



MCPB
Item No.:
Date: 6-3-21

King Souder Property, Preliminary Plan No. 120210060

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Completed: 5/21/21

Description

Request to create sixty-two (62) lots for Townhouse Living units and two (2) lots for Single-Unit Living including 25% MPDUs.

Location: Ridge Road (MD 27) approximately 475 feet north of Bethesda Church Road

Acreage: 10.91 acres

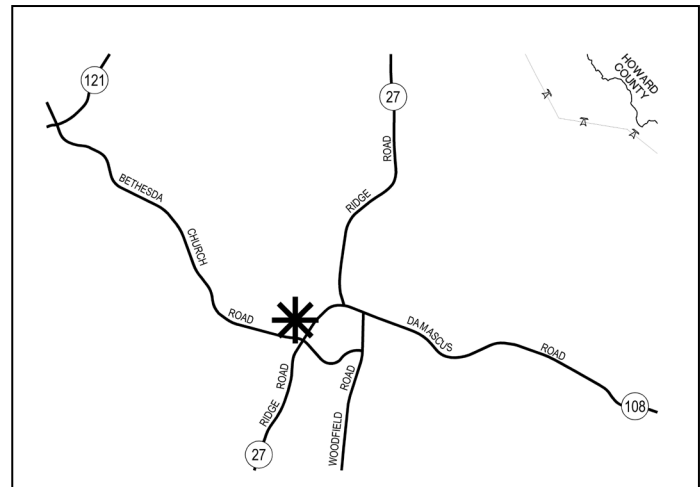
Zone: CRT-1.0, C-0.5, R-0.5, H-55T and R-90 Zones with TDR 1.16 Overlay

Master Plan: 2006 *Damascus Master Plan*

Applicant: William Newman

Accepted Date: November 9, 2020

Review Basis: Chapter 50, 22A, 19



Summary

- Staff recommends **approval with conditions**
- Application creates sixty-two (62) lots for one-family attached residential units and two (2) lots for one-family detached residential units.
- The Application will provide a 10-foot-wide sidewalk along the Property frontage on Ridge Road with an off-site extension to the existing sidewalk at the intersection of Bethesda Church Road and Ridge Road to provide access to Damascus Elementary School.
- A new public street will be provided to facilitate future inter-parcel connectivity to the adjacent property for future development.
- Meets requirements of Chapter 22A, Forest Conservation Law.
- Meets requirements of Chapter 59, Zoning Ordinance.
- Substantially conforms to the *2006 Damascus Master Plan*.
- This is a standard method project and a subsequent site plan application will be required.
- Staff has not received community correspondence on this application.

SECTION 1 - RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN NO. 120210060: Staff recommends approval of the Preliminary Plan, based on documents contained in ePlans as of May 14, 2021, subject to the following conditions:

1. This Application is limited to sixty-two (62) lots for Townhouse Living units including the minimum required percentage of MPDUs and two (2) lots for Single-Unit Living dwellings.
2. The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan No. 120210060, approved as part of this Preliminary Plan, as follows:
 - a. The Applicant must submit a Final Forest Conservation Plan ("FFCP") at time of Site Plan application. The FFCP must be in substantial conformance with the approved Preliminary Forest Conservation Plan ("PFCP").
 - b. Prior to the start of any demolition, clearing, grading, or construction for this development Application, the Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified 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 and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
 - c. 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.
3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated March 23, 2021 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 MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated April 29, 2021 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.
5. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated March 4, 2021, 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.

6. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's ("MDSHA") requirements for access and improvements.
7. The Applicant must dedicate the rights-of-way and ensure construction of all necessary road improvements for the following public streets, as shown on the Preliminary Plan, to the design standards imposed by all applicable road codes.
 - a. Public Street "A" consistent with MC 2001.01, as modified by MCDOT.
8. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a. All land necessary to accommodate forty-five (45) feet from the existing pavement centerline along the Subject Property frontage for Ridge Road/MD 27.
 - b. All land necessary to accommodate forty (40) feet from the existing pavement centerline along the Subject Property frontage for Bethesda Church Road.
9. Prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MDSHA to ensure construction of a 10-foot wide shared use path along the property frontage on Ridge Road/MD 27.
10. Prior to the recordation of plat(s), the Applicant must ensure construction of the following off-site improvement(s) by satisfying MDSHA requirements to construct a 10-foot wide shared use path and 5 foot x 8 foot concrete pad for the existing RideOn bus stop on the west side of Ridge Road/MD 27 that extends approximately 250 feet, from the southern boundary of the Subject Property to the existing sidewalk ramps at the northwest corner of Ridge Road/MD 27 and Bethesda Church Road.
11. Record plat must show all necessary easements.
12. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Liber 28045 Folio 578 ("Covenant").
13. Before clearing or grading or recording a plat for the Subject Property, the Applicant must receive Staff certification of a Planning Board-approved site plan. The number and location of site elements, including but not limited to buildings, dwelling units, on-site parking, site circulation, sidewalks, open spaces, and bikepaths will be determined through site plan review and approval.
14. If an approved site plan or site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan or site plan amendment.
15. 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.

16. The Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.
17. 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 site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
18. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a. Dimension the right-of-way along Bethesda Church Road to indicate forty (40) feet from the centerline in order to confirm the Master Plan recommended amount of right-of-way dedication.

SECTION 2 – SITE LOCATION & DESCRIPTION

Site Location

The 10.91-acre property is made up of three unplatted parcels identified as Parcels P885, N838, and N867 on Tax Map FX343 (Figure 1), (“Subject Property” or “Property”). The Property is split-zoned with 9.06 acres in the CRT-1.0, C-0.5, R-0.5, H-55T and Transfer of Development Rights (TDR) 1.16 Overlay zone and 1.84 acres in the R-90 zone. The Subject Property is located on the west side of Ridge Road/MD 27, just north of the intersection with Bethesda Church Road.

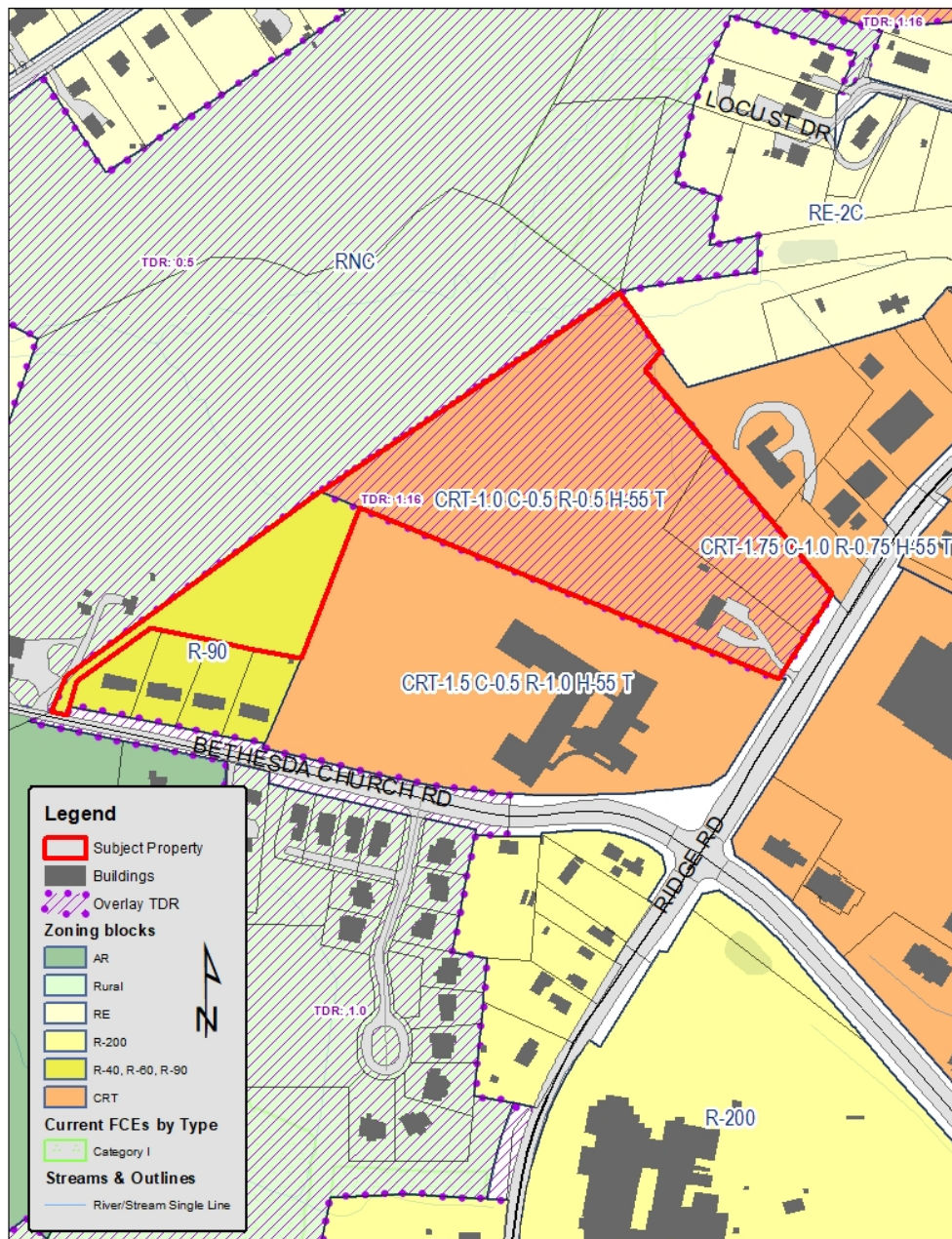


Figure 1– Vicinity

Site Description

The only vehicle access to the Property is from Ridge Road/MD 27. The Property has a very narrow second frontage on Bethesda Church Road which is approximately 20 feet in width. The Property is improved with an existing one-family residential structure which will be razed as part of the Application.

The Property consists of 6.36 acres of high priority existing forest separated into two (2) distinct forest stands. The Subject Property slopes from Ridge Rd. ("MD 27") and the southern property line to the north and northeast. A perennial seep and stream are located in the low point at the northern corner of the Subject Property. There is also a small section of steep slopes located along the northeast property line. The Subject Property is in the Bennett Creek watershed, a Use Class III-P stream as defined by the Maryland Department of Natural Resources.

Site Vicinity

Directly to the south is the Damascus Elementary School. To the north along Ridge Road/MD 27 are various commercial properties leading into the downtown Damascus area. To the west is undeveloped property in the Residential Neighborhood Cluster (RNC) and Transfer of Development Rights (TDR) Overlay zone. Across Ridge Road/MD 27 to the east of the Subject Property are various commercial properties that offer shopping and dining opportunities.



Figure 2 – Aerial

SECTION 3 – APPLICATIONS AND PROPOSAL

Previous Approvals

Concept Plan #520200170

A Concept Plan was submitted on April 22, 2020 proposing sixty (60) Townhouse Living units and two (2) Single-Unit Living dwellings. Staff provided extensive feedback on lot layout and orientation, to improve the overall design and walkability, which resulted in the revised layout included in the current Application.

Current Application

Preliminary Plan 120210060

The plan, designated as Preliminary Plan No. 120200060, King Souder Property (“Preliminary Plan” or “Application”), proposes to create sixty-two (62) Townhouse Living units in the CRT-1.0, C-0.5, R-0.5, H-55T zone and two (2) Single-Unit Living dwellings in the R-90 zone. Public water and sewer will serve all structures associated with the Application.



Figure 3 – Rendering of Preliminary Plan

The Application proposes a new public street as the main spine of the Application with private alleys providing access for rear loaded units where applicable. The public street extends from its entry point on Ridge Road/MD 27, through the Subject Property, and terminates at the opposite property line with the intention of being extended to serve future development. The Application reserves enough open space to address the Common Open Space requirements to be reviewed and enforced at the time of site plan

approval. Frontage improvements along Ridge Road/MD 27 consist of a 10-foot shared use path across the Property frontage and an off-site extension to the intersection of Ridge Road/MD 27 and Bethesda Church Road.

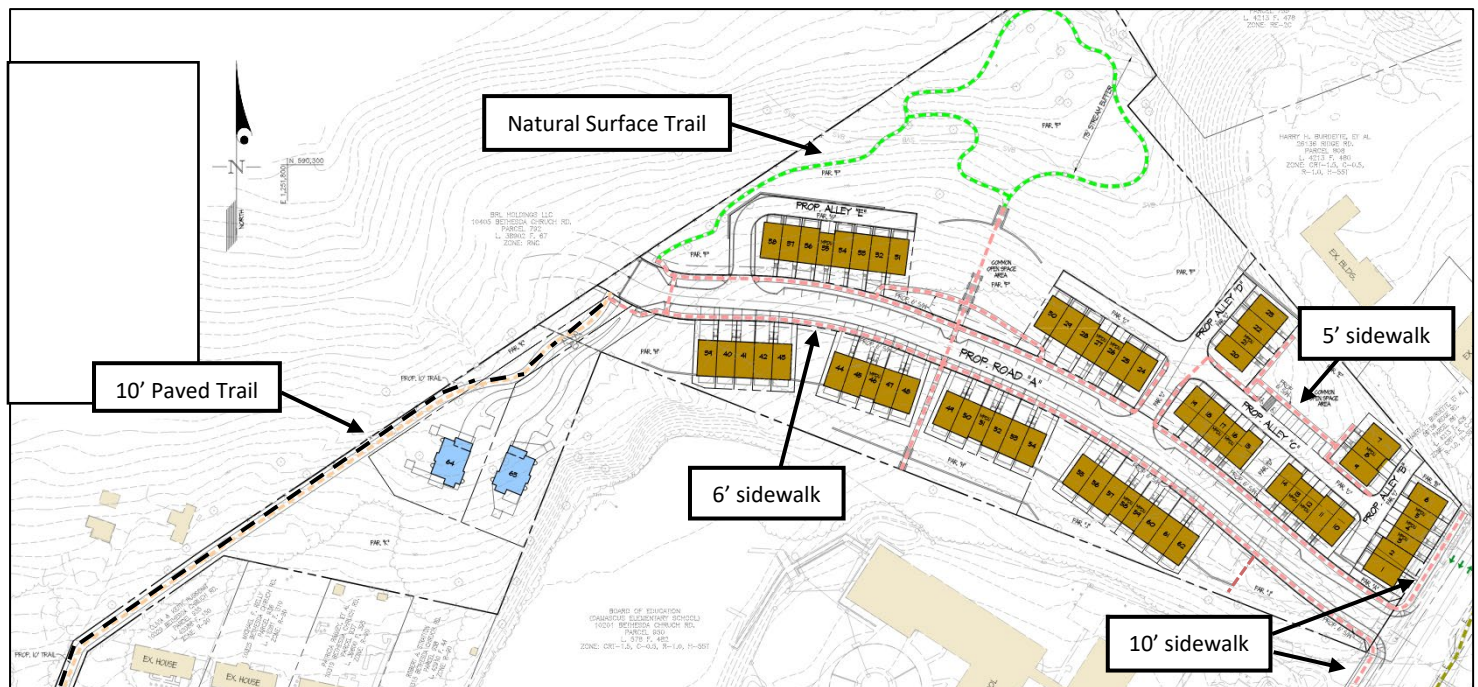


Figure 4 – Pedestrian Circulation

This off-site improvement connects the Damascus Elementary School to a public sidewalk along Ridge Road/MD 27. In addition, the Application provides internal connection to Damascus Elementary School. Finally, a new pedestrian connection along the western property boundary provides access from Bethesda Church Road to the Oak Ridge Conservation Park and trailhead.

The Preliminary Forest Conservation Plan proposes to remove 4.23 acres, retain 2.13 acres and plant 0.39 acres of forest. The Applicant will take 0.95 acres to an offsite forest bank or pay a fee-in-lieu if no forest bank credits are available. All retained forest, planted forest and area of stream buffer will be protected by Category I Conservation Easements. Please see the analysis in Section 4 for an expanded explanation of the Preliminary Forest Conservation Plan (PFCP).

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 size, width, shape and orientation of the proposed lots are appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, and for the building type (Townhouse Living units and Single-Unit Living dwellings) use contemplated for the Property.

The lots were reviewed for compliance with the dimensional requirements for the CRT and R-90 zone as well as the TDR 1.16 Overlay zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area, frontage and can accommodate the Townhouse Living (attached) units and Single-Unit Living (detached) units which can reasonably meet the width and setbacks requirements in that zone. A summary of this review is included in Table 1 and Table 2. The CRT portion of the Subject Property is located in the TDR 1.16 Overlay zone as a receiving area, which allows additional density beyond the base zone when Optimal Method development is proposed. However, as proposed, the Application is not seeking the full density as permitted in the base zone nor the additional density as permitted in the Overlay Zone. Therefore, the Application is proposed under the Standard Method in accordance with Section 4.9.17.A of the Zoning Ordinance. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

Table 1 – Development Standards Table – CRT with TDR 1.16 Overlay zone (Standard Method)

CRT 1.0, R-0.5, C0.5, H-55T/ TDR 1.16	Required by the Zone	Proposed for Approval
Base Density (CRT Zone)	0.50 FAR (residential) 0.50 FAR (commercial)	0.40 FAR (158,000 sq. ft., 62 townhouses) 0.0 FAR (commercial)
Density with TDR Overlay Total	Not applicable under Standard Method Development	0.40 FAR (158,000 sq. ft., 62 townhouses) 0.0 FAR (commercial)
Minimum Lot Area	800 sq. ft. min. (for townhouse)	1,000 sq. ft. min. (for townhouse)
Minimum Lot Frontage	N/A	N/A
Minimum Lot Width at B.R.L.	12 ft.	18 ft.
Maximum Lot Coverage	N/A	N/A
Principle Building, Min. Setbacks (for all lots)		
Front	5 ft. min.	5 ft. min.
Side Street	5 ft. min.	5 ft. min.
Side (abutting Agricultural, Rural Residential, Residential Detached or Residential Townhouse)	4 ft. min.	N/A
Side, end unit	2 ft. min.	2 ft. min.
Side, between lot and site boundary	4 ft. min.	4 ft.
Rear (abutting Agricultural, Rural Residential, Residential Detached or Residential Townhouse)	10 ft.	N/A
Rear (abutting all other zones)	10 ft. min.	10 ft. min.
Rear (between lot and site boundary)	5 ft. min.	5 ft. min.

CRT 1.0, R-0.5, C0.5, H-55T/ TDR 1.16	Required by the Zone	Proposed for Approval
Build-to-Area		
Front	15 ft. max.	28 ft. with Planning Board approval at Site Plan
Building Front in BTA	70% min.	70% min.
Building Height	55 feet max.	55 feet max.
Parking (2 Sp./D.U.)	122 Spaces	106 Garage Spaces 35 Surface Spaces ¹ 141 Total Spaces ²
Site Plan Required	Yes	Yes, To Be Done as a Future Application

Table 2 – Development Standards Table – R-90 zone (Standard Method)

R-90	Required by the Zone	Proposed for Approval
Density	9 D.U. max.	2 D.U.
Minimum Lot Area	9,000 sq. ft. min.	9,000 sq. ft.
Minimum Lot Frontage	25 ft. min.	25 ft.
Minimum Lot Width at B.R.L.	75 ft. min.	75 ft.
Maximum Lot Coverage	30% max.	30% max.
Principle Building, Min. Setbacks (for all lots)		
Front	30 ft. min.	30 ft.
Side	8 ft. min.	8 ft.
Sum of Side Setbacks	25 ft. min.	25 ft.
Rear	25 ft. min.	25 ft.
Building Height	35 ft. max.	35 ft. max.
Parking (2 Sp/D.U.)	4 Spaces	4 Spaces
Site Plan Required	No	No, Single-Unit Living dwellings in the R-90 zone do not require site plan approval

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

The Preliminary Plan substantially conforms to the recommendations included in the 2006 *Damascus Master Plan*. The Property is located within two areas of the Master Plan: the Town Center area (CRT zoned land) and the Neighborhood Transition area (R-90 zoned land).

The community's vision for the Town Center is described as a "viable, walkable, human scaled town easily identifiable as the heart of the surrounding community."³ For the portion of Property located in the Town Center, the Master Plan recommends concentrated densities to create a mixed-use core with supporting residential densities of 15 to 20 dwelling units per acres. The Applicant proposes a

¹ Including 26 on-street parallel parking spaces along the public street and additional surface parking off private alleys

² Doesn't include 45 additional driveway pad spaces

³ Damascus Master Plan, 2006, p. 13.

density of 5.6 dwelling units per acre, which does not exceed the recommended densities for the Property. Furthermore, the Town Center portion of the Property is located in the Mixed-Use (Residential Emphasis) category and is shown on the Town Center Illustrative plan (p. 17). The illustrative plan shows existing and potential buildings and roads, as recommended. The Preliminary Plan layout is generally consistent with the illustrative plan in scale and layout.

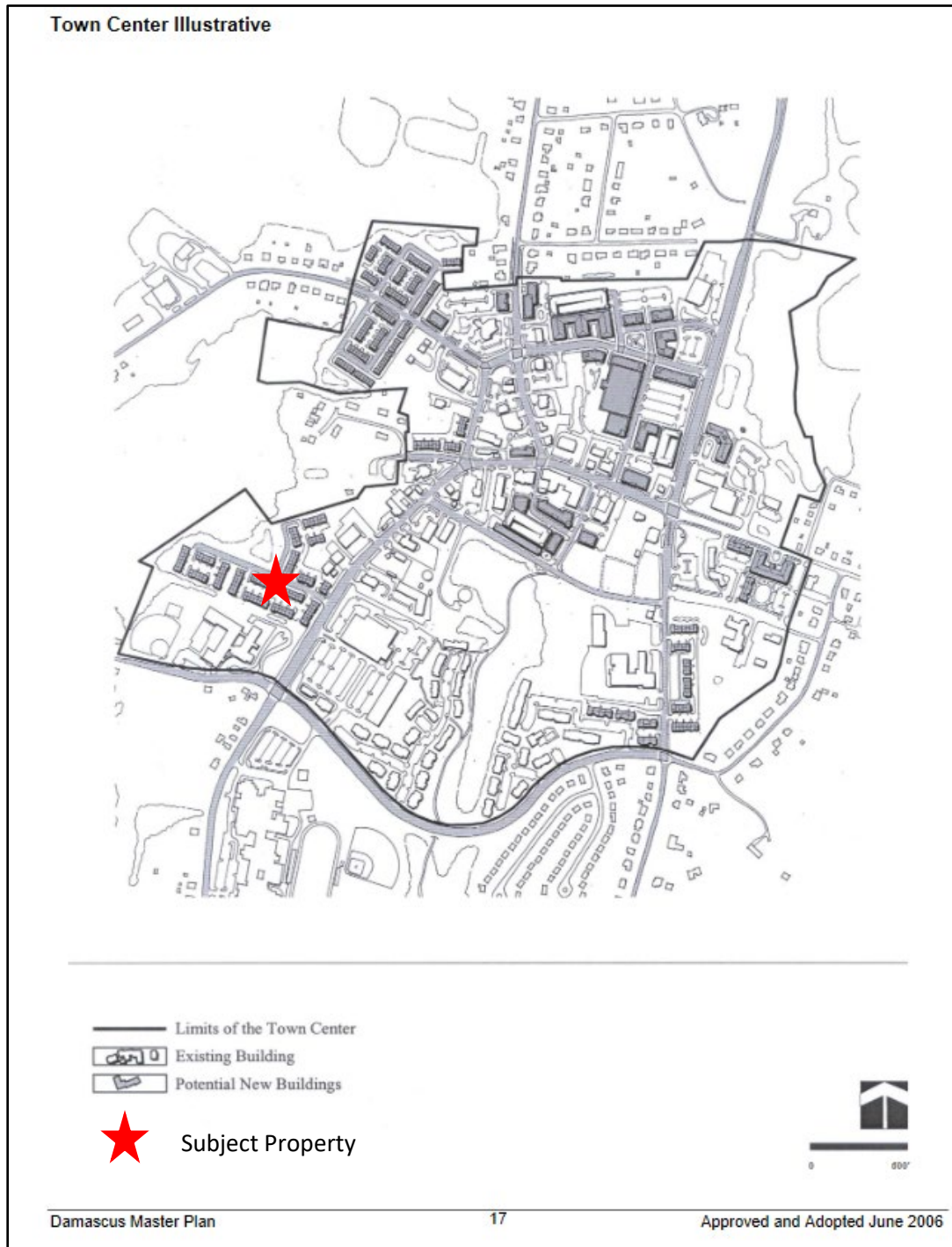


Figure 5 – Illustrative Plan from the 2006 Damascus Master Plan, Page 17

For the portion of the Property located within the Neighborhood Transition area, it is identified as #12 Souder and Vicinity as a developable site for up to 14 dwelling units (p. 24). The Master Plan recommends that “[i]f all or a portion of this property is jointly subdivided and site planned comprehensively with the adjacent King/Souder property, every effort should be made to facilitate joint development.”⁴ This Application follows this recommendation extending the public right-of-way to the western edge of the Property to accommodate an inter-parcel connection. The public road is terminated in a temporary hammerhead in this location and is aligned in a way to accommodate a future road connection that considers the difficult topographic features of these properties as shown in Figure 3. Further guidance provides that development should avoid disturbance on slopes exceeding 15 percent and that development be compatible with the existing development pattern. The Applicant has indicated that disturbance is avoided on slopes greater than 15 percent. Further, the layout of the proposed single-family residences in the Neighborhood Transition Area of the Application is compatible with adjoining residential properties.

Furthermore, the Master Plan recommends the preservation of a “legacy open space site” on the northern portion of the Subject Property in the Town Center portion. Legacy Open Space is intended to protect existing open space that exhibits a high level of integrity of a natural environmental condition. As shown on the Preliminary Plan, the identified Legacy Open Space is reserved as such, and will not be developed. Because this Property is identified as Legacy Open Space, there was discussion with the M-NCPPC Parks Department during the DRC review process about acquiring this portion of the Property. However, the Parks Department was not interested in acquiring the Property at the time of review and reconfirmed their decision in an email dated May 14, 2021 (Attachment 9).

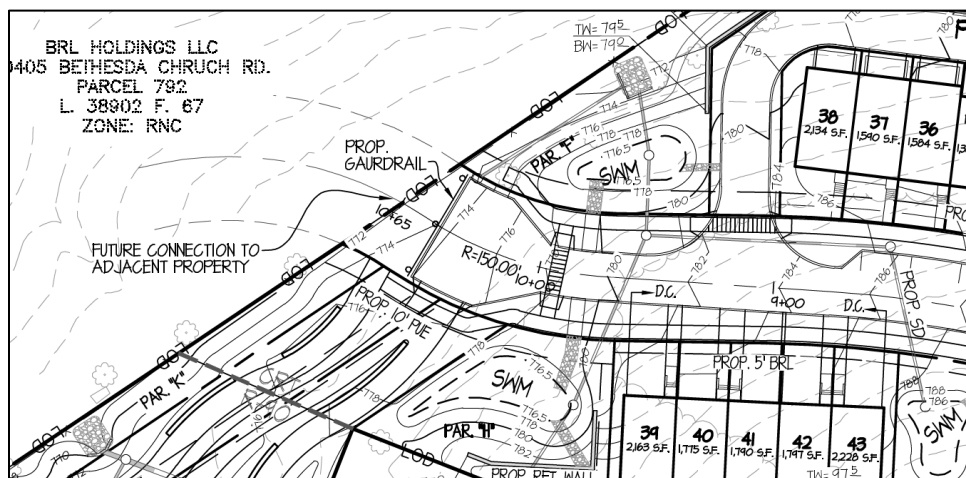


Figure 6: Inter-parcel connectivity

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

Vehicle Circulation and Connectivity

The Subject Property is accessed from Ridge Road/MD 27 identified by the 2018 *Master Plan of Highways and Transitways* as a two-lane business district road with an 80-foot right-of-way (ROW). The Application dedicates 45 feet of right-of-way from the centerline of Ridge Road/MD 27 which

⁴ Damascus Master Plan, 2006, p. 35.

exceeds the Master Plan recommendation in order to provide the frontage improvements shown on the Preliminary Plan. The Subject Property's frontage along Ridge Road/MD 27 includes two travel lanes in each direction, consisting of a four-lane section. The Subject Property's frontage along Bethesda Church Road is identified as an 80 ft. ROW minor arterial. As part of this Application, forty (40) feet of right-of-way dedication along Bethesda Church Road is required per the Master Plan.

Vehicular access to the Subject Property is provided along the west side of Ridge Road located at the approximate location of the existing driveway, located opposite of the shopping center driveway on the east side of Ridge Road, as shown in Figure 7. A public street with a single full turning movement lane will facilitate egress traffic from the Property to Ridge Road/MD 27 and a single receiving lane will facilitate ingress traffic from Ridge Road/MD 27

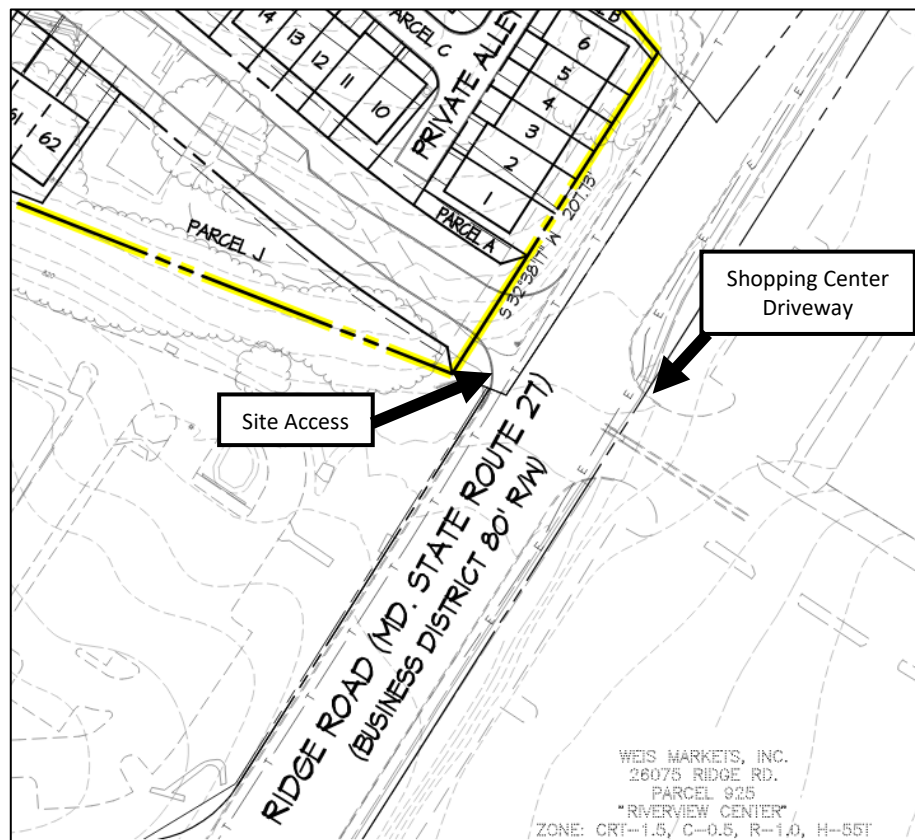


Figure 7: Site Access

The proposed roadway network is comprised of a public road utilizing a modified cross-section standard of MC-2001.01, Tertiary Residential Street, has been approved by MCDOT for two lanes of traffic, parking on one side, curb and gutter, and sidewalks on both sides. The main spine for the Subject Property is to be constructed as a Tertiary Residential street with a 54-foot right-of-way. Stormwater management for this road is addressed in separate parcels. Private alleys in portions of the Subject Property supporting rear-loaded townhomes will be constructed with 20 feet of pavement on 25-foot-wide parcels to be maintained by the HOA. As discussed above, Staff recommends approval of these modified cross-sections and with the support of MCDOT (Attachment 6). The vehicular circulation pattern, as proposed, is safe and adequate for the use.

The proposed public road terminates in a temporary hammerhead turnaround on the western end of the Property (Figure 3). This temporary turnaround is planned to be replaced in the future with an inter-parcel connection, extending the proposed public road into the adjacent property. The grade just beyond the property line is steeply sloping down into the stream valley on the adjacent property; it is expected that regrading of this connection will be necessary as part of development of the neighboring property. The Applicant will support this inter-parcel connection by providing additional easement area from adjacent portions of Parcel K and Parcel F to accommodate grading; this will be determined as part of the subsequent site plan application.

Access to the two proposed Single-Unit Living dwellings will be accommodated from this point via a shared driveway that splits into two driveways to serve these dwellings. The right-of-way at the terminus of the public road system abuts the boundary of the adjacent property to accommodate extension of the public street for inter-parcel connectivity and serve future development.

Pedestrian Circulation and Connectivity

A 10-foot-wide sidewalk will be constructed along the Property frontage on Ridge Road. This sidewalk will extend off-site to connect to the existing sidewalk at the intersection of Bethesda Church Road and Ridge Road to provide access to Damascus Elementary School. Internal to the Property, 6-foot-wide sidewalks are proposed along both sides of the internal public street and will connect to Ridge Road. A private alley will provide direct access to the townhomes and a common open space area via a 5-foot sidewalk.



Figure 8 – Ridge Road/MD 27 northward view of off-site improvement area

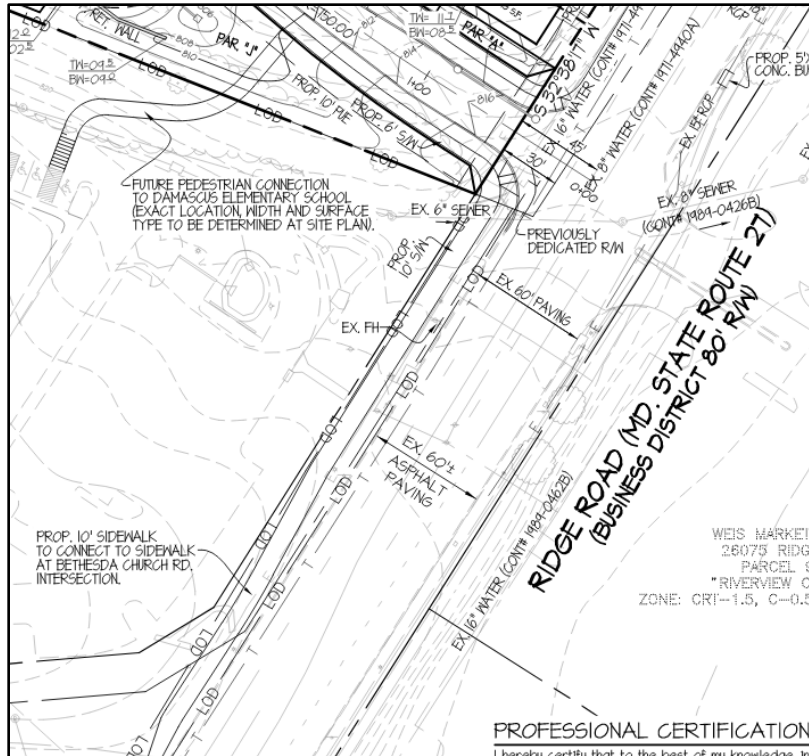


Figure 9 – 10-foot share use path off-site improvement area.

A 10-foot-wide paved trail is proposed to connect the western end of the internal public road to Bethesda Church Road. This trail will connect users to the Oak Ridge Conservation Park Trailhead, located on the opposite side of Bethesda Church Road from the Subject Property. The trail, featuring a common access easement, is opposite from the entrance of the internal natural surface trail system that meanders through the northern common open space area.

The Application provides two pedestrian connections to Damascus Elementary School with the exact location, width and surface type to be determined at Site Plan.

There are no recommended master planned bicycle improvements associated with this Application.

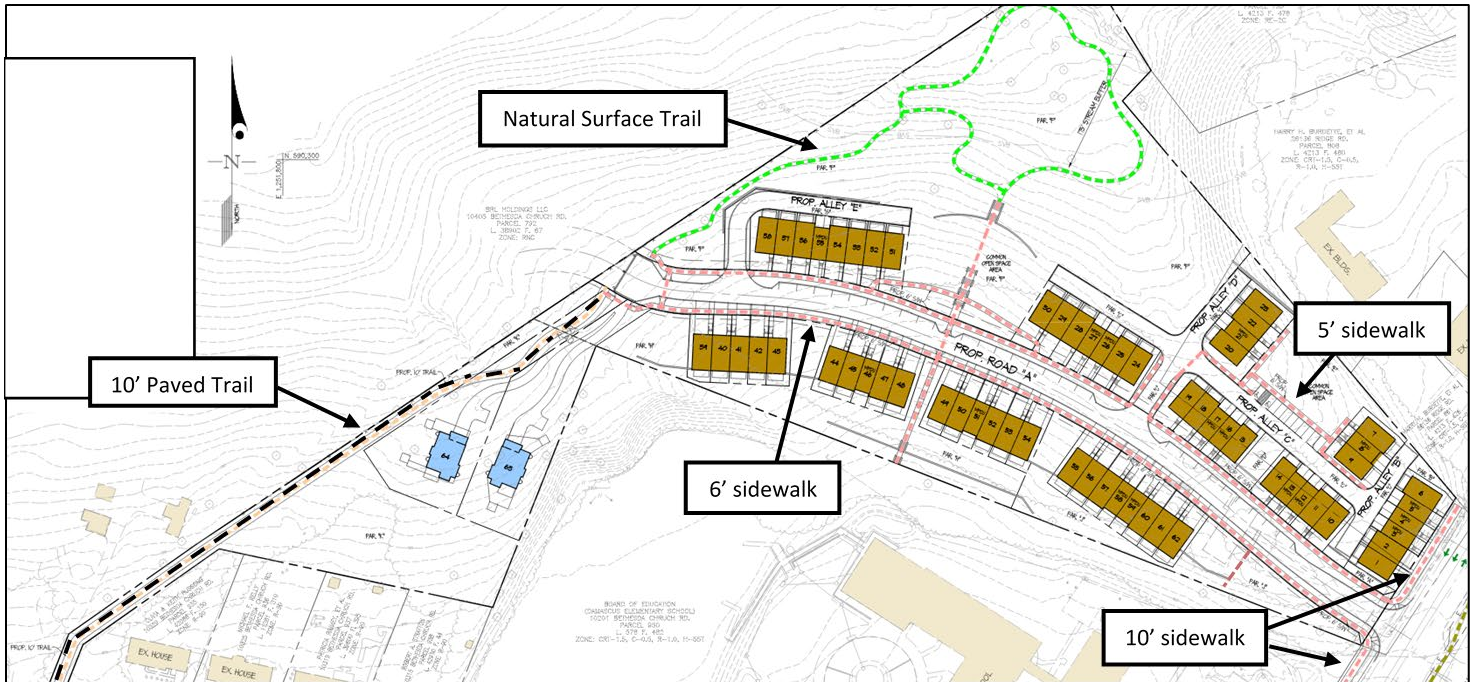


Figure 10: Pedestrian Connectivity

Parking

On-street and off-street parking is provided for the residential development. The majority of the parking spaces are provided via private driveways and garages, with twenty-six on-street parallel parking spaces located along the proposed public road.

Public Transit Service

The RideOn 90 line operates along Ridge Road with low-frequency 30-minute headways. The nearest bus stops are located 330 feet south and 585 feet north of the Subject Property. The Applicant will also provide a 5' x 8' concrete pad for the existing RideOn bus stop on the east side of Ridge Road.

Local Area Transportation Review ("LATR")

The Application for 62 new Townhouse Living units and 2 Single-Unit Living dwellings are predicted to generate 52 and 67 net new person trips during the AM and PM peak-hours respectively. As the Application generates more than 50 peak-hour person trips, a full traffic study was required to satisfy the LATR guidelines.

The Traffic Study was submitted on October 30, 2020. Three existing intersections with Ridge Road were studied at Bethesda Church Road, Site Access, and MD 108 to determine whether they met LATR congestion standards.

Table 3 – Trip Generation⁵

Development	Measure	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Townhomes (ITE 220)	62 du	7	23	30	25	14	39
Single Family Homes (ITE 210)	2 du	0	1	1	1	1	2
Net New Vehicle Trips		7	24	31	26	15	41
Net New Person Trips	--			52			67

Source: Wells + Associates Local Area Transportation Review revised on February 17, 2021

Table 4 – Critical Intersection Capacity Analysis

Intersection	Traffic Conditions					
	Existing		Background		Total Future	
	AM	PM	AM	PM	AM	PM
<i>Damascus Policy Area (CLV 1,400)</i>						
1. Ridge Road & Bethesda Church Road	744	1035	758	1053	776	1080
2. Ridge Road & MD 108	696	730	710	742	713	748
3. Ridge Road & Site Driveway	371	561	378	571	403	586

All intersections are located in the Damascus Policy Area, which has a Critical Lane Volume (“CLV”) standard of 1,400. All three intersections operate below congestion standards and no improvements are necessary. A signal warrant analysis was conducted for the Site Driveway/Ridge Road/Shopping Center Driveway for Warrant 3 and was not warranted.

Therefore, existing lane use and traffic controls, with the exception of the site driveway intersection improvement and a potential crosswalk from the 10-foot-wide trail, will be consistent with the existing conditions.

The Application is consistent with the 2018 *Master Plan of Highways and Transitways*, the 2018 *Bicycle Master Plan* and the 2006 *Damascus Master Plan*.

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 March 4, 2021 (Attachment 4). The Fire Department Access Plan provides a fire code compliant access roadway from the Application entrance at Ridge Road/MD 27 to the termination of the proposed public street (Public Road “A”). Additional fire access and turnaround capability is provided by private alleys to provide access to every dwelling unit and allow fire trucks to exit the Property. The fire compliant public street and private alleys 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

⁵ *Trip generation rates are based on the ITE Trip Generation Manual, 10th Edition and adjusted as detailed in the 2017 LATR guidelines. Figures are rounded to nearest whole number.

and health services are currently operating within the standards set by the Subdivision Staging Policy (2016-2020 SSP) in effect at the time that the Application was submitted.

Overview and Applicable School Test

The Preliminary Plan is scheduled for Planning Board review in June 2021. Therefore, the updated FY21 Annual School Test, approved by the Planning Board on December 17, 2020 and effective January 1, 2021 is applicable. This Application is for the development of 62 Townhouse Living units and 2 Single-Unit Living dwellings.

School Adequacy Test

The proposed Application is served by Damascus Elementary School, John T. Baker Middle School and Damascus High School. Based on the FY21 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 5 - Applicable FY2021 School Adequacy.

School	Projected School Totals, 2024				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Damascus ES	355	404	113.8%	-49	No UPP	36	53	76
John T. Baker MS	741	849	114.6%	-108	No UPP	18	43	152
Damascus HS	1,543	1,427	92.5%	+116	No UPP	296	425	657

The school adequacy test determines the extent to which the Applicant is required to make a Utilization Premium Payment (UPP) based on each school's adequacy status and ceilings, as determined in the Annual School Test. If an application is estimated to generate more students than the identified ceilings, then payments at multiple tiers will be required.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the proposed Application, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net of 64 single family units: 2 single family detached, and 62 single family detached, the proposed Application is estimated to generate the following number of students based on the Subject Property's location within a Turnover Impact Area:

Table 6 - Estimated Student Enrollment Impacts.

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	2	0.198	0.396	0.112	0.224	0.156	0.312
SF Attached	62	0.230	14.260	0.120	7.440	0.157	9.734
MF Low-rise	0	0.124	0.000	0.063	0.000	0.073	0.000
MF High-rise	0	0.023	0.000	0.013	0.000	0.019	0.000
TOTALS	64		14		7		10

On average, this Application is estimated to generate 14 elementary school students, 7 middle school students and 10 high school students. The number of students generated does not exceed the adequacy ceilings identified for each school in Table 6, therefore split payments across multiple UPP tiers are not required.

Analysis Conclusion

Based on the school capacity analysis performed, using the FY2021 Annual School Test, there are adequate school facilities to support this Application and therefore the Application does not require Utilization Premium Payments.

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

Forest Conservation

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation ("NRI/FSD") 420210200 for this Property was approved on September 28, 2020. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The Subject Property consists of three parcels, Parcel 838, Parcel 885 and Parcel 867 totaling 10.91 acres. The Subject Property is in the Bennett Creek watershed, a Use Class III-P stream as defined by the Maryland Dept. of Natural Resources. The NRI/FSD shows that on the Subject Property there is 6.36 acres of high priority existing forest separated into two (2) distinct forest stands. The Subject Property slopes from Ridge Rd. ("MD 27") and the southern property line to the north and northeast. A perennial seep and stream are located in the low point at the northern corner of the Subject Property. There is also a small section of steep slopes located along the northeast property line. There is a stream buffer that covers the stream, seep, steep slopes and a portion of the existing forest in the northern corner of the Property.

Forest Conservation Plan

The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines.

The Subject Property is split-zoned with 9.06 acres in the CRT zone and 1.84 acres in the R-90 zone. The CRT Zone is assigned a Land Use Category of Mixed Use Development and the R-90 Zone is assigned a Land Use Category of High Density Residential as defined in Section 22A-3 of the FCL and in the Land Use Table of the Trees Technical Manual. This results in an afforestation requirement of 15% and a conservation threshold of 20% of the Net Tract Area.

The PFCP shows a total Net Tract Area of 11.14 acres for the two zones. This includes the net tract of 10.91 acres plus 0.23 acres for offsite work associated with this Application. There is a total of 6.36 acres of forest on the Subject Property. Within the R-90 Zone there is a total of 1.51 acres of existing forest, the Applicant proposes to remove 1.00 acres and retain 0.51 acres. This results in a reforestation requirement in the R-90 Zone of 0.11 acres. Within the CRT Zone there is a total of 4.85 acres of existing forest, the Applicant proposes to remove 3.23 acres and retain 1.62 acres. This results in a reforestation requirement in the CRT zone of 1.23 acres. Combining the reforestation requirements for both zones results in an overall reforestation requirement of 1.34 acres. The Applicant proposes to satisfy this requirement by providing 0.39 acres of reforestation onsite and to take the balance of 0.95 acres to an offsite forest bank or pay a fee-in-lieu if no forest bank mitigation credits are available. All the retained forest and the environmental buffer area will be protected by a Category I Conservation Easement. All the retained forest, planted forest, and the stream buffer area will be protected by a Category I Conservation Easement.

Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone ("CRZ") requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request - The Applicant submitted a variance request in a letter dated October 15, 2020 (Attachment 7). The Applicant proposes to remove ten (10) and impact the CRZs of seven (7) protected trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Figures 11 and 12).

Protected Trees to be Removed



Protected Trees to be Impacted

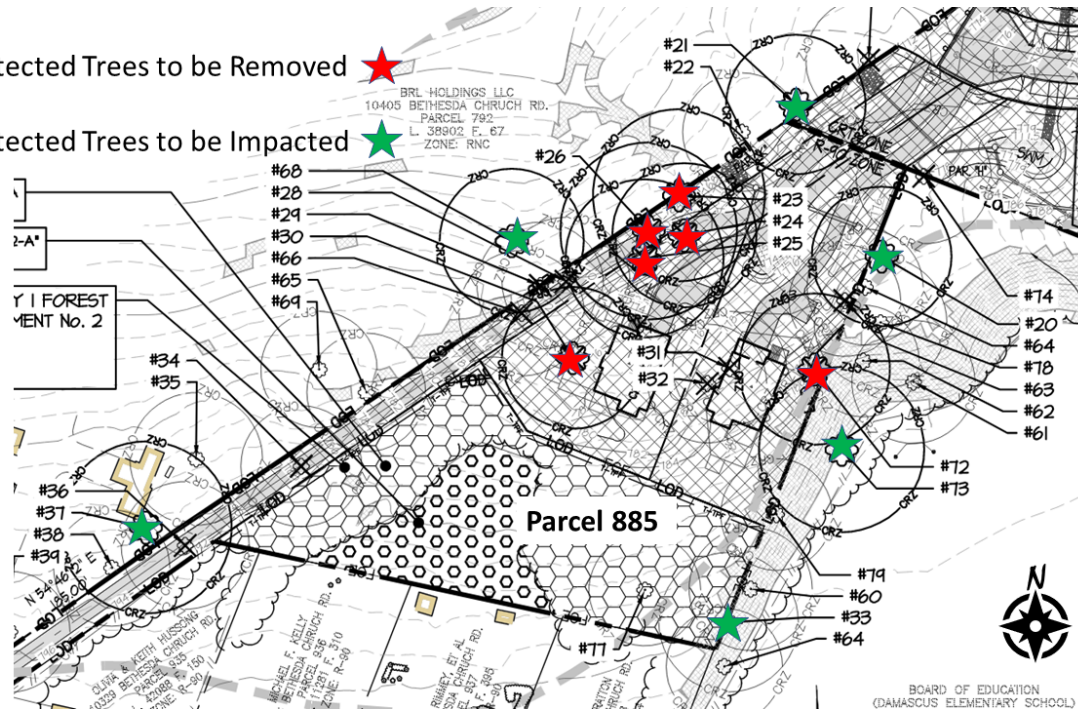


Figure 11 – Protected Trees Parcel 885

Protected Trees to be Removed



Protected Trees to be Impacted

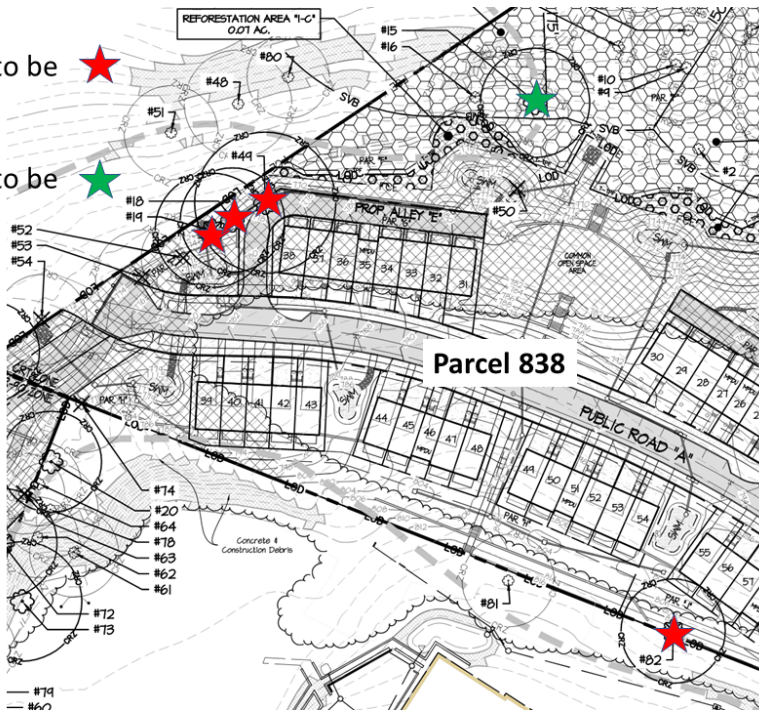


Figure 12 – Protected Trees Parcel 838

Table 7 – Protected Trees to be removed

Tree Number	Species	DBH Inches	% CRZ Impacts	Status
18	Red Oak (<i>Quercus rubra</i>)	31"	n/a	Fair condition.
19	Tulip Poplar (<i>Liriodendron tulipifera</i>)	34"	n/a	Good condition.
23	Red Oak (<i>Quercus rubra</i>)	37"	n/a	Fair condition.
24	Tulip Poplar (<i>Liriodendron tulipifera</i>)	31"	n/a	Dead.
25	Tulip Poplar (<i>Liriodendron tulipifera</i>)	34"	n/a	Poor condition.
26	Red Oak (<i>Quercus rubra</i>)	38.5"	n/a	Poor condition.
30	Tulip Poplar (<i>Liriodendron tulipifera</i>)	30.5"	n/a	Good condition.
49	Scarlet Oak (<i>Quercus coccinea</i>)	42"	n/a	Good condition.
72	Tulip Poplar (<i>Liriodendron tulipifera</i>)	32.5"	n/a	Good condition.
82	Common Mulberry (<i>Morus alba</i>)	31"	n/a	Fair condition.

Table 8 – Protected Trees to be impacted

Tree Number	Species	DBH Inches	% CRZ Impacts	Status
15	Red Oak (<i>Quercus rubra</i>)	32.5"	3%	Good condition.
20	Tulip Poplar (<i>Liriodendron tulipifera</i>)	30"	41%	Good condition.
21	White Oak (<i>Quercus alba</i>)	30"	42%	Good condition.
33	Tulip Poplar (<i>Liriodendron tulipifera</i>)	30"	35%	Good condition.
37	Red Oak (<i>Quercus rubra</i>)	31"	35%	Good condition.
68	Red Maple (<i>Acer rubrum</i>)	31"	8%	Good condition.
73	Tulip Poplar (<i>Liriodendron tulipifera</i>)	35.5"	13%	Good condition.

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. The removal or impacts to the 17 total Protected Trees is a result of the steep slopes and the environmental buffer located in the northern portion of the Subject Property and the location of these trees. This pushes the development toward the southern property line where the ground is more level and generally outside of the existing forest and environmental buffers.

Ten of the 17 trees being removed or impacted are clustered together on Parcel 885 in the R-90 zoned area of the Subject Property. It would be unlikely that development could occur on Parcel 885 without

removing or impacted these Protected Trees. Another 3 trees to be removed are located on Parcel 838 in a cluster along the northeast property line within the developable area of the Property. The remaining 4 trees are spread out with 2 located adjacent to Parcel 885, 1 located within the environmental buffer and 1 tree, Tree #82 located along the southern property line adjacent to the Montgomery County Public Schools property. Three of these 4 trees will only have their CRZs impacted, but Tree #82 will be removed given that it is within the active construction area of the development. The unwarranted hardship is caused by the necessary layout of the proposed development on the Subject Property which respects the environmental buffers and steep slopes on the Property. The 17 trees requested to be removed or impacted are all located within the developable area of the Property and the inability to remove or impact these trees would potentially render the Property undevelopable for this Application. Therefore, the Applicant has a sufficient unwarranted hardship to justify a variance request.

Variance Findings - Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. The following determinations have been made in the review of the variance request and the proposed forest conservation plan:

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

Granting the variance will not confer a special privilege on the Applicant as the removal or impacts to the 17 Protected Trees is due to the location of the trees and necessary site design requirements. The Applicant proposes mitigation for the removal of Tree #82. Therefore, granting of this variance is not a special privilege that would be denied to other applicants.

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

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions, the necessary design requirements of this project and the location of the Protected Trees within the developable area of the Subject Property.

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

The requested variance is a result of the existing conditions and not as a result of land or building use on a neighboring property.

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

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed are not located within a stream buffer, wetland or special protection area. On-site mitigation for the removal of the Protected Trees within the forest will ultimately replace the functions currently provided by the Protected Trees to be removed. The Applicant is proposing to mitigate for the one Protected Tree being removed outside of a forest stand by planting 3 3" caliper overstory trees as replacement. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision - There are 10 trees proposed for removal in this variance request resulting in a total of 341.5 inches of DBH being removed. Nine of these 10 trees being removed are located within an existing forest stand on the Subject Property. It has been M-NCPPC policy not to require mitigation for specimen trees removed within forest stands since the removal of the forest stand is compensated for through the Forest Conservation Worksheet. However, Tree #82, a 31" DBH White Mulberry, is outside of a forest stand and the Applicant has proposed to provide mitigation for the loss of this specimen tree by replacing the total number of DBH removed with ¼ of the amount of inches replanted. This results in a total mitigation of 8 inches of replanted trees. In this case, the Applicant proposes to plant 3 3" caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements. Additionally, no mitigation is required for trees that are impacted, but retained.

Variance Recommendation - Staff recommends approval of the variance request.

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

The Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on March 23, 2021 (Attachment 5). The Application will meet stormwater management goals through the use of landscape infiltration practices, microbioretention practices, micro-infiltration trenches, and drywells.

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.*

There are no other applicable provisions specific to the Property that are necessary for approval of this Application.

SECTION 5 – COMMUNITY CORRESPONDENCE

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. Two signs, one on the Ridge Road/MD 27 frontage and one of the narrow Bethesda Church Road frontage, referencing the proposed Application were posted along the Subject Property's dual frontages. Due to the COVID-19 pandemic, a pre-submission meeting was held virtually on September 20, 2020 using Microsoft Teams as an online community gathering place.

As of the date of this report, Staff has not received community correspondence regarding 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, Montgomery County Planning Department's Environmental Guidelines and the proposed use substantially conforms 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

Attachment 3 – Preliminary Forest Conservation Plan

Attachment 4 – DPS Fire Department Access and Water Supply Approval Letter and Plan, March 4, 2021

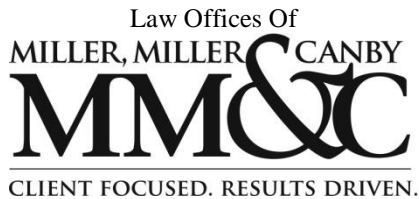
Attachment 5 – MCDPS Stormwater Concept Approval Letter, March 23, 2021

Attachment 6 – MCDOT Approval Letter, April 29, 2021

Attachment 7 – Tree Variance Request, October 15, 2020

Attachment 8 – Concept Plan No. 520200170

Attachment 9 – Parks Legacy Open Space Correspondence dated May 18, 2021



**KING SOUDER PROPERTY
Preliminary Plan No. 120210060**

**Statement of Justification
October 19, 2020**

A. Project Overview

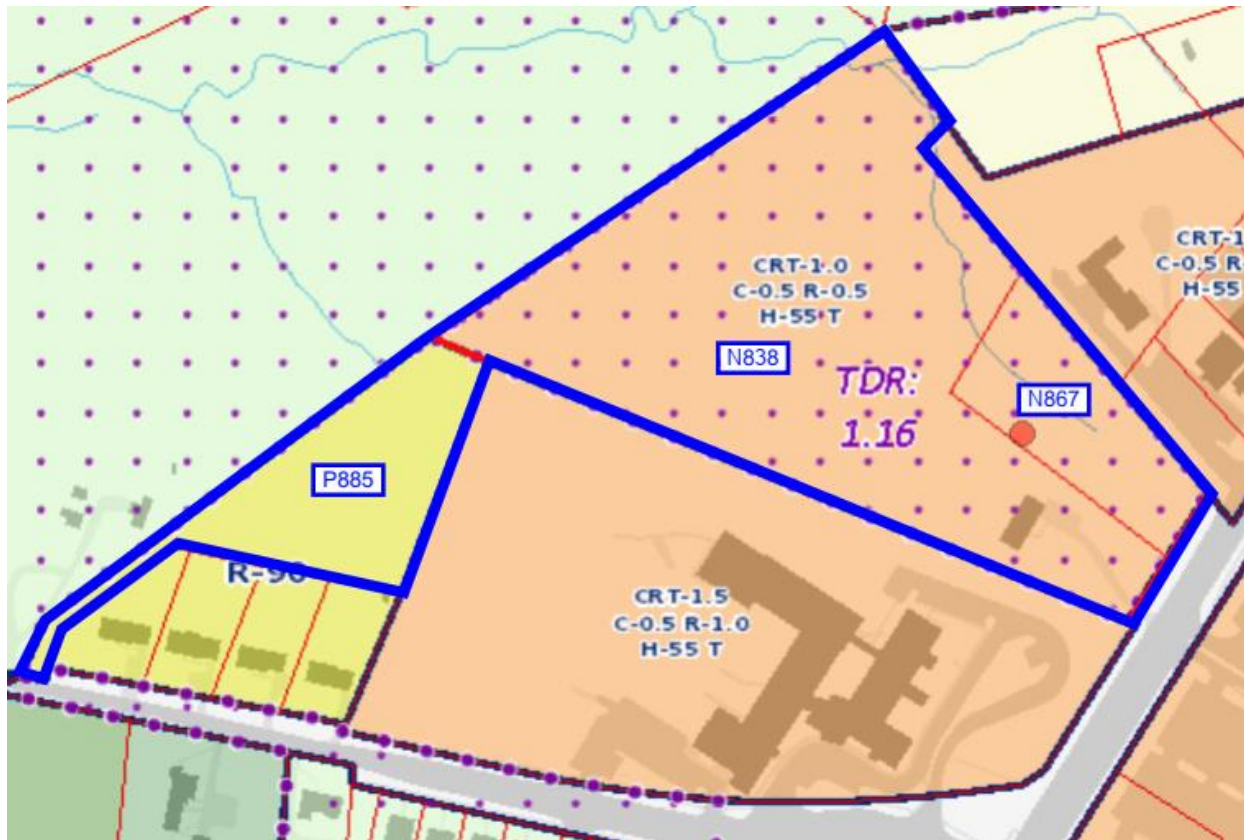
The Applicant, JNP Capital Management, requests approval of a preliminary plan of subdivision for 10.91 acres of land located on the west side of Ridge Road (MD 27) in Damascus, at 26110 Ridge Road (“Property”), north of Bethesda Church Road.

The project is proposed to be developed under the Standard Method of Development of both the CRT and R-90 Zones. Of the total 10.91 acres of land, 9.06 acres of the Property is classified in the CRT-1.0, C-0.5, R-0.5, H-55 T Zone with TDR 1.16 Overlay and 1.85 acres is classified in the R-90 Zone. The residential density proposed on the CRT Zone portion is 0.4 FAR or 158,000 SF to be comprised of 61 townhouses, while the R-90 Zone portion of the site is proposed to be developed with three (3) single-family detached dwellings. A total of 16 townhouse units (i.e., 25%) will be affordable as moderately priced dwelling units (MPDUs).

B. Subject Property

The Subject Property consists of three parcels – known as parcels P885, N838 and N867 – located on the west side of Ridge Road (MD 27) in Damascus, just north of Bethesda Church Road, totaling 10.91 acres of land. The Subject Property is split-zoned in both the R-90 and Commercial Residential Town (CRT) zoning classifications. The smaller R-90 zoned portion of the property is known as parcel P885 and consists of 1.85 acres of land. The larger property CRT

zoned portion of the property consists of parcels N838 and N867. More specifically classified as CRT-1.0, C-0.5, R-0.5, H-55T, the CRT zoned portion of the site is 9.06 acres in size.



The majority of parcel P885 and the northern portions of parcels N838 and N867 are covered with mature forest, with open areas in the central portions of the site and around an existing single-family residence that will be razed/removed to facilitate this development. The topography slopes moderately from the south along Damascus Elementary School to the north toward tributaries of Bennett Creek.

While the site is not located in a Special Protection Area, there are Perennial or Intermittent Streams and Environmental Buffers onsite. The partially forested site has a tributary of the Bennett Creek bisecting the northern corner of the property. Per the site's Natural Resource Inventory/Forest Stand Delineation (approved on September 28, 2020) and site

investigations, there are no rare, threatened, or endangered species on-site. There are also no historical elements associated with the property.

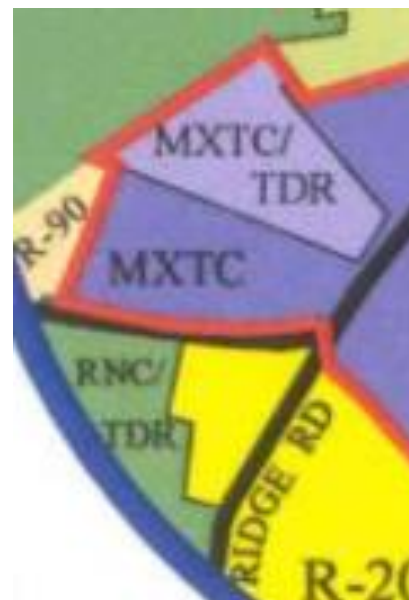
The Subject Property has approximately 200 feet of frontage along Ridge Road (MD 27) to the east and approximately 20 feet of frontage along Bethesda Church Road located in the southwestern part of the property. The surrounding area to the northwest is a large undeveloped property (parcel P792) that is mostly wooded and is zoned RNC (Rural Neighborhood Cluster). To the south is the Damascus Elementary School with associated athletic fields and parking lots. To the northeast and east are retail and commercial businesses, in particular a grocery store anchored shopping center with associated surface parking lots on the opposite side of Ridge Road (MD 27).

C. Zoning History

Pursuant to the land use recommendations of the 2006 Damascus Master Plan, the Subject Property was reclassified from the RE-2C and General Commercial (C-2) Zones to the **Mixed-Use Town Center/Transfer Development Rights (MXTC/TDR) and R-90 Zones.**



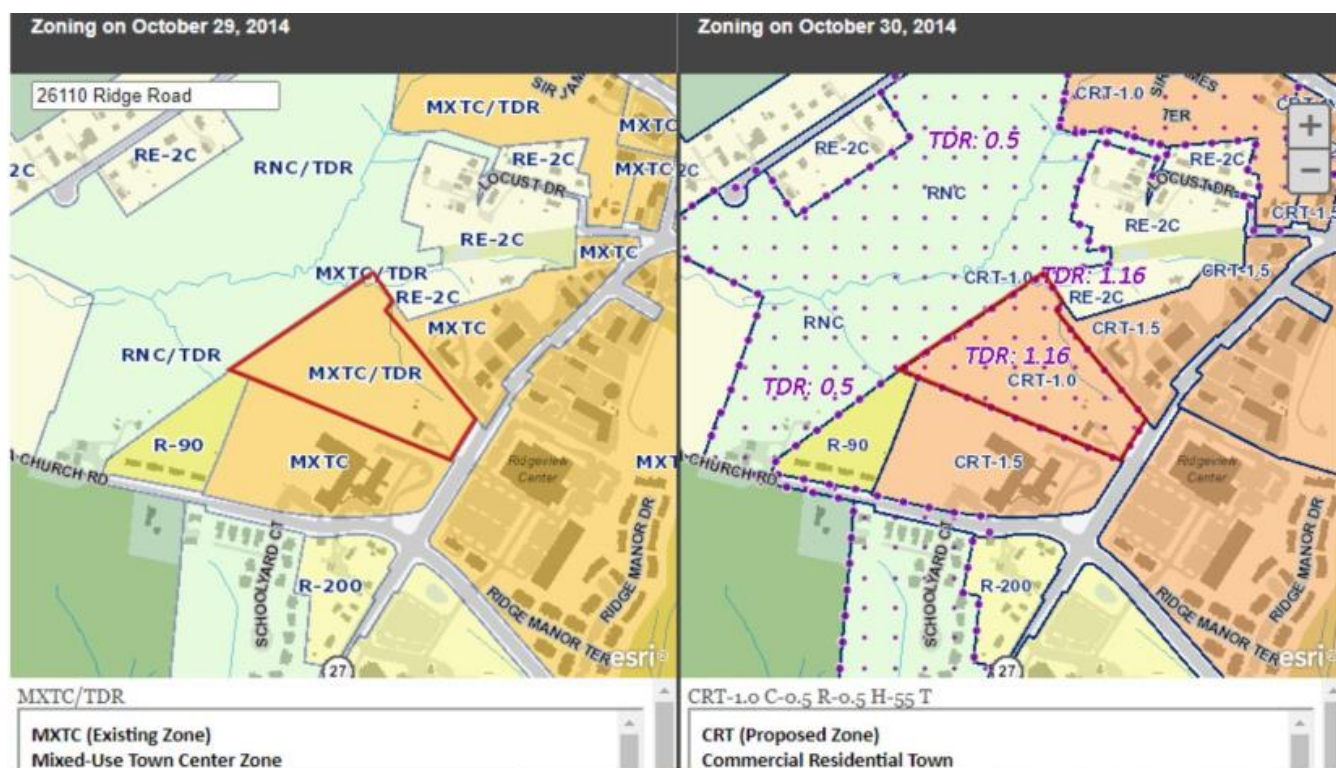
Pre-2006 Plan Zoning



Post-2006 Plan Zoning

The land use element of the 2006 Plan placed the larger portion of the Subject Property within the MXTC/TDR Zone with recommended residential development density of 15-20 dwelling units per acre and the smaller portion within the R-90 Zone.

The Subject Property's MXTC/TDR zoning classification was then translated to the **CRT-1.0, C-0.5, R-0.5, H-55T Zone with TDR 1.16 Overlay** by the District-wide rezoning on October 30, 2014, which resulted from District Map Amendment G-956 (adopted July 15, 2014).



D. Proposed Development

The Subject Property is located within the 2006 Approved and Adopted Damascus Master Plan (“Plan”). As described in the Plan and discussed in detail under Section F.2. herein, the King Souder Property lies predominantly within the Damascus “Town Center” area where a moderate level of residential growth is recommended including multifamily residential and mixed-use development that will support Town Center retail and service businesses. The Applicant is proposing to develop the property as a residential community with two housing types: Sixty-one (61) townhouses and three (3) single family detached homes. The development will include associated stormwater management facilities, parking, forest conservation/environmental areas and open space. Although the Master Plan supports a potential residential density in the “Town Center Core” of 15-20 dwelling units per acre, the 0.5 FAR of residential density allocated under the property’s CRT zoning classification correlates to a 6-8 dwelling units per acre development density that is more appropriate in light of the site’s topographic challenges. Due to the site configuration and topography, the Applicant is proposing a density of 5.6 dwelling units per acre (0.39 FAR) while protecting the property’s environmentally sensitive natural features and providing additional housing in close proximity to the Town Center Core. Of the 64 homes, 25% will be moderately priced dwelling units (MPDUs) that will provide affordably priced homes and increase housing opportunities for homebuyers of a variety of income levels.

The development proposes a single private road with intermittent private alleys that will serve the rear-loaded townhouse units sited on the northern portion of the project. Along the south side of the private road are front-loaded townhomes arranged with street trees and sidewalks that together create a sense of community and a more intimate, human scale to the

development. Sidewalks are proposed on both sides of the street and connect to Ridge Road to facilitate pedestrian and bicycle circulation to the Town Center core.

The CRT zone requires a minimum of 10% open space for the townhouse portion of the property (10% X 9.06 Acres) or .906 acres. The Applicant is proposing 20.68% or 1.87 acres.

The property is required to meet Chapter 22A of the Montgomery County Code (Forest Conservation Law). A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD 420210200) was approved on September 28, 2020. The NRI/FSD shows existing natural resources including forests, significant trees, stream, wetlands and stream valley buffer. A mature forest occurs throughout some of the property and at the northern tip is Bennett Creek, a Watershed Use Class III stream which requires a 125' stream buffer. There are no state champion trees, historic sites or threatened or endangered species on the property.

After identifying the site's important environmental features such as steep slopes, mature forest, stream and stream buffer, the Applicant has carefully clustered townhouses along a single private road with intersecting alleys leaving significant open space on the property's perimeter which will minimize impacts to those natural features to the maximum extent possible. Every effort will be made to save any individual mature trees, especially specimen trees. Additionally, due to the steepness of the property, the townhomes are sited using retaining walls and units with partially buried basements (on the south side of the road) to minimize site grading and ultimately avoid impacts to the Bennett Creek stream buffer.

The Applicant will comply with the requirements of Chapter 19 of the Montgomery County Code by managing storm water runoff from impervious surfaces. A mix of management techniques will be used including drywells and micro-bioretenion facilities. A Stormwater Management Concept Plan (No. 286462) was filed on October 1, 2020 with the Department of Permitting Services for review/approval.

E. Standard Method Development Standards

1. CRT Zone - Development Standards – Section 59-4.5.3.C.

<u>DEVELOPMENT STANDARDS - CRT ZONE, Standard Method</u>		
<u>FAR (Floor Area Ratio)</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Residential:	0.5 FAR (197,326 SF, 98 TH)	0.40 FAR (158,000 SF, 61 TH)
Commercial:	0.5 FAR (197,326 SF)	0.0 FAR
TOTAL FAR:	0.5 FAR (197,326 SF)	0.40 FAR (158,000 SF)
Building Height:	55' max.	55' max.
Common Open Space:	10% min. (39,465 SF)	34.8% (137,481 SF)
Minimum Lot Area:	800 S.F.	1,500 S.F.
Lot Coverage:	N/A	N/A
Minimum Lot Width at building line:	12'	18'
Principal Building Setbacks:		
Front:	5' min.	5' min.
Side Street:	5' min.	5' min.
Side (abutting Agricultural, Rural Residential, Residential, Detached, or Residential TH):	4' min.	N/A
Side, end unit:	2' min.	2' min.
Side, between lot and site bdry:	4' min.	4' min.
Rear (abutting Agricultural, Rural Residential, Residential, Detached, or Residential TH):	10' min.	N/A
Rear, (abutting all other zones)	10' min.	10' min.
Rear, between lot and site bdry:	5' min.	5' min.
Build-to Area: (Max. setback)		
Front:	15' max.	20'-30' with P.B. approval
Building Front in BTA:	10% min.	10% min.
Building Orientation:		
Entrance Facing Street or Open Space:	Required	Provided
Transparency:		
For Wall Facing a Street or Open Space		
Blank Wall - Front (max)	35' max.	35' max.
Blank Wall - Side/rear (max.)	35' max.	35' max.
<u>PARKING:</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Residential (2 Sp/DJ)	122 Sp	122 Sp. min.

2. R-90 Zone – Development Standards – Section 59-4.4.8.B.

<u>DEVELOPMENT STANDARDS - R-90 ZONE</u>		
Density	<u>Allowed/Required</u> 9 DU (1.85 X 4.84 DU/Ac = 9 DU)	<u>Proposed</u> 3 DU
Minimum Lot Area:	9,000 S.F.	9,000 S.F.
Lot Coverage:	30% max.	30% max.
Minimum Lot Width at building line:	75'	75'
Minimum Lot Width at Lot line:	25'	25'
Principal Building Setbacks:		
Front:	30' min.	30'
Side:	8' min.	8'
Some of Side setbacks:	25' min.	25'
Rear:	25' min.	25'
Height (max):		
Principal Building (measured to highest point of roof surface, regardless of roof type):	35' max.	35' max.
<u>PARKING:</u>		
Residential (2 Sp/DU)	<u>Allowed/Required</u> 6 Sp.	<u>Proposed</u> 6 Sp. min.

F. Findings for Regulatory Approval (Chapter 50, Section 4.2.D)

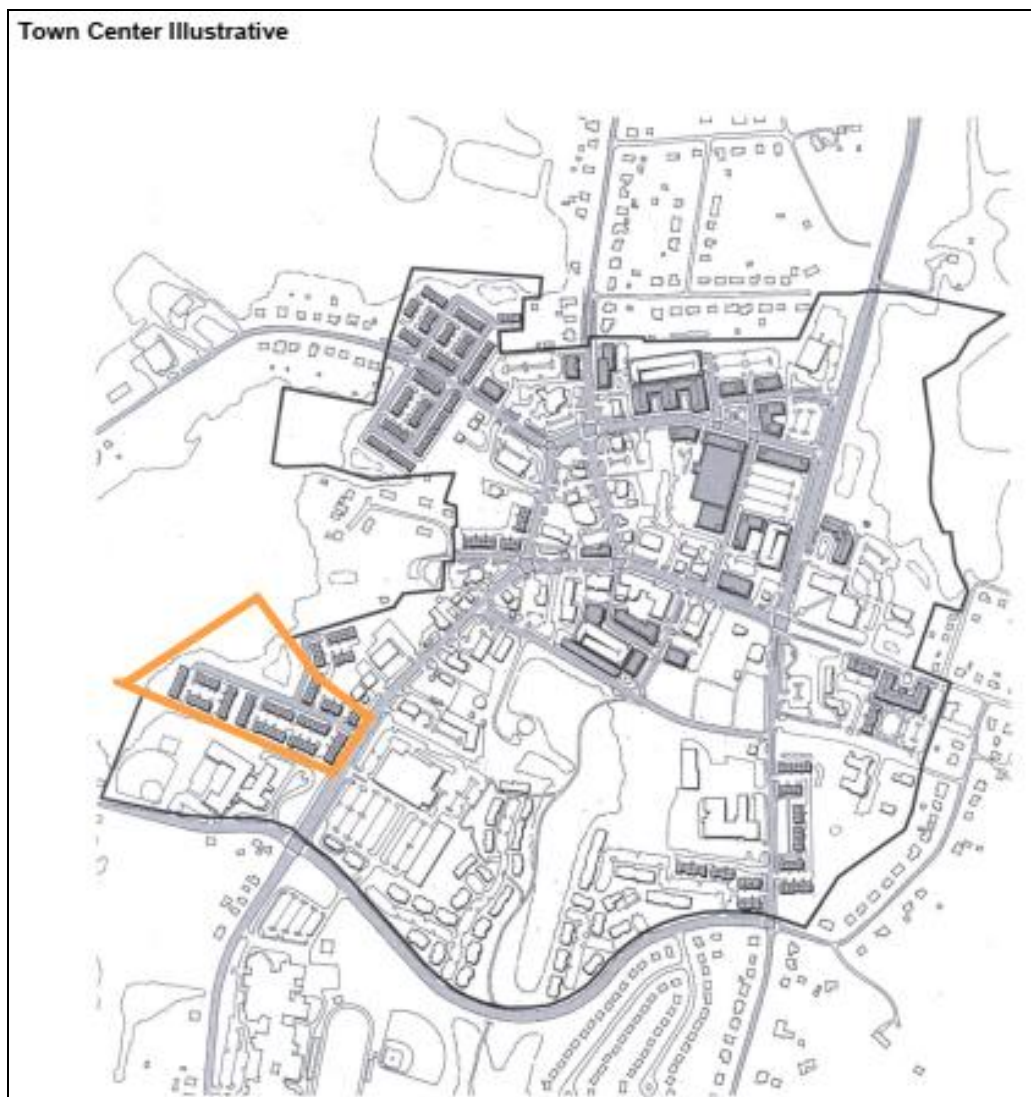
1. Layout of the Subdivision Shown on the Proposed Preliminary Plan is Appropriate for the Subdivision Given Its Location and Type of Development

The Preliminary Plan proposes a layout for the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads, that is appropriate for the subdivision given its location and type of development or use and the applicable requirements of the Zoning Ordinance.

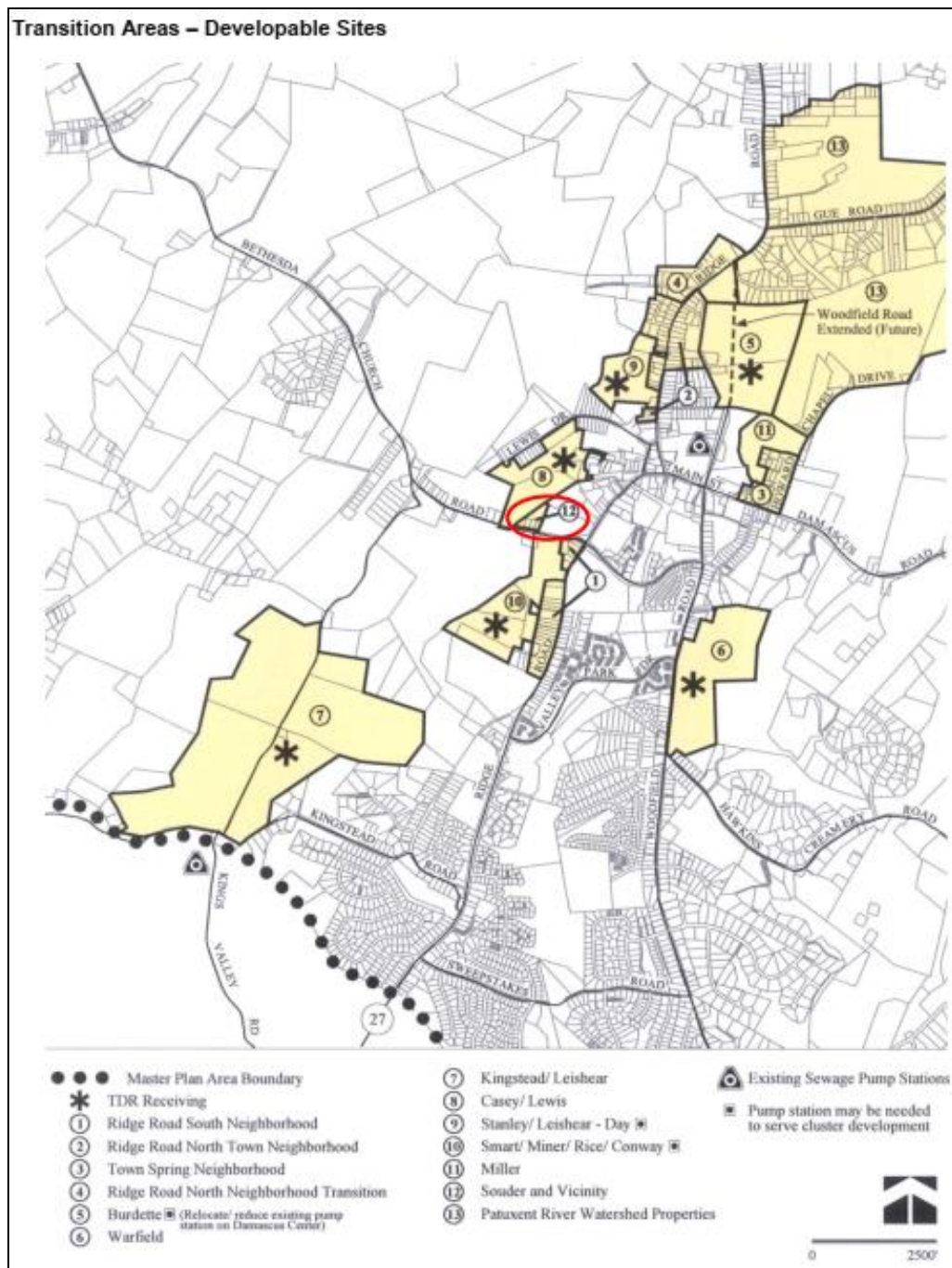
2. Proposed Preliminary Plan Substantially Conforms to the Master Plan

The subject property falls under the land use guidance of the 2006 Damascus Master Plan ("Plan"). The site is located within both the Town Center (CRT portion) and the Neighborhood Transition Area (R-90 portion) of the Plan. For properties located within the Town Center area, the Plan's land use recommendations create a mixed-use core supporting residential densities of

15 to 20 dwelling units per acre. (See Proposed Land Use and Density Illustration on p. 12). The Plan's general framework is to concentrate densities and create additional opportunities for residential development within the Town Center that will serve to support increased retail and service businesses in the town's core. (Plan, p. 13). In fact, the illustrative image on page 17 of the Plan (excerpt below) depicts a townhouse development concept on the CRT portion of the Subject Property that is quite similar to what is proposed by this Preliminary Plan application.



The smaller R-90 portion of the project site (i.e., Souder property) is located within one of three Transition Areas discussed by the Plan. Specifically, the Souder property is located within the Neighborhood Transition Area and labeled as ‘Developable Site No. 12’ on the illustration found on page 24 of the Plan (excerpt below).



Within the Neighborhood Transition Area, the Plan recommends “a moderate increase in density – primarily adjoining the Town Center” and “limited additional density on certain properties near the Town Center.” (Plan, p. 26) With regard to the Souder property specifically, the Plan recommends joint development with the adjacent King/Souder property (as proposed by this Preliminary Plan application) at a density of up to 14 dwelling units. The development guidance provided on page 35 of the Plan recommends that development “avoid disturbance of slopes exceeding 15 percent” and “ensure that the design of development is compatible with the existing development pattern” both of which are achieved by this application.

The subject development proposes additional housing in appropriate areas and in a manner consistent with the vision set forth in the Plan. It seeks to introduce development that is not only compatible with existing residential uses but that protects the property’s environmentally sensitive natural features, meeting all applicable goals and objectives of the Plan.

3. Public Facilities Will Be Adequate to Support and Service the Proposed Subdivision

The Property will be served by existing water and sewer mains. The Property designated Parcel N867 is located within water and sewer categories W-3 & S-1. Two of the site parcels (P885 and N838) are in water and sewer categories W-6 & S-6, but the water and sewer categories are in the process of being administratively changed to W-3 and S-3 by the Director the Montgomery County Department of Environmental Protection subject to approval of WSCCR 20-DAM-04A. This case was approved by the Montgomery County Planning Board on October 1, 2020. Water and sewer needs are expected be met by the Washington Suburban Sanitary Commission ("WSSC") through connections to the existing water and sewer lines located in the abutting right-of-ways. WSSC will evaluate the water and sewer capacity through a System Planning Forecast and a Hydraulic Planning Analysis.

A Local Area Transportation Review study (“LATR”) (dated October 16, 2020), prepared in compliance with current LATR requirements/guidelines, has been filed in conjunction with this Preliminary Plan application. In particular, the LATR Study conducted a field inspection of the nearby road system, conducted intersection turning movement counts and adjustments (in accordance with the current Montgomery County traffic count policy related to COVID-19) at the two nearest signalized intersections (Ridge Road – MD 27 & Bethesda Church Road and Ridge Road – MD 27 & Lewis Drive) and the site driveway, determined approved background development planned in the vicinity of the site, determined the projected traffic to be generated by the subject site and, finally, determined the impact of the site. The LATR Study found that the studied intersections will continue to function at acceptable levels taking into account existing, background and site traffic. In addition, the LATR Study concludes that based on trip generation adjustment factors for the Damascus Policy Area taken from the LATR Guidelines, the total number of transit and non-motorized trips projected to be generated by the project is less than 50; and thus, concludes that no further analysis is necessary for these trips.

Finally, with regard to adequacy of school facilities, the site is located within the Damascus High School Cluster, which is not in moratorium. The proposed development will not result in a cluster utilization rate greater than 120 percent.

4. All Forest Conservation Law (Chapter 22A) Requirements Will Be Satisfied

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the subject property was approved on September 28, 2020 (NRI/FSD No. 420210200). A Preliminary Forest Conservation Plan has been submitted for review in connection with this Preliminary Plan application that proposes to clear 4.75 acres and retain 1.61 acres of existing on-site forest. A

total of 2.27 acres of reforestation is required of which 0.20 acres is proposed to be provided on-site and 2.07 acres is proposed to be provided off-site.

5. All Stormwater Management Requirements (Chapter 19) Will Be Satisfied

In compliance with requirements of Chapter 19, the intent of the stormwater management for the project is to treat the required P_E (rainfall target) for all developed drainage areas within the property limits. The use of micro-scale practices will be used such as drywells and micro-bioretenention ponds. The drainage areas will be kept small to each facility and surface features such as open back inlets, curb openings, and grass swales will be utilized to direct drainage into the ESD facilities. These ESD facilities will meet the requirements by replicating the RCN for woods in good condition for the 1-year rainfall event. The roads, townhouses, single family homes, and all other additional impervious areas will be managed by these micro-scale practices. The site will provide ESD to the MEP and the full Target P_E for the subject property will be achieved.

G. Community Outreach

The applicant conducted the required pre-submission community meeting on September 15, 2020 at 7pm via the Microsoft Teams virtual meeting platform. Additional details regarding the pre-submission community meeting, including minutes, have been submitted with this application as required by the Zoning Ordinance and by the Planning Department's Manual of Development Review Procedures.

H. Conclusion

The proposed Preliminary Plan for the King Souder Property satisfies all the necessary findings for approval by the Planning Board. The project has been designed to balance the subject property's existing natural and adjacent residential surroundings with the need to provide increased housing choice in furtherance of the 'small town vision' set forth by the 2006 Damascus Master Plan. The proposed subdivision is not only in harmony with the general intent

and objectives of the Plan, but will facilitate implementation of the specific land use patterns envisioned by the Plan for the Subject Property and the surrounding area.

Based on all the foregoing, the Applicant respectfully requests that the Planning Board approve the Preliminary Plan as proposed.

Respectfully submitted:

MILLER, MILLER & CANBY

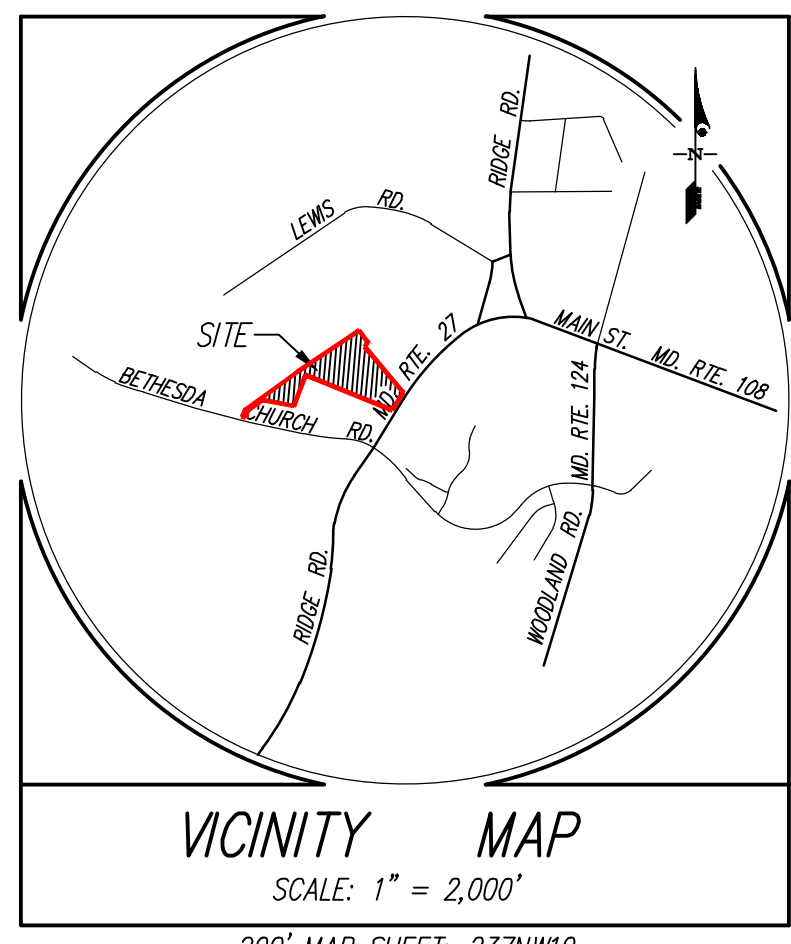
By: 
Soo Lee-Cho

200-B Monroe St.
Rockville, MD 20850
P: (301) 762-5212
F: (301) 762-6044

E-mail: slcho@mmcanby.com

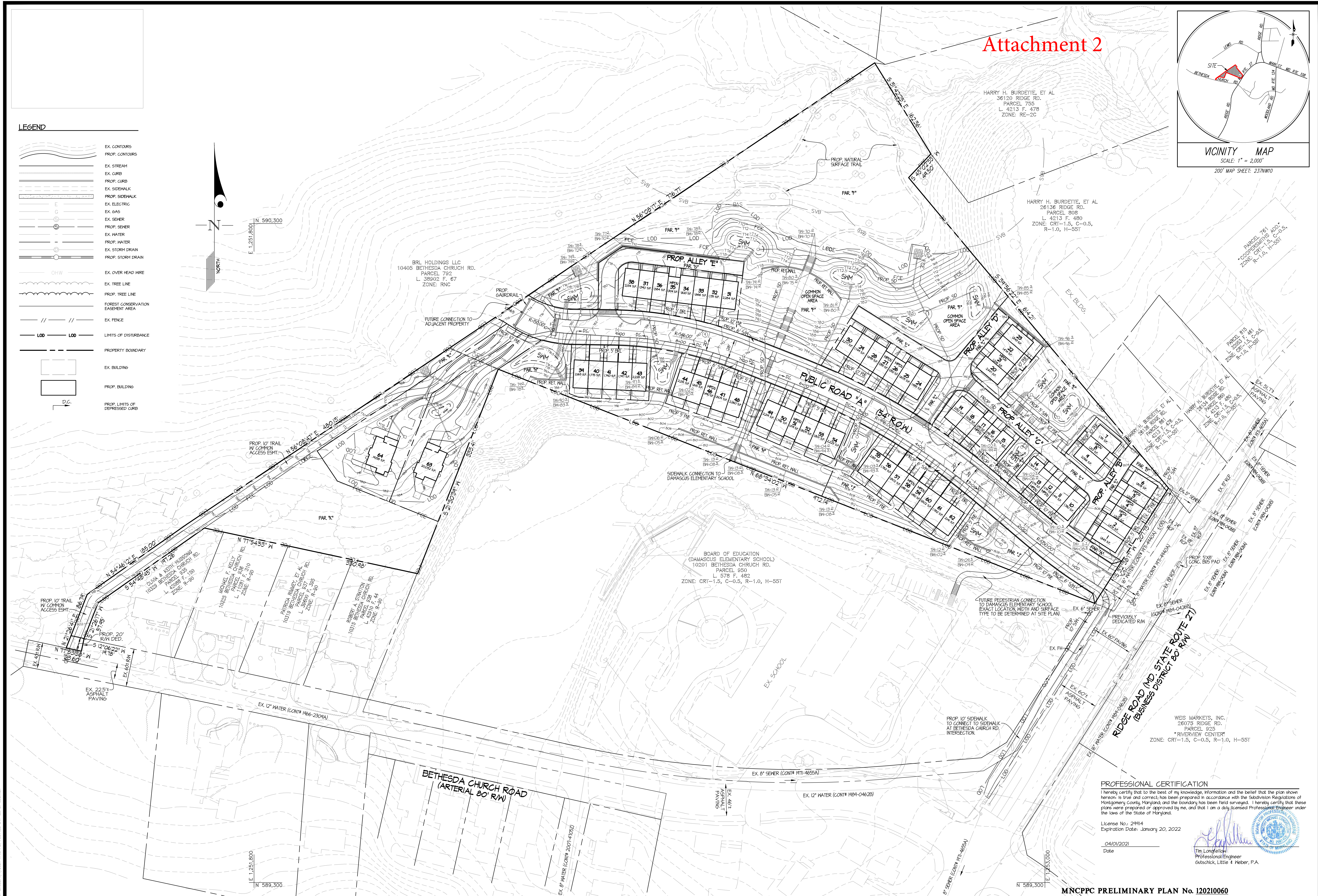
Attorney for the Applicant

Attachment 2



LEGEND

- EX. CONTOURS
- PROP. CONTOURS
- EX. STREAM
- EX. CURB
- PROP. CURB
- EX. SIDEWALK
- PROP. SIDEWALK
- EX. ELECTRIC
- EX. GAS
- EX. SEWER
- PROP. SEWER
- EX. WATER
- PROP. WATER
- EX. STORM DRAIN
- PROP. STORM DRAIN
- EX. OVER HEAD WIRE
- EX. TREE LINE
- PROP. TREE LINE
- FOREST CONSERVATION EASEMENT AREA
- EX. FENCE
- LIMITS OF DISTURBANCE
- PROPERTY BOUNDARY
- EX. BUILDING
- PROP. BUILDING
- PROP. LIMITS OF DEPRESSED CURB



PROFESSIONAL CERTIFICATION
I hereby certify that to the best of my knowledge, information and the belief that the plan shown herein is true and correct, has been prepared in accordance with the Subdivision Regulations of Montgomery County, Maryland, and the boundary has been field surveyed. I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

License No.: 24114
Expiration Date: January 20, 2022
Date: 04/01/2021
Tim Longfellow
Professional Engineer
Gutschick, Little & Weber, P.A.

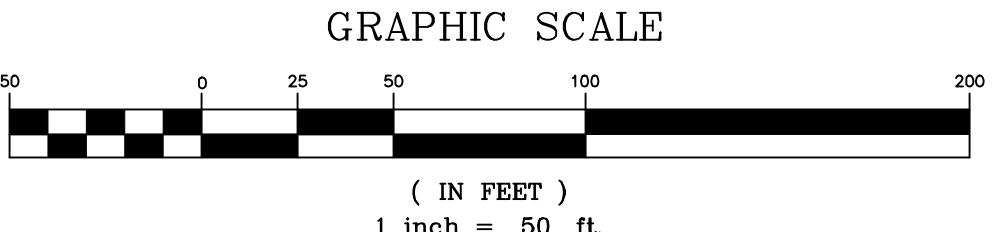
MNCPPC PRELIMINARY PLAN No. 120210060

PRELIMINARY PLAN
KING SOUDER PROPERTY
LOTS 1-64, PARCELS A-H, J & K

G. L. W. FILE No.
19132
SHEET
4 OF 7

GLW
PLANNING [ENGINEERING] SURVEYING
3809 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MD 20866 | GLWPA.COM
PHONE: 301-421-4024 | FAX: 410-880-1850 | DC/VA: 301-589-2524 | FAX: 301-421-4188

DESIGNED BY					
DRAWN BY	WDN				
CHECKED BY					
TML					
DATE		REVISION		BY	APP'R



PREPARED FOR:
JNP CAPITAL MANAGEMENT
2428 39TH STREET, NW
WASHINGTON, DC 20007
ATTN: JIM PROAKIS
TEL: (240) 876-0085

SCALE
1"=50'
DATE
FEB., 2021
ZONING
CR1-1.0, C-0.5,
R-0.5, H-55T,
TOR 1.16/R-90
TAX MAP - GRID
FX-33 & FX-34

DAMASCUS ELECTION DISTRICT No. 12

MONTGOMERY COUNTY, MARYLAND

Attachment 3

Forest Conservation Data Table	
Tract	11.1
Remaining in Agricultural Use	-
Road & Utility ROWs ¹	-
Total Existing Forest	6.4
Forest Retention	2.1
Forest Cleared	4.2
Land Use & Thresholds ²	
Land Use Category	MPD ARA, MDR, IDA, HDR, MDP, or CIA.
Conservation Threshold	20% percent
Afforestation Threshold	15% percent
Total Channel Length (ft.) ³	
Stream(s)	210
Average Buffer Width (ft.) ³	
Stream(s)	166
Acres of Forest in Wetlands	
100-Year Floodplain	-
Stream Buffers	1.26
Priority Areas	1.26

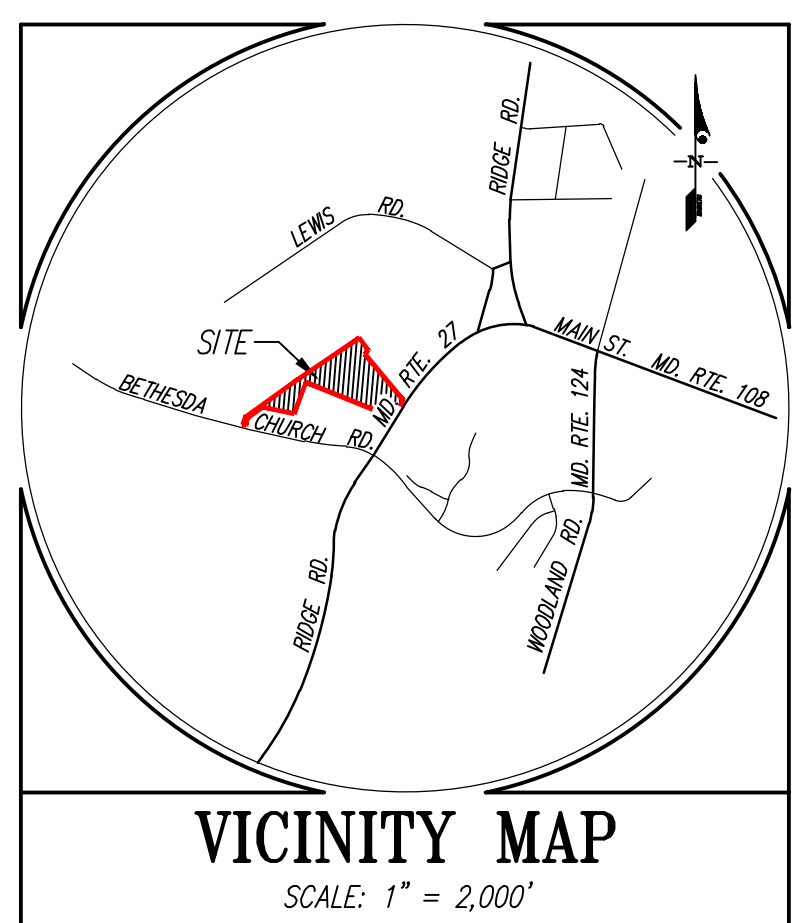
¹ Only Road or Utility ROWs not to be improved as part of development application.
² Information from EC Land Use Categories & Thresholds document.
³ Measured from stream edge to buffer edge.

GENERAL NOTES

- Applicant: JNP Capital Management
2428 38th Street, NW
Washington, DC 20007
- Owner: King Souder, LLC
26421 Mullinix Road
Mt. Airy, MD, 21171
- Site Address: 26110 Ridge Road
Damascus, MD 20812
- Tax ID: Parcel N636 12-02725084
Parcel N641 12-02725095
Parcel P685 12-0041314
- Watershed: Bennett Creek (021403020225)
III, P
- Watershed Use Class: GLN, March 2006.
- Boundary Survey by: McKenzie Snyder 3/14/2006.
MNCPPC GIS 2-foot data
GLN, July 2020
American Land Concepts, June 2020
- Wetlands Delineation: GLN
NRI FSD No. 420210200
Approved: 9/28/2020
- Stormwater Concept by: GLN
SNM Concept No. 286462
Filed: Oct 1, 2020.
- There is no floodplain on site per FEMA Map #240310065D (Effective date 9/24/2006).
- There are Perennial or Intermittent Streams and Environmental Buffers onsite.
- This site is not located in a Special Protection Area.

LEGEND

EX. PROPERTY LINE	SVB	STREAM BUFFER
EXISTING TREELINE	US	WATERS OF THE US
LIMITS OF MAINTENANCE/ MOWING	9C	EX. STREAM
TEMP. TREE PROTECTION FENCE (OFFSET 4' FOR GRAPHICS)	GWB	SOIL DELINEATION
FOREST CONSERVATION EASEMENT		SLOPES 25% OR GREATER
LIMITS OF DISTURBANCE		PAVEMENT/GRAVEL
EX. CONTOURS		EX. BUILDING
EX. CURB		PROP. BUILDING
EX. SIDEWALK		EX. UTILITY POLE
EX. CURB		EX. LIGHT
EX. ELECTRIC		
EXISTING OVERHEAD WIRE		
EX. GAS		
EX. SAN.		
EX. WATER		
EX. STORM DRAIN		
EX. FENCE		



MAPPED SOIL TYPES

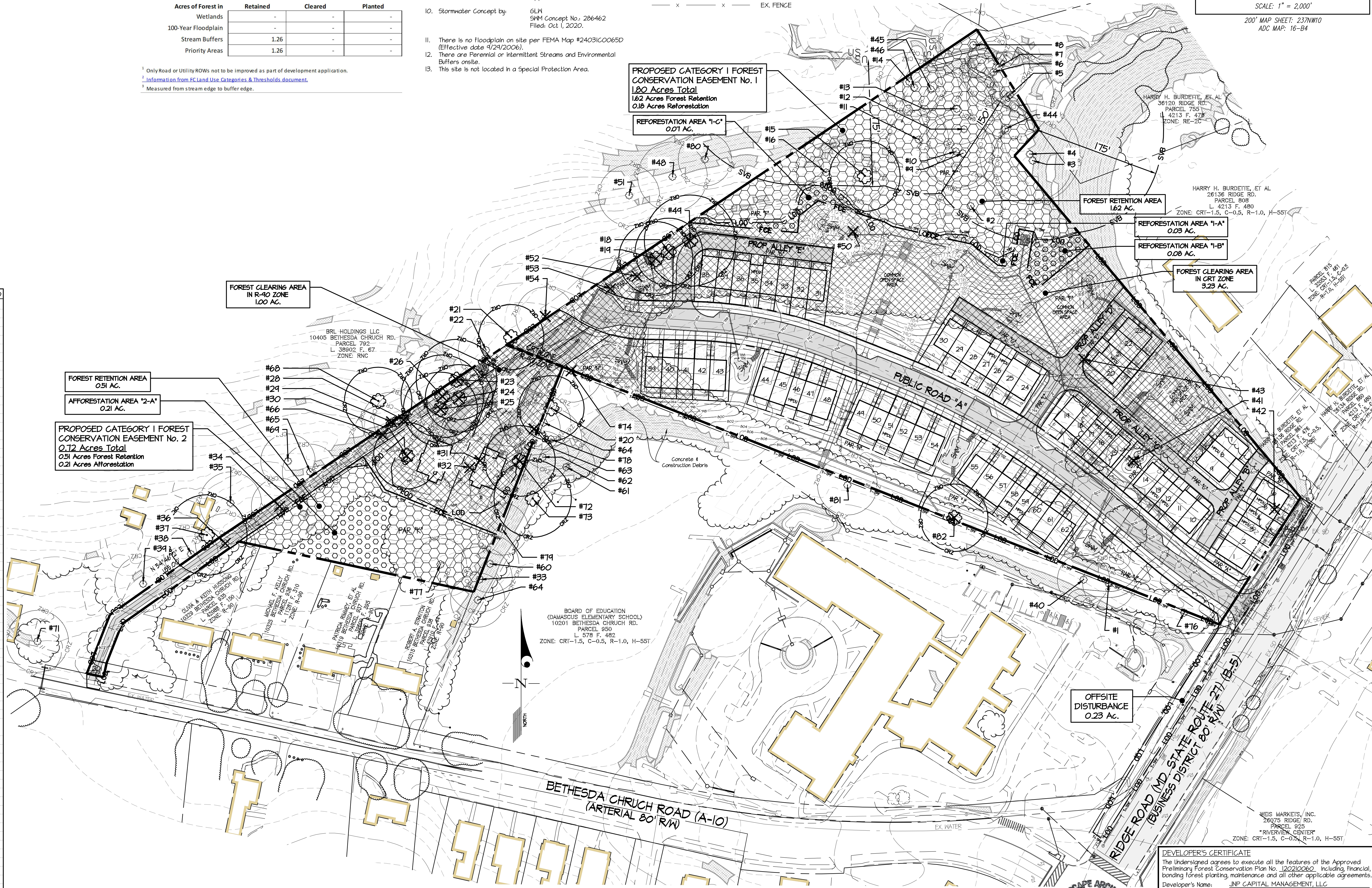
MAP UNIT	DESCRIPTION	HIGHLY ERODIBLE	HYDRIC	PRIME FARMLAND	HYDROLOGICAL GROUP	DRAINAGE CLASS	K-FACTOR
9B	Lingone-Hyattstown Channery Silt Loam 3 - 8% Slopes	NO	NO	YES	C	Well drained	0.24
9C	Lingone-Hyattstown Channery Silt Loam 9 - 15% Slopes	NO	NO	YES	C	Well drained	0.24
104D	Hyattstown Channery Silt loam 15 - 25% Slopes Very rocky	NO	NO	NO	C	Well drained	0.24

ACCORDING TO USDA - WEB SOIL SURVEY
 Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at: <http://websoilsurvey.sc.ars.gov/> accessed May 26, 2020.

SIGNIFICANT AND SPECIMEN TREE LIST

NO.	COMMON NAME	SPECIES NAME	DBH	CONDITION	COMMENTS	DISPOSITION	% DISTURBED
1.	White Pine	Pinus strobus	24"	Good		Disturb	44%
2.	Red Maple	Acer rubrum	24"	Fair	Crown dieback	Disturb	1%
3.	Tulip Poplar	Liriodendron tulipifera	37"	Good	Vines	Save	
4.	Tulip Poplar	Liriodendron tulipifera	46"	Good		Save	
5.	Tulip Poplar	Liriodendron tulipifera	40"	Good		Save	
6.	Tulip Poplar	Liriodendron tulipifera	28.5"	Good		Save	
7.	Tulip Poplar	Liriodendron tulipifera	28.5"	Good		Save	
8.	Black Gum	Nyssa sylvatica	30.5"	Good		Save	
9.	Tulip Poplar	Liriodendron tulipifera	33"	Good		Save	
10.	Tulip Poplar	Liriodendron tulipifera	33.5"	Good		Save	
11.	Red Maple	Acer rubrum	21.5"	Good		Save	
12.	Tulip Poplar	Liriodendron tulipifera	34.5"	Good		Save	
13.	Tulip Poplar	Liriodendron tulipifera	33"	Good		Save	
14.	White Oak	Quercus alba	27"	Good		Disturb	3%
15.	Red Oak	Quercus rubra	32.5"	Good		Disturb	16%
16.	Chestnut Oak	Quercus prinus	27"	Dead		Remove	
18.	Red Oak	Quercus rubra	31"	Fair	Significant Crown Loss	Remove	
19.	Tulip Poplar	Liriodendron tulipifera	34"	Good		Remove	
20.*	Tulip Poplar	Liriodendron tulipifera	30"	Good		Disturb	41%
21.	White Oak	Quercus alba	30"	Good		Disturb	42%
22.	Tulip Poplar	Liriodendron tulipifera	25.5"	Good		Disturb	37%
23.	Northern Red Oak	Quercus rubra	37"	Fair	Significant Crown Loss	Remove	
24.	Tulip Poplar	Liriodendron tulipifera	31"	Dead	Leaning	Remove	
25.	Tulip Poplar	Liriodendron tulipifera	34"	Poor	Hollow Trunk, Slight Crown Loss	Remove	
26.	Northern Red Oak	Quercus rubra	38.5"	Poor	Batt Rot, Significant Crown Loss	Remove	
28.	Northern Red Oak	Quercus rubra	21.5"	Good		Remove	
29.	White Oak	Quercus alba	21.5"	Good		Remove	
30.	Tulip Poplar	Liriodendron tulipifera	30.5"	Good		Remove	
31.	Tulip Poplar	Liriodendron tulipifera	24.5"	Good	Trunk damage, Slight Crown Loss	Remove	
32.	Tulip Poplar	Liriodendron tulipifera	25.5"	Good		Remove	
33.	Tulip Poplar	Liriodendron tulipifera	30"	Good		Save	
34.	Northern Red Oak	Quercus rubra	26"	Good		Remove	
35.	Tulip Poplar	Liriodendron tulipifera	28.5"	Good		Disturb	6%
36.	Northern Red Oak	Quercus rubra	21.5"	Good		Remove	
37.*	Northern Red Oak	Quercus rubra	24" x 31"	Fair	Twins Split below 4.5' ht.	Disturb	35%
38.	Chestnut Oak	Quercus prinus	25/22/21"	Good	Triple	Disturb	43%
39.	Northern Red Oak	Quercus rubra	26"	Good		Disturb	36%
40.	White Pine	Pinus strobus	24"	Good		Disturb	31%
41.	Black Locust	Robinia pseudoacacia	25.5"	Good	Vines	Remove	
42.	Black Locust	Robinia pseudoacacia	26"	Poor	Hollow	Remove	
43.	Black Locust	Robinia pseudoacacia	21.5"	Fair	Irregular Leader	Save	
44.	Sycamore	Platanus occidentalis	21.5"	Good	Double Leader	Save	
45.	Tulip Poplar	Liriodendron tulipifera	26"	Good		Save	
46.	Tulip Poplar	Liriodendron tulipifera	26.5"	Good		Save	
48.	Chestnut Oak	Quercus prinus	18/21.5"	Good	Twins Split below 4.5' ht.	Save	
49.	Scarlet Oak	Quercus coccinea	42"	Good		Remove	
50.	Black Cherry	Prunus serotina	28"	Good		Remove	
51.	Chestnut Oak	Quercus prinus	28"	Dead	Leaning, Poor Trunk	Remove	
52.	Black Cherry	Prunus serotina	25"	Poor	Significant Crown Loss, Leaning, Batt Rot, Fence at Base	Remove	
53.	White Oak	Quercus alba	28"	Good		Remove	
54.	White Oak	Quercus alba	27"	Good	Vines	Remove	
60.	Red Maple	Acer rubrum	26.5"	Good		Disturb	35%
61.	Tulip Poplar	Liriodendron tulipifera	26.5"	Good		Save	
62.	Tulip Poplar	Liriodendron tulipifera	24"	Good		Disturb	9%
63.	Tulip Poplar	Liriodendron tulipifera	24"	Good	Lead Pipe in trunk	Remove	
64.	Scarlet Oak	Quercus coccinea	25"	Good		Remove	
65.	Chestnut Oak	Quercus prinus	25"	Good		Disturb	41%
66.	White Oak	Quercus alba	27"	Good		Remove	
68.*	Red Maple	Acer rubrum	31"	Good	Adjacent tree leaning on it	Disturb	6%
69.	Scarlet Oak	Quercus coccinea	25"	Good		Save	
70.	Red Oak	Quercus rubra	28.5"	Good		Save	
72.	Tulip Poplar	Liriodendron tulipifera	32.5"	Good		Remove	
73.*	Tulip Poplar	Liriodendron tulipifera	35.5"	Good	Split Leader below 4.5' ht. Lighting damage	Disturb	15%
74.	Red Maple	Acer rubrum	24"	Good		Remove	
75.	Norway Maple	Acer platanoides	24"	Good		Disturb	46%
76.	Sweetgum	Quercus acutissima	24"	Good		Save	
78.	Tulip Poplar	Liriodendron tulipifera	28.5"	Good		Disturb	17%
79.	Tulip Poplar	Liriodendron tulipifera	24/22"	Good	Twins Split below 4.5' ht.	Disturb	36%
80.	Red Oak	Quercus rubra	24.5"	Good		Save	
81.	Red Maple	Acer rubrum	27.5"	Fair	Significant Crown Loss	Disturb	37%
82.	White Mulberry	Morus alba	31"	Fair		Remove	

x Variance Request Trees
 * Specimen Trees/Significant Trees Located Offsite
 * Tree Mitigation Calculations for onsite 30" and greater trees to be removed outside of Forested Areas: 31" DBH 4 = 8" of Tree Mitigation/
 3" Caliper Proposed Native Trees = 3 Replacement Trees
 NOTE: There are no Champion Trees on or adjacent to the Subject Property. There are no trees that are 15% or Larger of the Champion Tree size for their species on the Subject Property. Final location of mitigation trees to be determined with Final Forest Conservation Plan.



DEVELOPER'S CERTIFICATE
 The undersigned agrees to execute all the features of the Approved Preliminary Forest Conservation Plan No. 120210060, including financial, bonding forest planting, maintenance and all other applicable agreements.
 Developer's Name: JNP CAPITAL MANAGEMENT, LLC
 Contact Person or Owner: James N. Proakis
 Address: 2428 38th Street, NW
 Washington, DC 20007
 Phone: (240) 876-0085
 Signature: James N. Proakis, Sole Member

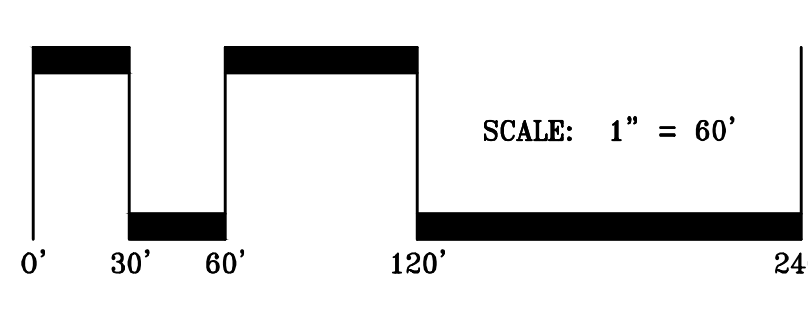


MNCPPC PRELIMINARY PLAN No. 120210060
PRELIMINARY FOREST CONSERVATION PLAN
KING SOUDER PROPERTY
LOTS 1-64, PARCELS A-H, J & K

G. L. W. FILE No.
19132
 SHEET
6 OF 7



DESIGNED BY	KAF			
DRAWN BY	KAB			
CHECKED BY	KAF			
DATE		REVISION	BY	APPR.



PREPARED FOR:
 JNP CAPITAL MANAGEMENT
 2428 38th Street, NW
 WASHINGTON, DC 20007
 ATTN: JIM PROAKIS
 TEL: (240) 876-0085

SCALE
 1"=60'
 DATE
 APRIL 2021
 ZONING
 CRT-1.0, C-0.5, R-0.5, H-55T, TDR 1.16/ R-90
 TAX MAP - GRID
 FX-33 & FX-34

DAMASCUS ELECTION DISTRICT No. 12

MONTGOMERY COUNTY, MARYLAND



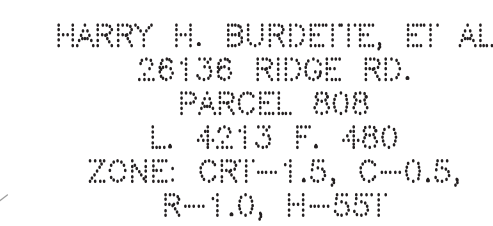
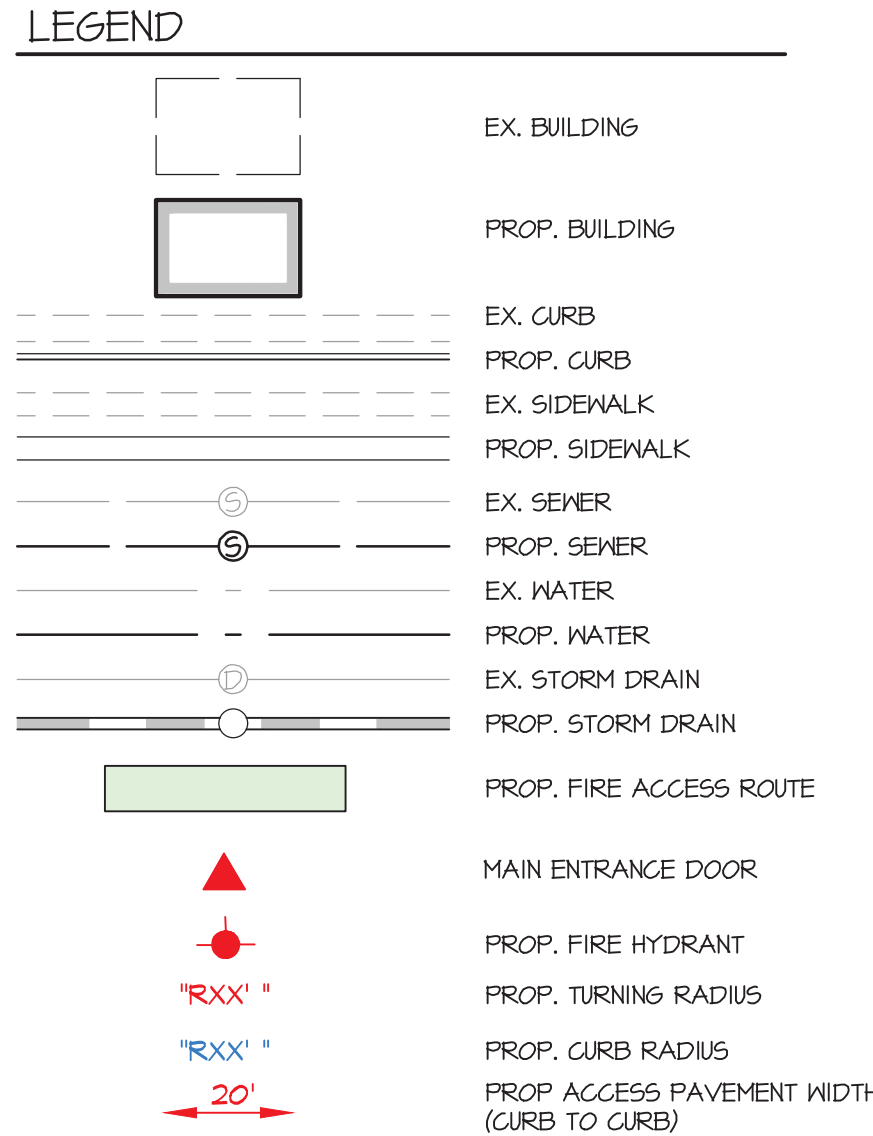
**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 04-Mar-21
TO: Tim Longfellow
Gutschick Little & Weber, PA
FROM: Marie LaBaw
RE: King Souder Property
120210060

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **01-Mar-21**. 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.

***** Engineer is certifying that no proposed residential units shall trigger requirement for additional fire department connections. If that changes, engineer will obtain an approved fire department access plan amendment showing FDCs and corresponding hydrants *****



HEIGHT RESTRICTIONS (LOTS 7, 8, 9, 22, 23, 63, 64,

*** Engineer is certifying that no proposed residential units shall trigger requirement for additional fire department connections. If that changes, engineer will obtain an approved fire department access plan amendment showing FDCs and corresponding hydrants ***

BRL HOLDINGS LLC
10405 BEIHESDA CHURCH RD.
PARCEL 702
L. 38502 F. 67
ZONE: RNC

BOARD OF EDUCATION
(DAMASCUS ELEMENTARY SCHOOL)
10201 BEITHESDA CHURCH RD.
PARCEL 950
L. 578 F. 482
ZONE: CRT-1.5, C-0.5, R-1.0, H-55T

MICHAEL F. KELLY
10325 BEIHESDA CHRUCH RD
PARCEL 936
L. 11281 F. 310
ZONE: R-90

PATRICIA RIMMEY, ET AL
10319 BETHESDA CHURCH
PARCEL 937
L. 39600 F. 395
ZONE: R-90

ROBERT A. STRATTON
10315 BETHESDA CHURCH RD.
PARCEL 938
L 42910 F. 44
ZONE: R-90

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

BY: *SAC* FW: 43 DATE: 3/4/2021

PROFESSIONAL CERTIFICATION

I hereby certify that to the best of my knowledge, information and the belief that the plan shown hereon: is true and correct; has been prepared in accordance with the Subdivision Regulations of Montgomery County, Maryland; and the boundary has been field surveyed. I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

License No.: 29914
Expiration Date: January 20, 2022

03/01/2021
Date

Tim Longfellow
Professional Engineer
Gutschick, Little & Weber, P.A.

MNCPPC PRELIMINARY PLAN No. 120210060

FIRE ACCESS PLAN
KING SOUDER PROPERTY
LOTS 1-64, PARCEL A-H, J & K

G. L. W. FILE No.

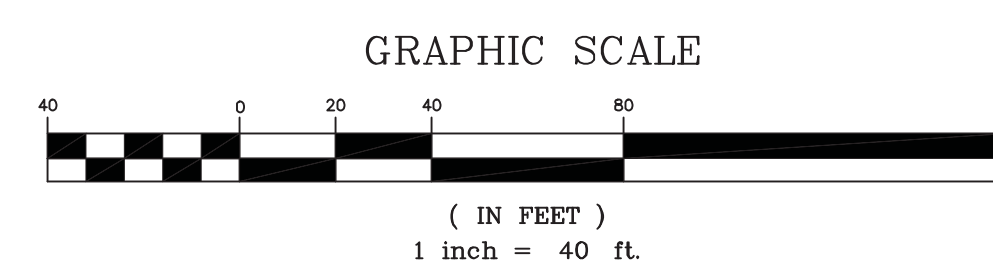
SHEET
1 OF 1

DISTRICT No. 12

MONTGOMERY COUNTY, MARYLAND



DESIGNED BY:				
DRAWN BY:				
WDN				
CHECKED BY:				
TML				
	DATE	REVISION	BY	APP'R.



PREPARED FOR:
JNP CAPITAL MANAGEMENT
2428 39TH STREET, NW
WASHINGTON, DC. 20007
ATTN: JIM PROAKIS
TEL: (240) 876-0085

SCALE 1"=40'	ZONING CRT-1.0, C-0.5, R-0.5, H-55T & R-90
DATE FEB., 2021	TAX MAP - GRID FX-33 & FX-34

ZONING CRT-1.0, C-0.5, R-0.5, H-55T & R-90
TAX MAP - GRID FX-33 & FX-34

34 DAMASCUS ELECTION DISTRICT No. 12



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

March 23, 2021

Mr. Tim Longfellow
Gutschick, Little & Weber, P.A.
3909 National Dr., Suite 250
Burtonsville, MD 20866

Re: Stormwater Management **CONCEPT** Request
for King Souder Property
Preliminary Plan #: Not Provided
SM File #: 286462
Tract Size/Zone: 10.91 ac
Total Concept Area: 10.91 ac
Parcel(s): D & E
Watershed: Bennett Creek (Class III)

Dear Mr. Longfellow:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via Landscape Infiltration practices, Microbioretention practices, MicroInfiltration Trenches, and Drywells.

The following items will need to be addressed prior to Planning Board approval of the Site Plan:

1. At detailed plan review the proposed pipe discharges must demonstrate non-erosive conditions with a peak velocity of 5.0 fps. or less.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
This list may not be all-inclusive and may change based on available information at the time.
5. **Prior to Planning Board approval of the Site Plan, this stormwater management concept must be formally revised and an approved Site Development Plan (SDP) Approval letter must be issued by DPS. If the Site Plan will be approved in stages, the Site Development Plan revision submittal must specifically refer to the appropriate phase.**

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

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable



2425 Reedy Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Mr. Tim Longfellow
March 23, 2021
Page 2 of 2

Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Bill Musico at 240-777-6340.

Sincerely,

Mark Etheridge

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

MCE: WJM

cc: N. Braunstein
SM File # 286462

Town House Area:

ESD: Required/Provided 15,889 cf / 11,083 cf
PE: Target/Achieved: 1.6"/1.6"
STRUCTURAL: 0.00 cf
WAIVED: 0.00 ac.

Road A Area:

ESD: Required/Provided 5,452 cf / 5,452 cf
PE: Target/Achieved: 1.6"/1.6"
STRUCTURAL: 0.00 cf
WAIVED: 0.00 ac.

Public ROW Area:

ESD: Required/Provided 830 cf / provide on-stie cf
PE: Target/Achieved: 1.6"/1.6"
STRUCTURAL: 0.00 cf
WAIVED: 0.00 ac.



Attachment 6

DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

April 29, 2021

Mr. Ryan Sigworth, Senior Planner
UpCounty Planning Division
The Maryland-National Capital
Park & Planning Commission
2425 Reddie Drive
Wheaton, MD 20902

RE: Preliminary Plan No. 120210060
King Souder Property

Dear Mr. Sigworth:

We have completed our review of the preliminary uploaded to eplans on April 6, 2021. A previous version of the plans was reviewed by the Development Review Committee at its December 8, 2021 meeting. We recommend approval of the plans subject to the following comments:

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

General Plan Review Comments

Vehicular access is planned to be provided via a public street located along the west side of Ridge Road (MD 27) at the existing driveway location which is located opposite the shopping center driveway on the east side of MD 27. Since Ridge Road (MD 27) is maintained by Maryland State Highway Administration (MDSHA), MCDOT does not have any jurisdiction other than the maintenance and operation of traffic signal on state-maintained roadways. Per Montgomery County Code Chapter 50 Section 4.2, MCDOT shall provide recommendation about the subject property for the attention of the concerned agencies.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

Significant Plan Review Comments

1. Ridge Road (MD 27) is classified as a Business District Road (B-5). Per the Master Plan of Highways and Transitways the minimum required right-of-way (ROW) is 80-foot. The existing right-of-way on Ridge Road (MD 27) per plat #6986 is 80-feet. Thus, additional dedication is not required. We defer to Maryland State Highway MDSHA for any improvements along Ridge Road (MD 27).
2. Bethesda Church Road is classified as a Minor Arterial (MA-11). Per the Master Plan of Highways and Transitways the minimum required right-of-way (ROW) is 80-foot. The existing right-of-way on Ridge Road (MD 27) per plat #6986 is 80-feet. Thus, additional dedication is not required.
3. Proposed public Road A has been accepted by MCDOT with the following cross sections that is shown on the preliminary plan:
 - a. Section A: Note: MDSHA will approve roadway cross section within their ROW.
 - i. Two 12.5-foot travel lanes
 - ii. Two 7.5-foot tree lawn
 - iii. Two 6-foot sidewalk
 - iv. Two 1-foot maintenance strip
 - b. Section B:
 - i. Two 10-foot travel lanes
 - ii. One 8-foot parking lane
 - iii. Two 6-foot tree lawn
 - iv. Two 6-foot sidewalk
 - v. Two 1-foot maintenance strip
 - c. Section C:
 - i. Two 10-foot travel lanes
 - ii. Minimum of two 6-foot tree lawn
 - iii. Two 6-foot sidewalk
 - iv. Two 1-foot maintenance strip
 - d. Terminus of Road A:
 - i. The road must have a proper turnaround terminus per Montgomery County Standard MC-223.01.

- ii. The 3-foot flat area provided behind the curb of the temporary turnaround is to reduce potential erosion . This area is acceptable.

4. **Sight Distance:**

- a. We defer to MDSHA for sight distance evaluation along Ridge Road (MD 27).
 - b. MCDOT Sight Distances Evaluation certification form of proposed walking trail on Bethesda Church Rd to be review and approved by DPS.
 - i. Potential crosswalk to be determined at marking and signing.
5. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission approval of the record plat. We defer to MDSHA to approve road grades within SHA's ROW.
6. The applicant will provide adequate Public Utility Easements to serve the proposed subdivision. The public utility easements will be provided adjacent to the public right of way or be accessible from the public right of way as approved by the appropriate utility companies. Utility company concurrence shall be adequately demonstrated during the Site Plan review process.
7. **Storm Drain Study:** The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.
- a. Temporary Turnaround: Due to maintenance concerns, DPS/DOT would prefer for the small amount of drainage at the end of the public road (0.10 acres, 0.5 cfs) to be picked up via storm drain as opposed to a curb opening with rip rap outfall. DPS to review and approve prior to issuance of the right-of-way permit.
 - b. We defer to MDSHA for runoff from the site draining to a storm drain maintained by MDSHA.
8. The Traffic Impact Study (TIS) letter was issued on March 16, 2021. The TIS indicates the motor vehicle delay will not exceed the Damascus Policy Area threshold.

Standard Comments

- 1. We defer to Maryland State Highway (MDSHA) for any improvements along Ridge Road (MD 27).
- 2. Applicant should be mindful that Complete Streets is currently in development and is anticipated to go into effect in the near future.
- 3. All proposed roadway horizontal centerline radius should be shown on the plan and should meet the minimum requirements per the road classification specified in Montgomery County's Code, Chapter 50.

4. Traffic calming measures may be required if the length of the road to the end is 1000' or greater. Coordinate with Kutty Menon of MCDOT-DTEO (240-777-2162 or kutty.menon@montgomerycountymd.gov) at the right-of-way permit stage.
5. There is an existing RideOn bus stop on opposite (east) side of Ridge Road frontage. Provide 5'x8' concrete pad for existing bus stop and a crosswalk in line with the driveway to Weis. Please coordinate with Mr. Wayne Miller of our Division of Transit Services to coordinate improvements on Ridge Road (MD 27). Mr. Miller may be contacted at 240 777-5836 or at Wayne.Miller2@montgomerycountymd.gov.
6. Alleys should be at-grade with the sidewalk, dropping down to street level between the sidewalk and roadway.
7. All alleys should be located on their own separate parcel.
8. All legs of each intersection within the site shall provide for ADA compliant pedestrian ramps .
9. Ensure adequate corner truncation at intersecting streets. If Planning Staff oppose truncation, see if obtaining truncation in an easement may be an acceptable alternative. Truncation is important for ensuring adequate intersection design for signal infrastructure, ADA design, and sight distances.
10. Upgrade pedestrian facilities at intersections along the site frontage and at adjacent intersections to comply with current ADA standards.
11. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
12. Forest Conservation Easements are NOT ALLOWED to overlap any easement.
13. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
14. Posting of a right-of-way permit bond is a prerequisite to DPS approval of the record plat. The right-of-way permit will include, but not necessarily be limited to, the following improvements:
 - Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Road A.
 - Construct a temporary turnaround at the end of Road A.

- Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
- Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.
- Erosion and sediment control measures as required by Montgomery County Code 19-10(02) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact myself for this project at brenda.pardo@montgomerycountymd.gov or at (240) 777-7170.

Sincerely,

Brenda M. Pardo

Brenda M. Pardo, Engineer III
Development Review Team
Office of Transportation Policy

[SharePoint\teams\DOT\Director's Office\Development Review\Brenda\Preliminary Plan\PP120210060 King Souder\Letters\120210060-King Souder-DOT Preliminary Plan Letter_4.29.21](#)

cc: Correspondence folder FY 2021

cc-e: Tim Longfellow	GLW
Mark Terry	MCDOT DTEO
Atiq Panjshiri	MCDPS RWPR

Mr. Ryan Sigworth
Preliminary Plan No. 120210060
April 29, 2021
Page 6

Sam Farhadi
Wayne Miller
Kutty Menon
Rebecca Torma

MCDPS RWPR
MCDOT DTS
MCDOT DTEO
MCDOT OTP



October 15, 2020

Forest Conservation Program Manager
Montgomery County Planning Department
2425 Reddie Drive, 14th Floor
Wheaton, MD 20902

Re: King Souder Property - Variance Request

On behalf of JNP Capital Management, (Applicant) we are requesting a variance of Section 22A-12.(b)(3)(c) of the Montgomery County Code.

(3) The following trees, shrubs, plants, and specific areas are priority for retention and protection and must be left in an undisturbed condition unless the Planning Board or Planning Director, as appropriate, finds that the applicant qualifies for a variance under Section 22A-21:

- (C) Any tree with a diameter, measured at 4.5 feet above the ground, of:*
- (i) 30 inches or more; or*
 - (ii) 75% or more of the diameter, measured at 4.5' above ground of the current State champion tree of that species.*

The Subject Property is a 10.91-acre site is located within the Northwestern portion of Montgomery County in Damascus, Maryland (See Figure 1). The Subject Property is comprised of three (3) parcels, N838, N676, P885 and is partially forested with a tributary of the Bennett Creek in the northern corner of the property. Parcel 885 is currently zoned R-90, and both Parcels N838 and N676 are currently zoned CRT-1.0, C-05, R-0.5, H-55T, pursuant to the Countywide District Map Amendment effective on October 30, 2014. The Property is located within the planning boundaries of the 2006 Damascus Master Plan.

The Subject Property has 200 feet (\pm) of frontage along Ridge Road (MD Rt. 27) for the main body of the property and 20 feet (\pm) of frontage along Bethesda Church Road located in the southwestern part of the property. The Subject Property contains one existing single-family detached structure located on the Eastern portion of the Site, which is approximately 200 feet from Ridge Road. The Subject Property is bound by forest on the North and Northwest property lines and the adjacent property along the Northeast property line, contains an unoccupied developed commercial property. Damascus Elementary School and additional single-family attached homes are located along the Southern property lines, adjacent to the Subject Site. East of the Subject Property; on the opposite side of Ridge Road (MD State Rt. 27), a grocery store

anchored shopping center exists. The Site is partially forested with an open field at its center (behind the single-family detached home) which is maintained as a grass field. A hedge row separates the grass meadow from the existing Elementary school property to the South. The topography of the site begins with a high point along ridge road and slopes significantly to a stream in the Northeast corner. Man-made fill slopes from previous adjacent commercial and school developments abut the Subject Property on the northeast and southern property boundaries.

As part of development on the Subject Property, the applicant is requesting a variance to affect the following trees that measure 30” or greater in diameter at breast height (dbh).

Request to remove the following trees:

Tree #18 – 31” Red Oak – Fair Condition - Significant Crown loss
Tree #19 – 34” Tulip Poplar – Good Condition
Tree #23 – 37” Red Oak – Fair Condition - Significant Crown Loss
Tree #24 – 31” Tulip Poplar - Dead
Tree #25 – 34” Tulip Poplar – Poor Condition – Hollow Trunk, Significant Crown loss
Tree #26 – 38.5” Red Oak – Poor Condition – Butt rot, Significant Crown Loss
Tree #30 – 30.5” Tulip Poplar – Good Condition
Tree #49 – 42” Scarlet Oak – Good Condition
Tree #72 – 32.5” Tulip Poplar – Good Condition
Tree #82 – 31” Mulberry – Fair Condition

Request to impact the critical root zones of the following trees:

Tree #15 – 32.5” Red Oak – Good Condition
Tree #20 – 30” Tulip Poplar – Good Condition
Tree #21 – 30” White Oak – Good Condition
Tree #33 – 30” Tulip Poplar – Good Condition
Tree #37 – 31” Red Oak – Good Condition
Tree #68 – 31” Red Maple – Good Condition
Tree# 73 – 35.5” Tulip Poplar – Good Lighting Damage

TREE#	TREE TYPE	% DISTURBED	REASON	DISPOSITION
15	Red Oak 32.5” dbh	3%	Grading required for SWM facility.	To be disturbed
20	Tulip Poplar 30” dbh	41%	Grading required for SWM facility.	To be disturbed
21	White Oak 30” dbh	42%	Grading required for road & retaining wall construction.	To be disturbed
33	Tulip Poplar 30” dbh	35%	Grading required for construction of single-family home on Lot 41.	To be disturbed
37	Red Oak 31” dbh	35%	Grading associated with trail construction.	To be disturbed
68	Red Maple 31” dbh	8%	Grading required for road & retaining wall construction.	To be disturbed

73	Tulip Poplar 35.5" dbh	13%	Grading required for construction of single-family home on Lot 41.	To be disturbed
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Section 22A-21 (b) lists the criteria for the granting of the variance requested herein. The following narrative explains how the requested variance is justified under the set of circumstances described above.

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship:

The Subject Property is partially forested with multiple specimen trees located on the western portion of the site in forested areas in addition to several specimen trees scattered throughout the site. Due to the proposed high-density single-family residential building types, the introduction of storm water management to the site, and considerable topographic conditions, significant site grading will be required. Given their locations, the specimen trees and the critical root zones will have a significant impact on the development of the site and implementation of the CRT-1.0 zoning.

The Subject Property is flanked by properties zoned CRT-1.0 to the southeast and northeast. The property to the Northwest is zoned RNC and currently forested. To the East is an existing shopping Center that is zoned CR-1.75. The only access to this site is located on Ridge Road. The Subject Property is zoned CRT-1.0 which allows single-family attached townhomes at a maximum density of 15-20 du/ac. Per the 2006 Damascus Master Plan the existing forest in the north corner of the site is identified as Legacy Open Space, which will be maintained as Forest Conservation area.

If the applicant were denied the variance to impact specimen trees and therefore denied the ability to develop this site, it would be an unwarranted hardship on the developer not to allow the site to transform, into a development that will be implementing goals of the Damascus Master Plan and transitioning the proposed development more successfully into the surrounding community, while increasing the diversity of housing types in the community. Furthermore, the Master Plan identifies part of this site as a Transition Area which serves as a bridge between the higher density development in the Town Center and the surrounding Rural Area by means of utilizing the R-90 portion of the site.

Impacting the Critical Root Zones (CRZ) of Trees #15, 20, 21, 33, 37, 68 & 73

The disturbance to the CRZ of Specimen Tree #20, 21, 33, 37, 68 & 73 are located on adjacent properties and could not be avoided due to grading and construction required for the single-family detached homes, stormwater management facilities, private roads, and trail system. Tree #15 is located onsite and will be disturbed due to grading required for the installation of a stormwater facility.

Removal of Trees 18, 19, 23-26, 30, 49, 72 & 82

The removal of Specimen Trees #18, 19, 49 & 82 could not be avoided due to their location in the developable area of the site that is zoned CRT-1.0, which will require significant grading changes to allow for the construction of high-density single-family townhouses and storm water management facilities.

The Removal of Specimen Tree #23-26, 30 & 72 could not be avoided because they are located in the R-90 portion of the site, where the proposed single family detached homes are proposed and require significant grading changes for the construction of the homes and associated stormwater management facilities.

Not being allowed to remove or disturb these trees and obtain a Tree Variance would deprive the Applicant the ability to implement the goals of the approved Master Plan, which is a reasonable and substantial use of the Property and would clearly demonstrate an unwarranted hardship. The ability to provide residential housing, is allowed within the existing zoning and is within reasonable and substantial use of the Property. If a Variance were to be denied, the Applicant would be deprived of the rights to develop the Property, which are commonly enjoyed by others in similar developments.

2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas:

The proposed residential additions, access and utility improvements have been specifically designed to maximize the potential of the site, while minimizing any forest impacts. The specimen trees required to be removed are located adjacent to proposed private roads, the proposed residential townhomes in the CRT-1.0 zone and in the R-90 developable area. Denial of a variance would keep the applicant from fulfilling the county's goal of avoiding sprawl and locating density in already developed areas, and providing safe and affordable housing in Montgomery County.

Not granting the variance would cause undue hardship on the applicant because development would be significantly limited or not possible, and therefore will deny the applicant ability to fully implement the goals of the Approved Master Plan. By denial of a Variance, it will deprive the landowner of significant and reasonable use on the property as allowed in the zone, and as shown in the Master Plan. Granting of the variance will ultimately allow the Property to be developed in a safe and efficient manner similar to other developments in the community.

3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance:

The variance will not violate state water quality standards or cause measurable degradation in water quality. The existing site conditions provide very minimal storm water management of existing site run-off. The proposed development will provide full Environmental Site Design (ESD) storm water management for the site. All proposed land development activities will require sediment control and storm water management plan approvals by Montgomery County. The approval, of SWM Concept #286462, will confirm that the goals and objective of the current state and county water quality standards have been met for the proposed development, on site.

4. Provide any other information appropriate to support the request:

The applicant has taken great care to locate the development in the buildable area of the site while trying to maximize usage of existing utility lines and minimize disturbance to the significant and specimen trees.

The Applicant believes that the information set forth above is adequate to justify the requested variance to remove and impact specimen trees on the Subject Property. Furthermore, the Applicant's request for a variance complies with the "minimum criteria" of Section 22A-21 (d) for the following reasons:

1. This Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant.
2. The variance request is not based on conditions or circumstances which result from the actions of the applicant. The applicant did not create the existing site conditions, including the random location of the specimen trees.
3. The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property.
4. The impact to, or loss of the requested trees will not violate State water quality standards or cause measurable degradation in water quality.

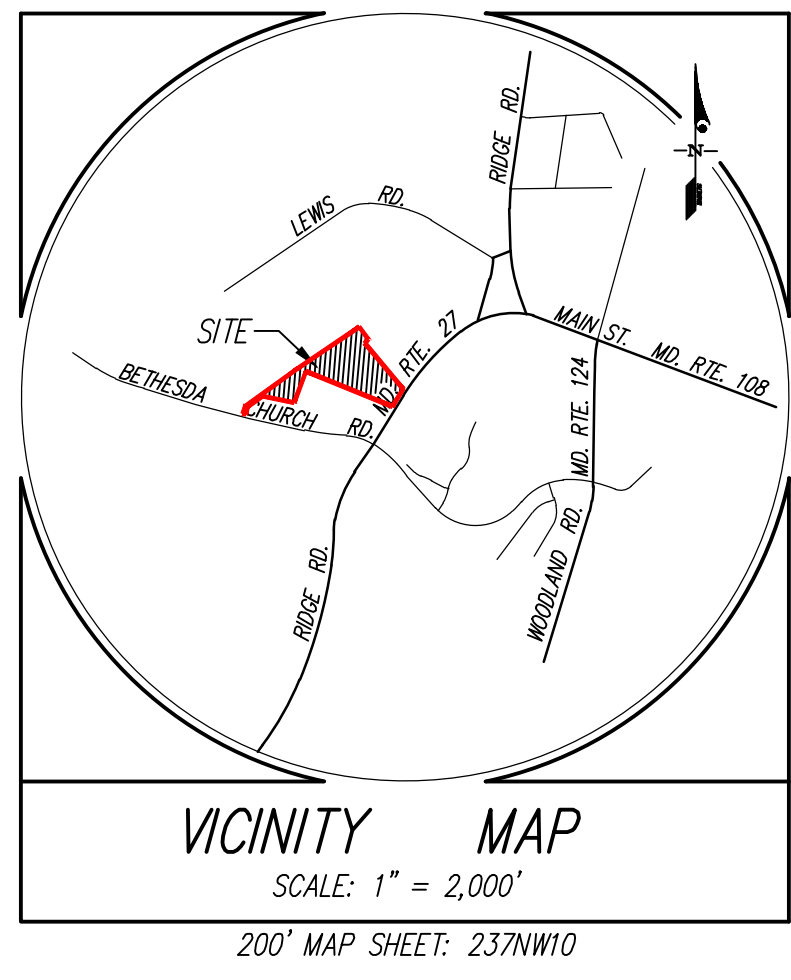
If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

Kevin Foster

Kevin Foster, ASLA AICP

Attachment 8



GENERAL NOTES

1. Applicant: JNP Capital Management
1700 17th Street, NW
Washington, DC 20004
2. Owner: King Souder, LLC
26421 Mullinix Road
Mt. Airy, MD, 21111
3. Site Address: 26110 Ridge Road
Damascus, MD 20812
4. Tax ID:
Parcel N838 12-02125084
Parcel N861 12-02125045
Parcel P885 12-00441314
5. Watershed: Bennett Creek (021403020225)
Watershed Use Class: III
6. Boundary Survey by: GLW, dated March 2006.
7. Topography by: McKenzie Snyder on March 9, 2006.
8. Water and Sewer Service Category:
Existing:
Parcel N838: W-3
Water Category: S-1
Sewer Category: S-6
Parcel N861 & P885: W-6
Water Category: S-6
Sewer Category: S-3
Proposed:
Water Category: W-3
Sewer Category: S-3
Proposed Low Pressure Grinder Pump Sewer System.
9. Utility Companies: Gas - Washington Gas
Electric - Potomac Edison
Water & Sewer - H&S
Telephone/ Internet/ Cable - Verizon, Comcast
10. There is no floodplain on site per FEMA Map #2403100065D (Effective date 4/24/2006).
11. NR/PSD 420110240, Approved 08/21/2016.
12. There are no known Rare, Threatened or Endangered Species on site.
13. The property is not listed on the Locational Atlas and Index of Historic Sites.
14. There are no trees listed in the 2017-2018 Register of Champion Trees, Montgomery County, Maryland.
15. There are Perennial or Intermittent Streams and Environmental Buffers onsite.
16. This site is not located in a special protection area.
17. Over length Cut-de-sac waiver required.

LEGEND

- EX. CONTOURS
- PROP. CONTOURS
- EX. STREAM
- EX. CURB
- PROP. CURB
- EX. SIDEWALK
- PROP. SIDEWALK
- EX. ELECTRIC
- EX. GAS
- EX. SEWER
- PROP. SEWER
- EX. WATER
- PROP. WATER
- EX. STORM DRAIN
- PROP. STORM DRAIN
- EX. OVER HEAD WIRE
- EX. TREE LINE
- PROP. TREE LINE
- FOREST CONSERVATION EASEMENT AREA
- EX. FENCE
- COMMON OPEN SPACE
- LIMITS OF DISTURBANCE
- PROPERTY BOUNDARY
- EX. BUILDING
- PROP. BUILDING
- PROP. DRYWELL
- PROP. PAVING

SITE DATA

Existing Site Area:	10.91 Ac.
Parcel N838:	1.82 Ac.
Parcel N861:	1.24 Ac.
Parcel P885:	1.85 Ac.
Existing Zoning:	CRT-0.15, C-0.5, R-0.5, H-55 T IV TDR 1.16 OVERLAY 4 R-40 CRT (Commercial Residential Town) 4.06 Ac.
Proposed Use:	Residential Townhouses 4 Single Family
Proposed Development Type:	Standard Method
Development Program:	
Residential Development (Townhouses):	60 DU
Residential Development (Single Family):	2 DU
MPDUs:	
Required (12.5%):	8 DU
Provided (25%):	16 DU

DEVELOPMENT STANDARDS - CRT ZONE

FAR (Floor Area Ratio)	Allowed/Required	Proposed
Residential:	0.5 FAR (117,326 SF)	0.34 FAR (155,250 SF)
Commercial:	0.5 FAR (117,326 SF)	N/A
TOTAL FAR:	0.5 FAR (117,326 SF)	0.34 FAR (155,250 SF)
Building Height:	55' max.	55' max. average
Open Space:	10% min.	35% Townhouse Area - Common Open Space
Minimum Lot Area:	800 S.F.	1500 S.F.
Lot Coverage:	N/A	N/A
Minimum Lot Width at building line:	12'	18'
Principal Building Setbacks:		
Front:	5' min.	5' min.
Side Street:	5' min.	5' min.
Side (abutting Agricultural, Rural Residential, Residential, Detached, or Residential TH):	4' min.	4' min.
Side (between lot and site boundary):	2' min.	2' min.
Rear (abutting Agricultural, Rural Residential, Residential, Detached, or Residential TH):	10' min.	10' min.
Rear (between lot and site boundary):	5' min.	5' min.
Build-to Area: (Max. setback 4 min. % of building facade)		25'-30' with P.B. approval
Building Front in BTA:	10% min.	10% min.
Building Orientation:		
Entrance Facing Street or Open Space:	Required	Provided
Transparency:		
For Wall Facing a Street or Open Space:		
Blank Wall - Front (max):	35' max.	35' max.
Blank Wall - Side/rear (max):	35' max.	35' max.

PARKING:	Allowed/Required	Proposed
Residential (2 Sp/DU):	120 Sp	120 Sp. min.

NOTE
This plan is conceptual only and intended to elicit preliminary feedback from relevant review agencies. Concept plan changes may be made before submission of any future site and/or preliminary plans.

DEVELOPMENT STANDARDS - R-40 ZONE

Minimum Lot Area:	Allowed/Required	Proposed
	9,000 S.F.	30,000 S.F.
Lot Coverage:	30% max.	30% max.
Minimum Lot Width at building line:	15'	15'
Minimum Lot Width at Lot line:	25'	25'
Principal Building Setbacks:		
Front:	30' min.	30'
Side:	8' min.	8'
Some of Side setbacks:	25' min.	25'
Rear:	25' min.	25'
Height (max):		
Principal Building (measured to highest point of roof surface, regardless of roof type):	35' max.	35' max.

PARKING:	Allowed/Required	Proposed
Residential (2 Sp/DU):	4 Sp.	4 Sp. min.

NOTE
This plan is conceptual only and intended to elicit preliminary feedback from relevant review agencies. Concept plan changes may be made before submission of any future site and/or preliminary plans.

CONCEPT PLAN No. 520200170
WSSC CONTRACT No. DA6956220

CONCEPT PLAN	G. L. W. FILE No.
KING SOUDER PROPERTY PARCELS N838, N876 & P885	19132
DAMASCUS ELECTION DISTRICT No. 12	SHEET
MONTGOMERY COUNTY, MARYLAND	1 OF 1

GLW
PLANNING [ENGINEERING] SURVEYING
3809 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MD 20866 | GLW.COM
PHONE: 301-421-4024 | BALTO: 410-880-1850 | DC/VA: 301-589-2524 | FAX: 301-421-4188

DESIGNED BY:				
DRAWN BY:	WDN			
CHECKED BY:	KAF			
DATE:		REVISION	BY	APP'R

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 29814.
EXPIRATION DATE: JANUARY 20, 2022



PREPARED FOR:
JNP CAPITAL MANAGEMENT
1700 17TH STREET, NW
WASHINGTON, DC 20009
ATTN: JIM PROAKIS
TEL: (240) 876-0085

SCALE	ZONING
1"=60'	CRT-1.0, C-0.5, R-0.5, H-55T & R-90
DATE	TAX MAP - GRID
MAR., 2020	FX-33 & FX-34

From: [Quattrocchi, Dominic](#)
To: [Pereira, Sandra](#); [Sigworth, Ryan](#)
Cc: [Sandberg, Brenda](#); [Coppola, Henry](#); [Garland, Hyejung](#)
Subject: King Souder Property #120210060 Legacy Open Space property acquisition
Date: Tuesday, May 18, 2021 9:10:54 AM

Subject: King Souder Property #120210060

The northern corner of the King Souder Property in Damascus is a Legacy Open Space natural resource, part of the Bennett Creek headwaters (Damascus Master Plan, 2006). Protection of sensitive areas through conservation easement of the expanded environmental buffer is an adequate protection technique. The Department of Parks supports compliance with the full environmental buffer, afforestation of unforested buffer areas and greater emphasis on grading minimization. Given adequate protection, through the development review process, The Department of Parks is not pursuing any acquisition or conveyance on the King Souder property.

Dom

Dominic Quattrocchi, AICP
ISA Certified Arborist
Planner Coordinator
The Maryland-National Capital Park and Planning Commission
Department of Parks, Montgomery County
2425 Reddie Drive, Wheaton, MD 20902
301 650 4361
www.montgomeryparks.org

“the petal of a flower or a tiny worm on the path says far more, contains far more than all the books in the library.”
Herman Hesse