The facility will include a resident community room, sitting room, library, wellness suite, fitness room, cybercafé, and on-site property management.
>
> * * *
>
> Vehicular ingress and egress are from Ridge Road via a 25 ft. wide driveway. The parking lot is set back approximately 51 ft. from the front property line and is obscured by the forested slope on Ridge Road. Thirty-four (34) surface car parking spaces, 20 bicycle parking spaces, and three accessible spaces (including one van accessible space) are provided. The proposed parking lot, which is situated between the church and the apartment building, contains a total of 114 spaces and will be used by both the church and the conditional use through a joint shared use agreement (Attachment No. 4 [to the Staff Report]).
>
> * * *
>
> Retaining walls within the Property interior will be built to support parking lots and drive aisle access. . . . Due to the interior location of the retaining walls and the site topography, walls are not visible from off-site views or are adequately obscured by landscaping and mature trees. Retaining walls may be partially visible from Ridge Road from the driveway entrance, but due to the distance setback from the roadway, the impact on the viewshed from Ridge Road is not significant.
>
> The house is situated between north side property line and the proposed apartment building. The house is set back approximately 250 ft. from the front property line and approximately 112 ft. from the north side property line.
>
> <u>Preliminary Plan</u>
> As part of a separate application, the Applicant indicates that a Preliminary Plan No. 120180230 for a two-lot subdivision has been submitted. This subdivision will create a 7.05-acre lot for the church and house (Lot 1), and a 3.44-acre lot for the apartment building (Lot 2).

1. Site Plan, Elevations and Floor Plans

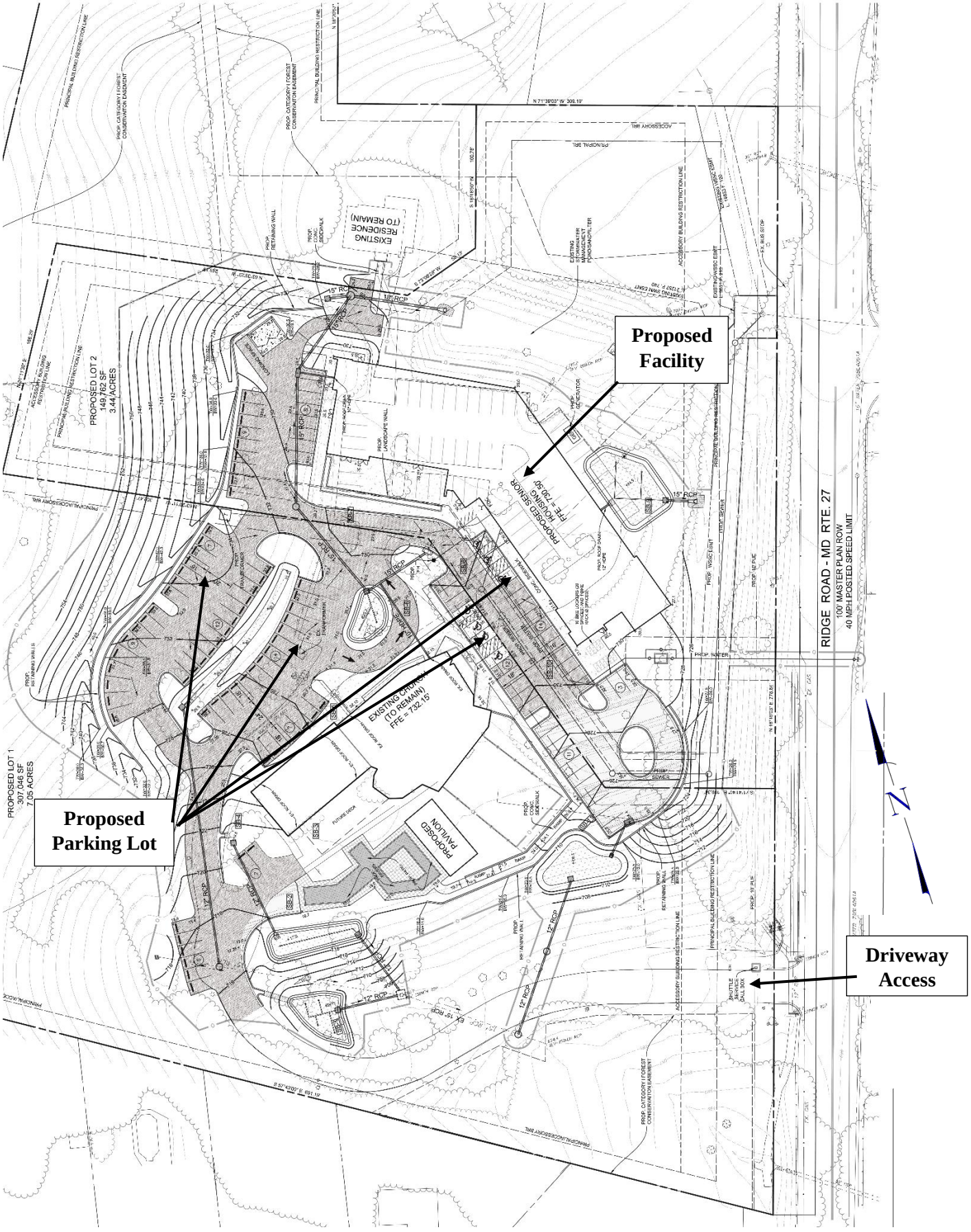
The design of the facility is demonstrated by the Revised Conditional Use Site Plan (Exhibits 41(a) and (b)), followed by Elevations (Exhibits 15-18) and Floor Plans (Exhibit 19):



STANDARD METHOD DEVELOPMENT STANDARDS: R-200 ZONE
59-4.4.7
PROPOSED LOT 2
SENIOR HOUSING FACILITY

	PERMITTED/REQUIRED	PROVIDED PER THIS PLAN
MINIMUM NET LOT AREA:	20,000 SF	149,762 SF (3.44 ACRES)
MIN. LOT WIDTH AT FRONT BUILDING LINE:	100 FT	479 FT
MIN. LOT WIDTH AT FRONT LOT LINE:	25 FT	479 FT
MAXIMUM DENSITY:	AS DETERMINED BY THE HEARING EXAMINER[1]	
MAXIMUM COVERAGE:	25%	13%
PRINCIPAL BUILDING MIN. FRONT SETBACK:	50 FT[2]	73 FT
PRINCIPAL BUILDING MIN. SIDE SETBACK:	25 FT[3]	32 FT
PRINCIPAL BUILDING MIN. SUM OF SIDE SETBACKS:	50 FT[4]	82 FT
PRINCIPAL BUILDING MIN. REAR SETBACK:	30 FT	208 FT
ACCESSORY STRUCTURE MIN. FRONT SETBACK:	65 FT	N/A
ACCESSORY STRUCTURE MIN. SIDE SETBACK:	12 FT	N/A
ACCESSORY STRUCTURE MIN. REAR SETBACK:	7 FT	N/A
PRINCIPAL BUILDING HEIGHT:	60 FT[1]	45 FT[6]
MIN. GREEN AREA:	60%[7]	75%
MIN. REAR PARKING SETBACK:	30 FT[8]	150 FT
MIN. SIDE PARKING SETBACK:	24 FT[9]	0 FT[5]
VEHICLE PARKING REQUIRED:		
1.0 PER DWELLING UNIT:	76 (76 DWELLING UNITS)	
0.5 PER EMPLOYEE:	2 (4 EMPLOYEES)	
TOTAL:	39 SPACES[10]	34 SPACES[11]
ACCESSIBLE SPACES:	2 SPACES	3 SPACES
BICYCLE PARKING REQUIRED:		
0.25 PER DWELLING UNIT:	19 (76 DWELLING UNITS)	
LONG TERM SPACES:	18 SPACES	20 SPACES[12]
SHORT TERM SPACES:	1 SPACE	2 SPACES

[1]PER 59-3.3.2.C.2.c.iv, MAXIMUM BUILDING HEIGHT OF AN INDEPENDENT LIVING FACILITY FOR SENIORS OR PERSONS WITH DISABILITIES IS 60 FT AND THE MAXIMUM DENSITY IS DETERMINED BY THE HEARING EXAMINER.
[2]PER 59-3.3.2.C.2.c.vi, MINIMUM FRONT SETBACK IS 50 FT.
[3]PER 59-3.3.2.C.2.c.vii, MINIMUM SIDE SETBACK IS 25 FT.
[4]PER PER 59-3.3.2.C.2.c.vii, EFFECTIVE MINIMUM SUM OF SIDE SETBACKS IS 50 FT.
[5]PARKING WAIVER REQUEST PENDING
[6]BASED ON INFORMATION PROVIDED BY ARCHITECT AND MEASURED FROM AVERAGE GRADE = 727.00'
[7]PER 59-3.3.2.C.2.c.viii, MINIMUM GREEN AREA IS 60% IN THE R-200 ZONE.
[8]PER 59-6.2.5.K.2.a, MINIMUM REAR PARKING SETBACK EQUALS THE MINIMUM REAR SETBACK REQUIRED FOR THE DETACHED HOUSE
[9]PER 59-6.2.5.K.2.b, MINIMUM SIDE PARKING SETBACK EQUALS 2 TIMES THE MINIMUM SIDE SETBACK REQUIRED FOR THE DETACHED HOUSE
[10]0.5 ADJUSTMENT FACTOR APPLIED TO SENIOR HOUSING PER 59-6.2.3.I.2.b
[11]ADDITIONAL REQUIRED SPACES PROVIDED ON LOT 1
[12]20 LONG TERM SPACES PROVIDED BY 10 BIKE LOCKERS

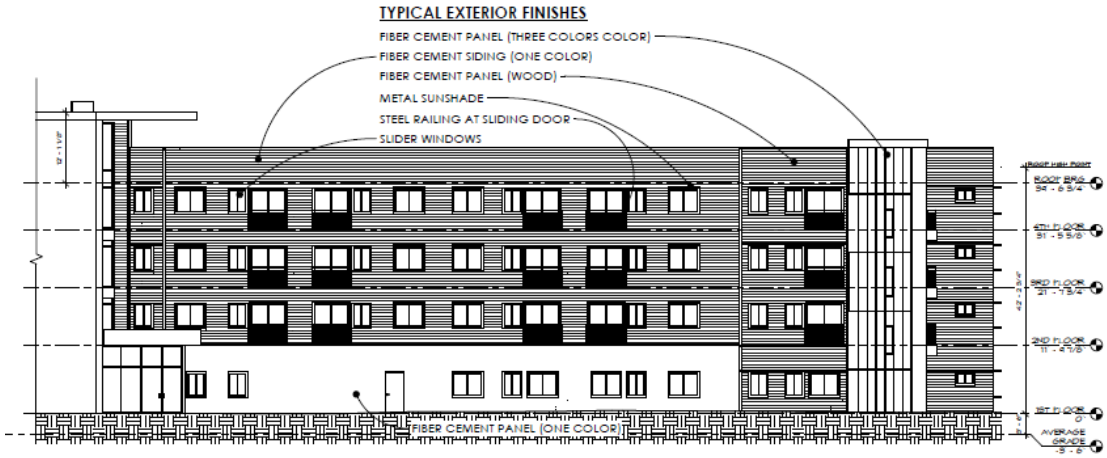

Proposed Facility
Proposed Parking Lot
Driveway Access
RIDGE ROAD - MD RTE. 27
100' MASTER PLAN ROW
40 MPH POSTED SPEED LIMIT
PROPOSED LOT 2
149,762 SF
3.44 ACRES
PROPOSED LOT 1
307,046 SF
7.05 ACRES
EXISTING RESIDENCE (TO REMAIN)
EXISTING CHURCH (TO REMAIN)
FFE = 732.15'
PROPOSED PAVILION
PROPOSED SENIOR HOUSING FFE = 730.50'
N

The Applicant's proposed Elevations (Exhibits 15-18) and Floor Plans (Exhibit 19) are reproduced below:

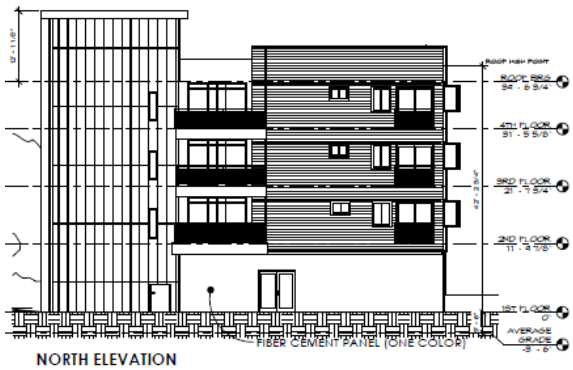
ELEVATIONS

ST. ANNE'S SENIOR APARTMENTS

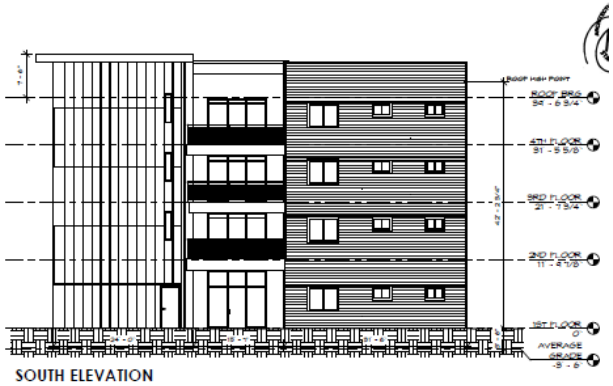
25100 RIDGE RD, DAMASCUS, MD 20872



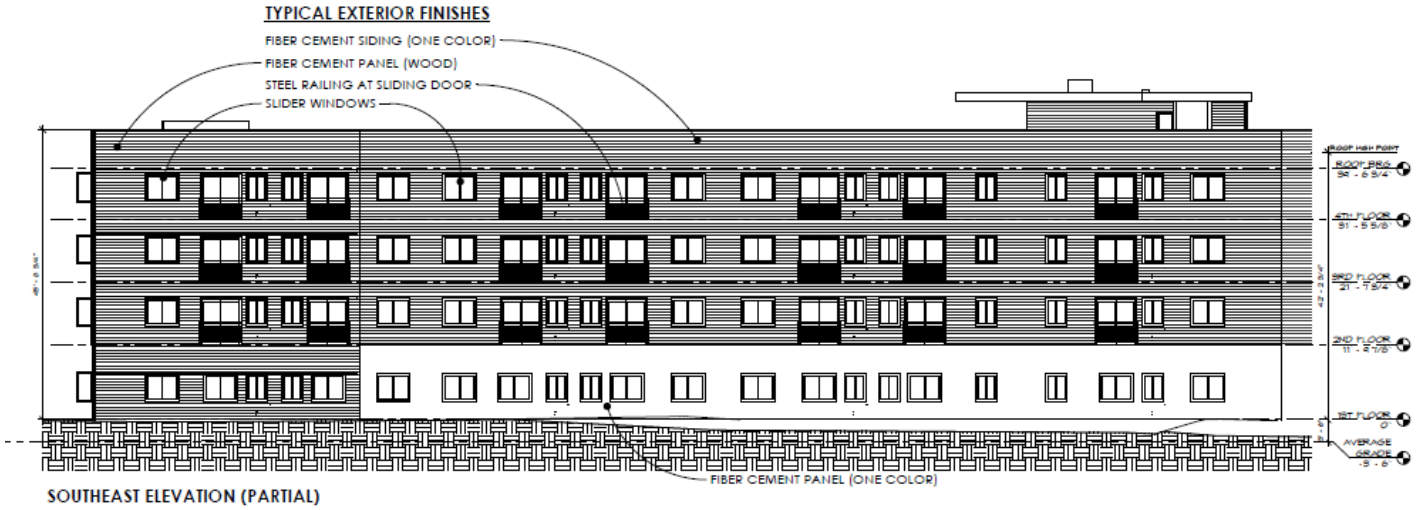
NORTHWEST ELEVATION (PARTIAL)



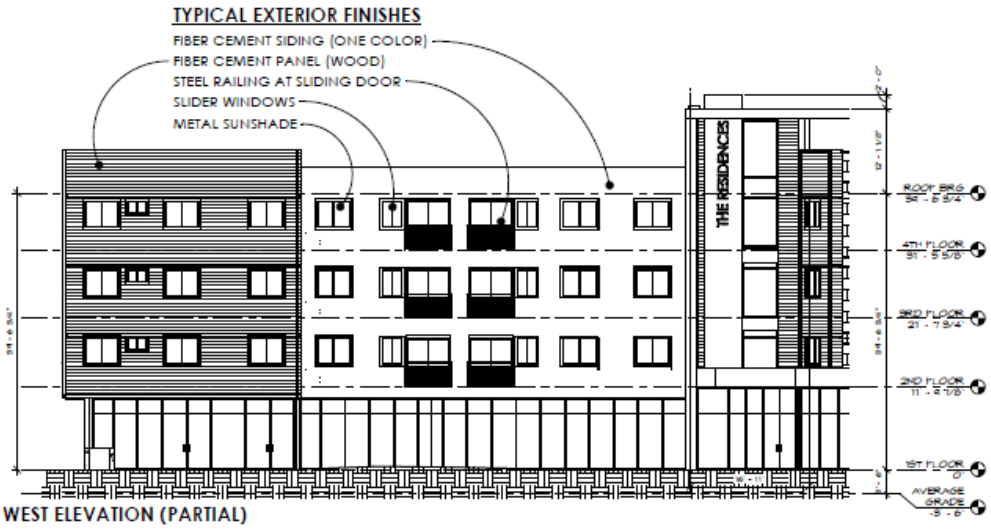
NORTH ELEVATION



SOUTH ELEVATION

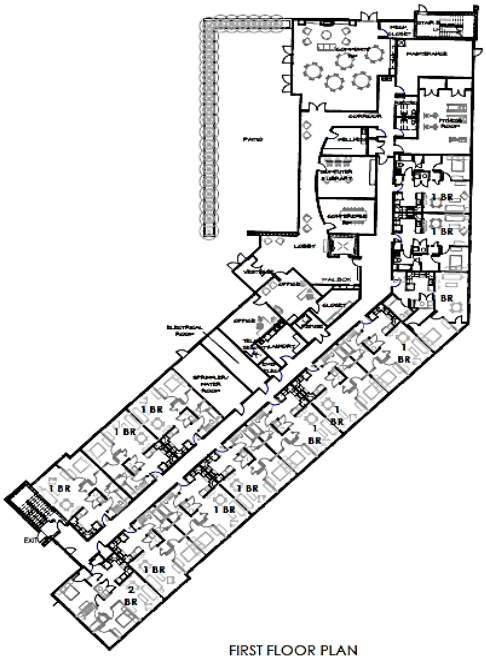


SOUTHEAST ELEVATION (PARTIAL)

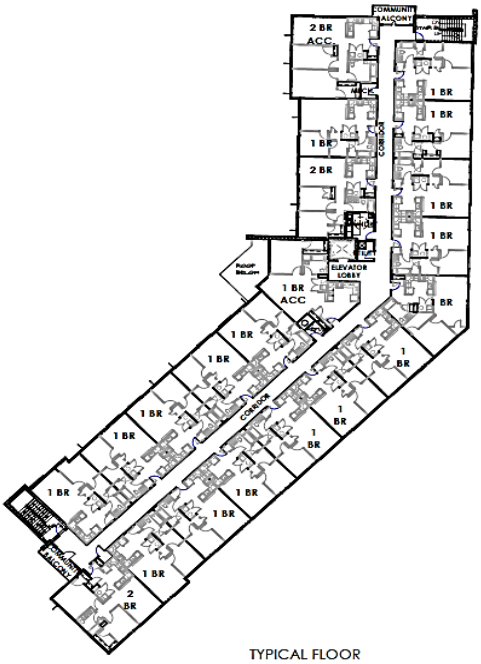


WEST ELEVATION (PARTIAL)

EAST ELEVATION (PARTIAL)



FIRST FLOOR PLAN



TYPICAL FLOOR PLAN (2ND - 4TH)

Applicant's architect, John Kershner, testified at the hearing regarding his design of the proposed building (Tr. 88-109), and he brought images of what it will look like (Exhibits 55(a) and (b)), which are reproduced below:

According to Mr. Kershner (Tr. 93),

> . . . [The] topography of the site determined many of the positioning decisions . . . We decided to take it to the lower, flatter section east of the church, where the current parking lot is located. And that would have the least impact on neighbors. The other thing that we took into consideration was the connection to the existing church, and the impact that it would have between church parishioners and residents of the new building. We felt like that would create the best length between the two.

Mr. Kershner designed a "podium" style building, with parking underneath, but instead:

> . . . opted to provide residential units instead of the [underground] parking, and make the footprint of the building smaller. . . . [The] main elements are the vertical stair towers, and the elevator tower at the, kind of centralized core of the building. The elbow of the building. All public activities initiate at the main entry to the

> building and are located on the first level. . . . So all of the common activities take place off of the central core and then spread out to the north end of the building. We have a small patio outside of the main entry to the building that will be used by residents, as well as a community room, fitness area, computer room, conference areas, just general spaces for residents to gather and to have events. There is a small section of area to the south of the main lobby that has offices for management." Tr. 98-100.

Mr. Kershner also testified as to the materials to be used in the building façade, the location of the generator, and their compatibility with the surrounding neighborhood (Tr. 101-104):

> [T]he main materials that we're using are going to be cement poured panels, cement-based product. Masonry at the lower level, and then punched openings for the windows. . . . The panels themselves will be broken up by different colors to create a visual interest to the façade. The colors will be in line with the surroundings.
>
> . . . So the generator is going to be located on the rear side of the building. . . . The impact of that location is minimal as there are no real adjacent properties located right by the generator. . . .
>
> . . . We looked at the existing church building and this design, I think is in harmony with the existing church building which is the main structure that it would be adjacent to. I can't say that the design will be compatible or in harmony with the surrounding residences because of the different type of building, the different use. But I can say that the impact will be very minimal given the distance from surrounding properties, as well as screening in the form of trees and landscaping, and topography.

Mr. Kershner indicated that although the building materials and style of building are not similar to single-family residences, the proposed building will have minimal impact on the single-family residences in the neighborhood because of distance and screening. He agreed that since it will be minimally visible due to distance and screening, it will be compatible with the neighborhood in that sense. Tr. 105.

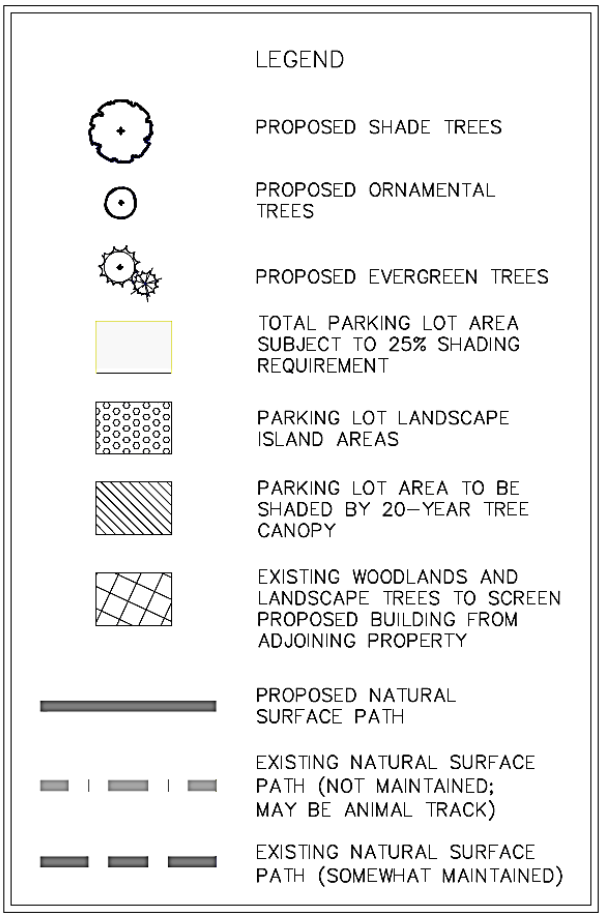
Since Mr. Kershner would not commit to the final colors of the proposed building, the Hearing Examiner noted that any significant changes from the colors depicted in the images shown in Exhibits 55(a) and (b) would require a request to amend the conditional use plans. The Applicant's counsel agreed to that condition. Tr. 106-108.

As mentioned by Technical Staff, the Applicant proposes to enter into a Joint Parking Agreement (Exhibit 42) by which it can satisfy the 5-parking space shortfall on the subject site. That arrangement and the Applicant's request for a parking lot setback waiver are discussed in Part III.D.2. of this Report and Decision, the section of the General Development Standards pertaining to parking.

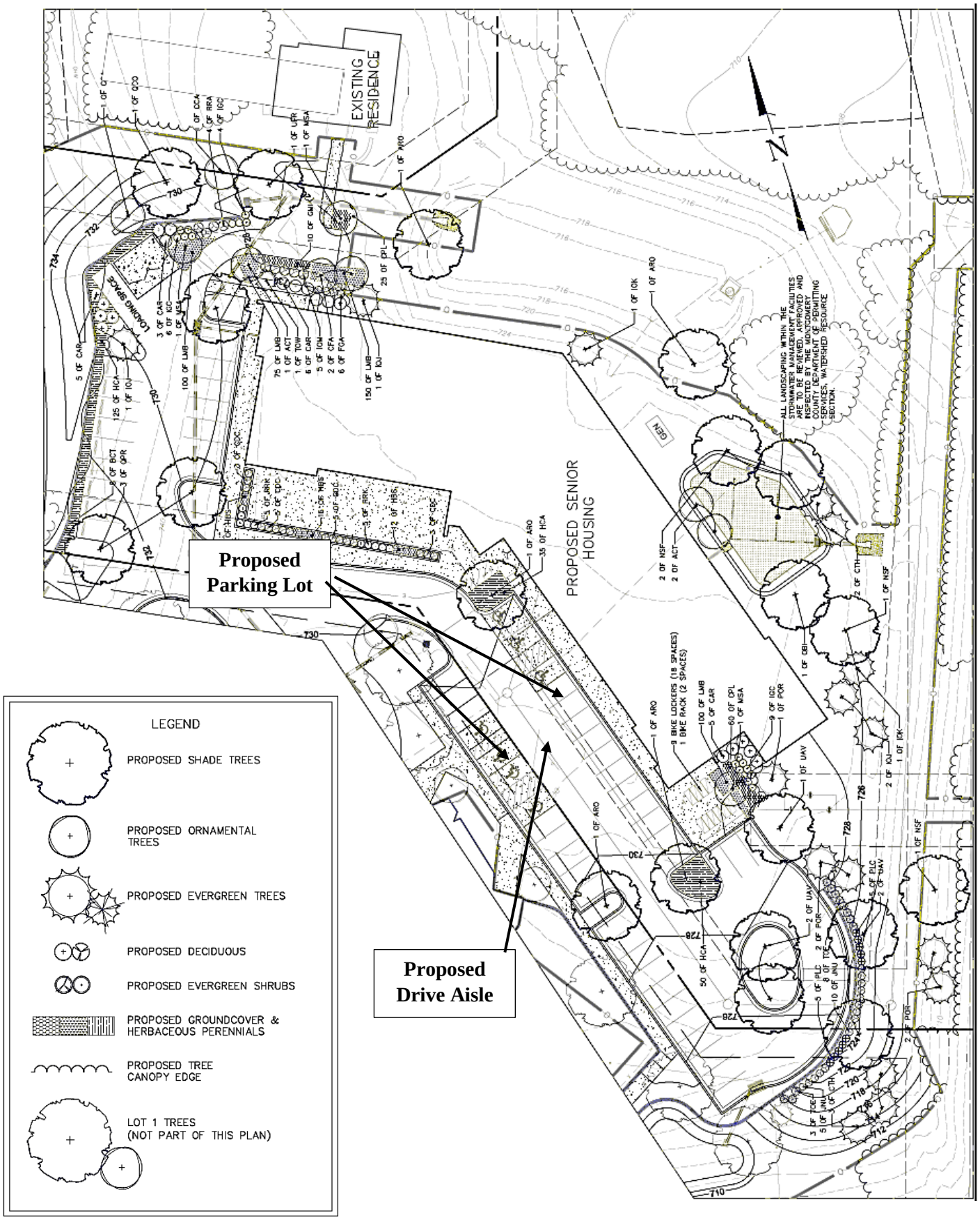
2. Site Landscaping, Lighting and Signage

a. Landscaping:

Landscaping proposed for the site is shown on Applicant's revised "Conditional Use Landscape Plan" (Exhibits 41(c), (d) and (e)). Portions of these plans are reproduced below and on the following pages (omitting some details):




Proposed
Facility
Proposed
Parking Lot
LOT 2 PLANTING PLAN
FOR CONDITIONAL USE
SEE SHEET L1.02
EXISTING CHURCH
RIDGE ROAD - MD RTE. 27


EXISTING RESIDENCE
PROPOSED SENIOR HOUSING
Proposed Parking Lot
Proposed Drive Aisle
N
LEGEND
PROPOSED SHADE TREES
PROPOSED ORNAMENTAL TREES
PROPOSED EVERGREEN TREES
PROPOSED DECIDUOUS
PROPOSED EVERGREEN SHRUBS
PROPOSED GROUNDCOVER & HERBACEOUS PERENNIALS
PROPOSED TREE CANOPY EDGE
LOT 1 TREES (NOT PART OF THIS PLAN)

LANDSCAPE PLANT LIST
For Conditional Use

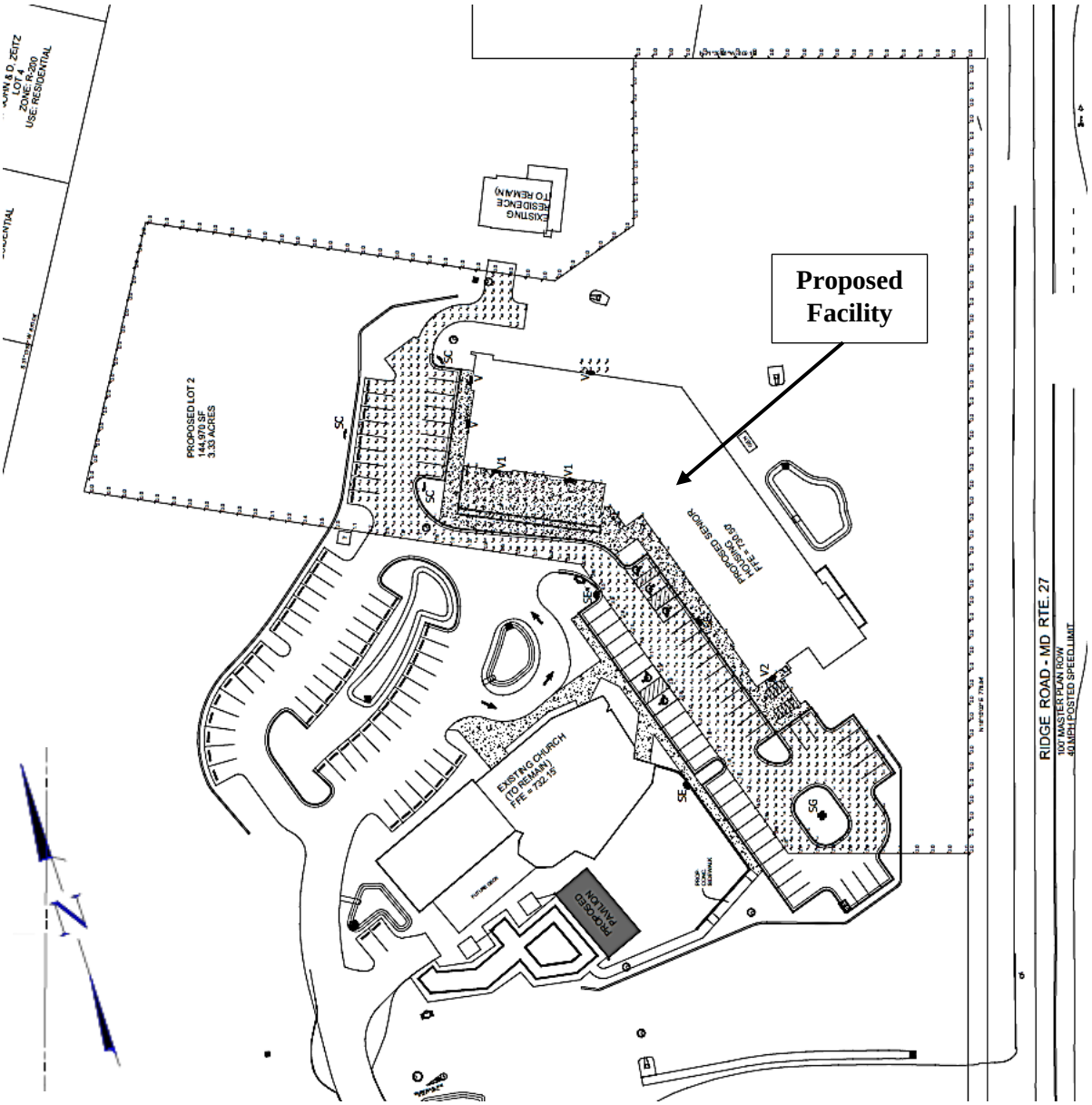
KEY	QTY	BOTANICAL NAME	COMMON NAME	CAL	HGT	SPD	ROOT	SPACING
SHADE TREES								
ARO	5	Acer rubrum 'October Glory'	October Glory Red Maple	2½ -3"			B&B	
NSF	4	Nyssa sylvatica 'NXSXF'	Forum Black Gum	2½ -3"			B&B	
QBI	1	Quercus bicolor	Swamp White Oak	2½ -3"			B&B	
QCO	1	Quercus coccinea	Scarlet Oak	2½ -3"			B&B	
QPR	3	Quercus prinus	Chestnut Oak	2½ -3"			B&B	
UAV	5	Ulmus americana 'Valley Forge'	Valley Forge Elm	2½ -3"			B&B	
UFR	1	Ulmus 'Frontier'	Frontier Elm	2½ -3"			B&B	
EVERGREEN TREES								
CTH	5	Chamaecyparis thyoides	Atlantic White Cedar		5-6'		B&B	
IOJ	4	Ilex opaca 'Jersey Princess'	Jersey Princess American Holly		5-6'		B&B	
IOK	2	Ilex opaca 'Jersey Knight'	Jersey Knight American Holly		5-6'		B&B	
POR	5	Picea orientalis	Oriental Spruce		5-6'		B&B	
TOE	11	Thuja occidentalis 'Emerald'	Emerald Arborvitae		3-4'		Cont.	
TOW	1	Thuja occidentalis 'Wintergreen'	Wintergreen Arborvitae		5-6'		Cont.	
ORNAMENTAL TREES								
ACT	3	Amelanchier canadensis 'Trazam'	Tradition Serviceberry		7-8'		B&B	
CCA	2	Cercis canadensis	Eastern Redbud		7-8'		B&B	
CFA	2	Cornus florida 'Appalachian Spring'	Appalachian Spring Dogwood		6-7'		B&B	
MSA	3	Magnolia x soulangiana 'Alexandria'	Alexandria Magnolia		7-8'		B&B	
DECIDUOUS SHRUBS AND VINES								
BCT	8	Bignonia capreolata 'Tangerine Beauty'	Tangerine Beauty Cross Vine				#2 Cont.	As shown
CAR	19	Clethra alnifolia 'Ruby Spice'	Ruby Spice Summersweet		24-30"		Cont.	60" o.c.
FGA	6	Fothergilla gardenii	Dwarf Fothergilla		18-24"		Cont.	36" o.c.
JNU	15	Jasminum nudiflorum	Winter Jasmine				#3 Cont.	36" o.c.
RRA	4	Rosa rugose 'Alba'	White Rugosa Rose		24-30"		Cont.	48" o.c.
RRK	10	Rosa x 'Radcor'	Rainbow Knock Out Rose		24-30"		Cont.	36" o.c
EVERGREEN SHRUBS								
CDC	16	Cotoneaster dammeri 'Coral Beauty'	Coral Beauty Cotoneaster			18-24"	Cont.	36" o.c.
IOM	5	Ilex opaca 'Maryland Dwarf'	Maryland Dwarf American Holly			18-24"	Cont.	48" o.c.
IGC	19	Ilex glabra 'Compacta'	Compact Inkberry		18-24"		Cont.	36" o.c.
PLC	10	Prunus laurocerasus 'Chestnut Hill'	Chestnut Hill Cherry laurel		18-24"		Cont.	36" o.c.
GROUNDCOVER / HERBACEOUS PERENNIALS								
CPL	85	Ceratostigma plumbaginoides	Leadwort				1 Qt. Cont.	18" o.c.
GMI	10	Geranium macrorrhizum 'Ingwersen's Variety'	Ingwersen's Variety Geranium				1 Qt. Cont.	24" o.c.
HBS	37	Hemerocallis 'Blackeyed Stella'	Blackeyed Stella Daylily				#1 Cont.	18" o.c.
HCA	210	Hypericum calycinum	St. Johns Wort				1 Qt. Cont.	24" o.c.
LMB	425	Liriope muscari 'Big Blue'	BigBlue Lilyturf				4" Pots	12" o.c.

As noted by Technical Staff (Exhibit 45, p. 14), "The Project is adequately screened from the adjoining residential lots by existing forest, landscaped trees, and reforestation plantings . . ." Landscaping and screening will be discussed in greater detail in Part III.D.3 of this Report and Decision.

As discussed above, Applicant's architect testified that "the impact will be very minimal given the distance from surrounding properties, as well as screening in the form of trees and landscaping, and topography." Tr. 104

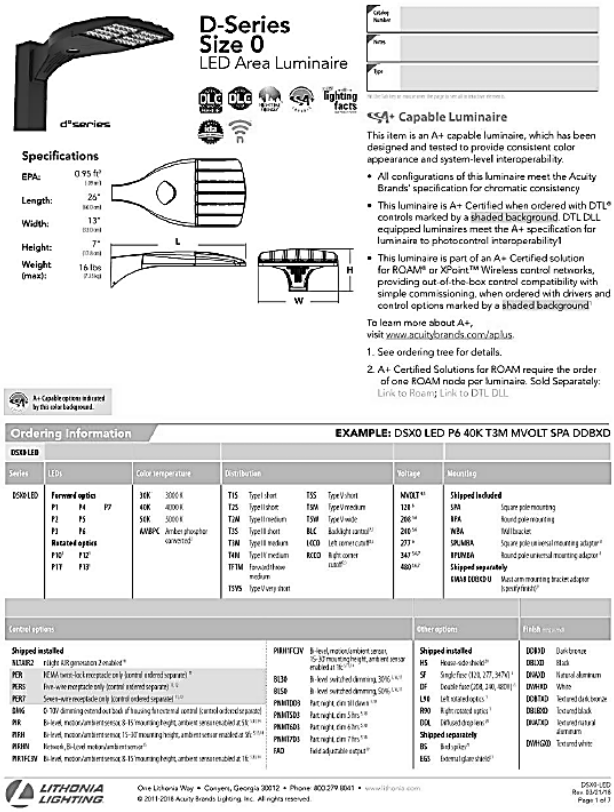
b. Lighting:

The Lighting Plan for the subject site (with photometrics) is contained in two pages (Exhibits 24 and 25), which are set forth below:



LIGHT FIXTURE SCHEDULE

TYPE	DESCRIPTION	VOLT	MOUNTING	LAMPS	MANUFACTURER/MODEL #
F	6" ROUND LED DOWNLIGHT, CLEAR APERATURE/TRIM, SEMI-SPECULAR FINISH, WET LOCATION LISTED	MVOLT	RECESSED	20.5W LED 1500 LUMENS 4000K	LITHONIA LIGHTING LDN6 40/15 L06AR LSS MVOLT EZ10 WL
SC	POLE MOUNTED AREA LIGHT, CAST ALUMINUM HOUSING, DARK BRONZE FINISH WITH TYPE 1 SHORT DISTRIBUTION	MVOLT	POLE AT 15'-0"	38W LED 4706 LUMENS 4000K	LITHONIA LIGHTING DSX0 LED P1 40K T1S MVOLT RPA DDBXD POLE: AMERICAN LITE POLE RNS-15-40-11-AB
SE	POLE MOUNTED AREA LIGHT, CAST ALUMINUM HOUSING, DARK BRONZE FINISH WITH TYPE 4 MEDIUM DISTRIBUTION	MVOLT	POLE AT 15'-0"	71W LED 8269 LUMENS 4000K	LITHONIA LIGHTING DSX0 LED P3 40K T4M MVOLT RPA DDBXD POLE: AMERICAN LITE POLE RNS-15-40-11-AB
SG	POLE MOUNTED AREA LIGHT, CAST ALUMINUM HOUSING, DARK BRONZE FINISH WITH TYPE 5 MEDIUM DISTRIBUTION	MVOLT	POLE AT 15'-0"	38W LED 4891 LUMENS 4000K	LITHONIA LIGHTING DSX0 LED P1 40K T5M MVOLT RPA DDBXD POLE: AMERICAN LITE POLE RNS-15-40-11-AB
V	LED WALL FIXTURE, DARK BRONZE FINISH WITH ONE LIGHT ENGINE & TYPE 2 SHORT DISTRIBUTION	MVOLT	WALL AT 7'-0" ABOVE GRADE	13W LED 1520 LUMENS 4000K	LITHONIA LIGHTING DSXW1 LED 10C 350 40K T2S MVOLT DDBXD
V1	LED WALL FIXTURE, DARK BRONZE FINISH WITH TWO LIGHT ENGINES & TYPE 2 SHORT DISTRIBUTION	MVOLT	WALL AT 11'-6" ABOVE GRADE	35W LED 4380 LUMENS 4000K	LITHONIA LIGHTING DSXW1 LED 20C 530 40K T2S MVOLT DDBXD
V2	LED WALL FIXTURE, DARK BRONZE FINISH WITH ONE LIGHT ENGINE & TYPE 4 MEDIUM DISTRIBUTION	MVOLT	WALL AT 7'-0" ABOVE GRADE	26W LED 2701 LUMENS 4000K	LITHONIA LIGHTING DSXW1 LED 10C 700 40K T4M MVOLT DDBXD



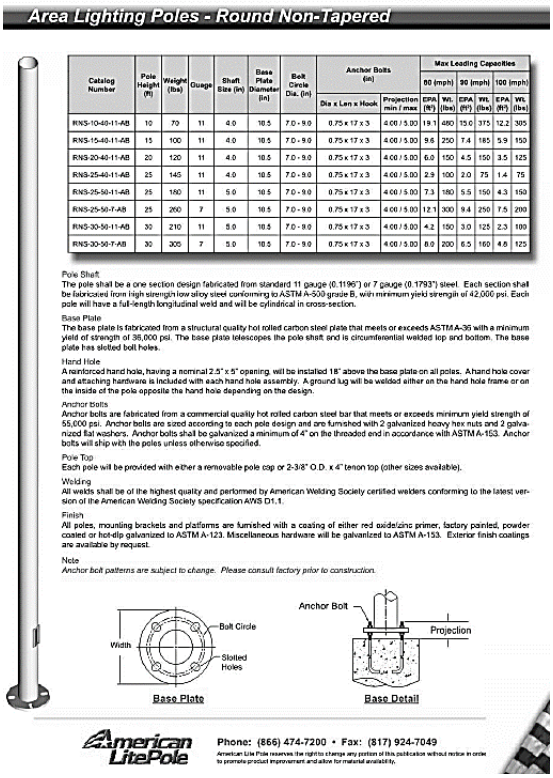
D-Series Size 0
LED Area Luminaire

A+ Capable Luminaire

Specifications

Ordering Information

EXAMPLE: DSX0 LED P6 40K T3M MVOLT SPA DDBXD



Area Lighting Poles - Round Non-Tapered

Catalog Number	Pole Height (ft)	Weight (lbs)	Gauge	Shaft Size (in)	Base Plate Diameter (in)	Bolt Circle Dia. (in)	Anchor Bolts (in) Dia x Len x Hook	Max Leading Capacities 80 (mph) Projection min / max	80 (mph) EPA (ft²)	80 (mph) Wt. (lbs)	90 (mph) EPA (ft²)	90 (mph) Wt. (lbs)	100 (mph) EPA (ft²)	100 (mph) Wt. (lbs)
RNS-10-40-11-AB	10	70	11	4.0	10.5	7.0 - 9.0	0.75 x 17 x 3	4.00 / 5.00	19.1	480	15.0	375	12.2	305
RNS-15-40-11-AB	15	100	11	4.0	10.5	7.0 - 9.0	0.75 x 17 x 3	4.00 / 5.00	9.6	250	7.4	185	5.9	150
RNS-20-40-11-AB	20	120	11	4.0	10.5	7.0 - 9.0	0.75 x 17 x 3	4.00 / 5.00	6.0	150	4.5	150	3.5	125
RNS-25-40-11-AB	25	145	11	4.0	10.5	7.0 - 9.0	0.75 x 17 x 3	4.00 / 5.00	2.9	100	2.0	75	1.4	75
RNS-25-50-11-AB	25	160	11	5.0	10.5	7.0 - 9.0	0.75 x 17 x 3	4.00 / 5.00	7.3	180	5.5	150	4.3	150
RNS-25-50-7-AB	25	260	7	5.0	10.5	7.0 - 9.0	0.75 x 17 x 3	4.00 / 5.00	12.1	300	9.4	250	7.5	200
RNS-30-50-11-AB	30	210	11	5.0	10.5	7.0 - 9.0	0.75 x 17 x 3	4.00 / 5.00	4.2	150	3.0	125	2.3	100
RNS-30-50-7-AB	30	305	7	5.0	10.5	7.0 - 9.0	0.75 x 17 x 3	4.00 / 5.00	8.0	200	6.5	160	4.8	125

Pole Shaft
The pole shall be a one section design fabricated from standard 11 gauge (0.1196") or 7 gauge (0.1793") steel. Each section shall be fabricated from high strength low alloy steel conforming to ASTM A-500 grade B, with minimum yield strength of 42,000 psi. Each pole will have a full-length longitudinal weld and will be cylindrical in cross-section.

Base Plate
The base plate is fabricated from a structural quality hot rolled carbon steel plate that meets or exceeds ASTM A-36 with a minimum yield of strength of 36,000 psi. The base plate telescopes the pole shaft and is circumferential welded top and bottom. The base plate has slotted bolt holes.

Hand Hole
A reinforced hand hole, having a nominal 2.5" x 5" opening, will be installed 18" above the base plate on all poles. A hand hole cover and attaching hardware is included with each hand hole assembly. A ground lug will be welded either on the hand hole frame or on the inside of the pole opposite the hand hole depending on the design.

Anchor bolts
Anchor bolts are fabricated from a commercial quality hot rolled carbon steel bar that meets or exceeds minimum yield strength of 55,000 psi. Anchor bolts are sized according to each pole design and are furnished with 2 galvanized heavy hex nuts and 2 galvanized flat washers. Anchor bolts shall be galvanized a minimum of 4" on the threaded end in accordance with ASTM A-153. Anchor bolts will ship with the poles unless otherwise specified.

Pole Top
Each pole will be provided with either a removable pole cap or 2-3/8" O.D. x 4" tenon top (other sizes available).

Welding
All welds shall be of the highest quality and performed by American Welding Society certified welders conforming to the latest version of the American Welding Society specification AWS D1.1.

Finish
All poles, mounting brackets and platforms are furnished with a coating of either red oxide/zinc primer, factory painted, powder coated or hot-dip galvanized to ASTM A-123. Miscellaneous hardware will be galvanized to ASTM A-153. Exterior finish coatings are available by request.

Note
Anchor bolt patterns are subject to change. Please consult factory prior to construction.

Anchor Bolt
Bolt Circle
Projection
Width
Slotted Holes
Base Plate
Base Detail

American LitePole
Phone: (866) 474-7200 • Fax: (817) 924-7049

LITHONIA LIGHTING

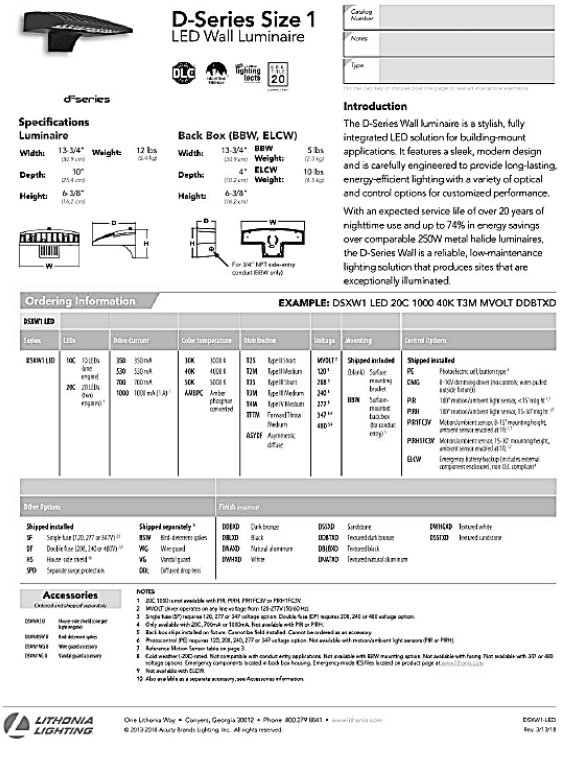
FEATURES & SPECIFICATIONS

LDN6

6" OPEN and WALLWASH LED
Non-IC
New Construction Downlight

ORDERING INFORMATION

Example: LDN6 35/15 LOGAR LS5 MVOLT EZ10



D-Series Size 1
LED Wall Luminaire

Specifications

Back Box (BBW, ELCW)

Introduction

The D-Series Wall luminaire is a stylish, fully integrated LED solution for building-mount applications. It features a sleek, modern design and is carefully engineered to provide long-lasting, energy-efficient lighting with a variety of optical and control options for customized performance.

With an expected service life of over 20 years of nighttime use and up to 74% in energy savings over comparable 250W metal halide luminaires, the D-Series Wall is a reliable, low-maintenance lighting solution that produces sites that are exceptionally illuminated.

Ordering Information

EXAMPLE: DSXW1 LED 20C 1000 40K T3M MVOLT DDBTXD

Accessories

LITHONIA LIGHTING

Permissible lighting levels for a conditional use are specified in Zoning Ordinance §59.

6.4.4.E., which provides,

> *Outdoor lighting for a conditional use must be directed, shielded, or screened to ensure that the illumination is 0.1 footcandles or less at any lot line that abuts a lot with a detached house building type, not located in a Commercial/Residential or Employment zone.*

Technical Staff's review of the lighting levels found that the grounds will be adequately lit and that the lighting will not intrude across the property lines (Exhibit 45, p. 15):

> Pole mounted light fixtures, wall fixtures, and recessed light canisters are proposed as shown on the Applicant's lighting plan and schedule. All lights are LED fixtures with full cut-off to eliminate horizontal light cast. The photometric plan predicts that no light above 0.0 foot-candles will spill across any Property boundary of the existing property lines and adjoining residences. The lighting plan is adequate, providing visibility to the areas for vehicular and pedestrian circulation during nighttime hours. The lighting will not have a negative impact to neighboring property owners with either direct light or light glare. As such, the lighting plan satisfies the requirements of Sec. 6.4.4. This standard is satisfied.

c. Signage:

Technical Staff indicates that "No signs are proposed at this time for the conditional use." Exhibit 45, p. 15. However, the Applicant states the following in its Statement of Justification (Exhibit 8, p. 8):

> A ground mounted site sign will be located at the entrance driveway. As this is a residential zone, only a two (2) square foot sign is permitted. Ridge Road is a very high-traffic corridor. In order to catch the attention and to notify passing travelers of the location of the facility, a larger freestanding sign will be necessary than what is permitted in residential zones. Once a design and dimensions are determined, a sign variance will be applied for with the Montgomery County Sign Review Board, and details of the sign will be submitted as a supplement to this application.

In anticipation of Applicant's future sign proposal, the Hearing Examiner has imposed the following condition in Part IV of this Report and Decision:

> If the Applicant seeks to install an exterior sign, it must first obtain a sign permit from the Department of Permitting Services for any proposed sign, and must file a copy of any such sign permit with OZAH and amended plans showing the sign's location and details. The final design of the proposed sign must be in compliance with the Zoning Ordinance restrictions for signs displayed in a residential zone, or the Applicant must first obtain a sign variance from the Sign Review Board.

3. Operations

Technical Staff summarized proposed operations on the site (Exhibit 45, p. 9):

> Customary support staff include a property manager, assistant manager, maintenance technician, and porter. Typically, staff will be present on weekdays between the hours of 9:00 am and 5:00 pm., and during evenings and weekends if special events for residents are planned. The maximum weekday staff proposed are three. The maximum weekend staff proposed is one, unless a special event is scheduled. Specialists may visit the facility to conduct programs beneficial to senior residents. Examples of such programs are bridge or card game lessons, educational or travel presentations, wellness classes, and the like. The Applicant proposes to coordinate other similar activities with the church and residents.
>
> * * *
>
> To satisfy Sec. 59-3.3.0.C.2.ii, the Applicant indicates that a majority of units will be reserved for persons with incomes below 60 percent of the average median income (AMI) for Montgomery County. Occupancy of dwelling units will be restricted to senior adults, members of the household of a senior adult, and a resident care-giver as provided by Sec. 59-3.3.2.C.2ii.

The Applicant more broadly described its intended operations in its Statement of Justification (Exhibit 8, pp. 8-9):

> To use a phrase contained in a recent Hearing Examiner's Report and Recommendation for another seniors living facility elsewhere in the County, the proposed seniors community will be operated "24 hours per day, seven days per week, 365 days per year." This phraseology accurately describes the activity level that St. Anne's anticipates for its proposed independent elderly facility that can accommodate residents as young as 62 years of age.
>
> In its planning, St. Anne's has elected to construct seventy-six (76) units which it assumes will generate approximately eighty (80) residents although it wishes to bind itself only to the number of units, not the number of residents, to allow some flexibility in the mix of units and the occupancy of units.[1]
>
> The majority of the proposed units are intended for individuals with incomes below 60% of the "Average Median Income" (AMI) for Montgomery County. By the time of the public hearing, the Petitioner will be able to advise the Hearing Examiner of the manner in which the application will satisfy the requirements of Section 59-3.3.2.C.2.ii regarding the percentage of units reserved for families of varying incomes.

[1] At the hearing, Christopher Everett, the Applicant's expert in developing and operating affordable senior housing, testified that the facility would likely have up to 86 bedrooms in 76 units (10 of which would be two-bedroom units), and thus up to 86 residents. Tr. 35.

Staff will typically be present on weekdays between the hours of 9 a.m. and 5 p.m. and in the evenings and on weekends if special events are planned. Staff will consist of a property manager, a maintenance technician, a porter and an additional person who, with the property manager, will be responsible for coordination with residents and their needs. The maximum weekday staff on-site at any one time will be three (3). The maximum weekend staff at any one time would be one person unless there is a special event scheduled.

Specialists or persons with areas of expertise of interest for seniors may visit the facility to conduct programs for the benefit of the residents, such as bridge lessons, educational or travel presentations or wellness classes for seniors. Additionally, the Petitioner hopes to involve the residents of the seniors building in the activities offered for and by the adjacent church, and vice versa.

Community areas within the proposed building that are available to all residents will include a lobby, community room, sitting room, library, wellness suite, fitness room, cyber café and property management office suite.

The proximity of the town of Damascus means that residents of the facility will have adequate access to medical services, shopping, recreation, cultural and other community services desired or needed by senior adults. Indeed, management of the facility will help residents make arrangements to visit locations where such services are available.

D. Environmental Issues

Examination of environmental impacts begins with the Applicant's Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) No. 4-02134 (Exhibit 27), which was approved by the Planning Department on January 17, 2012. It describes the existing environmental site conditions. Technical Staff summarizes the environment in and around the site (Exhibit 45, pp. 15-16):

> The site is located in within the Great Seneca Creek watershed, a Use I stream in fair condition. An intermittent stream originates at the end of a stormwater management outfall on the south side of the entrance drive. Approximately 40 percent of the site is composed of highly erodible soils. These are clustered primarily in upper undisturbed shelf on the north western edge and along the southern third of the site.
>
> The existing forest conservation plan (SC2002011) was approved as part of the church expansion in 2002. The forest conservation plan required that 2.2 acres of the existing 2.75 acres of forest be permanently protected with a Category I easement. This easement was never recorded, but the areas of forest protection

remain undisturbed as approved. This revision to the forest conservation plan proposes to rearrange the original configuration of the protected areas:

a. The forested slope along the Property frontage will not be shown as forest protection. Although this extreme steep slope should be left undisturbed to keep the soils stable, the required public utility easement along the Ridge Road right- of-way reduced the width of the forest to less than 50-feet and no longer meets the definition of forest.

b. The area of easement on the south side of the driveway should be extended to the edge of the driveway maintenance area and planted with forest to further protect the intermittent stream.

c. The areas of proposed easement on the upper shelf of the Property will be extended to make up for the easement acreage lost to the Property frontage. Forest planting will take place in all unforested easement areas.

The final easement area will match the area required on the original forest conservation plan. The location of the easement areas will be impacted by final design of the stormwater management system and the location of necessary utilities.

The Applicant has submitted a proposed amended Forest Conservation Plan (Exhibits 41(f) and (g)), which will be reviewed by the Planning Board at Subdivision, along with its Stormwater Management Concept Plan (Exhibit 30). Conditions have been imposed in Part IV of this Report and Decision requiring approval of the Stormwater Management Plan and the proposed revisions to the Forest Conservation Plan.

Applicant's stormwater management concept plan (Exhibit 30) was approved by the Department of Permitting Services on June 26, 2018 (Exhibit 53). Applicant's civil engineer, Kenneth Jones, testified that the proposed stormwater management plan, including the bio-retention facilities that will be added, will meet all state and county environmental site design standards. Tr. 70-72.

The Applicant's expert engineering evidence was unrefuted at the hearing. Based on that evidence and Technical Staff's approval of the amended plans, the Hearing Examiner finds that the proposed development, as described, will not harm the environment.

E. Community Response

There has been no response from the surrounding neighborhood regarding this proposal either to OZAH or to Technical Staff. Exhibit 45, p. 16.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A conditional use is a zoning device that authorizes certain uses provided that pre-set legislative standards are met. Pre-set legislative standards are both specific to a particular type of use, as set forth in Article 59.3 of the Zoning Ordinance, and general (*i.e.*, applicable to all conditional uses), as set forth in Division 59.7.3 of the Zoning Ordinance. The specific standards applied in this case are those for an Independent Living Facility for Seniors or Persons with Disabilities. *Section 59.3.3.2.C.2.c.*

Weighing all the testimony and evidence of record under the "preponderance of the evidence" standard specified in Zoning Ordinance §59. 7.1.1., the Hearing Examiner concludes that the conditional use proposed in this application, as governed by the conditions imposed in Part IV of this Report and Decision, will satisfy all of the specific and general requirements for the use.

A. Necessary Findings (Section 59.7.3.1.E)

The general findings necessary to approve a conditional use are found in Section 59.7.3.1.E. of the Zoning Ordinance. Standards pertinent to this approval, and the Hearing Examiner's findings for each standard, are set forth below: [2]

E. Necessary Findings

1. To approve a conditional use application, the Hearing Examiner must find that the proposed development:

a. satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;

[2] Although §59.7.3.1.E. contains six subsections (E.1. though E.6.), only subsections 59.7.3.1.E.1., E.2. and E.3. contain provisions that apply to this application. Section 59.7.3.1.E.1. contains seven subparts, a. through g.

Conclusion: Technical Staff reports that there has been a church building, one detached dwelling and a parking lot on the subject site since 1962 (Exhibit 45, p. 17). With subdivision carving out a separate lot for the proposed independent living facility, and with a shared parking agreement, approval of an amended forest conservation plan, and a conditional use permitting the operation of the new facility, the Hearing Examiner finds that the proposed development will satisfy all previous approvals on the subject site.

b. satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6;

Conclusion: This subsection requires an analysis of the standards of the R-200 Zone contained in Article 59-4; the use standards for an Independent Living Facility for Seniors or Persons with Disabilities contained in Article 59-3; and the applicable development standards contained in Article 59-6. Each of these Articles is discussed below in separate sections of this Report and Decision (Parts III. B, C, and D, respectively). Based on the analysis contained in those discussions, the Hearing Examiner finds, as did Technical Staff (Exhibit 45, pp. 17 and 25), that the application satisfies the requirements of Articles 59-3, 59-4 and 59-6.

c. substantially conforms with the recommendations of the applicable master plan;

The property lies within the geographic area covered by the 2006 Damascus Master Plan. As noted by Technical Staff (Exhibit 45, pp. 12-13), the Master Plan established three transition areas that reflect a decrease in residential density when moving away from the Damascus Town Center: Town Neighborhood, Neighborhood Transition, and Rural Transition areas. The subject site is located in the Neighborhood Transition area, where "a moderate increase in density" is recommended. *Master Plan, p. 26.*

Staff observes that the Master Plan does not specifically address the subject site, "However,

the Project substantially conforms with the general recommendations of the Master Plan and is not inconsistent with the Plan's general land use and housing goals." Exhibit 45, p. 12. Staff lists two applicable recommendations of the Master Pan, and notes the application's consistency therewith:

- *Provide a variety of housing options including affordable housing and housing opportunities for seniors suitable to the small-town character of Damascus (Master Plan, p. 43).*

  The Project consists of age-restricted affordable senior housing units. The Applicant has not determined the number of affordable units but has indicated at least a majority of the units will be affordable. As conditioned, the Project is consistent with this recommendation.[3]

- *Ridge Road South Neighborhood: The R-200 Zone is proposed in this neighborhood located along the west side of Ridge Road between Bethesda Church Road and Oak Drive. Although few properties without homes remain, some lots are large enough that some re-development might occur. (Master Plan, p. 25).*

  The Project consist[s] of age-restricted senior housing and affordable housing units. The Property is located on the west side of Ridge Road between Bethesda Church Road and Oak Drive. The Property is large enough in land area to accommodate the proposed building. As such, the Project is consistent with this recommendation.

Conclusion: The Hearing Examiner agrees with Staff's findings. There is no contrary evidence in this case, and based on this record, the Hearing Examiner finds that the proposed use substantially conforms with the recommendations of the 2006 Damascus Master Plan.

d. is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;

Conclusion: This provision is a mix of Master Plan analysis and compatibility considerations. The Master Plan issues have been discussed in connection with the previous provision, and the Hearing Examiner concluded that the proposed use substantially conforms to the Master Plan's recommendations. Compatibility is a question that crosses a number of topics, including the nature of the surrounding uses; any potential adverse impacts; the design of the proposed

[3] Although the proposed facility is not in the Town Center, as the Master Plan indicates would be most appropriate and convenient (MP, p. 43), the proposed location still satisfies the overall Master Plan goal quoted above.

building, including its height, density and architecture; traffic generation; and additional issues discussed in other sections below.

The Hearing Examiner agrees with Technical Staff's conclusion regarding this provision (Exhibit 45, p. 18):

> . . . The character of the surrounding area is residential, consisting of single-family attached and detached homes. The Project will not alter the character of the surrounding neighborhood in a manner inconsistent with the master plan because the use is residential in character and adequately buffered with landscaping, and sufficiently located away from any sensitive land uses or dwelling units. Staff concludes that the use will be harmonious with the surrounding uses.

The addition of the proposed use would not be "alter[ing] the character of the surrounding neighborhood," which is the question posed by this provision. The neighborhood consists of the existing church, suburban residential homes, townhouses and vacant school district property. Clearly, the proposed use will be compatible with the adjacent church which owns the property, and it will be consistent with the Master Plan. Being residential in character and well screened, the proposed use will exist in harmony with other residential areas in the vicinity. Based on this record, the Hearing Examiner finds that the proposed use will be harmonious with the neighborhood.

> ***e. will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;***

Conclusion: As discussed on page 8 of this Report and Decision, the neighborhood consists primarily of suburban residential homes, townhouses and vacant school district property. There is only one conditional use/special exception (S-100) located within the defined neighborhood at 24939 Ridge Road, south of the subject site. It was approved in 1972 for a veterinary hospital, and it has been in continuous operation since then. The Hearing Examiner agrees with Technical Staff's

conclusion that the addition of this one conditional use to a neighborhood with only one other conditional use will not create an overconcentration of conditional uses in the area. Exhibit 45, p. 18. Thus, the Hearing Examiner finds that the proposed use will not increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Moreover, as specified in the last clause of the provision, "a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area."

> ***f. 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 conditional use 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 and:***
>
> > ***i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner 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; or***
> >
> > ***ii. if a preliminary subdivision plan is filed concurrently or required subsequently, 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; and***

Conclusion: According to the statutory provisions quoted above, the Hearing Examiner is not required to make a finding regarding the adequacy of public services and facilities (APFO) in this case because a preliminary plan of subdivision will be required. It is thus the Planning Board that is charged with the responsibility of making the appropriate APFO findings. Technical Staff so noted in their report (Exhibit 45, p. 18):

> This finding is satisfied. Adequate public services and facilities will be reviewed as part of proposed Preliminary Plan No. 120180230.

Nevertheless, transportation and storm drainage issues can have impacts on safety in, and compatibility with, the neighborhood, and thus some discussion of those issues is warranted.

As recommended by the Planning Board, a condition is imposed in Part IV of this Report and Decision requiring that prior to the approval of the Preliminary Plan of Subdivision application, the Applicant must obtain approval from the Montgomery County Department of Permitting Services of the stormwater management concept plan.[4] Applicant's civil engineer, Kenneth Jones, testified that the proposed stormwater management plan (Exhibit 30), including the bio-retention facilities that will be added, will meet all state and county environmental site design standards. Tr. 70-72.

The Applicant's expert engineering evidence was unrefuted at the hearing. There is no evidence in this record that the planned use would create any stormwater drainage issues that would adversely affect the neighbors. Based on that evidence and Technical Staff's approval of the Applicant's proposal, the Hearing Examiner finds that the proposed development, as described, will not harm the environment.

With regard to transportation issues, the Applicant's traffic engineer, Nicole White, prepared a report (Exhibit 31, p. 2) concluding that "the senior housing development would result in 23 new person trips during the AM peak hour and 29 new person trips during the PM peak hour. Both of the peak hour periods would result in less than 50 person trips. Thus, a TIS [Traffic Impact Study] would not be required for the project in accordance with LATR [Local Area Transportation Review] and SHA [State Highway Administration] guidelines."

[4] As previously mentioned, the Applicant's stormwater management concept plan (Exhibit 30) was approved by the Department of Permitting Services on June 26, 2018 (Exhibit 53). However, the Hearing Examiner realizes that the concept plan may be modified prior to subdivision, and has therefore kept the condition recommended by the Planning Board requiring DPS approval of the stormwater management concept plan prior to subdivision approval.

Technical Staff agreed with this assessment, though it listed somewhat different figures for the number of new trips that would be generated by the project (Exhibit 45, p. 14):

> According to the Institute of Transportation Engineer's (ITE) 10th Edition Trip Generation Manual and adjusted for the Damascus Policy Area, this project will produce a net increase of 34 AM peak hour trips and 31 PM peak hour trips. The Applicant is not required to submit a traffic study to satisfy the LATR test because the proposed land use generates fewer than 50 peak-hour person trips within the weekday morning and evening peak periods.

Addressing this discrepancy between projected trips listed by Technical Staff and her own Traffic Statement, Ms. White testified that "ITE [Institute of Transportation Engineers] recently updated its trip generation manual and our report was based on the 9th edition and then it looks like the County may have updated to the 10th edition, and therefore they have slightly higher total trips, still below the 50 trips that I show." Tr. 112.

In any event, both Staff and Applicant's transportation planner agree that the new use will generate fewer than 50 new person trips at the site. Ms. White indicated that given these figures it was "safe to assume" that the transportation network is adequate to accommodate the trips that will be generated by the proposed facility. Tr. 111. She also found that access to the site was adequate, but did not examine internal circulation on the site. Tr. 113. The Applicant's engineer, Kenneth Jones, testified that sight distances at the access point far exceed the state's safety requirements based upon the speed limit of the road. Tr. 86.

Fortunately for the Applicant, Technical Staff did review the proposed internal circulation plan, and found it to be "safe and adequate for the use." Exhibit 45, p. 14.

Moreover, the Applicant's plans call for adding a number of pedestrian facilities on site (Exhibit 45, p. 13):

> . . . Internal to the site, this application proposes adding ADA compliant sidewalk running along the south facing side of the proposed senior housing structure. An additional sidewalk is proposed along the south facing side of the existing church, providing access to a proposed pavilion and plaza area.

In sum, the Hearing Examiner finds that the adequacy of public facilities will be determined at subdivision,[5] but based on the present record, the proposed development will not produce traffic that will create compatibility problems or undue harm to the health, safety, or welfare of neighboring residents, visitors, or employees.

> ***g. will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:***
>
> > ***i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;***
> > ***ii. traffic, noise, odors, dust, illumination, or a lack of parking; or***
> > ***iii. the health, safety, or welfare of neighboring residents, visitors, or employees.***

Conclusion: This standard requires consideration of the inherent and non-inherent adverse effects of the proposed use on nearby properties and the general neighborhood. Inherent adverse effects are **"**adverse effects created by physical or operational characteristics of a conditional use necessarily associated with a particular use, regardless of its physical size or scale of operations." *Zoning Ordinance,* §1.4.2. Inherent adverse effects, alone, are not a sufficient basis for denial of a conditional use. Non-inherent adverse effects are "adverse effects created by physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site." *Id.* Non-inherent adverse effects are a sufficient basis to deny a conditional use, alone or in combination with inherent effects, if the harm caused by the adverse effects would be "undue."

In the subject case, Technical Staff listed the following physical and operational characteristics that are necessarily associated with (*i.e.*, inherent in) an Independent Living Facility for Seniors or Persons with Disabilities (Exhibit 45, p. 19):

[5] The Hearing Examiner notes that if it had been the Hearing Examiner's responsibility to determine the adequacy of public facilities, Ms. White's statement that it was "safe to assume" such adequacy would not have been sufficient.

- Vehicle and pedestrian trips to and from the Property;
- Parking for residents and employees;
- Varied hours of operation;
- Noise or odors associated with vehicles;
- Noise or odors associated with trash collection and trucks;
- Emergency electrical generator; and
- Lighting.

Staff noted that the unusual topography of the site was a non-inherent characteristic which would require retaining walls, in that "[t]here is approximately a 60 ft. grade differential between the northwest corner of the site (elevation 760) and the grade level of Ridge Road (elevation 700) in front of the property." Exhibit 45, p. 19. At the time Staff prepared its report, it was thought that the then proposed height of the retaining walls would require a setback variance; however, subsequent changes to the plans (Exhibits 40, 41 and 41(a)-41(i)) shortened the proposed retaining walls and eliminated the need for a setback variance.

Technical Staff found that ". . . the Project's non-inherent characteristics would not cause an adverse effect with regard to inherent or non-inherent characteristics, or combination thereof . . ." in any of the categories listed in this provision of the Zoning Ordinance. Staff therefore concluded (Exhibit 45, p. 19):

> The inherent physical and operational characteristics associated with a senior residential apartment building will not cause undue harm to the neighborhood.

The Hearing Examiner agrees with Staff's conclusion. There is nothing in this record indicating that the proposed facility would differ significantly in structure, façade, location, site design, operations or relationship with the surrounding neighborhood so as to distinguish its expected effects from those that would be typical of (*i.e.*, inherent in) this type of independent living facility for seniors or persons with disabilities.

Moreover, even if there were some indication of non-inherent adverse effects, the Hearing Examiner would have to assess whether any potential harms would actually occur, and

if so, whether they would result, at least in part, from the identified non-inherent adverse effects. If both of these questions were answered in the affirmative, the Hearing Examiner would then determine whether any of these purported harms are "undue" within the meaning of the Zoning Ordinance.

The Hearing Examiner finds that there is no evidence in this record of potential undue harm to the neighborhood from any of the categories of harm listed in Zoning Ordinance §59.7.3.1.E.1.g.

Section 59.7.3.1.E.2. Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.

Conclusion: Zoning Ordinance §59.7.3.1.E.2. requires an examination of the compatibility of the use with the character of the residential neighborhood in which it is located. This question is similar to the one raised by Zoning Ordinance §59.7.3.1.E.1.d., above, which asked whether the proposed use will be harmonious with the neighborhood or would alter its character. In response to that question, the Hearing Examiner found that the proposed use would not alter the character of the neighborhood, considering the surrounding development in the immediate vicinity of the subject site and the planned screening.

Applicant's architect, John Kershner, addressed the question of compatibility at the hearing somewhat obliquely. Mr. Kershner testified (Tr. 104):

> . . . We looked at the existing church building and this design, I think is in harmony with the existing church building which is the main structure that it would be adjacent to. I can't say that the design will be compatible or in harmony with the surrounding residences because of the different type of building, the different use. But I can say that the impact will be very minimal given the distance from surrounding properties, as well as screening in the form of trees and landscaping, and topography.

When pressed, Mr. Kershner agreed that the proposed building would be compatible with

the neighborhood in the sense that it will have minimal impact on the single-family residences in the neighborhood because of distance and screening. Tr. 105.

Technical Staff was more direct, stating (Exhibit 45, p. 20):

> . . . There is a variety of building scales, forms, and design details exhibited in the neighborhood. The existing church architecture is modern and is representative of 1962 institutional designs of this type. The architecture of the Project is contemporary in design and form. The visual character of the neighborhood is mixed with detached dwelling, townhomes and institutional uses, such [as] a church and school buildings. Therefore, the proposed residential building is not out of character and is compatible with the surrounding residential neighborhoods.

Based on this record, the Hearing Examiner finds that the proposed use, an Independent Living Facility for Seniors or Persons with Disabilities, designed as it is with a well-screened multi-unit residential style architecture in an area with mixed uses, will be compatible with the character of the surrounding neighborhood.

> ***Section 59.7.3.1.E.3. The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require conditional use approval.***

Conclusion: The application satisfies all specific requirements for the conditional use, and with the conditions imposed, meets the standards required for approval.

B. Development Standards of the Zone (Article 59.4)

In order to approve a conditional use, the Hearing Examiner must find that the application meets the development standards of the R-200 Zone, contained in Article 59.4 of the Zoning Ordinance. Staff included a table comparing the minimum development standards of the R-200 Zone to what is provided in the conditional use site plan. Exhibit 45, p. 11. Since there is no longer a need for a variance, the table rows and footnotes discussing accessory building setbacks for the retaining walls have been omitted. The portions of the Table discussing parking spaces and parking lot setbacks have been moved to Part III.D.2. of this Report and Decision, where the

parking space and setback requirements of Article 59-6 are discussed, along with the Applicant's parking setback waiver request. Finally, some of the development standards for the Zone were modified for this type of conditional use by Zoning Ordinance §§59.3.3.2.C.2.c.iv. to c.ix. In those cases, the Hearing Examiner has substituted the applicable standards from those subsections into Staff's Table, below, rather than the general provisions for the R-200 Zone in Section 4.4.7.B.:

Section 59.4.4.7.B. R-200 Zone, Standard Method Development Standards, as Modified by Sections 59.3.3.2.C.2.c.iv. to c.ix

Development Standards (R-200)	Required	Proposed
Minimum Lot Area	20,000 sq. ft.	3.44 acres
Minimum Lot Width		
At street line (front lot line)	25 ft.	479 ft.
At building line	100 ft.	479 ft.
Maximum Lot Coverage	25%	13%
Minimum Building Setback		
Front	50 ft.* (40 ft. for R-200)	73 ft.
Side	25 ft.* (12 ft. for R-200)	32 ft.
Sum of Side Setbacks	50 ft.* (25 ft. for R-200)	82 ft.
Rear	30 ft.	208 ft.
Maximum Building Height	60 ft.* (50 ft. for R-200)	45 ft.
Maximum Density	As determined by Hearing Examiner*	23 units per acre (76 units on 3.44 acres)
Minimum Green Area	60%* (Unspecified for R-200)	75%

*Per the development standards set forth in §59.3.3.2.C.2.c.iv. to c.ix.

Conclusion: As is evident in the above Table, the application and the proposed development meet all of the applicable development standards established for the R-200 Zone, as modified by Zoning Ordinance §§59.3.3.2.C.2.c.iv. to c.ix. Therefore, the proposed development satisfies the requirements of Division 59.4 of the Zoning Ordinance. The Hearing Examiner so finds.

C. Use Standards for an Independent Living Facility for Seniors or Persons with Disabilities (Section 59.3.3.2.C.2.c.)

The specific use standards for approval of an Independent Living Facility for Seniors or Persons with Disabilities are set out in Section 59.3.3.2.C.2.c. of the Zoning Ordinance.

Zoning Ordinance §59.3.3.2.C.[6]

C. Independent Living Facility for Seniors or Persons with Disabilities

1. Defined

Independent Living Facility for Seniors or Persons with Disabilities means a building containing dwelling units and related services for senior adults or persons with disabilities. Independent Living Facility for Seniors or Persons with Disabilities includes meal preparation and service, day care, personal care, nursing or therapy, or any service to the senior adult or disabled population of the community that is an ancillary part of one of these operations.

2. Use Standards

a. Where an Independent Living Facility for Seniors is allowed as a limited use, it must satisfy the following standards:

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

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

iii. Occupancy of a dwelling unit is restricted to the following:

(a) a senior adult, as defined in Section 1.4.2, Defined Terms;

(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.

(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.

b. Where an Independent Living Facility for Persons with Disabilities is allowed as a limited use, it must satisfy the following standards:

i. The facility must meet all applicable federal, state, and County licensure, certificate, and regulatory requirements.

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

iii. Occupancy of a dwelling unit is restricted to the following:

[6] This Section (§59.3.3.2.C.) is shown as amended in ZTA 16-15, adopted 2/7/17 in Ord. No 18-24, eff. 2/27/17.

(a) a person with disabilities, as defined in Section 1.4.2, Defined Terms;

(b) other members of the household of a person with a disability, regardless of age;

(c) a resident caregiver, if needed to assist a resident with a disability; or

(d) a person authorized to occupy housing provided under any federal or state program that is specifically designed and operated to assist persons with disabilities as defined in that program.

c. Where an Independent Living Facility for Seniors or Persons with Disabilities is allowed as a conditional use, it may be permitted by the Hearing Examiner under all limited use standards, Section 7.3.1, Conditional Use, and the following standards:

i. The site or the proposed facility has adequate accessibility to or provides on-site public transportation, medical service, shopping areas, recreation and other community services frequently desired by senior adults or persons with disabilities. The application must include a vicinity map showing major thoroughfares, public transportation routes and stops, and the location of commercial, medical and public services within a one-mile radius of the proposed facility.

ii. The Hearing Examiner may restrict the availability of ancillary services to nonresidents and specify the manner in which this is publicized. Retail facilities may be included for the exclusive use of the residents of the building.

iii. A minimum of 15% of the dwelling units is permanently reserved for households of very low income, or 20% for households of low income, or 30% for households of MPDU income. If units are reserved for households of more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs under Executive regulations. Income levels are defined in Section 1.4.2, Defined Terms.

iv. The maximum building height of an Independent Living Facility for Seniors or Persons with Disabilities is 60 feet and the maximum density is determined by the Hearing Examiner under the development standards of Section 3.3.2.C.2.b.vi through Section 3.3.2.C.2.b.ix, without regard to any other limitation in this Chapter.

v. Height, density, coverage, and parking must be compatible with surrounding uses and the Hearing Examiner may modify height, density, coverage, and parking to maximize the compatibility of buildings with the residential character of the surrounding neighborhood.

vi. The minimum front setback is 50 feet. Except for an access driveway, this setback area must be maintained as green area; however, if development does not exceed the height limit of the applicable Residential zone, the minimum setback specified by the zone applies.

> ***vii. The minimum side and rear setback is 25 feet or as specified by the relevant zone, whichever is greater.***
>
> ***viii. The minimum green area is:***
>
> ***(a) 70% in the RE-2, RE-2C, and RE-1 zone, except where the minimum green area requirement is established in a master plan;***
>
> ***(b) 60% in the R-200 zone; and***
>
> ***(c) 50% in the R-60, R-90, and Residential Townhouse zones.***
>
> ***ix. The Hearing Examiner may reduce the green area requirement by up to 15% if it is necessary to accommodate a lower building height for compatibility reasons.***

We now examine Applicant's compliance with Section 59.3.3.2.C.2., as it is presently codified. We note at the outset that there is a problem with the current language of §59.3.3.2.C.2.c. because it requires that a combined Independent Living Facility for Seniors or Persons with Disabilities must comply with "*all limited use standards"* in §59.3.3.2.C.2 , even though some of the limited use standards in §59.3.3.2.C.2.a. are inconsistent with the limited use standards in §59.3.3.2.C.2.b., and *vice versa*. For example, §59.3.3.2.C.2.a.iii. restricts occupancy to "a senior adult" and others to assist that person, while §59.3.3.2.C.2.b.iii. restricts occupancy to "a person with disabilities" and others to assist that person. One cannot simultaneously comply with both those restrictions, unless the resident is both a senior person and a disabled person. The Hearing Examiner will proceed to interpret the section in manner that will carry out the apparent intent of the Council. *Trembow v. Schonfeld*, 393 Md. 327, 336-337, 901 A.2d 825, 831 (2006). That apparent intent would apply the limited use standards for seniors to those portions of the facility occupied by seniors, and the limited use standards for those with disabilities to those portions of the building occupied by individuals with disabilities.

The Hearing Examiner pointed out the issue of the statutory ambiguity to the Applicant at the hearing (Tr. 11-13) and put a one page memorandum in the record noting the need for a clarification and an additional technical correction to the provision (Exhibit 50). The Applicant

responded that, at least initially, the building would be occupied only by seniors, but it wished to have the flexibility to have disabled residents in the future. (Tr. 11-13, 21). Since §59.3.3.2.C.2.c. requires compliance with the Limited Use standards of §§59.3.3.2.C.2.a. and b., we begin there.

2. Use Standards

a. Where an Independent Living Facility for Seniors is allowed as a limited use, it must satisfy the following standards:

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

Conclusion: Technical Staff indicates that the Applicant has acknowledged this requirement and will meet it (Exhibit 47(a), p. 1). Nevertheless, the Hearing Examiner has imposed this provision as a condition in Part IV of this Report and Decision, so that it is clear that the conditional use holder is required to follow any applicable Federal, State, and County licensure, certificate, and regulatory requirements. Therefore, the Hearing Examiner finds that this provision has been satisfied.

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

Conclusion: The Applicant has provided testimony that there will be no need for resident staff and that there is no plan to have resident staff on site (Tr. 36-37). Nevertheless, having resident staff is not prohibited by this conditional use, as long as the number of employees does not exceed four (except for emergencies and occasional special events), should the operator of the facility find it necessary to have a resident employee. Therefore, the Hearing Examiner finds that this provision has been satisfied.

iii. Occupancy of a dwelling unit is restricted to the following:

(a) a senior adult, as defined in Section 1.4.2, Defined Terms;

(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.

> ***(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.***

Conclusion: In response to this provision Technical Staff stated (Exhibit 47(a), p. 2):

> Acknowledged by the Applicant. The Applicant indicates that all occupants of the units will be at least 62 years of age, which meets the definition of a senior adult as defined in the zoning ordinance and as allowed by exemption under 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. Additionally, the Applicant indicates that at this time there will be no resident care-givers as the proposed project is an independent living facility, not an assisted living facility. Other occupants may reside with the senior adult, regardless of age, as legally permitted. This finding is satisfied.

The Hearing Examiner has imposed a condition in Part IV of this Report and Decision requiring that "Occupancy of the dwelling units shall be in accordance with the applicable Limited Use standards of Zoning Ordinance Sections 59.3.3.2.C.2.a. and b." This condition is worded in this fashion because occupancy requirements vary according to whether the occupants are seniors (as governed by the Limited Use standards of Section 59.3.3.2.C.2.a.) or persons with disabilities (as governed by the Limited Use standards of Section 59.3.3.2.C.2.b.). As mentioned previously, the Applicant has indicated that, at least initially, the building would be occupied only by seniors, but it wished to have the flexibility to have disabled residents in the future. (Tr. 11-13, 21). The Hearing Examiner's condition will cover either eventuality. As conditioned, the Hearing Examiner finds that this standard has been met.

> ***b. Where an Independent Living Facility for Persons with Disabilities is allowed as a limited use, it must satisfy the following standards:***
>
> ***i. The facility must meet all applicable federal, state, and County licensure, certificate, and regulatory requirements.***

Conclusion: In response to this provision Technical Staff stated (Exhibit 47(a), p. 2):

> Acknowledged by the Applicant. The Applicant has indicated the proposed facility is intended for seniors. However, the Applicant does not preclude that some residents in the future may qualify as a person with disabilities. In the event that qualified persons with disabilities are occupants of the facility, the Applicant will comply with all applicable federal, state, and County licensure, certificate, and regulatory requirements for persons with disabilities. This finding is satisfied.

As mentioned in response to §59.3.3.2.C.2.a.i., the Hearing Examiner has imposed this provision as a condition in Part IV of this Report and Decision, so that it is clear that the conditional use holder is required to follow any applicable Federal, State, and County licensure, certificate, and regulatory requirements. Therefore, the Hearing Examiner finds that this provision has been satisfied.

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

Conclusion: As mentioned in response to §59.3.3.2.C.2.a.ii., the Applicant has provided testimony that there will be no need for resident staff and that there is no plan to have resident staff on site (Tr. 36-37). Nevertheless, having resident staff is not prohibited by this conditional use, as long as the number of employees does not exceed four (except for emergencies and occasional special events), should the operator of the facility find it necessary to have a resident employee. Therefore, the Hearing Examiner finds that this provision has been satisfied.

iii. Occupancy of a dwelling unit is restricted to the following:

(a) a person with disabilities, as defined in Section 1.4.2, Defined Terms;

(b) other members of the household of a person with a disability, regardless of age;

(c) a resident caregiver, if needed to assist a resident with a disability; or

(d) a person authorized to occupy housing provided under any federal or state program that is specifically designed and operated to assist persons with disabilities as defined in that program.

Conclusion: In response to this provision Technical Staff stated (Exhibit 47(a), p. 3):

> Acknowledged by the Applicant. The Applicant indicates that the proposed facility is for seniors. However, in the event that an occupant is not a senior but a person with disabilities, the Applicant indicates that such persons will meet the definition

of a person with disabilities as defined in the zoning ordinance and that members of the household may reside with the qualified occupant. Further, the Applicant acknowledges that a resident caregiver may occupy a dwelling unit to assist a resident with a disability, as may also a person authorized to occupy housing provided under any federal or state program that is specifically designed and operated to assist persons with disabilities as defined in that program. This finding is satisfied.

As mentioned in response to §59.3.3.2.C.2.a.iii., the Hearing Examiner has imposed a condition in Part IV of this Report and Decision requiring that "Occupancy of the dwelling units shall be in accordance with the applicable Limited Use standards of Zoning Ordinance Sections 59.3.3.2.C.2.a. and b." This condition is worded in this fashion because occupancy requirements vary according to whether the occupants are seniors (as governed by the Limited Use standards of Section 59.3.3.2.C.2.a.) or persons with disabilities (as governed by the Limited Use standards of Section 59.3.3.2.C.2.b.). As noted previously, the Applicant has indicated that, at least initially, the building would be occupied only by seniors, but it wished to have the flexibility to have disabled residents in the future. (Tr. 11-13, 21). The Hearing Examiner's condition will cover either eventuality. As conditioned, the Hearing Examiner finds that this standard has been met.

c. Where an Independent Living Facility for Seniors or Persons with Disabilities is allowed as a conditional use, it may be permitted by the Hearing Examiner under all limited use standards, Section 7.3.1, Conditional Use, and the following standards:

i. The site or the proposed facility has adequate accessibility to or provides on-site public transportation, medical service, shopping areas, recreation and other community services frequently desired by senior adults or persons with disabilities. The application must include a vicinity map showing major thoroughfares, public transportation routes and stops, and the location of commercial, medical and public services within a one-mile radius of the proposed facility.

Conclusion: The record does include a vicinity map showing major thoroughfares, public transportation routes and stops, and the location of commercial, medical and public services within a one-mile radius of the proposed facility. Exhibit 59(a). Technical Staff indicated that the vicinity map is "accurate and acceptable" (Exhibit 60).

In addition, the Applicant's Statement of Justification (Exhibit 8, pp. 4-5) details a number of nearby services and activities that will be available to residents of the proposed facility:

> The subject property is located approximately one mile south of downtown Damascus and the Main Street shopping area which is located at the intersection of Ridge Road and Main Street. The businesses in downtown Damascus offer shopping, services and cultural activities. In and around the downtown area are restaurants, multiple pharmacies and grocery stores, salons, and the Damascus Community Recreation Center, which offers a wide range of activities including sports, fitness, dance, music and art as well as space to hold gatherings and celebrations. The unincorporated town of Damascus provides many of the services and amenities desired by independent elderly seniors.
>
> * * *
>
> Holy Cross Germantown Hospital (http://www.holycrosshealth.org/hcgh) is located about 7 miles south of St. Anne's in Germantown and offers a full service hospital including emergency care, surgeries, imaging, dialysis and rehabilitation services. The Holy Cross Hospital system offers a full range of in-patient, out-patient and community-based health care services, with specialized expertise in senior services, surgery, neuroscience and cancer.
>
> Other medical facilities are located in the Damascus area as well. Such options include a wellness center, a family medicine office, a chiropractic facility and a testing lab center.

The Applicant further described its in-house amenities and services in its Statement of Justification (Exhibit 8, p. 9):

> Staff will typically be present on weekdays between the hours of 9 a.m. and 5 p.m. and in the evenings and on weekends if special events are planned. Staff will consist of a property manager, a maintenance technician, a porter and an additional person who, with the property manager, will be responsible for coordination with residents and their needs. The maximum weekday staff on-site at any one time will be three (3). The maximum weekend staff at any one time would be one person unless there is a special event scheduled.
>
> Specialists or persons with areas of expertise of interest for seniors may visit the facility to conduct programs for the benefit of the residents, such as bridge lessons, educational or travel presentations or wellness classes for seniors. Additionally, the Petitioner hopes to involve the residents of the seniors building in the activities offered for and by the adjacent church, and vice versa.
>
> Community areas within the proposed building that are available to all residents will include a lobby, community room, sitting room, library, wellness suite, fitness room, cyber café and property management office suite.

Christopher Everett, the Applicant's expert in developing and operating affordable senior housing, testified that (Tr. 39),

> . . . with these type of facilities we really try to go in with some of the amenities to provide a really nice lifestyle. So there will be a pretty nice community center, wellness, cyber lounge that we design, access to outside, a very nice patio. So we really try to amenitize these even though it is affordable because this project will be for the next 20, 30 years. So we want our residents to be happy. So I think that's part one. Part two is that we do work with a resident coordinator[7] that will come in and work with third-party vendors to bring in additional activities and coordinate things for the residents. You know, holiday parties throughout the years - throughout the year. And just to fill up the calendar and make it a very active, engaged community.

Technical Staff found that the Applicant's program will satisfy the statutory standard (Exhibit 45, p. 23), and recommended a condition to ensure the availability of transportation to needed services. The Hearing Examiner added to that condition to require that the conditional use be operated so as to provide the services outlined by the Applicant in its submissions. The modified condition reads:

> The conditional use must be operated in a manner so as to provide the facilities and services to residents outlined in Applicant's Statement of Justification (Exhibit 8, p. 9). The Applicant and any successors in interest must also provide reasonable transportation to medical services, shopping areas, recreation and other community services desired by resident senior adults and persons with disabilities, as required by Zoning Ordinance Section 59.3.3.2.C.2.c.i.

The Hearing Examiner finds that, as conditioned, the proposed facility has adequate accessibility to the listed transportation, medical service, shopping areas, recreation and other community services frequently desired by senior adults or persons with disabilities.

ii. The Hearing Examiner may restrict the availability of ancillary services to nonresidents and specify the manner in which this is publicized. Retail facilities may be included for the exclusive use of the residents of the building.

Conclusion: The Applicant specified in its Statement of Justification (Exhibit 8, p. 18) that "No

[7] The "resident coordinator" is not a resident staff member, but rather roams around to similar facilities. Tr. 39.

retail services for the public or residents are proposed to be located in the seniors facility." Given the Applicant's statement, Technical Staff found that this provision is inapplicable (Exhibit 45, p. 24). The Hearing Examiner finds that there is no reason in this record to impose the additional restriction authorized by this provision, and therefore will not do so.

> ***iii. A minimum of 15% of the dwelling units is permanently reserved for households of very low income, or 20% for households of low income, or 30% for households of MPDU income. If units are reserved for households of more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs under Executive regulations. Income levels are defined in Section 1.4.2, Defined Terms.***

Conclusion: Christopher Everett, the Applicant's expert in developing and operating affordable senior housing, testified that the Applicant will more than meet the minimum requirement of permanently reserving 20% of the dwelling units for households of low income, and in fact, may even approach 80 percent at that income level. Tr. 49. "Low Income" is defined by the Zoning Ordinance as "At or below 60% of the area median income (as determined annually by the U.S. Department of Housing and Urban Development), adjusted for household size."

Technical Staff recommended a condition requiring compliance with the requirements of Section 59.3.3.2.C.2.c.iii, and the Hearing Examiner has imposed a substantially similar condition in Part IV of this Report and Decision. Thus, this provision has been satisfied.

> ***iv. The maximum building height of an Independent Living Facility for Seniors or Persons with Disabilities is 60 feet and the maximum density is determined by the Hearing Examiner under the development standards of Section 3.3.2.C.2.b.vi through Section 3.3.2.C.2.b.ix, without regard to any other limitation in this Chapter.[8]***

[8] Zoning Ordinance §59.3.3.2.C.2.c. contains an erroneous reference in Zoning Ordinance Subsection 59.3.3.2.C.2.c.iv. to "Section 3.3.2.C.2.b.vi through Section 3.3.2.C.2.b.ix." Those subsections were renumbered as Section 3.3.2.C.2.c.vi through Section 3.3.2.C.2.c.ix when the Zoning Ordinance was amended in ZTA 16-15, adopted 2/7/17 in Ord. No 18-24, eff. 2/27/17, and they are no longer part of Section 3.3.2.C.2.b.

Conclusion: The height of the proposed building is a maximum of 45 feet in the Conditional Use Site Plan (Exhibit 41(a)). It therefore complies with the height limitation in this provision. Based on the development standards set forth in Section 3.3.2.C.2.c.vi through Section 3.3.2.C.2.c.ix., the Hearing Examiner finds that the Applicant's proposed density of 23 dwelling units per acre (76 units on 3.44 acres, which results in a density of just over 22 dwelling units per acre) would be compatible with the surrounding uses, for the reasons discussed in response to the next section. Thus, the Hearing Examiner sets a maximum density of 23 dwelling units per acre for the subject site and finds that the requirements of this provision have been satisfied.

> ***v. Height, density, coverage, and parking must be compatible with surrounding uses and the Hearing Examiner may modify height, density, coverage, and parking to maximize the compatibility of buildings with the residential character of the surrounding neighborhood.***

Conclusion: Technical Staff reports (Exhibit 45, p. 24):

> This standard is satisfied. While the footprint, massing and building height are not typical of the surrounding neighborhood, the existing site conditions, topography, landscaping, and placement of the building maximize the compatibility of the building with the surrounding area.

The Hearing Examiner agrees with this assessment. As discussed in Part III.A. of this Report and Decision, the proposed building will be compatible with its surroundings, given the way it is located, designed and screened. The neighborhood consists of the existing church, suburban residential homes, townhouses and vacant school district property. Clearly, the proposed use will be compatible with the adjacent church which owns the property, and being residential in character and well screened, the proposed use will exist in harmony with other residential areas in the vicinity.

The Applicant's architect, John Kershner, indicated that even though the proposed building has architecture different from nearby single-family homes, it will be compatible with

the neighborhood in the sense that it will have minimal impact on those single-family residences because of distance and screening. Tr. 105.

Technical Staff agreed (Exhibit 45, p. 20):

> . . . There is a variety of building scales, forms, and design details exhibited in the neighborhood. The existing church architecture is modern and is representative of 1962 institutional designs of this type. The architecture of the Project is contemporary in design and form. The visual character of the neighborhood is mixed with detached dwelling, townhomes and institutional uses, such [as] a church and school buildings. Therefore, the proposed residential building is not out of character and is compatible with the surrounding residential neighborhoods.

Based on this record, the Hearing Examiner finds that the proposed use, an Independent Living Facility for Seniors or Persons with Disabilities, designed as it is with a well-screened multi-unit residential style architecture in an area with mixed uses, will be compatible with the character of the surrounding neighborhood. The proposed height, density, coverage and green area of the site will all be consistent with the development standards established in Section 3.3.2.C.2.c.vi through Section 3.3.2.C.2.c.ix of the Zoning Ordinance, as discussed above in Part III.B. of this Report and Decision.

The Hearing Examiner also finds that the proposed parking will be compatible with the neighborhood. As discussed in Part III.D.2., below, the grant of a parking lot setback waiver and a Joint Parking Agreement with the adjoining church property (Exhibit 42) ensure that the impacts of the additional parking on the site will not differ significantly from the existing parking on the property and will not unduly burden the neighborhood.

> ***vi. The minimum front setback is 50 feet. Except for an access driveway, this setback area must be maintained as green area; however, if development does not exceed the height limit of the applicable Residential zone, the minimum setback specified by the zone applies.***

Conclusion: Technical Staff reports that ". . . no structure is located within 50 ft. of the front setback." Exhibit 45, p. 24. Under the language of this subsection, the minimum front setback

would be 40 feet because that is the prescribed R-200 Zone front setback per §59.4.4.7.B, and the proposed height of the development (45 feet) does not exceed the height limit of the R-200 Zone (50 feet). Nevertheless, the proposed front setback is 73 feet, and all of it appears to be green area, so the minimum front setback will be met under either the 40-foot R-200 specification or the 50-foot specification in this section. Thus, the Hearing Examiner finds that the requirements of this provision have been satisfied.

vii. The minimum side and rear setback is 25 feet or as specified by the relevant zone, whichever is greater.

Conclusion: As reflected in the table on page 38 of this Report and Decision, the side setback specified in §59.4.4.7.B, for the R-200 Zone (12 feet) is less than the 25 feet specified in this section, so the minimum side setback is the greater figure of 25 feet. The rear setback specified in §59.4.4.7.B, for the R-200 Zone is 30 feet, which is greater than the 25-foot setback specified in this section, so the minimum rear setback is the greater figure of 30 feet.

Based on the Applicant's Conditional Use Site Plan (Exhibit 41(a)), the side and rear setbacks of the proposed facility exceed these minimum setbacks, and the Hearing Examiner therefore finds that this provision has been satisfied.

viii. The minimum green area is:

(a) 70% in the RE-2, RE-2C, and RE-1 zone, except where the minimum green area requirement is established in a master plan;

(b) 60% in the R-200 zone; and

(c) 50% in the R-60, R-90, and Residential Townhouse zones.

Conclusion: The Applicant's Conditional Use Site Plan (Exhibit 41(a)) provides for 75% green area, which exceeds the 60% minimum specified in this section for the R-200 Zone. Technical Staff found that this standard had been satisfied (Exhibit 45, p. 25), and the Hearing Examiner agrees that the proposed 75% green area satisfies the 60% minimum required by this provision for the R-200 Zone.

ix. The Hearing Examiner may reduce the green area requirement by up to 15% if it is necessary to accommodate a lower building height for compatibility reasons.

Conclusion: No reduction in green area has been requested by the Applicant, and none is needed or granted by the Hearing Examiner.

D. General Development Standards (Article 59.6)

Article 59.6 sets the general requirements for site access, parking, screening, landscaping, lighting, and signs. Under the amendments to Section 59.7.3.1.E.1.b. of the 2014 Zoning Ordinance, effective December 21, 2015, the requirements of these sections need be satisfied only "to the extent the Hearing Examiner finds necessary to ensure compatibility."[9] The applicable requirements, and whether the use meets these requirements, are discussed below. Technical Staff's report (Exhibit 45, pp. 4-5, 9-11 and 14-15) discusses matters relating to the following Divisions of Article 59.6: Division 6.1 Access; Division 6.2 Parking, Queuing and Loading; Division 6.4 General Landscaping and Outdoor Lighting; Division 6.5 Screening; and Division 6.7 Signs. The proposed use and Zone do not require the review of Division 6.1 for Site Access, Division 6.3 for Open Space and Recreation, or Division 6.6 for Outdoor Storage. Nevertheless, the Hearing Examiner will briefly address the proposed site access below.

1. Site Access

Section 6.1.2. Applicability
Division 6.1 applies to development in the Residential Multi-Unit, Commercial/ Residential, Employment, Industrial, and Floating zones if:
A. an apartment, multi use, or general building type is proposed; and
B. a site plan or conditional use approval is required.

Conclusion: Zoning Ordinance Division 59.6.1. governs Site Access; however, by its own terms, as stated in §59.6.1.2., Division 59.6.1 does not apply to development in single-family residential zones, such as the R-200 Zone involved in this case, even if a multi-unit building is planned.

[9] The 2014 Zoning Ordinance for Montgomery County, adopted September 30, 2014 (Ordinance No. 17-52), was amended effective December 25, 2015, in ZTA 15-09 (Ordinance No. 18-08, adopted December 1, 2015).

As noted by Technical Staff (Exhibit 45, p. 9), currently "Vehicular ingress and egress are from Ridge Road via a 25 foot wide driveway." According to Kenneth Jones, Applicant's engineer, the same driveway will be extended to access the proposed new building. Mr. Jones testified that the same entrance is being used because the severe grade change requires a driveway that snakes around to get up to the level of the church and the proposed new building. Tr. 64-65. Adequate bicycle and pedestrian access and circulation will be evaluated at Preliminary Plan, and the Applicant has agreed to conditions recommended by the Technical Staff addressing those needs. Tr. 10. The Hearing Examiner has adopted those conditions in Part IV of this Report and Decision.

Based on this record, the Hearing Examiner finds, subject to revisions at subdivision, that site access will be adequate.

2. Parking Spaces, Parking Setback Waivers and Parking Lot Screening

Parking, queuing and loading standards are governed by Division 6.2 of the Zoning Ordinance. We turn first to the number of required parking spaces:

a. Number of Parking Spaces Required by Sections 59.6.2.3 and .4

For an Independent Living Facility for Seniors or Persons with Disabilities, the required number of vehicle parking spaces is based on the number of dwelling units and the maximum number of employees on a shift. The chart in Zoning Ordinance §59.6.2.4.B. calls for 1 parking space for each dwelling unit plus 0.5 spaces for each employee. Since there will be 76 dwelling units and up to 4 employees, the number of required vehicle parking spaces, without any adjustment, would be 78 (76 + 2). However, Zoning Ordinance §59.6.2.3.I.2.b allows an adjustment factor of 0.5 for senior housing, bringing the total number of required spaces down to 39 for the new facility. Technical Staff agreed with this adjustment, as shown in the Development Standards Table in its Report (Exhibit 45, p. 11). The relevant portion of that Table is shown below:

Portion of Development Standards Table Addressing Parking Spaces and Loading

Parking Requirements (59-6.2.4) 1.0 spaces per unit, 0.5 spaces per employee. Reduced by 0.5 per senior housing adjustment	39 spaces total* Accessible: 2 Bicycle: 19	34 spaces provided** Accessible: 3 (including 1 van sp.) Bicycle: 20
Off-Street Loading (Sec. 59-6.2.8.B.1)	1 space per 50 units and above	1 space

*Parking adjustment factor applied (0.5 reduction for senior housing per 59.6.2.3.I.2.b)
**Joint shared use parking agreement for parking provides 5 of the required 39 spaces total.

The Applicant will provide 34 vehicle parking spaces (including 3 handicapped spaces) on subject site (Proposed Lot 2) and 20 long term bicycle spaces. The additional 5 required vehicle parking spaces will be provided on the adjoining site (Lot 1) occupied by the Church which owns both properties, in accordance with a Joint Parking Agreement (Exhibit 42). Such an "Off-Site Parking Agreement" is expressly permitted by Zoning Ordinance §59.6.2.3.G.[10] Reverend Lee Davis, whose Church owns the property, testified that he did not anticipate and problem with the sharing arrangement for parking. Tr. 23-25. Since the Church site (Lot 1) requires only 68 parking spaces, but will have 80 spaces, the Hearing Examiner finds that it can easily support having 5 of its spaces used by the abutting conditional use on Lot 2.

A condition recommended by Technical Staff and largely adopted by the Hearing Examiner in Part IV of this Report and Decision, will require the parties to the Joint Parking Agreement to execute that document, record it among the Land Records of Montgomery County and provide a copy of the executed and recorded Joint Parking Agreement to the Planning Department and to the Office of Zoning and Administrative Hearings for inclusion in the record

[10] The Applicant's letter to the Hearing Examiner of November 5, 2018 (Exhibit 41) requests a waiver of the vehicle parking space requirement to allow the 5-space shortfall on proposed Lot 2 to be made up on the abutting parking lot through the Joint Parking Agreement. In the opinion of the Hearing Examiner, a parking space waiver, per Zoning Ordinance §59.6.2.10, is not needed since §59.6.2.3.G. permits the needed parking to be provided by an Off-Site Parking Agreement as proposed by the Applicant. In other words, the parking space requirement is not being waived, but rather is being supplied off site. If a parking waiver were required for the 5-space shortfall on Lot 2, the Hearing Examiner would have granted it.

of the conditional use application.[11]

Zoning Ordinance §59.6.2.4.C. requires a number of bicycle parking spaces at least equal to .25 of the number of dwelling units, which amounts to a requirement for 19 bicycle spaces (.25 X 76 = 19). The Applicant will provide 20 long-term bicycle parking spaces.

As shown in the above Table, the Applicant will also provide one off-street loading space, consistent with the requirements of Zoning Ordinance §59. 6.2.8.B.1.

Conclusion: In sum, the Hearing Examiner finds that the proposed conditional use will meet all the Zoning Ordinance requirements for the number of parking and loading spaces.

b. Parking Setbacks, Screening and Landscaping

In addition to setting standards for the number of parking spaces required, the Zoning Ordinance also prescribes minimum setbacks for parking facilities. Section 59.6.5.k.2.a. calls for a minimum rear parking setback equal to the minimum rear setback required for a detached house, and Section 59.6.5.k.2.b. calls for a minimum side parking setback equal to 2 times the minimum side setback required for a detached house.

In the R-200 Zone, Zoning Ordinance §59.4.4.7.B requires a rear setback for a detached house of 30 feet and a side setback of 12 feet. As shown in the following portion of Technical Staff's Development Standards Table (Exhibit 45, p. 11), the Applicant's proposal easily meets the 30-foot rear setback with a parking facility rear setback of 150 feet. However, the Applicant's proposal has a 0-foot side setback for the parking facility, which clearly does not meet the side parking facility setback requirement of 24 feet (twice the 12-foot dwelling side setback).

[11] Technical Staff's proposed language for this Condition would have required that the text of the agreement be "acceptable to the staff of the M-NCPPC." Such a condition would arguably violate the dictates of Parts II & III of the Court of Special Appeals decision in *Concerned Citizens v. Constellation-Potomac, L.L.C.*, 122 Md. App. 700, 716 A.2d 353 (1998). In the *Constellation-Potomac* case, the court opined that the Board of Appeals may not grant a special exception with a condition requiring a post-record submission of an item necessary to satisfy the statutory requirements for the special exception. This issue differs from the post-Conditional Use approval of a Preliminary Plan by the Planning Board because the Zoning Ordinance specifically calls for the Planning Board to decide on issues relating to the adequacy of public facilities after the Conditional Use decision, when the proposed use requires subdivision. Zoning Ordinance §59.7.3.1.E.1.f.ii.

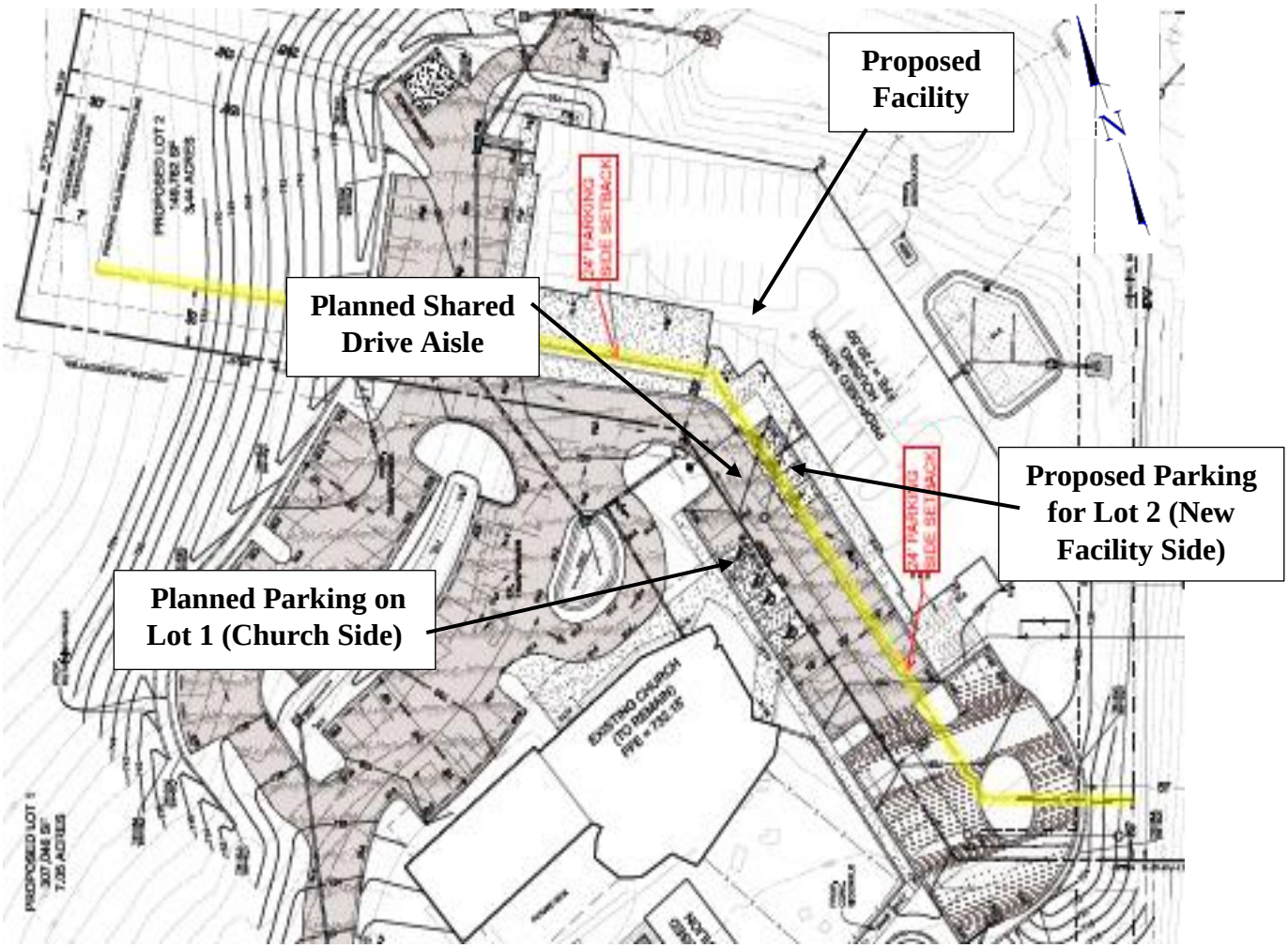
Portion of Development Standards Table Addressing Parking Facility Setbacks

Minimum Parking Setback		
Rear	30 ft.	150 ft.
Side	24 ft.	0 ft. *

*A parking setback waiver has been sought and is discussed below.

To remedy this situation, the Applicant has requested a waiver of the parking facility side setback requirement, per Zoning Ordinance §59.6.2.10. As stated by the Applicant, "A waiver of the entire twenty-four foot setback is requested because parking spaces on Lot 2 . . . [abut] a drive lane at least 20 feet wide [on Lot 1] that also serves parking and church facilities on adjacent Lot 1." Exhibit 41, p. 2.

A number of factors come into play in evaluating the Applicant's request for a parking facility setback waiver. It is helpful in this regard to examine a diagram provided by the Applicant to demonstrate the parking setback waiver request (Exhibit 41(h)):



Conclusion: Zoning Ordinance §59.6.2.10 provides that "*The deciding body may waive any requirement of Division 6.2, . . . if the alternative design satisfies Section 6.2.1. . . .* Section 6.2.1 provides that "*The intent of the vehicle and bicycle parking, queuing, and loading requirements is to ensure that adequate parking is provided in a safe and efficient manner.*"

The most salient fact regarding the setback issue is that the parking lot setback in question will adjoin a drive aisle separating two shared parking facilities, and therefore reducing the setback will not adversely affect the adequacy, safety or efficiency of the parking; nor will it be detrimental to the residential character and pedestrian friendly environment of the neighborhood. Based on this record, the Hearing Examiner hereby grants the requested parking lot setback waiver of Section 59.6.2.5.K.2.b., reducing the minimum side yard setback for the parking facility along the southern lot line of Lot 2 to 0 feet, instead of 24 feet, in accordance with Zoning Ordinance §59.6.2.10.

In addition to setback requirements for parking facilities, Zoning Ordinance §59.6.2.9.C. specifies required screening and landscaping for parking lots with 10 or more spaces. The Applicant's landscape plans (Exhibits 41(c), (d) and (e)) are substantially reproduced in Part II.C.2. of this Report and Decision. Technical Staff reports that the Applicant's plans meet or exceed all these requirements (Exhibit 45, p. 15):

> The Project's parking lot landscaped areas, tree canopy and perimeter plantings meet or exceeds the required landscaping as required by Sec. 6.2.9.C as shown on the Applicant's landscape plan. Additionally, the Applicant provides additional interior landscaping around the building and patio area consisting of shrubs, trees, groundcover, and other deciduous and perennial plantings. This standard is satisfied.

There is no evidence in this record contradicting Staff's findings in this regard.

Conclusion: Based the Applicant's Landscape Plans and Technical Staff's findings, the Hearing Examiner finds that the Applicant's plans satisfy the parking lot landscaping and screening requirements of Zoning Ordinance §59.6.2.9.C.

3. Site Landscaping and Screening

Conclusion: Division 6.4 of the Zoning Ordinance sets minimum standards for site landscaping, which are intended to "preserve property values, preserve and strengthen the character of communities, and improve water and air quality." Section 59.6.4.1. Section 59.6.5.3.A.1. provides that "*Screening is required along a lot line shared with an abutting property that is vacant or improved with an agricultural or residential use*." Section 59.6.5.3.C. describes specific landscaping and screening required for different building types, and Section 59.6.8 allows approval of an alternative method of compliance with these requirements if there are unique site or use characteristics or development constraints, and certain criteria are met.

Technical Staff found that "the Project complies with Sec. 59-6.8.1 Alternative Method of Compliance with regard to Sec. 59-6.5.3.C (Screening Requirements by Building Type)." Exhibit 45, p. 15. As explained by Staff (Exhibit 45, pp. 14-15):

> The Project is adequately screened from the adjoining residential lots by existing forest, landscaped trees, and reforestation plantings as shown on the landscape plan . . . . [Exhibits 41(c), (d) and (e)]. A mature screening of spruce trees is situated near the west property line. Approximately two acres of forest is located in the upper northwest corner of the Property, as well as approximately 0.43 of forest abutting Ridge Road in the southwest corner of the site. About 0.32 acres of trees and landscape on the slope along Ridge Road provide additional screening from off-site views. Additionally, the Project's visibility is adequately screened by existing site topography from off-site view to the west. The site's unique characteristics containing steep slopes and forested land precludes the requirements additional property boundary screening.

The Applicant's architect, John Kershner, testified that the site's positioning, distance from adjacent housing and screening would render the proposed use compatible with the neighborhood. Tr. 105. The Hearing Examiner therefore accepts Staff's assessment and finds that the proposed use meets the landscaping and screening criteria required by Division 59-6.5 of the Zoning Ordinance, to the extent necessary to ensure compatibility, which is the standard set forth in Zoning Ordinance §59.7.3.1.e.1.b. for the Hearing Examiner's review of compliance with Article 59-6.

4. Outdoor Lighting

Conclusion: The outdoor lighting proposed for the conditional use was discussed in Part II.C.2. of this Report and Decision. As indicated there, permissible lighting levels for a conditional use are specified in Zoning Ordinance §59.6.4.4.E., which provides,

> *Outdoor lighting for a conditional use must be directed, shielded, or screened to ensure that the illumination is 0.1 footcandles or less at any lot line that abuts a lot with a detached house building type, not located in a Commercial/Residential or Employment zone.*

The proposed fixtures must also meet the design requirements specified in Zoning Ordinance §59.6.4.4.B.

Technical Staff's review of the lighting levels found that the grounds will be adequately lit and that the lighting will not intrude across the property lines (Exhibit 45, p. 15):

> Pole mounted light fixtures, wall fixtures, and recessed light canisters are proposed as shown on the Applicant's lighting plan and schedule. All lights are LED fixtures with full cut-off to eliminate horizontal light cast. The photometric plan predicts that no light above 0.0 foot-candles will spill across any Property boundary of the existing property lines and adjoining residences. The lighting plan is adequate, providing visibility to the areas for vehicular and pedestrian circulation during nighttime hours. The lighting will not have a negative impact to neighboring property owners with either direct light or light glare. As such, the lighting plan satisfies the requirements of Sec. 6.4.4. This standard is satisfied.

The Hearing Examiner's own inspection of the photometric plan reproduced in Part II.C.2 of this Report and Decision demonstrates that the lighting from the subject site will not exceed the statutory standard of 0.1 foot-candles along any lot line abutting a lot with a detached house. The only foot-candle readings exceeding that level are along the shared entry aisle and parking areas abutting that drive aisle. Such lighting in those locations is necessary for safety.

There is no evidence in this record to refute Applicant's photometric study and Technical Staff's findings. Therefore, the Hearing Examiner finds that the proposed lighting for the

conditional use will meet the Zoning Ordinance standards and will not cause undue harm to neighboring properties due to illumination.

5. Signage

Permitted signage for residential zones is set forth in Zoning Ordinance §59.6.7.8. Additional signage area is allowed for subdivisions and multiunit developments, as specified in Zoning Ordinance §59.6.7.8.B.1.

Technical Staff indicates that "No signs are proposed at this time for the conditional use." Exhibit 45, p. 15. However, the Applicant states the following in its Statement of Justification (Exhibit 8, p. 8):

> A ground mounted site sign will be located at the entrance driveway. As this is a residential zone, only a two (2) square foot sign is permitted. Ridge Road is a very high-traffic corridor. In order to catch the attention and to notify passing travelers of the location of the facility, a larger freestanding sign will be necessary than what is permitted in residential zones. Once a design and dimensions are determined, a sign variance will be applied for with the Montgomery County Sign Review Board, and details of the sign will be submitted as a supplement to this application.

The Hearing Examiner raised this issue at the hearing, and suggested that he would impose a condition addressing the sign issue. The Applicant agreed to having such a condition. Tr. 115-116.

Conclusion: In anticipation of Applicant's future sign proposal, the Hearing Examiner has imposed the following condition in Part IV of this Report and Decision:

> If the Applicant seeks to install an exterior sign, it must first obtain a sign permit from the Department of Permitting Services for any proposed sign, and must file a copy of any such sign permit with OZAH and amended plans showing the sign's location and details. The final design of the proposed sign must be in compliance with the Zoning Ordinance restrictions for signs displayed in a residential zone, or the Applicant must first obtain a sign variance from the Sign Review Board.

Given that condition, the Hearing Examiner finds that any sign posted by the Applicant will be compliant with the Zoning Ordinance, or be allowed pursuant to a sign variance and permit.

IV. Conclusion and Decision

As set forth above, the application meets all the standards for approval in Articles 59-3, 59-4, 59-6 and 59-7 of the Zoning Ordinance.

Based on the foregoing findings and conclusions and a thorough review of the entire record, the application of St. Anne's Episcopal Community Development Corporation (CU 18-11) for a conditional use under Section 59.3.3.2.C.2.c. of the Zoning Ordinance to build and operate an Independent Living Facility for Seniors or Persons with Disabilities, at 25100 Ridge Road (Route 27) in Damascus, Maryland, is hereby ***GRANTED,*** subject to the following conditions:

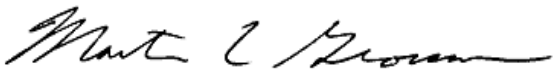
1. Physical improvements to the Subject Property are limited to those shown on the Applicant's Conditional Use Site Plan, Landscaping Plan, Lighting Plan and all other plans approved in this Report and Decision, subject to any revisions required by the Planning Board at Subdivision. The Applicant must file copies with OZAH of any plans modified at Subdivision.
2. The maximum number of dwelling units is limited to 76 units on 3.44 acres, and the density of the development is therefore limited to a maximum of 23 dwelling units per acre. Occupancy of the dwelling units shall be in accordance with the applicable Limited Use standards of Zoning Ordinance Sections 59.3.3.2.C.2.a. and b.
3. The maximum number of weekday employees is limited to four (4) persons during normal business hours. Weekend staff is limited to one (1) person. Additional staff may be permitted for emergencies and occasional special events.
4. The conditional use must be operated in a manner so as to provide the facilities and services to residents outlined in Applicant's Statement of Justification (Exhibit 8, p. 9). The Applicant and any successors in interest must also provide reasonable transportation to medical services, shopping areas, recreation and other community services desired by resident senior adults and persons with disabilities, as required by Zoning Ordinance Section 59.3.3.2.C.2.c.i.
5. The collection of solid waste refuse and recyclable materials must occur on a weekday and not on Saturday or Sunday.
6. The Applicant and any successors in interest must comply with the requirement of Zoning Ordinance Section 59.3.3.2.C.2.c.iii, that a minimum of 15 percent of the dwelling units are permanently reserved for households of very low income, or 20 percent for households of

low income, or 30 percent for households of MPDU income. If units are reserved for households of more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs.

7. Prior to the issuance of any building permit for the subject conditional use, the Applicant must obtain approval of a Preliminary Plan of Subdivision and a Record Plat pursuant to Chapter 50 of the Montgomery County Code.
8. Prior to the approval of a Preliminary Plan of Subdivision, the Applicant must demonstrate compliance with the Bicycle Master Plan recommendations, including the recommended shared-use side-path along the west side of Ridge Road (MD 27) along the frontage of the subject property, or an alternative method of compliance acceptable to the Planning Board.
9. Prior to the approval of a Preliminary Plan of Subdivision, the Applicant must demonstrate an adequate pedestrian circulation plan that is appropriate for the subdivision, given its location and the type of proposed development and use, as provided in Montgomery County Code Section 50-4.2.D.1.
10. Prior to the approval of a Preliminary Plan of Subdivision, the parties to the Joint Parking Agreement (Exhibit 42) must execute that document, record it among the Land Records of Montgomery County and provide a copy of the executed and recorded Joint Parking Agreement to the Planning Department and to the Office of Zoning and Administrative Hearings for inclusion in the record of the conditional use application.
11. A Parking Facility Setback Waiver is hereby granted, pursuant to Zoning Ordinance §59.6.2.10, reducing the side setback required by Zoning Ordinance §59.6.2.5.K 2.b. from 24 feet to 0 feet, as shown on the Applicant's Conditional Use Site Plan.
12. Prior to the approval of the Preliminary Plan of Subdivision application, the Applicant must obtain approval of the stormwater management concept plan from the Montgomery County Department of Permitting Services.
13. As part of the approval of a Preliminary Plan of Subdivision application, the Applicant must obtain an approval from the Planning Board of a final Forest Conservation Plan Revision.
14. If the Applicant seeks to install an exterior sign, it must first obtain a sign permit from the Department of Permitting Services for any proposed sign, and must file a copy of any such sign permit with OZAH and amended plans showing the sign’s location and details. The final design of the proposed sign must be in compliance with the Zoning Ordinance restrictions for signs displayed in a residential zone, or the Applicant must first obtain a sign variance from the Sign Review Board.
15. If the Applicant makes any significant changes to the colors of the proposed building, as shown in Exhibits 55(a) and (b), it must request an amendment to the Conditional Use Plans approved in this case

16. The proposed facility must meet all applicable Federal, State, and County licensure, certificate, and regulatory requirements.
17. The Applicant and any successors in interest must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the conditional use premises and operate the conditional use as granted herein. The Applicant and any successors in interest shall at all times ensure that the conditional use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements, including the annual payment of conditional use administrative fees assessed by the Department of Permitting Services.

Issued this 28th day of December, 2018.



Martin L. Grossman
Hearing Examiner

NOTICE OF RIGHT TO REQUEST ORAL ARGUMENT

Any party of record may file a written request to present an appeal and oral argument before the Board of Appeals, within 10 days after the Office of Zoning and Administrative Hearings issues the Hearing Examiner's Report and Decision. Any party of record may, no later than 5 days after a request for oral argument is filed, file a written opposition to it or request to participate in oral argument. If the Board of Appeals grants a request for oral argument, the argument must be limited to matters contained in the record compiled by the Hearing Examiner. A person requesting an appeal, or opposing it, must send a copy of that request or opposition to the Hearing Examiner, the Board of Appeals, and all parties of record before the Hearing Examiner.

Contact information for the Board of Appeals is listed below, and additional procedures are specified in Zoning Ordinance §59.7.3.1.F.1.c.

The Board of Appeals may be contacted at:

Montgomery County Board of Appeals
100 Maryland Avenue, Room 217
Rockville, MD 20850
(240) 777-6600
http://www.montgomerycountymd.gov/boa/

The Board of Appeals will consider your request for oral argument at a work session. Agendas for the Board's work sessions can be found on the Board's website and in the Board's office. You can also call the Board's office to see when the Board will consider your request. If your request for oral argument is granted, you will be notified by the Board of Appeals regarding the

time and place for oral argument. Because decisions made by the Board are confined to the evidence of record before the Hearing Examiner, no new or additional evidence or witnesses will be considered. If your request for oral argument is denied, your case will likely be decided by the Board that same day, at the work session.

Parties requesting or opposing an appeal must not attempt to discuss this case with individual Board members because such *ex parte* communications are prohibited by law. If you have any questions regarding this procedure, please contact the Board of Appeals by calling 240-777-6600 or visiting its website: http://www.montgomerycountymd.gov/boa/.

NOTICES TO:

St. Anne's Episcopal Community Development Corporation, Applicant
Jody S. Kline, Esquire
Barbara Jay, Executive Director
Montgomery County Board of Appeals
All parties of record
Charles Frederick, Esquire, Associate County Attorney
Diane Schwartz-Jones, Director, Department of Permitting Services
Ehsan Motazedi, Department of Permitting Services
Greg Nichols, Manager, SPES at DPS
Gwen Wright, Director, Planning Department
Phillip Estes, Planning Department
Alexandre Espinosa, Director, Finance Department
Washington Suburban Sanitary Commission
Montgomery County Public Schools
Abutting and Confronting Property Owners
(or a condominium's council of unit owners or renters, if applicable)
Civic, Renters' and Homeowners' Associations within a half mile of the site
Any Municipality within a half mile of the site

Attachment 9

DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

December 12, 2019

Mr. Ryan Sigworth, Senior Planner
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: **REVISED**
Preliminary Plan No. 120180230
St. Anne's Episcopal Church

Dear Mr. Sigworth:

We have completed our review of the revised preliminary plan uploaded to eplans on August 20, 2019. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on August 6, 2019. 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 Montgomery County Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.

Significant Preliminary Plan Comments

1. The applicant will be required to contribute $80,070.00 towards the construction of the master planned 10-foot, shared-use path along the Ridge Road (MD 27) frontage. The payment must be made prior to approval of the record plat and will be paid into the fund for Montgomery County Capital Improvement Project No. P501908. If the County has already completed the project, or decides not to implement the project, the applicant will continue to make the payment prior to approval of the record plat. This payment will be used to fund other bicycle infrastructure improvements in the Damascus Master Plan area. Coordinate with Mr. Jon Hutchings, Project Manager in our Division of Transportation Engineering Section, at 240-777-7224 or jon.hutchings@montgomerycountymd.gov.

Standard Preliminary Plan Comments

2. We defer to MSHA for access and improvements to Ridge Road (MD 27).

3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.

4. The storm drain analysis was reviewed and deemed acceptable to MCDOT. No improvements to the downstream, county-maintained system is required by this development.

5. The exiting bus facility located at the northeast end of this project will need to be improved to be ADA compliant and be a minimum five-feet by eight-feet with a knee wall. At or before the permit stage, please coordinate with Mr. Wayne Miller of our division of Transit Services to coordinate these improvements. Mr. Miller can be contacted at 240-777-5836 or wayne.miller2@montgomerycountymd.gov.

Thank you for the opportunity to review this sketch plan. If you have any questions or comments regarding this letter, please contact me at william.whelan@montgomerycountymd.gov or (240) 777-2173.

Sincerely,

William Whelan, Engineer III
Development Review Team
Office of Transportation Policy

cc: Plan letters notebook

cc-e:	Chris Everett	Mission First Housing
	Kenneth Jones	Macris, Hendricks and Glascock
	Kwesi Woodroffe	MSHA District 3
	Wayne Miller	MCDOT DTS
	Sam Farhadi	MCDPS RWPR
	Jon Hutchings	MCDOT

Attachment 10

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

June 26, 2018

Mr. Michael Morris
Macris, Hendricks & Glascock, PA
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886

Re: **COMBINED STORMWATER MANAGEMENT CONCEPT/*SITE DEVELOPMENT STORMWATER MANAGEMENT PLAN***
for St. Anne's Episcopal Church
25100 Ridge Road
Conditional Use Plan #: TBD
PP# 120180230
SM File #: 283079
Tract Size/Zone: 10.48 ac.R-200
Total Concept Area: 10.48 ac.
Lots/Block: n/a
Parcel(s): A, Chesney's Subdivision Plat Book 69, Plat 6531 - to be subdivided into two lots
Watershed: Great Seneca

Dear Mr. Morris:

Based on a review by the Department of Permitting Services Review Staff, the Combined Stormwater Management/Site Development Stormwater Management Plan for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals for each lot as follows: Lot 1 - micro-bioretention and bio-swale, Lot 2 – microbioretention and an existing surface sand filter.

The following items need to be addressed during the detailed Sediment Control/SWM plan stage:

1. A detailed review of the SWM computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices must consist of MDE approved material.
4. All measures must be designed in accordance with the latest MCDPS guidance documents.

5. Landscaping shown on the approved Landscape Plan as part of the approved concept plan are for illustrative purpose only and may be changed at the time of detailed plan

   review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

6. Prior to plan approval the applicant must provide documentation from MSHA that runoff from this site can be safely conveyed into the storm drain system in Ridge Road (MD Route 27) or submit a revised concept with on-site measures that reduces the flow rate to a level that can be safely conveyed.

7. This concept approval is dependent on utilizing an existing surface sand filter on proposed lot two to provide management for that portion of the site that cannot be treated in ESD measures. Therefore, the applicant is required to provide documentation with the initial plan submission that the facility is in good working order and maintained and functioning as design. If that is not the case the initial submission must include a plan to restore the facility to an acceptable condition. Any disturbance to restore the facility, if needed, does not need to be included in the LOD to compute ESDv required. For Lot two.

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.

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

Sincerely,

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

MCE: mmf

cc: N. Braunstein
SM File # 283079

Lot 1 - 7.05 ac
ESD: Required/Provided: 4080 cf / 4757 cf
PE: Target/Achieved:1.0"/1.17"
STRUCTURAL Required/Provided: n/a
WAIVED: n/a

Lot 2 - 3.44 ac
ESD: Required/Provided: 5811 cf / 3743 cf
PE: Target/Achieved:1.6"/1.03"
STRUCTURAL Required/Provided: 872 cf / 3521 cf
WAIVED: n/a

Attachment 11

DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Hadi Mansouri
Acting Director

September 26, 2019

Mr. Jeremiah Swenson
Macris, Hendricks & Glascock, PA
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886

Via email: jswenson@mhgpa

Re: **COMBINED STORMWATER MANAGEMENT CONCEPT/*SITE DEVELOPMENT STORMWATER MANAGEMENT PLAN RECONFIRMATION*** *for* St. Anne's Episcopal Church
SWM Concept #:283079
Preliminary plan # 120180230

Dear Mr. Swenson:

Your request for a stormwater management reconfirmation for the above site has been evaluated. The original approved SWM concept dated June 26, 2018 is hereby reconfirmed. Please adhere to all conditions required as part of that approval.

If you have any questions regarding these actions, please feel free to contact me at 240-777-6202 or at mary.fertig@montgomerycountymd.gov.

Sincerely,

Mary M. Fertig

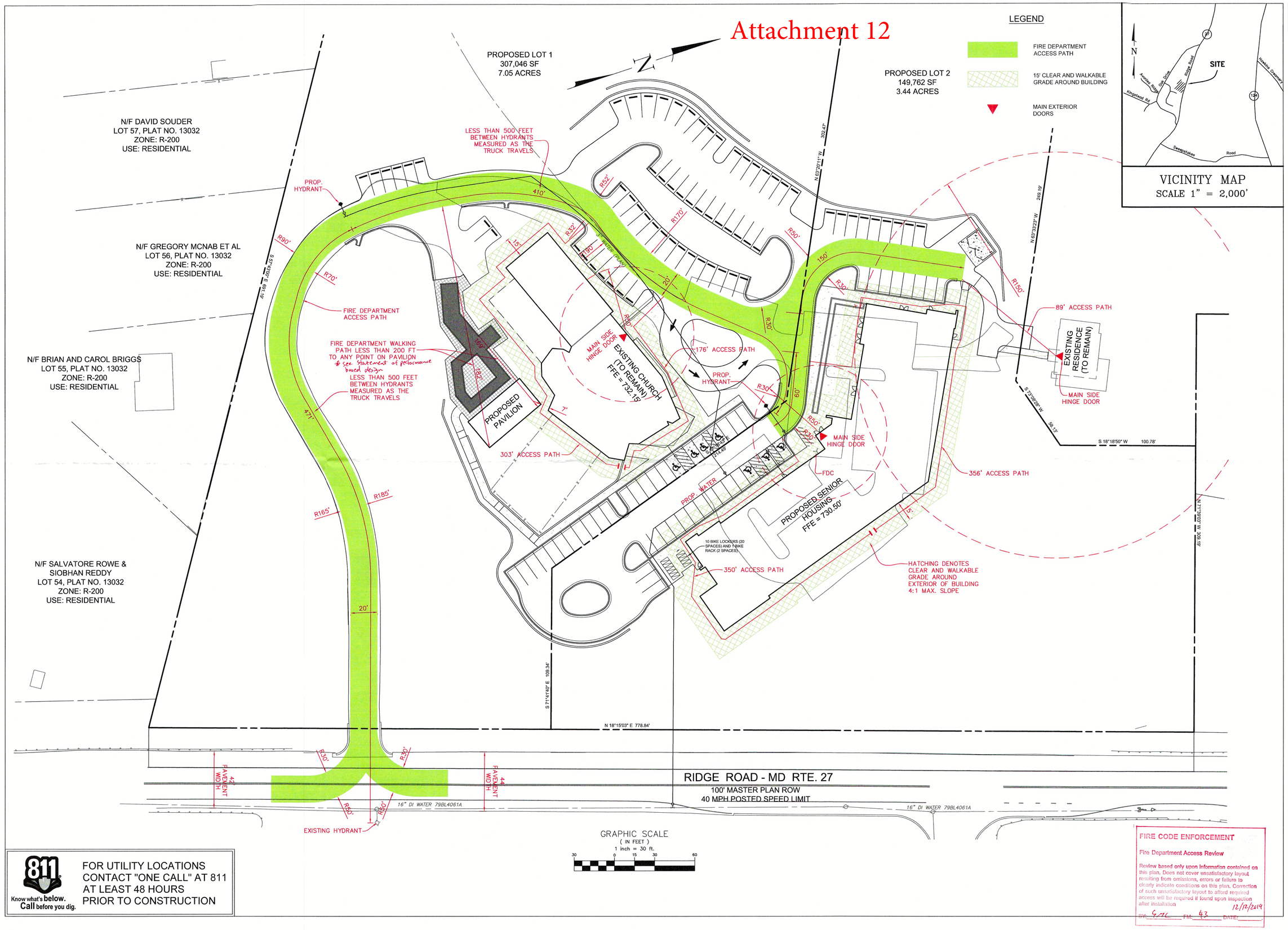
Mary M. Fertig, PE
Senior Permitting Services Specialist
Water Resources Planning Section
Division of Land Development Services

cc: N. Braunstein
SM File #: 283079

Lot 1 - 7.05 ac
ESD: Required/Provided: 4080 cf / 4757 cf
PE: Target/Achieved:1.0"/1.17"
STRUCTURAL Required/Provided: n/a
WAIVED: n/a

Lot 2 - 3.44 ac
ESD: Required/Provided: 5811 cf / 3743 cf
PE: Target/Achieved:1.6"/1.03"
STRUCTURAL Required/Provided: 872 cf / 3521 cf
WAIVED: n/a

Attachment 12



GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.
30 0 15 30 60

811 Know what's below. Call before you dig.
FOR UTILITY LOCATIONS CONTACT "ONE CALL" AT 811 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION

FIRE CODE ENFORCEMENT
Fire Department Access Review
Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation
12/12/2019
BY: GJC FM: 43 DATE:

MHG
Civil Engineers
Land Planners
Landscape Architects
Land Surveyors
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886
Phone: 301.670.0840
www.mhgpa.com

STATE OF MARYLAND
STEPHEN EDWARD CRUM
No. 16905
REGISTERED PROFESSIONAL ENGINEER
12-11-19

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. Lic. No. 16905 Exp. Date. 04.21.2020

APPLICANT

MISSION FIRST HOUSING DEVELOPMENT CORPORATION
1330 NEW HAMPSHIRE AVE, NW
SUITE 116
WASHINGTON, DC 20036
CONTACT: CHRIS EVERETT
(202) 223-3403
CEVERETT
@MISSIONFIRSTHOUSING.ORG

ARCHITECT

ZAVOS ARCHITECTURE + DESIGN
323 WEST PATRICK STREET
FREDERICK, MD 21701
CONTACT: JOHN KERSHNER
(301) 698-0020
JKERSHNER
@ZAVOSARCHITECTURE.COM

LAND USE ATTORNEY

MILLER, MILLER & CANBY
200-B MONROE STREET
ROCKVILLE, MD 20850
CONTACT: JODY KLINE
(301) 762-5212
JSKLINE@MMCANBY.COM

TAX MAPFX341 WSSC 235NW10

PLAT NO. 6531

12TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

PARCEL A
CHESNEYS SUBDIVISION

ST. ANNE'S EPISCOPAL CHURCH

PROJ. MGR	KDJ
DRAWN BY	KDJ
SCALE	1"= 30'
DATE	12/10/19

FIRE APPARATUS ACCESS PLAN

C2.03

PROJECT NO.	16.135.11
SHEET NO.	1 OF 1

Attachment 13

Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 12-Dec-19

TO: Stephen Crum - scrum@mhgpa.com
Macris, Hendricks & Glascock

FROM: Marie LaBaw

RE: St. Anne's Episcopal Church
120180230

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **12-Dec-19** .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.

See Statement of Performance Based Design.

Attachment 14

December 1, 2019

Mr. Ryan Sigworth
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Sigworth,

We are writing in-regards to Plan #120180230, St. Anne's Episcopal Church located at 25100 Ridge Road, Damascus, MD 20872. The plan is for the construction of an independent living facility on the existing ten-acre lot that the church currently occupies. The purpose of our letter is not to oppose the development but to raise a concern in its relation to our properties. Currently there is a line of tall trees in between our residential lots and the church's lot which serves as a natural privacy barrier. We kindly request that the church considers this in its design and construction of the facility and leaves the existing trees in place or plant new ones if they are taken down. The private feel to our backyards was one of the selling features in purchasing our homes. If the barrier of trees were removed this would diminish that sense of privacy and diminish the values of our properties. We thank you for your consideration in this matter.

Sincerely,

Jeff Lavore
25223 Oak Drive
Damascus, MD 20872
Parcel P274. L. 49883 F.006

William Hassan
25301 Oak Drive
Damascus, MD 20872
Lot 2. Plat No 3815

Law Offices Of
MILLER, MILLER & CANBY
MM&C
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200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.762.6044 WWW.MILLERMILLERCANBY.COM
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DIANE E. FEUERHERD
CHRISTOPHER L. YOUNG (VA)
CALLIE CARNEMARK (VA)
JAMES T. ROTH (DC)

December 12, 2019

Mr. Chris Van Alstyne
Senior Planner, Area 3
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: St. Anne's Episcopal Church Redevelopment;
Pedestrian Connection to Applecross Over and Abutting Property

Dear Chris,

I have previously reported to you about my pleasant and productive conversations with Ms. Lynn Faiola over whose property a connection to Applecross seemed to be a logical location. Ms. Faiola's response to the Church's proposal is contained in the attached letter in which she, emphatically, indicates that she has no interest in having a walkway constructed over her property. In light of Ms. Faiola's strong opinion on the subject, St. Anne's Episcopal Church will no longer seek to create a pedestrian connection to the public street network in the southwest corner of the Church's property.

Should you have any questions about this matter, please feel free to contact me.

Sincerely Yours,

MILLER, MILLER & CANBY

Jody

Jody S. Kline

Attachment
cc: Ryan Sigworth
Father Lee Davis
Chris Everett
Elizabeth Askew Everhart
John Kershner
Ken Jones
Ms. Lynn Faiola

12/4/19

Mr. Kline;

Hope you had a great Thanksgiving.
Thank you for your letter of 12/2/19. and the map. (and the nice compliment)
Sorry for the writing, I am lacking a printer at present.
I was not feeling well yesterday and was not able to attend the Dept. of transportation planning meeting for the Oak Drive proposed sidewalk. I did leave a message for Mr. Jon Hutchings to call me with results of the meeting.
Attached is a MCDOT's The Plan ahead which explains the area involved. The Master Plan Recommendations describes the sites on Oak Drive that is proposed. I'm sorry I am bad with maps but I hope this can explain on the map on the flier.
I am still very much against a walk way ~~through~~ over my property, and will work against this idea, sorry.
Please feel free to contact me. Also I am open to present my oppositions to church members at any time.
Thank you for your time.

—Lynn Faiola

http://www.montgomerycountymd.gov/dot-dte/projects/oak/index.html

December 2019

THE PLAN AHEAD

transportation begins today

MARK ELRICH
Montgomery County Executive

MCDOT
Montgomery County Department of Transportation

Christopher Conklin, Director
Department of Transportation
DIVISION OF TRANSPORTATION ENGINEERING
100 Edison Park Drive, 4th Floor
Gaithersburg, Maryland 20878
Phone: 240. 777. 7220
Fax: 240. 777. 7277

Tim Cupples, P.E.
Division Chief

Sogand Seirafi, P.E.
Engineering Services Chief

Daniel Sheridan, P.E.
Design Section Chief

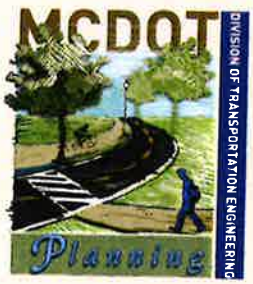
Marcelo Cortez, P.E.
Construction Section Chief

Eric Willis
Property Acquisition Section Chief

For alternative formats of this newsletter, please contact the Division of Transportation Engineering at 240. 777. 7220 (voice). TTY users call MD relay.

The Plan Ahead

is a project newsletter published by the Montgomery County DOT Division of Transportation Engineering



Oak Drive Proposed Sidewalk - REVISED HEARING NOTICE

The Montgomery County Department of Transportation (MCDOT) is in the final design phase of the Oak Drive/MD 27 Sidewalk Project.

The full CIP project is comprised of 3 phases. This Public Hearing is limited to Phase I which includes Oak Drive and Kingstead Road only. A 4,200 linear foot, 5-ft wide concrete sidewalk with 4-ft minimum width greenspace buffer will be provided on the west side of Oak Drive from its southern intersection with MD 27 to the John T. Baker Middle School. A 5-ft wide sidewalk will also be provided along the south side of Kingstead Road from Oak Drive to the John Haines park. Sidewalks will be ADA compliant.

The proposed Oak Drive sidewalk will connect residences to pedestrian destinations including the John Haines Neighborhood Park, John T. Baker Middle School, and Damascus Community Recreation Center and tie-in to the existing sidewalk along Oak Drive near the Ridge Road intersection.

MASTER PLAN RECOMMENDATIONS

The 2006 Damascus Master Plan defines Oak Drive (P-9) as a 2-lane Primary Residential Road within a minimum 70 foot right of way. Kingstead Road is classified as a Primary Residential Road (P-10) between Kings Valley Road and Oak Drive. The Master Plan recommends a shared use path (B-8) along Oak Drive. Since approval of the 2006 Master Plan, B-8 was constructed as a sidewalk along the west side of Oak Drive, providing access to John T. Baker Middle School, Damascus Community Recreation Center, and the Magruder's Overlook community.

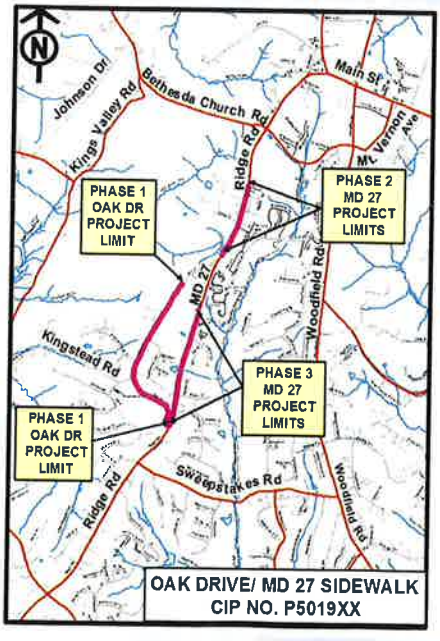
MARYLAND 192

PURPOSE OF PUBLIC HEARING

The hearing provides the opportunity for MCDOT to present the project to the community and to obtain feedback. You are encouraged to attend the hearing, share your comments and provide suggestions.

REVISED HEARING DATE & LOCATION:

Oak Drive Sidewalk
PUBLIC HEARING—REVISED
WEDNESDAY, December 4, 2019
7:00 p.m. - 9:00 p.m.
Damascus Elementary School
All-Purpose Room
10201 Bethesda Church Rd., Damascus, MD 20872



For more information, please contact
Mr. Jon Hutchings - Capital Projects
Phone: 240. 777. 7224
Email: Jon.Hutchings@montgomerycountymd.gov

Montgomery County Department of Transportation (MCDOT)
Division of Transportation Engineering
100 Edison Park Drive, 4th Floor
Gaithersburg, Maryland 20878
Phone: 240-777-7220 Fax: 240-777-7277

REVISED PUBLIC HEARING NOTICE

Due to a scheduling conflict, the Oak Drive / MD 27 Public Hearing has been rescheduled to WEDNESDAY, December 4, 2019 at 7pm Damascus Elementary School

Oak Drive Sidewalk
PUBLIC HEARING— DATE REVISED
WEDNESDAY, December 4, 2019
7:00 p.m. - 9:00 p.m.
Damascus Elementary School
All-Purpose Room, 10201 Bethesda Church Rd,
Damascus, MD 20872

Project Website

Before and after the public workshop, the meeting materials will be available on the project website at https://www.montgomerycountymd.gov/dot-dte/projects/oak/index.html

Public Comments Submission

Comments may be submitted by January 10, 2020. MCDOT encourages you to stay involved! You may forward comments to MCDOT by:

- **The attached postage-paid Public Comments Form**
- **Regular mail to:**
  Jon Hutchings, Capital Projects, MCDOT DTE
  100 Edison Park Drive, 4th Floor
  Gaithersburg, MD 20878
- **E-mail to:**
  Jon.Hutchings@montgomerycountymd.gov

The Life of a Transportation Project

FACILITY PLANNING - PHASE I

Collect data, obtain public input, develop concept plans, evaluate and select preferred alignment/cross section.

Obtain Director's and Montgomery County Council's Transportation Infrastructure, Energy and Environment Committee (T&E) approval.

FACILITY PLANNING - PHASE II

Develop preliminary (35% level of completion) design plans, cost estimates and project schedule.

Submit to County Executive and County Council for final decision and construction funding in Capital Improvement Program (CIP).

FINAL DESIGN AND CONSTRUCTION

If approved for full funding and is included in CIP, complete final design and construction.
(We are Here)

LEGEND CURRENTLY FUNDED NOT FUNDED