

KING SOUDER PROPERTY

SITE PLAN NO. 820210170



Description

Request to construct sixty-two (62) Townhouses including 25% MPDUs with associated public street, private alleys, open space, and amenities.

No. 820210170

Completed: 11-24-2021

MCPB

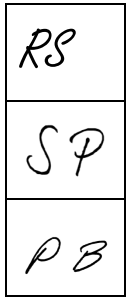
Item No.

12-09-2021

2425 Reddie Drive

Floor 14

Wheaton, MD 20902



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Summary:

- Staff recommends **approval with conditions**
- Application to construct sixty-two (62) lots for one-family attached residential structures with associated open spaces, recreation facilities, public/private streets, and landscaping.
- Facilitates access and development on adjacent land with a new public street.
- Meets requirements of Chapter 22A, Forest Conservation Law.
- Meets requirements of Chapter 59, Zoning Ordinance for CRT standard method of development.
- Substantially conforms to the 2006 *Damascus Master Plan*.
- Staff has not received community correspondence on this Application.

LOCATION

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

MASTER PLAN/ZONE

2006 *Damascus Master Plan*

CRT-1.0, C-0.5, R-0.5, H-55T with TDR 1.16 Overlay

PROPERTY SIZE

9.06 acres

APPLICATION

King Souder Property, Site Plan No. 820210170

ACCEPTANCE DATE

July 20, 2021

REVIEW BASIS

Chapter 59, 22A

TABLE OF CONTENTS

SECTION 1..... 3

SECTION 2..... 8

 Site Location 8

 Site Description 9

 Site Vicinity 9

SECTION 3..... 10

SECTION 4..... 12

SECTION 6 34

SECTION 6..... 34

 ATTACHMENTS 34

SECTION 1

RECOMMENDATIONS AND CONDITIONS

Staff recommends approval of Site Plan No. 820210170. The development must comply with the conditions of approval for Preliminary Plan No. 120210060 as listed in the MCPB Resolution No. 20-044 dated June 15, 2021.

All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.¹

Density, Height & Housing

1. Density

The Site Plan is limited to a maximum of 158,000 square feet of residential uses for up to 62 Townhouse Living units on the 9.6-acre Subject Property.

2. Height

The development is limited to a maximum height of 55 feet, as measured from the building height measuring points, as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)

- a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated August 2, 2021, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b) The development must provide 25% percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the DHCA must be executed.

Open Space, Facilities and Amenities

4. Common Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 141,743 square feet of common open space (35.9% of net lot area) on-site.

¹ For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

- b. All streetscape and landscaping associated, including undergrounding of utilities, with each stick of townhomes must be installed prior to issuing the final Use and Occupancy permit in each associated stick.
 - c. Prior to final Use and Occupancy permit for the 62nd Townhouse, all public Common Open Space areas on the Subject Property must be completed and landscaping installed.
 - d. Prior to the issuance of the 31st Use and Occupancy permit, the Applicant must complete Common Open Space #1 excluding stormwater management facilities, as shown on the Certified Site Plan.
5. Common Open Space Covenant
The record plat must reference the Common Open Space Covenant recorded at Book 28045 Page 578 (Covenant).
6. Recreation Facilities
The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.
7. Maintenance of Public Amenities
The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to natural surface trail, paved walkways and trails, benches, playground facilities and equipment, and landscaping.

Environment

8. Forest Conservation & Tree Save
- a. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
 - b. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan ("FFCP"). Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
 - c. 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.
 - d. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Lower Monocacy River watershed to satisfy the reforestation requirement for a total of 0.91 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Lower Monocacy River watershed or by making a fee-in-lieu payment if mitigation credits are not available at any bank.

- e. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the 0.41 acres of new forest planting, the variance mitigation tree plantings and maintenance, including invasive species management controls, credited toward meeting the requirements of the FFCP.
- f. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FFCP. The MMA includes invasive species management control measures.
- g. The Applicant must install the reforestation plantings for Reforestation Areas 1-A, 1-B, 1-C and 1-D as shown on the approved FFCP within the first planting season following completion of construction adjacent to these reforestation areas or as directed by the M-NCPPC Forest Conservation Inspection Staff.
- h. The Applicant must install the reforestation plantings for Reforestation Area 2-A as shown on the approved FFCP within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property or as directed by the M-NCPPC Forest Conservation Inspection Staff.
- i. The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3 caliper inches totaling 9 caliper inches as shown on the approved FFCP. This planting must occur within the first planting season following the completion of construction adjacent to the planting locations for the variance trees. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
- j. Applicant is to address all outstanding comments on the FFCP prior to Certified Set approval.
- k. 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.

Transportation & Circulation

9. Transportation

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated November 2, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) Prior to the issuance of the 31st building permit, the Applicant must construct a 10-foot wide shared use path along the Ridge Road/MD 27 frontage and extend it approximately 250 feet south, 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.
- c) Prior to the issuance of the 31st building permit, the Applicant must construct a 5-foot x 8-foot concrete pad for the existing Ride On bus stop on the west side of Ridge Road/MD 27 at its intersection with Bethesda Church Road.

- d) Prior to the issuance of the 45th building permit, the Applicant must construct the 10-foot wide pedestrian path outside the Site Plan area along the western Property boundary to Bethesda Church Road and construct a pedestrian crossing to the south side of Bethesda Church Road in accordance with Department of Permitting Services – Right-of-Way Section specifications.
- e) Prior to issuance of the 45th building permit, the Applicant must construct the pedestrian connection adjacent to Unit #62 and connect to the Damascus Elementary School parking facility as shown on the Certified Site Plan.
- f) Prior to the issuance of the 62nd Use and Occupancy permit, the Applicant must construct the pedestrian connection between Units #48 and #49 to connect to Damascus Elementary School, subject to approval of the connection by Montgomery County Public Schools.

10. Private Roads

The Applicant must provide Private Road(s) King Grove Terrace, Private Alley “B”, Souder Terrace, Private Alley “A”, and Private Alley “C” including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by the Site Plan within the delineated private road area (collectively, the “Private Road”), subject to the following conditions:

- a) The record plat must show the Private Road in a separate parcel. The record plat must clearly delineate the Private Road and include a metes and bounds description of the boundaries of the Private Road.
- b) The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq.
- c) Prior to issuance of the first above ground building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.
- d) A separate bond shall be set aside for ongoing maintenance requirements with respect to the private roads, in an amount approved by M-NCPPC Staff.

11. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated November 2, 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.

Site Plan

12. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.
- b) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.
- c) High Visibility Facades must be utilized on Units #1, 6, 10, 14, 15, 19, 24, 30, 31, 38, 39, and 62, as shown on the Certified Site Plan.
- d) Standard Facades must be utilized on Units #7, 9, 20, 23, 43, 44, 48, 49, 54, and 55, as shown on the Certified Site Plan.

13. Lighting

- a) Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
- e) Street lights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

14. Site Plan Surety and Maintenance Agreement

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

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.

- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

15. Development Program

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

16. Certified Site Plan

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

- a) Include the stormwater management concept approval letter, development program, Site Plan resolution, and Preliminary Plan No. 120210060 resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
- c) Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Update data table to include Massing – Units Permitted in one row as required by Section 59.4.5.3.C.5.
- g) Update all sheets to show consistently the pedestrian path between Units #48 and #49.
- h) Include a drawing inset illustrating the option between Units #48 and #49 without the pedestrian path.
- i) Include a Common Open Space exhibit with calculations as required by Section 59.4.5.3.C and Section 59.6.3.5. The Common Open Space exhibit must include labels for the two Common Open Space areas: the larger open shall be labeled as “Common Open Space #1” and the smaller area shall be labeled as “Common Open Space #2”.

SECTION 2

SITE LOCATION AND DESCRIPTION

SITE LOCATION

The 9.06-acre property is made up of two unplatted parcels identified as Parcels N838 and N867 on Tax Map FX343 (Figure 1), (“Subject Property” or “Property”). The Property consists of 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. The Subject Property is located on the west side of Ridge Road/MD 27, just north of the intersection with Bethesda Church Road.

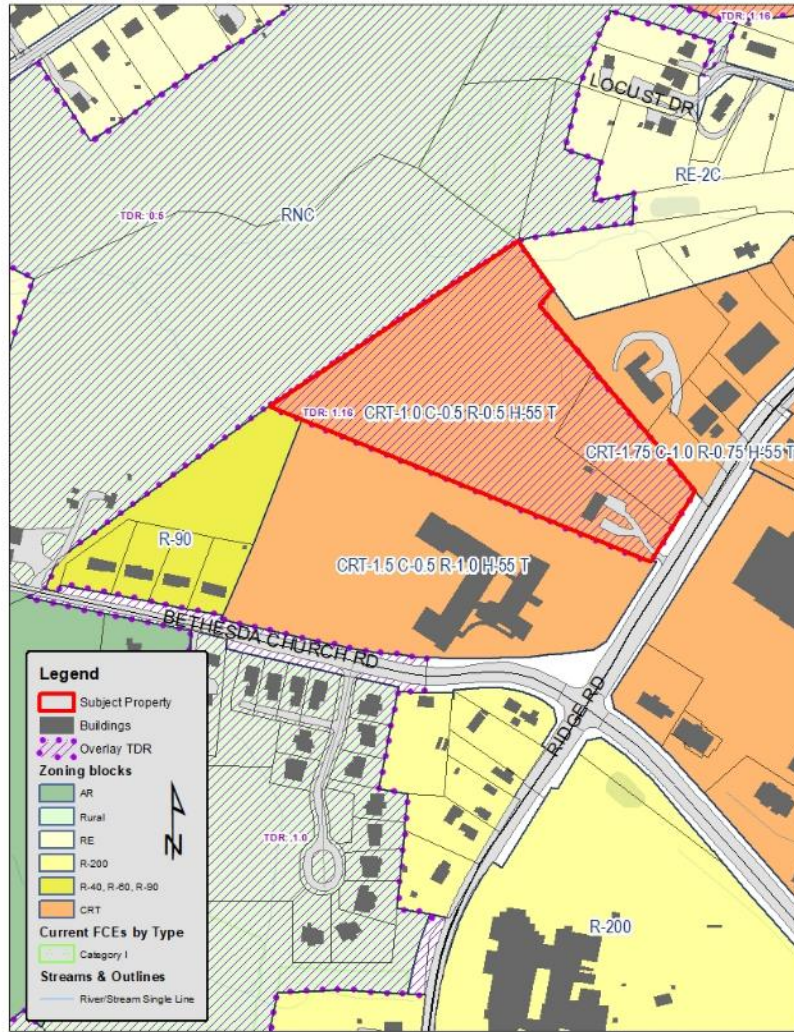


Figure 1– Vicinity

SITE DESCRIPTION

The only vehicle access to the Property is from Ridge Road/MD 27 and 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 Road (“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

APPLICATION AND PROPOSAL

PREVIOUS APPROVALS

[Concept Plan No. 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 identical to the current Application.

Preliminary Plan No. 120210060

By Resolution, dated June 15, 2021, the Planning Board approved Preliminary Plan No. 120210060 to create sixty-two (62) Townhouse Living units in the CRT-1.0, C-0.5, R-0.5, H-55T and TDR 1.16 Overlay zone and two (2) Single-Unit Living dwellings in the R-90 zone.

CURRENT APPLICATION

Site Plan No. 820210170

The plan, designated as Site Plan No. 820210170, King Souder Property (“Site Plan” or “Application”), proposes to construct sixty-two (62) Townhouse Living units in the CRT-1.0, C-0.5, R-0.5, H-55T and TDR 1.16 Overlay zone.



Figure 3 – Rendering of Site Plan

The current Application is a slightly smaller acreage than Preliminary Plan No. 120210060 due to the R-90 portion of the original preliminary plan not being subject to site plan approval requirement. Several

on-site and off-site frontage improvements on Ridge Road/MD 27 and Bethesda Church Road were approved as part of Preliminary Plan No. 120210060.

The Application constructs a new public street, previously approved in Preliminary Plan No. 120210060, as the main spine of the proposed development with private alleys providing access for rear loaded units where applicable. The Application exceeds the Common Open Space requirements by providing two areas for residents to congregate.

SECTION 4

ANALYSIS AND FINDINGS, 59.7.3.4.E

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

The approval findings only apply to the Subject Property (i.e. Site Plan area) being reviewed as part of this Application. Preliminary Plan No. 120210060 included 1.84 acres of R-90 zoned property for two single-family detached structures. This land use is permitted in the R-90 zone and does not require site plan approval. As a result, it is not part of this Application.

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

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

The Site Plan conforms to all conditions of Preliminary Plan No. 120210060 and Preliminary Forest Conservation Plan No. 120210060.

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

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

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

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

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

DIVISION 4.5. COMMERCIAL/RESIDENTIAL ZONES

Use and Development Standards

The Subject Property is approximately 9.06 acres and zoned CRT-1.0, C-0.5, R-0.5, H-55T with TDR 1.16 Overlay zone. The following table, Table 1, shows the Application's conformance to the development standards of the zone including the development standards of Section 4.5. Commercial/Residential Zones, and Section 6.2 Parking.

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	<u>Required by the Zone</u>	<u>Approved with Preliminary Plan No. 120210060</u>	<u>Proposed for Approval</u>
1. Site			
Tract Area	N/A	11.43 acres (net tract)	9.06 acres (excludes offsite improvements and R-90 zoned property from Preliminary Plan 120210060)
Open Space (min)			
Common Open Space	10%	35.9%	35.9%
2. Lot and Density			
Lot (min)			
Lot Area	800 sq. ft. min.	1,000 sq. ft. min.	1,000 sq. ft. min.
Lot width at front building line	12 ft.	18 ft.	18 ft.
Lot width at front lot line	N/A	N/A	N/A
Density (max)			
CRT Density, FAR Residential Commercial Total FAR	0.50 FAR 0.50 FAR 1.0 FAR	0.40 FAR 0.0 FAR 0.40 FAR	0.40 FAR (62 units, 158,000 sq. ft.) 0.0 FAR 0.40 FAR
TDR 1.16 Overlay zone		N/A	N/A (Application does not utilize any additional density allowed by the overlay zone)
Coverage			
Lot	N/A	N/A	N/A

3. Placement			
Principal Building Setbacks (min)			
Front setback	5 ft. min	5 ft.	10 ft. min.
Side street setback	5 ft. min.	5 ft.	5 ft. min
Side setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zones	4 ft. min.	N/A	N/A
Side setback, abutting all other zones	4 ft. min.	N/A	N/A
Side setback, end unit	2 ft. min	2 ft.	2 ft. min.
Side setback between lot and site boundary	4 ft. min.	4 ft.	4 ft. min.
Rear setback, abutting Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zone	10 ft. min.	N/A	N/A
Rear setback, abutting all other zones	10 ft. min.	10 ft.	10 ft. min.
Rear setback alley	4 ft. min.	4 ft.	5 ft. min.
Rear setback between lot and site boundary	5 ft. min.	5 ft.	5 ft.
Accessory Structure Setbacks (min)			
No accessory structures are proposed. Any future accessory structures will have to meet current zoning requirements	N/A	N/A	N/A
Building-to-Area (max setback)			
Front setback	15 ft. max.	15 ft.	As shown on site plan
Building in front street BTA	70% min.	70% min.	70% min. General = N/A
3. Height			
Principal Building	55 ft. max	55 ft. max.	55 ft. max.
Accessory structure	N/A	N/A	N/A
4. Form			
Massing			

Units Permitted in one row	12	8	8
Building Orientation			
Entrance facing street or open space	Required	Provided	Provided
Transparency, for Walls Facing a Street or Open Street			
Blank wall, front (max)	35 ft.	N/A	35 ft.
Blank wall, side/rear (max)	35 ft.	N/A	35 ft.
Section 6.2 Parking			
Residential (1 min. – 2 max./DU)	62 - 124 Sp. Max.	106 Garage Spaces 35 Surface Spaces ² 141 Total Spaces ³	108 garage spaces 10 surface spaces Total Parking 118 (does not count 54 additional driveway spaces & 23 on-street spaces)

Use Standard 59.3.3.1.D

The proposed land use of Townhouse Living is identified as a permitted use in the CRT zone and is not subject to any specific use standards in the zone.

DIVISION 6 – GENERAL DEVELOPMENT STANDARDS

i.Division 6.1. Site Access

The access to the development as proposed is adequate for 62 one-family attached townhouse units. Vehicle access to the Subject Property is provided by a single access to a new public street which enters the Property on Ridge Road/MD 27. This access point is unsignalized and allows ingress and egress from the Property with all turning movements allowed.

Pedestrian and bicycles can access the Property from two points. Pedestrians and bikes can use the common access point vehicles utilize on Ridge Road by using the shared use path along Ridge Road and the internal sidewalk within the Property. However, pedestrians and bikes have other options to access the Property. First, a paved pedestrian/bike trail begins at the end of the public street on the Subject Property which connects to Bethesda Church Road. The connection allows users to cross Bethesda Church Road to access Oka Ridge Conservation Park. Second, a pedestrian connection to Damascus Elementary

² Including 26 on-street parallel parking spaces along the public street and additional surface parking off private alleys

³ Doesn't include 45 additional driveway pad spaces

School is provided to the parking lot at the front of the school to provide a safe route to residents.

ii.Division 6.2. Parking, Queuing, and Loading

Vehicle Parking

The Site Plan provides adequate parking to serve the proposed development. Vehicle Parking in the CRT zone requires a minimum of 1 space per dwelling unit for an attached one-family townhouse. Each attached one-family MPDU dwelling requires a minimum of 1 parking space (Table 1). The Site Plan provides 108 parking spaces in garages for 62 attached one-family dwelling units. The parking spaces are provided within the garage of each unit while a driveway provides visitor parking when necessary which are not counted in Table 1. Ten surface spaces for visitors which are not located on the private property of an individual unit are provided to serve common areas and general parking needs. Finally, the public street to be constructed as part of the Application will provide additional parallel public parking.

The Site Plan contains no commercial square footage. As such, no bicycle parking, drive-thru queuing, or loading spaces are required with the Application.

iii.Division 6.3. Open Space and Recreation

The Site Plan meets the requirements of Division 6.3, Open Space and Recreation. The Site Plan provides for more than the required amount of Common Open Space consisting of two different areas. Common Open Space is the type of open space required when constructing one-family attached dwelling units (townhouses) in the CRT zone according to Section 59.6.3.2 of the Zoning Ordinance. Common Open Space is intended for recreational use by residents and visitors and should be located in a centralized location bordered by buildings or roads or located to take advantage of existing natural features. The Applicant must provide a minimum of 10% of the Subject Property as Common Open Space, and at least 50% of the total Common Open Space should be in one contiguous space.

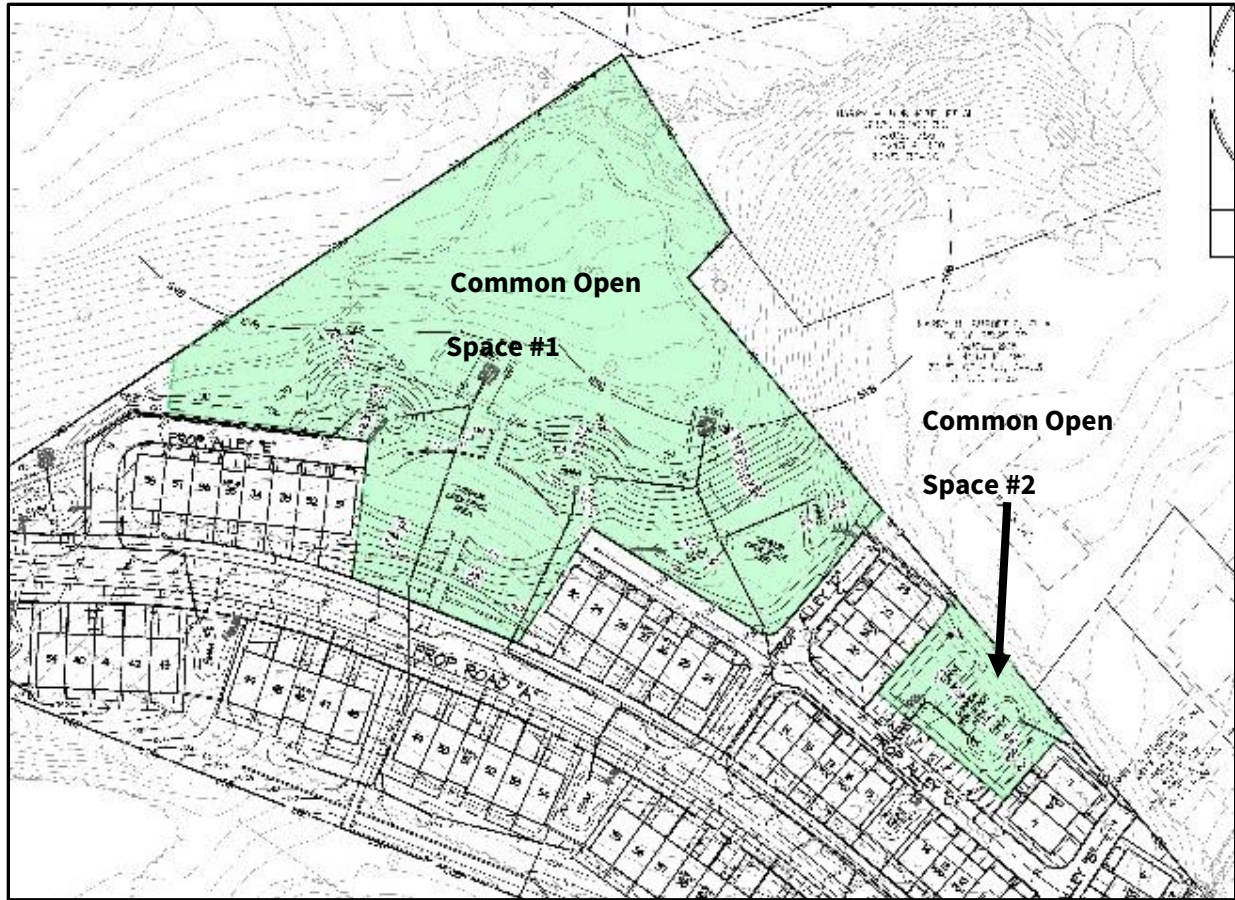
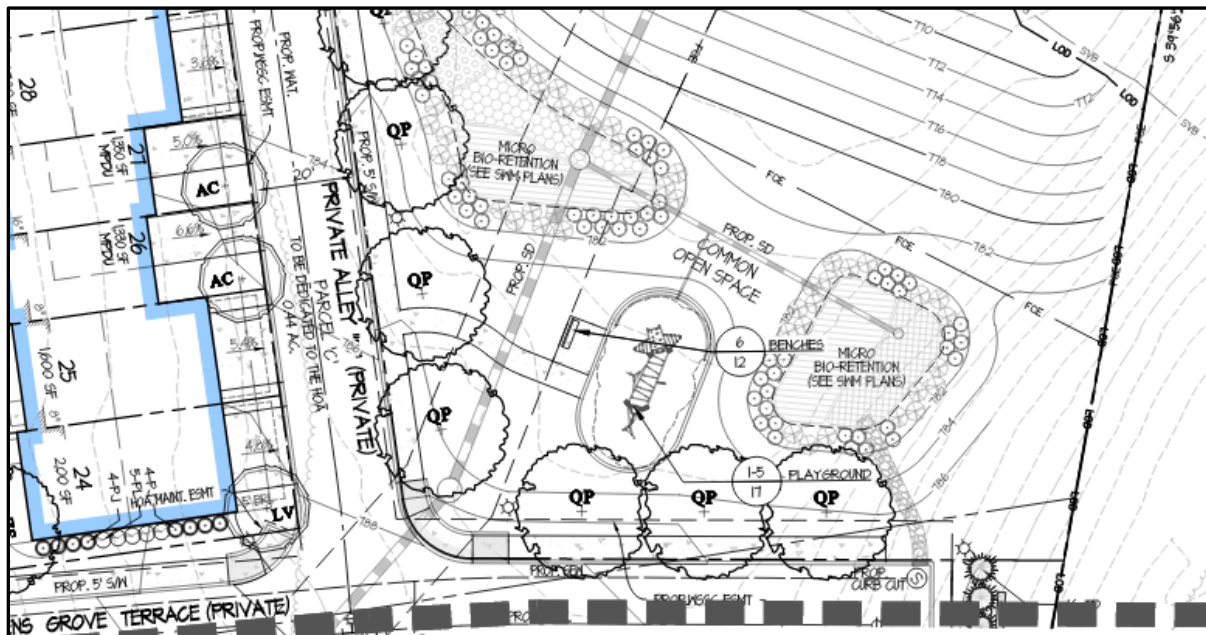
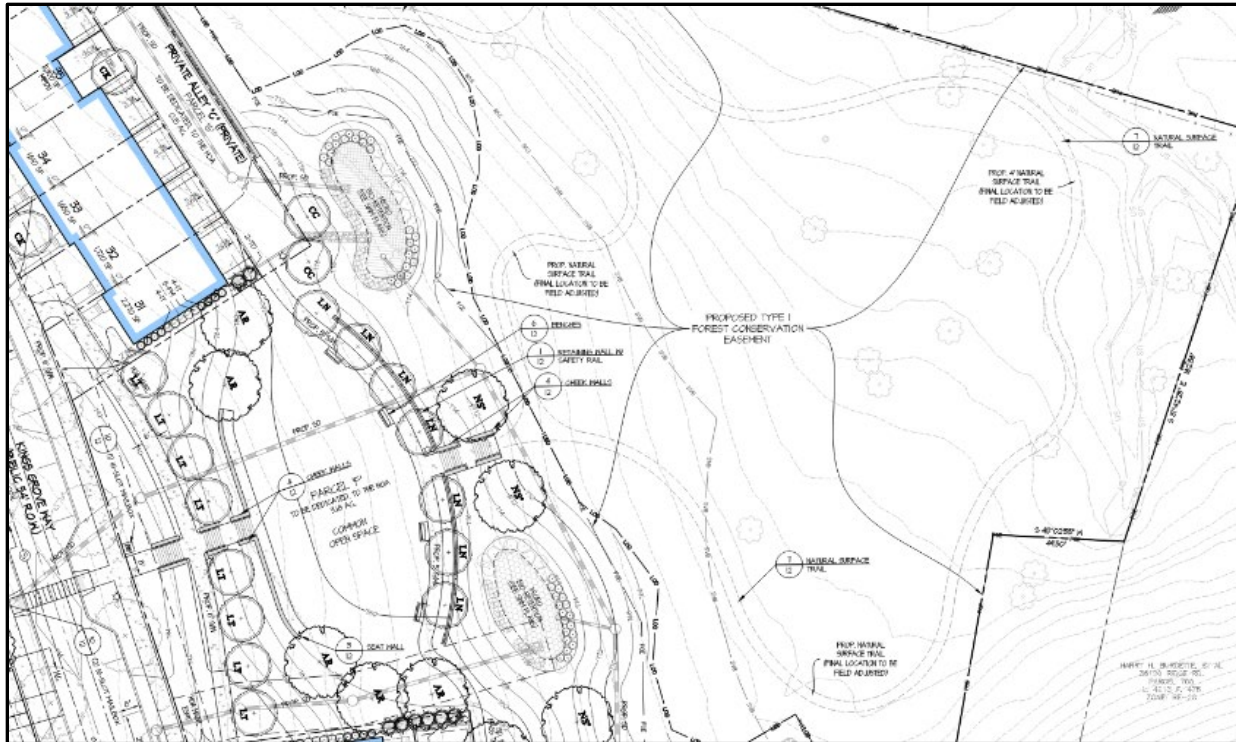


Figure 4 – Common Open Space Exhibit

The Site Plan identifies 35.9% (3.25 acres) of the total Subject Property as Common Open Space, which is located into two areas (Figure 4). The Common Open Space area in the northeast corner of the Subject Property (“Common Open Space #1”) is approximately 130,739 square feet or 3.00 acres. This area is partially covered with a Category I Forest Conservation easement and features a natural surface trail which circles through the stream valley. The remaining area outside the stream valley features a playground area, paved walkways, benches, seat walls, landscaping, stairways, and open green space.



The second area of Common Open Space is located near the northwestern corner of the Property ("Common Open Space #2") and consists of 11,004 square feet or 0.25 acres. This open space is designed in such a way that the townhouses surrounding it front onto the open space. Common Open Space #2

features paved walkways, benches, landscaping including numerous trees, and a small unprogrammed open space in the middle for a variety of activities.

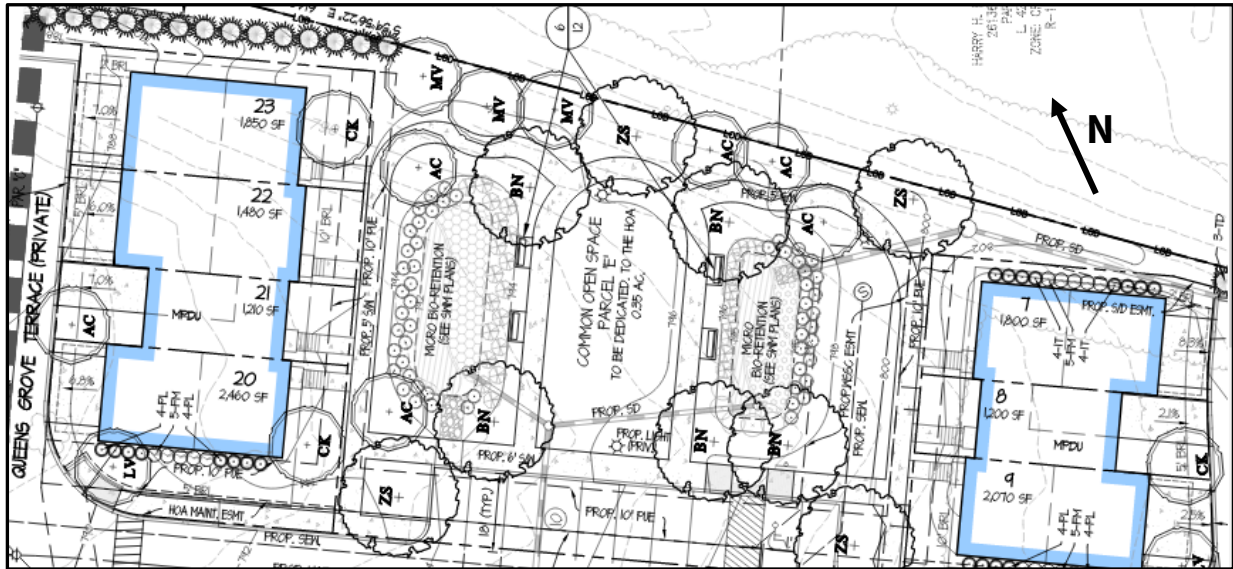


Figure 7 – Common Open Space No. 2

Recreation Guidelines

The Montgomery County Zoning Ordinance requires the development of property with more than 19 residential units to meet the Montgomery County Recreation Guidelines of 2017. The Site Plan is proposing sixty-two (62) total units. Therefore, it is subject to the guidelines.

As shown in Attachment 5, the Site Plan provides adequate and efficient recreation amenities at all six age levels. The Applicant's on-site recreation proposal consists of a pedestrian trail connecting the Subject Property to the Oak Ridge Conservation Park as well as natural surface trails within the Subject Property, open grass areas, picnic areas with seating, and associated stairs. The Application leverages the proximity to the Oak Ridge Conservation Park to achieve the maximum offset points (35% max), as allowed by the Recreation Guidelines, in utilizing the basketball court, multi-use court, baseball field, trails, fitness areas, playground, and other recreation facilities available.

iv.Division 6.4. General Landscaping and Outdoor Lighting

The Site Plan meets the standards for the provision of landscaping and outdoor lighting as required by Division 6.4. The landscaping serves multiple purposes including providing tree canopy coverage within a new residential development and creating visual interest and enjoyment within the proposed open spaces without negatively blocking sight lines or hindering their use. Much of the tree canopy on the Property is in the form of street trees along all the new public street to be constructed in conjunction with the residential housing, which are ultimately under the purview of MCDOT. The open spaces

The mid-block crossing between Unit #14 and #15, which benefits from additional landscape design, provides a connection to the second Common Open Space area from the public street.



The lighting proposed on the Site Plan is primarily made up of street lighting in the public right-of-way which is under the final review of MCDOT. However, because this Application has pedestrian paths and open space which are outside the public rights-of-way, eighteen private supplemental lighting fixtures are provided along the pedestrian paths throughout the main Common Open Space area, the secondary Common Open Space area adjacent to Units #20-23 and #7-9, and private alley ways.

King Souder Property, Site Plan No. 820210170 20

v. Division 6.5. Screening Requirements

The Site Plan proposes attached one-family attached dwelling units in the CRT Zone. Under Section 59.6.5.2 of the Zoning Ordinance, screening is required when townhouse building types abut Agricultural, Rural Residential, or Residential Detached zones. The Subject Property abuts CRT zone on three sides which is classified as a Commercial/Residential zone. As a result, no screening is required on the north, south, and eastern property boundaries.

The Property does abut the RNC zone on the west property boundary, which is classified as a Rural Residential zone requiring screening. However, the townhouse structure and use are on a separate platted lot which does not abut the RNC zone. The townhouse structure and lot line are separated by a private road parcel and an HOA parcel with stormwater structure and landscaping. Because the townhouse structure and shared lot line does not abut the RNC zone, no screening is required along the west property boundary.

e. *satisfies the applicable requirements of:*

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

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on September 20, 2021 (Attachment 8). The Application will meet stormwater management goals through the use of landscape infiltration practices, micro infiltration trenches, and drywells.

ii. Chapter 22A, Forest Conservation

The Site Plan area, and described “Subject Property” in this Application, is a different boundary than described by this Final Forest Conservation Plan. This difference is a result of the R-90 portion of the Preliminary Forest Conservation Plan not being subject to site plan approval and the off-site improvements that were approved as part of Preliminary Plan No. 120210060. For Forest Conservation purposes, the area of the property will be referred to as the “Subject Property for Forest Conservation Purposes”.

iii. 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 NRI/FSD consists of three parcels, Parcel 838, Parcel 885 and Parcel 867 totaling 10.91 acres. The Subject Property for Forest Conservation Purposes 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 for Forest Conservation Purposes consists of 6.36 acres of high priority existing forest separated into two (2) distinct forest stands. The Subject Property for Forest Conservation Purposes 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 Subject Property for Forest Conservation Purposes.

iv. Preliminary Forest Conservation Plan

The Preliminary Forest Conservation Plan (“PFCP”) and a Tree Variance Request were approved by the Planning Board with a Resolution dated June 15, 2021 during the review of the Preliminary Plan of Subdivision for the Subject Property, Plan No. 120210060.

v. Current Application

Final Forest Conservation Plan

The Applicant has submitted a Final Forest Conservation Plan (“FFCP”) with the current Site Plan Application. The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A; is in compliance with the Montgomery County Planning Department’s approved Environmental Guidelines; and fully conforms to the approved PFCP.

The Subject Property for Forest Conservation Purposes is split-zoned with 9.06 acres in the CRT Zone and 1.85 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 FFCP shows a total Net Tract Area of 11.43 acres for the two zones. This includes the net tract of 10.91 acres plus 0.52 acres for offsite work associated with this Application. There is a total of 6.38 acres of forest on the Subject Property for Forest Conservation Purposes. Within the R-90 Zone there is a total of 1.52 acres of existing forest, the Applicant proposes to remove 1.01 acres and retain 0.51 acres. This results in a reforestation requirement in the R-90 Zone of 0.12 acres. Within the CRT Zone there is a total of 4.86 acres of existing forest, the Applicant proposes to remove 3.19 acres and retain 1.67 acres. This results in a reforestation requirement in the CRT Zone of 1.22 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 0.41 acres of reforestation onsite and to take the balance of 0.93 acres to an offsite forest bank or pay a fee-in-lieu if no forest bank mitigation credits are available. All the retained forest, planted forest, and the stream buffer area will be protected by Category I Conservation Easements.

Noise Attenuation

A noise analysis was not required for this Application because the section of Ridge Road (MD 27) adjacent to the Subject Property is classified as Business District in the Master Plan of Highways and Transitway and is not classified as an Arterial Roadway. The Noise Guidelines requires a noise analysis under certain stated conditions. Section 2.1(3) of the Noise Guidelines states, “Areas within 300 feet of arterial roads with ADT of 5,000 to 20,000.” require a noise analysis. Although approximately 17 residential units lie within 300 feet of MD 27 with an AADT of 18441, this roadway is not classified as Arterial and as such, no noise analysis is required.

- f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

i. Parking and circulation

The Site Plan provides for safe and well-integrated parking and circulation patterns on the Subject Property. The Subject Property will have one point of ingress/egress connecting to Ridge Road/MD 27. The new ingress/egress point is on a public road which is designed to be extended onto adjacent property. It is anticipated that this road will loop back to Bethesda Church Road in the future. Each dwelling unit has internal garage parking to provide the parking required under the Zoning Ordinance. The Application provides ten visitor parking spaces adjacent to open space area. In addition, the public street includes parallel public parking along the public street.

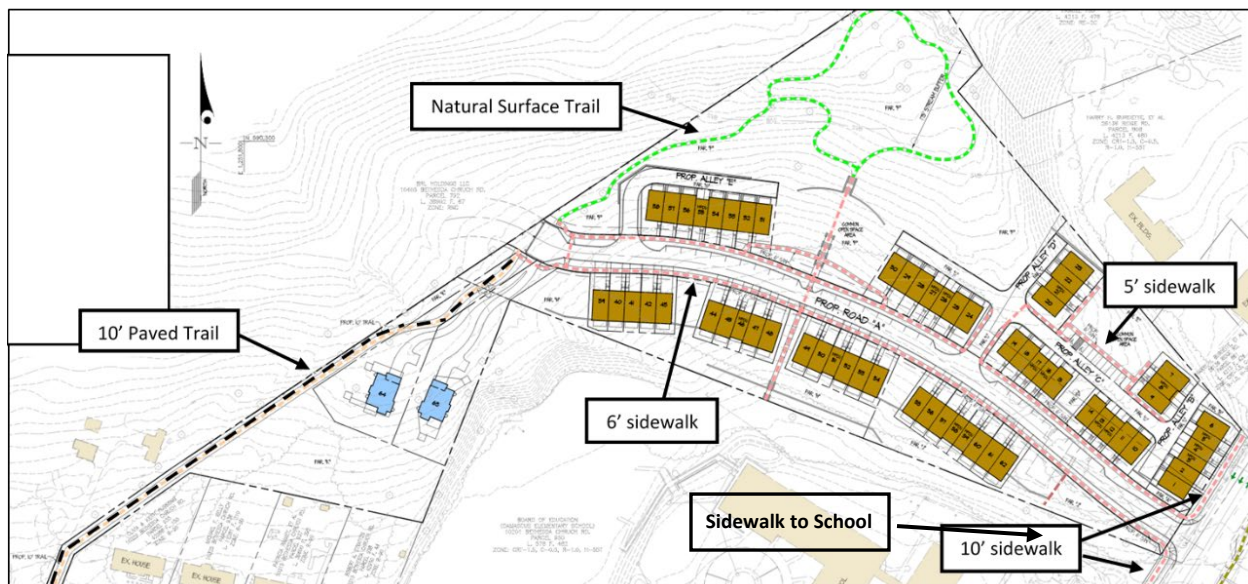


Figure 9 – Pedestrian connections and circulation

The Application has adequate internal circulation for both vehicles and pedestrians. The single access point is connected to Ridge Road/MD 27. Rear loaded garages for each dwelling unit are accessible via private alley which connect to the new public street. Front loaded garages have direct access to

the new public street. The Site Plan provides sidewalks on both sides of the new public street. The private alleys also include sidewalks to connect townhouse units and Common Open Space to public street and all other areas of the Application.

Offsite pedestrian improvements are also enhanced. A pedestrian connection across the Application connects the Damascus Elementary School to the townhouses as well as the Common Open Space, subject to MCPS approval of the connection. Furthermore, a pedestrian connection next the Unit #62 provides pedestrian access to the parking lot and main entrance to Damascus Elementary School.

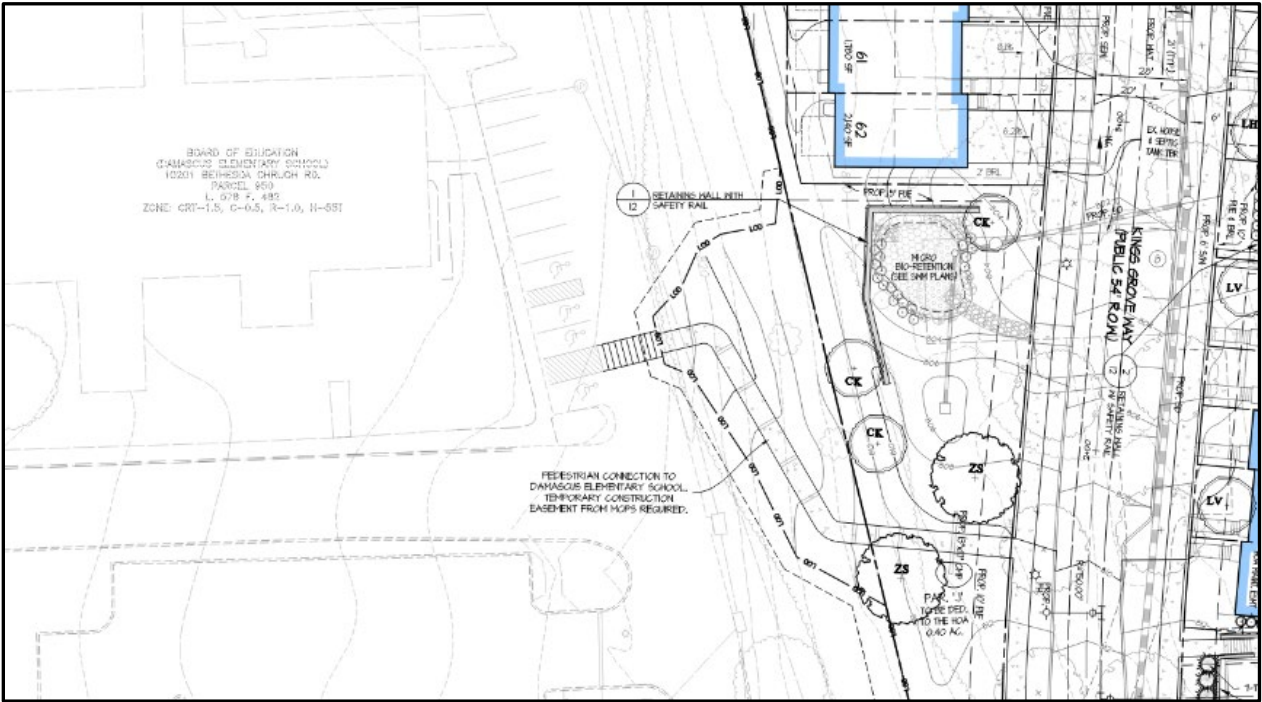


Figure 10 – Pedestrian Connection to Damascus Elementary School

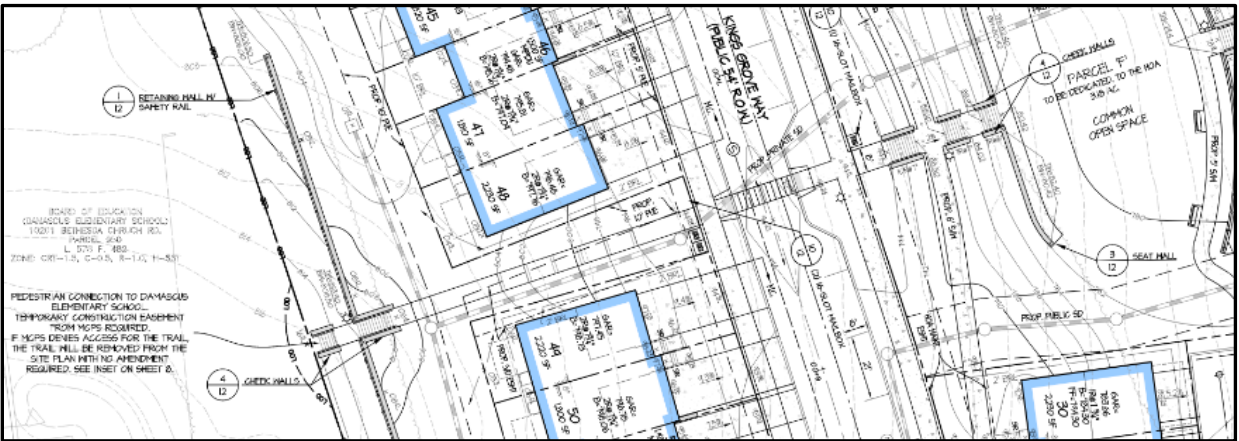


Figure 11 – Optional pedestrian connection to the back of Damascus Elementary School

Finally, a paved pedestrian connection along the western property boundary from the public street and sidewalk system allows pedestrians to cross Bethesda Church Road for accessing the Oak Ridge Conservation Park.

Pedestrian circulation is safe and well-integrated through the use of sidewalks on both sides of the public street as well as sidewalks along the private alleyways to connect to the Common Open Space areas. Pedestrian circulation is further integrated into the development with natural surface trails which allow for exploration of the stream valley. These trails are publicly accessible from the public right-of-way at two locations: from the natural surface trail at the end of Kings Grove Way (new public street) or from the paved sidewalk entering the main area of Common Open Space from Kings Grove Way. The two areas of Common Open Space are further integrated into the proposed Application with paved sidewalks along the private alleys.

ii. Building massing, open space, and site amenities

Building Massing

The Site Plan proposes safe and integrated building massing, open space locations and site amenities. The massing of the townhouse units is similar in scale compared to the right-of-way widths which is a key component for a well-designed streetscape. The massing of the one-family attached dwelling units is designed to help frame the Common Open Space on Parcel “F”. The second Common Open Space is dimensionally similar to the height of the townhouse units that surround it. This creates a scale that is not overpowered by either the building massing or the size of the open space.



Figure 12 – Front Loaded Townhouse Elevation



Figure 13 – Rear Loaded Townhouse Elevation



Figure 14 – High visibility facades for rear loaded Units 1, 6, 10, 14, 15, 19, 24, 30, 31, and 38



Figure 15 – High visibility facades for front loaded Units #39 and 62

Open Spaces and Site Amenities

The open spaces on the Subject Property are made up of entirely Common Open Space. The Site Plan identifies two areas of Common Open Space; (1) the open space in the middle of property abutting Kings Grove Way, (2) the open space between Units #20-23 and #7-9. A supplemental common open space is provided between Units #14 and #15 to provide a middle block pedestrian connection to the second Common Area Space area.

The first Common Open Space area in the middle of the Subject Property on Parcel “F” is seamlessly integrated into the public streetscape with walkways and stairs. A “picture window” effect is created by the townhouses framing each side of the open space which then spills down the grade into the stream valley.

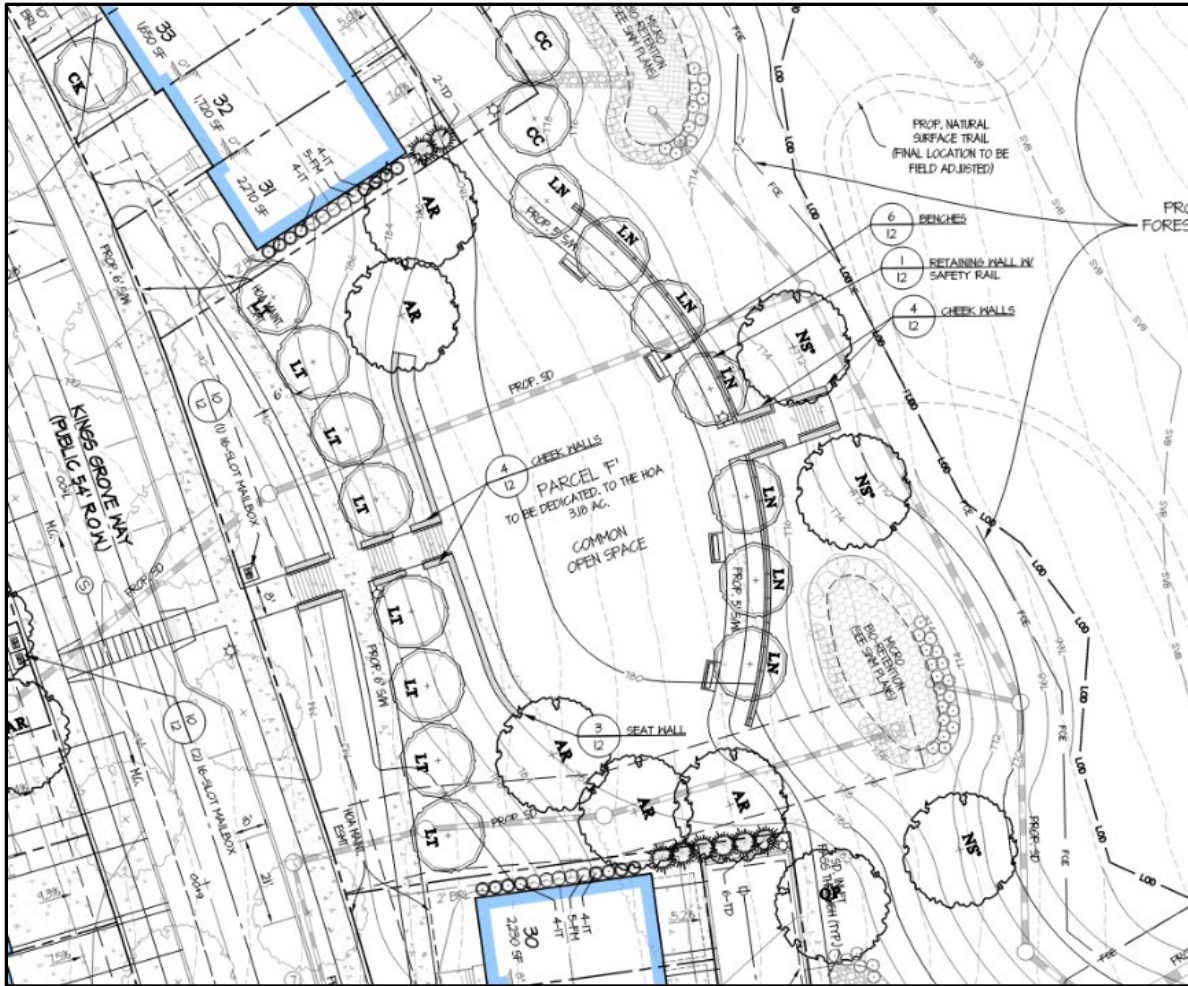


Figure 16 – Integration of Common Open Space No. 1

Common Open Space #2 integrates with the rest of the Property by utilizing a mid-block connection from the centralized public street. The open space is activated by townhouses whose fronts face Common Open Space #2 and the activities taking place within the green space and pathways.

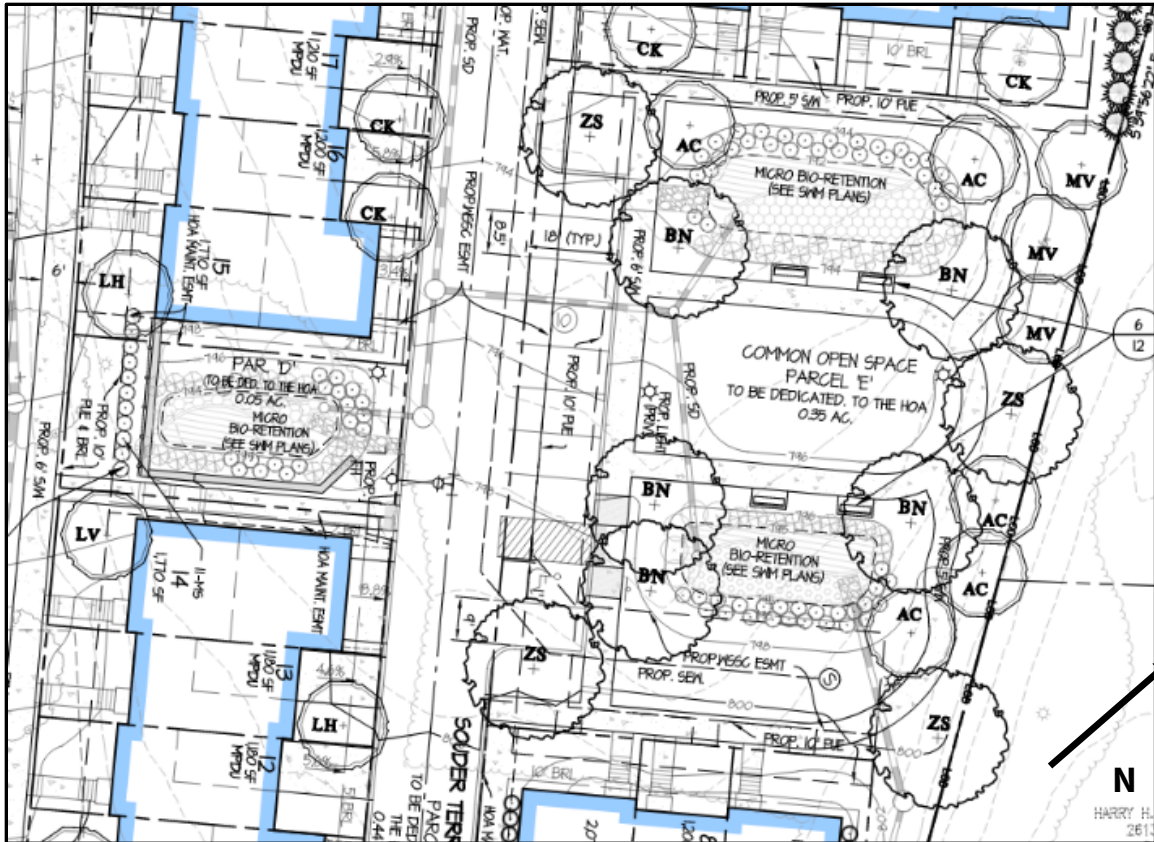


Figure 17 – Integration of Common Open Space No. 2

These elements in both Common Open Spaces combine to create gathering spaces for residents to integrate residential life into a more community-oriented focus and a transition between private and public space.

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

The Site Plan substantially conforms to the recommendations included in the 2006 *Damascus Master Plan*. The Property is located within the Town Center area of the Master Plan.

The Master Plan's vision for the Town Center is described as a "viable, walkable, human scaled town easily identifiable as the heart of the surrounding community."⁴ 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 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

⁴ Damascus Master Plan, 2006, p. 13.

and roads, as recommended. The Site Plan layout is generally consistent with the illustrative plan in scale and layout.

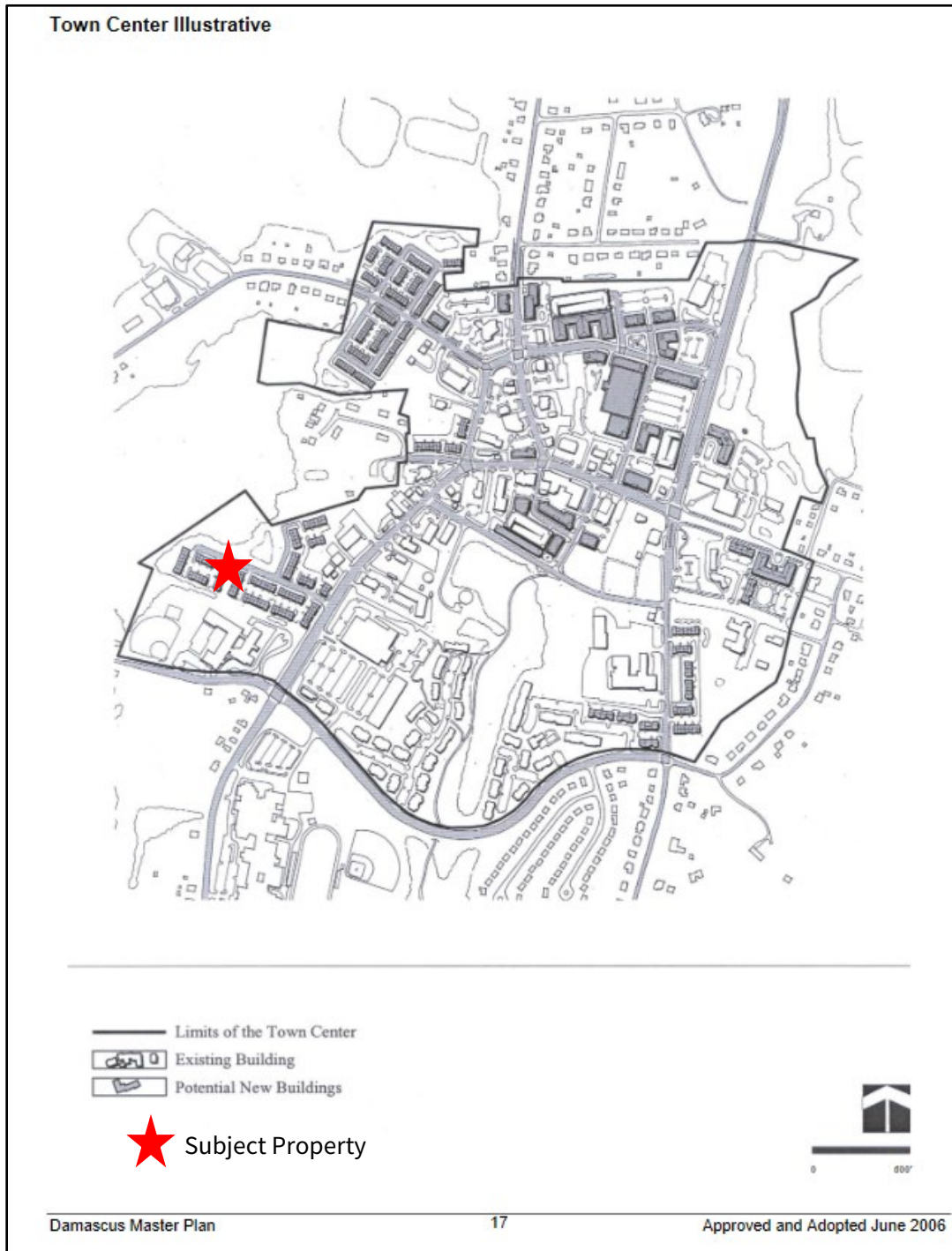


Figure 18 – Illustrative Plan from the 2006 Damascus Master Plan, Page 17

This Application follows the Master Plan the recommendation by 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 19.

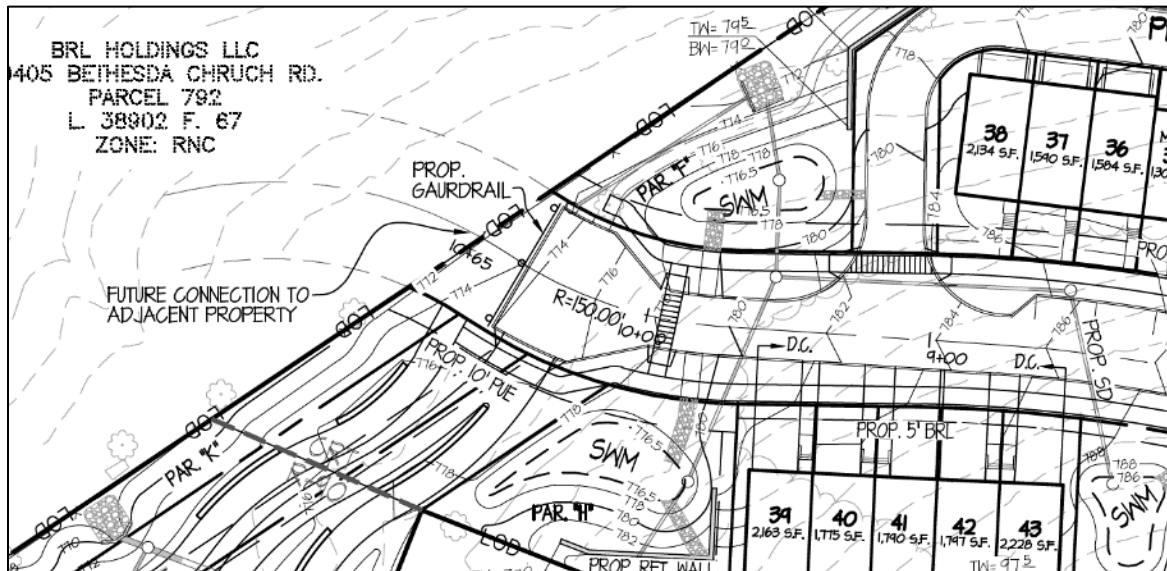


Figure 19 - Future public street connection to adjacent undeveloped property

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.

Furthermore, the Master Plan recommends the preservation of a “legacy open space site” on the northern portion of the Subject Property. 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 Site Plan, the identified Legacy Open Space is reserved as such, and will not be developed. During the review of the Site Plan, the Parks Department reconfirmed that they are not interested in acquiring the Property (Attachment 7).

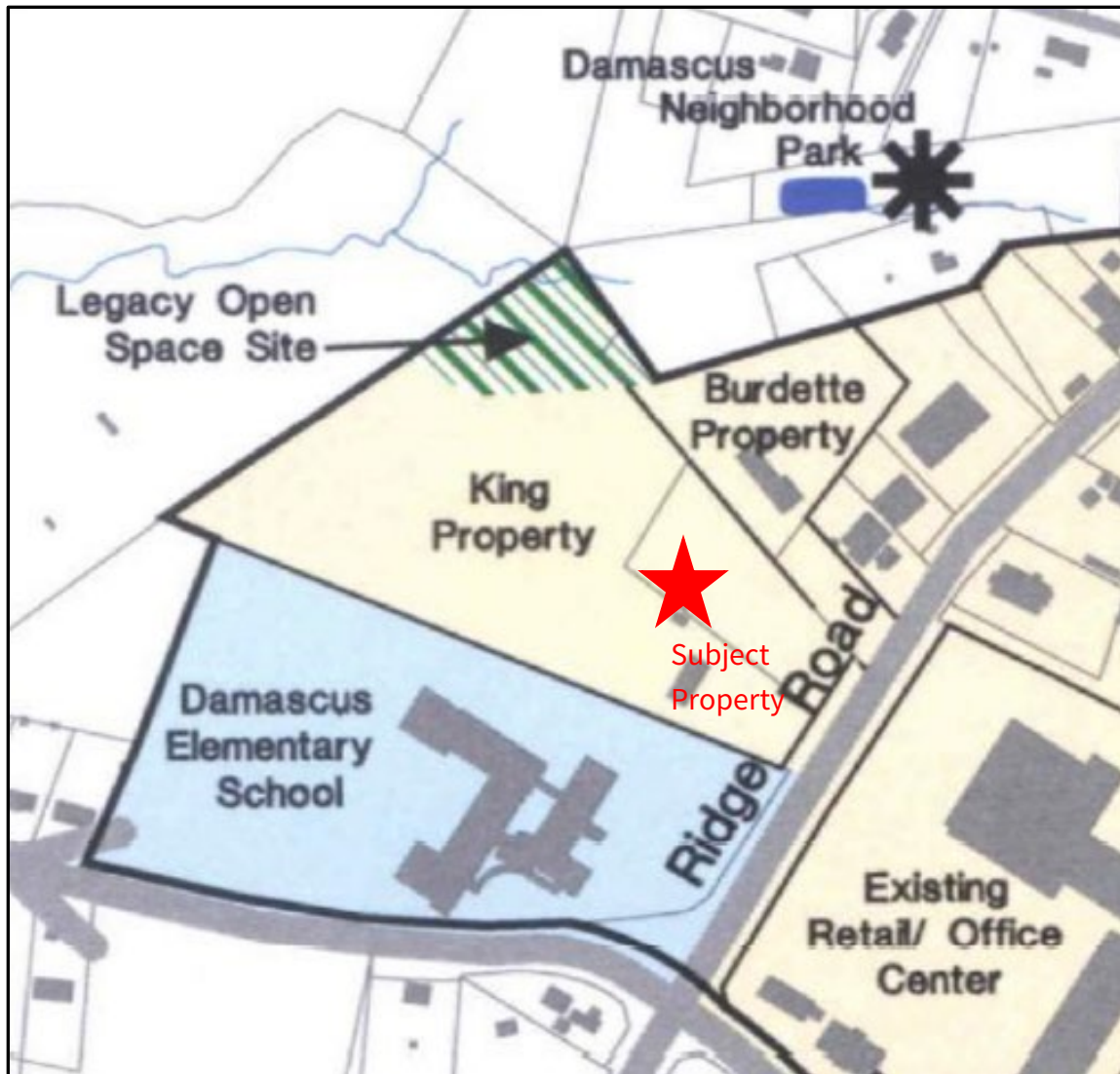


Figure 20 – Damascus Master Plan, Town Center Framework, Page 14

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

As discussed in previously approved Preliminary Plan No. 120210060 findings, the proposed development in this Site Plan will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

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

The Subject Property is in the CRT zone which is not classified as a Rural Residential or Residential zone. Therefore, this finding does not apply to this Application.

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

Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development. Several measures improve the compatibility between this development and the surrounding existing development. First, the building height is capped at 55 feet for all units, which is compatible with the range of building heights allowed in the adjacent CRT zone which, also height capped at 55 feet to the north, south, and east. The abutting RNC to the west require significantly lower densities and lower building heights as the approximately to the downtown Damascus area increases. The expected density and development pattern in the RNC zone would be compatible with this Application and be consist with the transition in development pattern from the Damascus core to the Agricultural Reserve envisioned by the Master Plan.

Second, the central spine and highest level of activity is centered in the Property away from abutting property lines to increase compatibility with the adjacent elementary school. On the northeast corner where townhouses are closer to the property boundary abuts other CRT zone where similar residential or scale appreciate commercial development are expected in the future.

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

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

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

The Subject Property was zoned MXTC with a TDR 1.16 Overlay zone on October 29, 2014. Therefore, this finding does not apply.

SECTION 6

CITIZEN CORRESPONDENCE

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Application. A pre-submission meeting was held online on June 29, 2021 via Microsoft Teams.

As of the posting of this Staff Report, Staff has not received any correspondence in regard to this Application.

SECTION 6

CONCLUSION

The Application meets the requirements of Chapter 59 and the requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, the Montgomery County Planning Department's approved Environmental Guidelines, and fully conforms to the approved PFCP. The Application substantially conforms to the recommendations of the 2006 *Damascus Master Plan*. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Application. Staff recommends approval of the Application subject to the conditions cited in the Staff Report.

ATTACHMENTS

Attachment 1 – Statement of Justification

Attachment 2 – Site Plan Composite

Attachment 3 – Final Forest Conservation Plan Composite

Attachment 4 – Planning Board Resolution 21-044, Preliminary Plan # 120210060, dated June 15, 2021

Attachment 5 – Recreation Guidelines

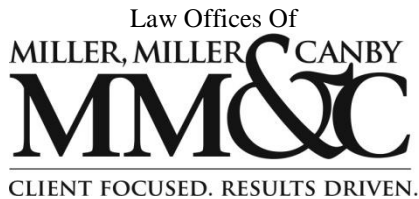
Attachment 6 – MCDPS, Right-of-Way, Conditions of Approval, November 2, 2021

Attachment 7 – Parks Legacy Open Space Correspondence dated May 18, 2021

Attachment 8 – Stormwater Concept Approval Letter, dated September 20, 2021

Attachment 9 – DPS Fire Department Access and Water Supply Approval Letter and Plan, November 2, 2021

Attachment 10 – Department of Housing and Community Affairs Approval Letter, August 2, 2021



**KING SOUDER PROPERTY
Site Plan No. 820210170**

Statement of Justification
Revised September 21, 2021

A. Project Overview

The Applicant, JNP Capital Management, requests approval of a Site Plan Application for 10.91 acres of land located on the west side of Ridge Road (MD 27), approximately 475 feet north of Bethesda Church Road (“Property”), in the Damascus Policy Area and the 2006 Damascus Master Plan (“Master Plan”) area.

The Property is subject to Preliminary Plan No. 120210060 approved by the Planning Board in MCPB Resolution No. 21-044, to assemble three separate parcels into a single subdivision. Pursuant to this previous approval and in accordance with Section 7.3.4 of Chapter 59 (the “Zoning Ordinance”) of the Montgomery County Code, 2014, as amended (the “County Code”), this Site Plan Application seeks to develop the Property with sixty-two (62) lots for Townhouse Living units and two (2) lots for Single-Unit Living dwellings in the CRT-1.0, C-0.5, R-0.5, H-55T with TDR 1.16 Overlay zone and the R-90 zone (the “Project” or “Application”) under the Standard Method of Development. A total of 16 townhouse units (i.e., 25%) will be affordable as moderately priced dwelling units (MPDUs).

B. Subject Property

The 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 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.

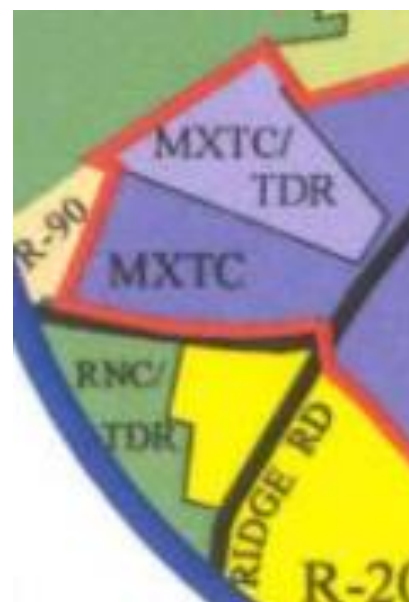
The Property has approximately 200 feet of frontage along Ridge Road (MD 27) to the east and approximately 20 feet of frontage along Bethesda Church Road located in the southwestern part of the property. The surrounding area to the northwest is a large undeveloped property (parcel P792) that is mostly 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.**



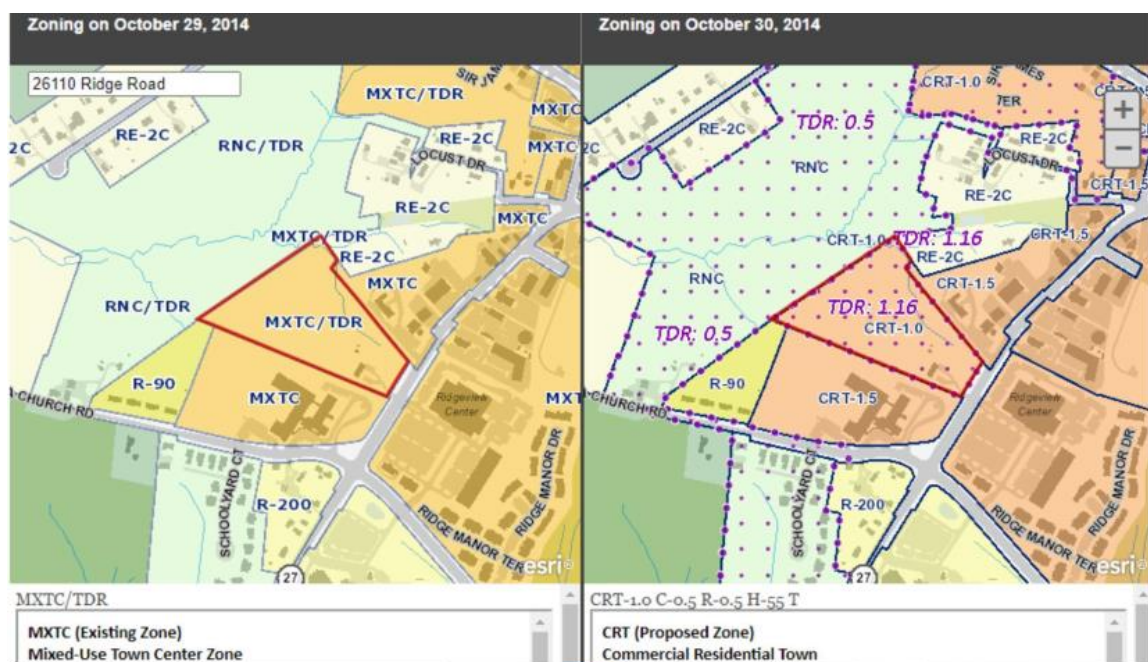
Pre-2006 Plan Zoning



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 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-two

(62) townhouses and two (2) 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 public 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 public 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 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 public 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 approved on March 23, 2021 by the Department of Permitting Services. A Site Development Stormwater Management Plan has been submitted in conjunction with this Application.

E. Findings Required for Approval of the Site Plan Application

Section 59-7.3.4.E of the Zoning Ordinance states the findings that the Planning Board must make in approving a site plan application. The following statements analyze how the proposed Project fulfills these findings:

1. The proposed development satisfies any previous approval that applies to the site. (59-7.3.4.E.2.a)

The Site Plan complies with the conditions of the Preliminary Plan approval, as follows:

- a. 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.*

As indicated above and on plans submitted in support of this Application, the Site Plan conforms to the limitation on total density set forth in the Preliminary Plan approval.

- b. The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan No. 120210060, as approved as part of the Preliminary Plan, as follows:*
 - i. 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”).*
 - ii. 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.*
 - iii. 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.*

The plan set submitted in support of this Application includes a Final Forest Conservation Plan with limits of disturbance and Category I Conservation Easement areas consistent with the approved Preliminary Forest Conservation Plan as required.

2. The proposed development satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014. (Section 59-7.3.4.E.2.b)

This finding is not applicable as there are no binding elements of any associated development plan or schematic development that were approved in conjunction with the Property's zoning in effect on October 29, 2014.

3. The proposed development satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment. (Section 59-7.3.4.E.2.c)

This finding is not applicable as the Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment and there is no applicable green area requirement.

4. The proposed development satisfies applicable use standards, development standards, and general requirements under this Chapter. (Section 59-7.3.4.E.2.d)

The Project satisfies the applicable use standards, development standards, and general requirements of Chapter 59 of the Zoning Ordinance.

a. Use Standards

Section 59-3.1.6 of the Zoning Ordinance lists the uses that are permitted in the CRT and R-90 zones. The Project proposes Townhouse Living units in the portion of the property located in the CRT zone and Single-Unit Living dwellings in the portion within the R-90 zone as permitted by the Zoning Ordinance.

b. Development Standards for Standard Method Development

Section 59-4.4.8.B and 59-4.5.3.C of the Zoning Ordinance list the development standards for development under the standard method in the R-90 and CRT zones,

respectively. The Site Plan meets all of these development standards, as described below and delineated in the development standards charts:

DEVELOPMENT STANDARDS - CRT ZONE, Standard Method		
CRT I.O, R-0.5, C-0.5, H-55'T/ TDR I.I.6 - Site Plan Approval Required		
<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, 62 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)	35.9% (141,743 S.F.)
Minimum Lot Area:	800 S.F.	1,000 S.F.
Lot Coverage:	N/A	N/A
Minimum Lot Width at building line:	12'	18'
Principal Building Setbacks:		
Front:	5' min.	10' 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 bndry:	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 bndry:	5' min.	5' min.
Build-to Area: (Max. setback)		
Front:	15' max.	±29'
Building Front in BTA:	70% min.	70% 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/D.U.)	122 Sp.	106 Garage Spaces 35 Surface Spaces 141 Total Spaces (Not counting 45 additional F.L. garage driveway spaces)

DEVELOPMENT STANDARDS - R-90 ZONE		
R-90 - Site Plan Approval Not Required		
	<u>Allowed/Required</u>	<u>Proposed</u>
Density	9 DU (1.85 X 4.84 DU/Ac = 9 DU)	2 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'
Sum 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>		
	<u>Allowed/Required</u>	<u>Proposed</u>
Residential (2 Sp/D.U.)	4 Sp.	4 Sp. min.

c. Site Access (Division 59-6.1)

Vehicular access to the Project 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. 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.

The Project's internal roadway network is comprised of a public road utilizing a modified cross-section standard of MC-2001.01, Tertiary Residential Street that 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 Property is to be constructed as a Tertiary Residential street with a 54-foot right-of-way. Private alleys in portions of the Property supporting rear-loaded townhomes will be constructed with 20 feet of pavement on 25-foot-wide parcels to be maintained by the homeowners' association. Access to the two (2) Single-Unit Living dwellings will be accommodated from a shared driveway off of the main spine road, near its northern terminus, that splits into separate driveways to serve these two dwellings. These modified cross-sections and private driveway/alley configurations were approved by the Planning Board in the Preliminary Plan approval and determined to be safe and adequate for the proposed development.

d. Parking, Queuing, and Loading (Division 59-6.2)

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 (26) on-street parallel parking spaces located along the main public road.

e. Open Space and Recreation (Division 59-6.3)

As depicted on the Site Plan, the Project will provide a total of 141,743 SF (35.9%) of open space which is well over 3 ½ times its minimum open space requirement. The Project complies with the recreation facilities of Section 59-6.3.9 of the Zoning Ordinance with both offsite and onsite facilities, inclusive of extensive pedestrian connections, natural surface trail system and usable open grass common areas accessible by stairs/steps/railings that include picnic/seating amenities.

f. General Landscaping and Outdoor Lighting (Division 59-6.4)

Landscaping and lighting, as depicted on the submitted plans, will be provided to ensure that these facilities will be safe, adequate, and efficient for residents and visitors to the Project. Detailed landscaping and lighting plans are included with the Site Plan application that depicts 6' sidewalks on both sides of the main public road, street trees and lighting.

5. The proposed development satisfies applicable requirements of: (i) Chapter 19, Erosion, Sediment Control, and Stormwater Management; and (ii) Chapter 22A, Forest Conservation. (Section 59-7.3.4.E.2.d)

The Applicant will provide sediment and erosion control and water quality treatment for stormwater as required by County laws, rules, and regulations. The Project's Stormwater Management Concept Plan (No. 286462) demonstrating environmental site design to the maximum extent possible was approved by MCDPS on March 23, 2021. A Site Development Stormwater Management Plan has been submitted in conjunction with this Site Plan application.

A Final Forest Conservation Plan in conformance with all applicable requirements of Chapter 22A has been submitted in conjunction with this Application.

6. The proposed development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities. (Section 59-7.3.4.E.2.f)

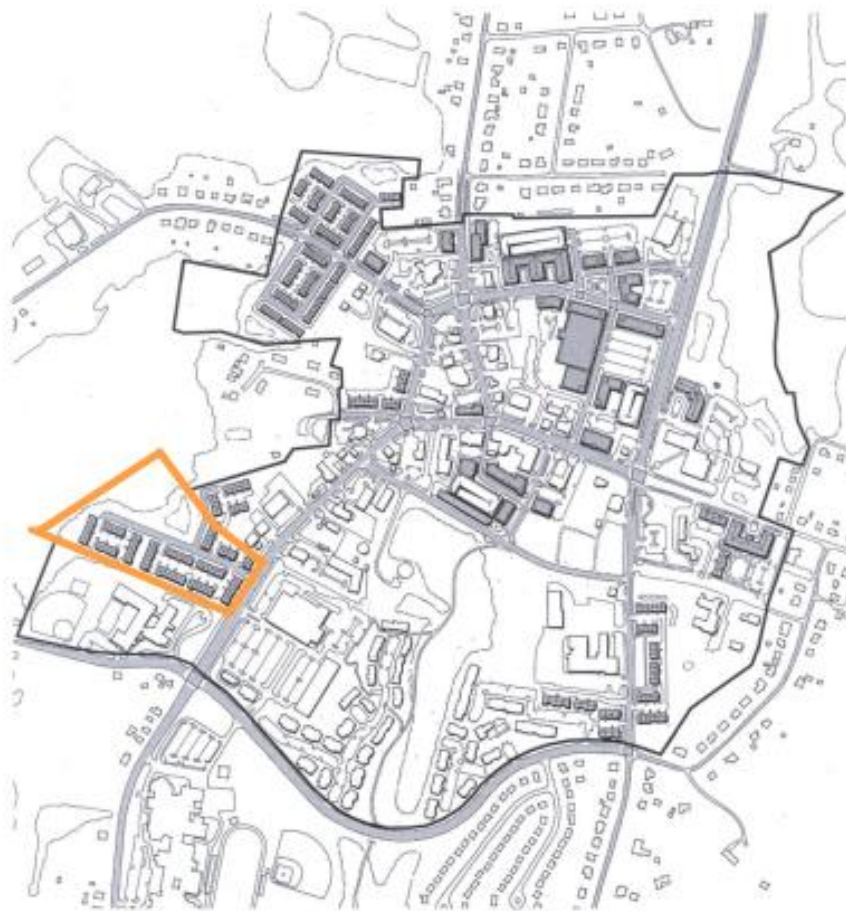
A 10-foot-wide sidewalk will be constructed along the Property frontage on Ridge Road. This sidewalk extends off-site to connect to the existing sidewalk at the intersection of Bethesda Church Road and Ridge Road to provide access to Damascus Elementary School. Internal to the Property, 6-foot-wide sidewalks will be constructed along both sides of the main spine 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. In addition, a 10-foot-wide paved trail connects the western end of the internal public road to Bethesda Church Road. This trail connects users to the Oak Ridge Conservation Park Trailhead, located on the opposite side of Bethesda Church Road from the Property. The trail, featuring a common access easement, is opposite from the entrance to the internal natural surface trail system that meanders through the northern common open space area. Finally, the Project will provide two pedestrian connections to Damascus Elementary School as depicted on the Site Plan facilitating connectivity between the two sites.

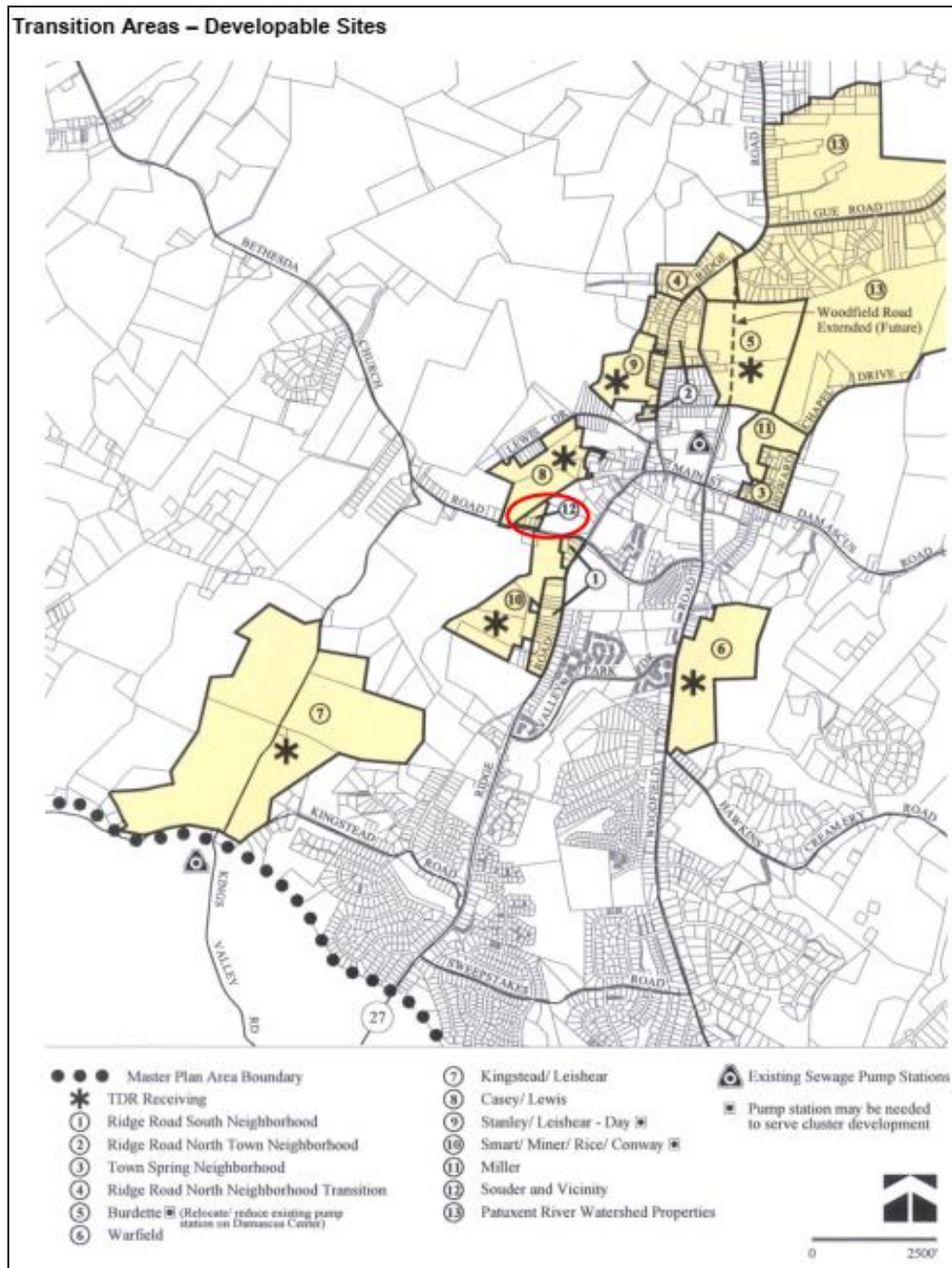
7. The proposed development substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan. (Section 59-7.3.4.E.2.g)

The 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 Property that is quite similar to what is proposed by this development application.

Town Center Illustrative



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 Site 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.

- 8. The proposed development will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage. (Section 59-7.3.4.E.2.h)***

The proposed development is subject to an approved Adequate Public Facility (APF) test/finding that is currently valid until June 15, 2026 pursuant to MCPB Resolution No. 21-044.

9. On a property in a Rural Residential or Residential zone, the proposed development is compatible with the character of the residential neighborhood. (Section 59-7.3.4.E.2.i)

The portion of the Project located in the R-90 zone is consistent with adjacent single-family residences located to the south along Bethesda Church Road in terms of level of density and lot configuration.

10. On a property in all other zones, the proposed development is compatible with existing and approved or pending adjacent development. (Section 59-7.3.4.E.2.j)

As stated previously, although the Master Plan supports a higher 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. The subject development proposes additional housing in appropriate areas that is consistent with the vision set forth in the Plan, but does so in a manner that is compatible with existing residential uses and protects the property’s environmentally sensitive natural features.

F. Community Outreach

In light of the current social distancing guidelines, the Applicant and Project design team hosted a virtual pre-submittal community meeting via Microsoft Teams platform on the evening of Tuesday, June 29, 2021 at 7:00pm. Notice was properly given for this community meeting in accordance with Section 59-7.5.2 of the Zoning Ordinance and the standards set forth in the Development Review Procedures Manual. The attendee sheet and meeting minutes are being submitted concurrently as part of this Application.

The proposed Site 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 Site Plan 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 Property and the surrounding area.

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

Respectfully submitted:

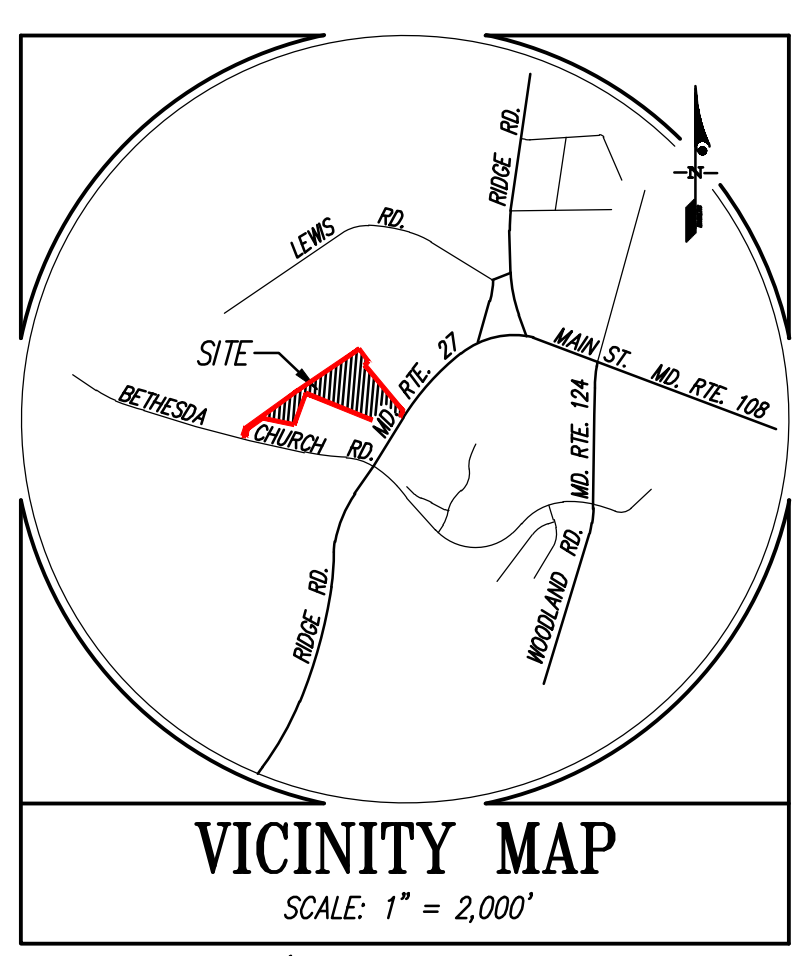
MILLER, MILLER & CANBY

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E-mail: slcho@mmcanby.com

Attorney for the Applicant

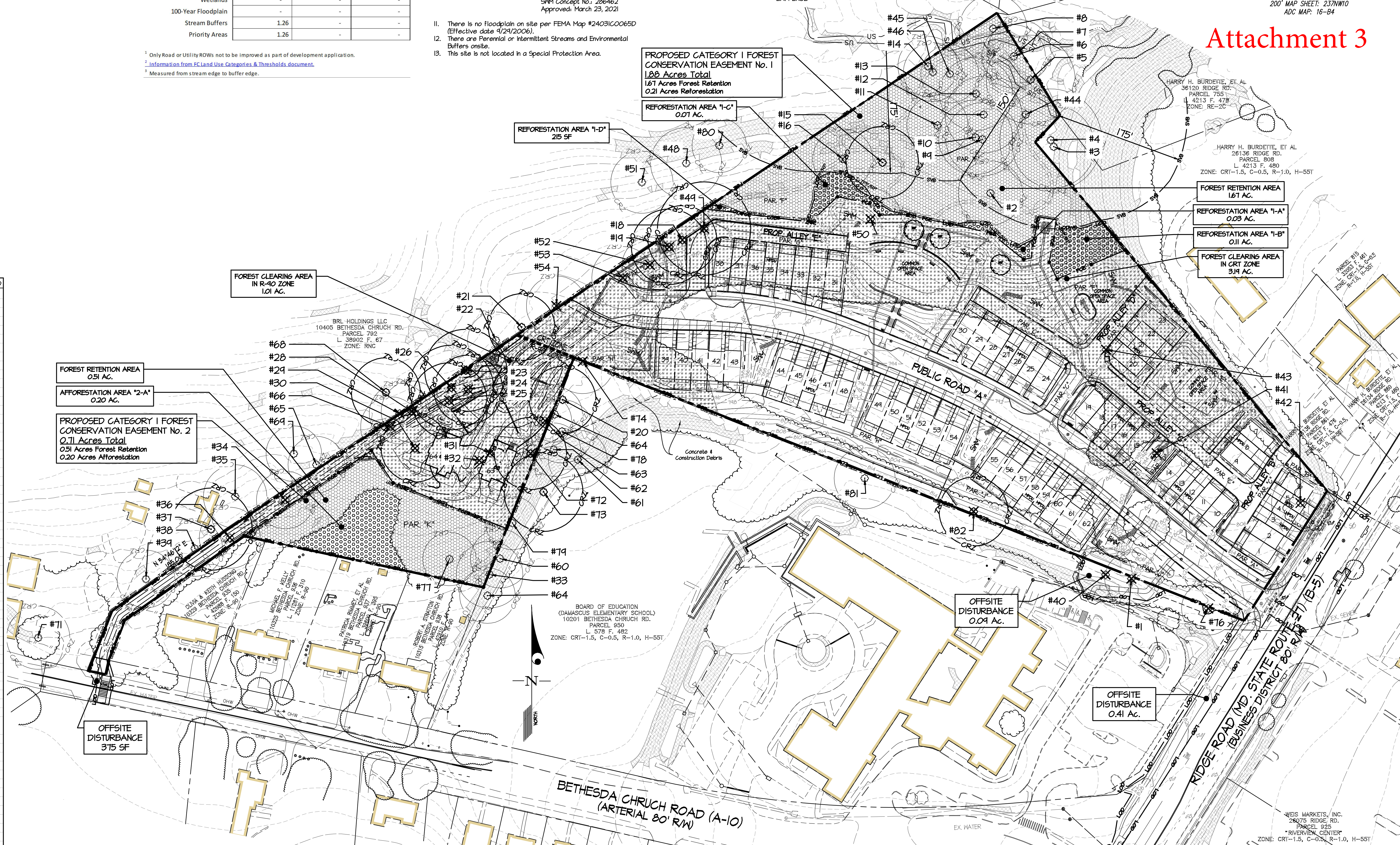


MAPPED SOIL TYPES							
MAP UNIT	DESCRIPTION	HIGHLY ERODIBLE	HYDRIC	PRIME FARMLAND	HYDROLOGICAL GROUP	DRAINAGE CLASS	K-FACTOR
4B	Lingane-Huattstown Channery Silt Loam 3 - 8% Slopes	NO	NO	YES	C	Well drained	0.24
4C	Lingane-Huattstown Channery Silt Loam 9 - 18% Slopes	NO	NO	YES	C	Well drained	0.24
104D	Huattstown 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.nrcs.usda.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		Remove
2.	Acer Maple	Acer rubrum	28"	Good		1%
3. *	Tulip Poplar	Liriodendron tulipifera	37"	Good	Crown dieback	Disturb
4. *	Tulip Poplar	Liriodendron tulipifera	46"	Good	Vines	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	27.5"	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		Save
15. X	Red Oak	Quercus rubra	32.5"	Good		Disturb 3%
16.	Chestnut Oak	Quercus prinus	27"	Dead		Disturb 16%
18. X	Red Oak	Quercus rubra	31"	Fair	Significant Crown Loss	Remove
19. X	Tulip Poplar	Liriodendron tulipifera	34"	Good		Remove
20. *	Tulip Poplar	Liriodendron tulipifera	30"	Good		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	31"	Fair	Significant Crown Loss	Remove
24. X	Tulip Poplar	Liriodendron tulipifera	31"	Dead	Leaning	Remove
25.	Tulip Poplar	Liriodendron tulipifera	34"	Poor	Hollow Trunk, Sig. Crown Loss	Remove
26. X	Northern Red Oak	Quercus rubra	38.5"	Poor	Butt Rot, Significant Crown Loss	Remove
28.	Northern Red Oak	Quercus rubra	27.5"	Good		Remove
29.	White Oak	Quercus alba	27.5"	Good		Remove
30. X	Tulip Poplar	Liriodendron tulipifera	30.5"	Good		Remove
31.	Tulip Poplar	Liriodendron tulipifera	24.5"	Good	Trunk damage, Sig. Crown Loss	Remove
32.	Tulip Poplar	Liriodendron tulipifera	25.5"	Good		Save
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 8%
36.	Northern Red Oak	Quercus rubra	27.5"	Good		Remove
37. *	Northern Red Oak	Quercus rubra	24" & 3"	Good	Twin, Split below 4.5' ht.	Disturb 35%
38.	Chestnut Oak	Quercus prinus	25"/22.2"	Good	Triple	Disturb 43%
39.	Northern Red Oak	Quercus rubra	26"	Good		Disturb 36%
40.	White Pine	Pinus strobus	24"	Good		Remove
41.	Black Locust	Robinia pseudoacacia	25.5"	Good	Vines	Remove
42.	Black Locust	Robinia pseudoacacia	26"	Good	Vines	Remove
43.	Black Locust	Robinia pseudoacacia	26"	Good	Hollow	Remove
44.	Sycamore	Platanus occidentalis	27.5"	Fair	Irregular Leader	Save
45.	Tulip Poplar	Liriodendron tulipifera	26"	Good	Double Leader	Save
46.	Tulip Poplar	Liriodendron tulipifera	26.5"	Good		Save
48.	Chestnut Oak	Quercus prinus	18"/21.5"	Good	Twin, Split below 4.5' ht.	Save
49. X	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	Save
52.	Black Cherry	Prunus serotina	25"	Poor	Significant Crown Loss, Leaning, Butt Rot, Fence at Base	Remove
53.	White Oak	Quercus alba	26"	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	25.5"	Good		Disturb 41%
66.	White Oak	Quercus alba	27"	Good		Remove
68. *	Red Maple	Acer rubrum	31"	Good	Adjacent tree leaning on it	Disturb 8%
69.	Scarlet Oak	Quercus coccinea	25"	Good		Save
71.	Red Oak	Quercus rubra	28.5"	Good		Save
72. X	Tulip Poplar	Liriodendron tulipifera	32.5"	Good	Split Leader below 4.5' ht.	Remove
73. *	Tulip Poplar	Liriodendron tulipifera	35.5"	Good	Lightning damage	Disturb 13%
74.	Red Maple	Acer rubrum	24"	Good		Remove
76.	Norway Maple	Acer platanoides	24"	Good		Remove
77.	Sawtooth Oak	Quercus sessiliflora	24"	Good		Save
78.	Tulip Poplar	Liriodendron tulipifera	26.5"	Good		Disturb 17%
79.	Tulip Poplar	Liriodendron tulipifera	24"/22.2"	Good		Disturb 36%
80.	Red Oak	Quercus rubra	24.5"	Good	Twin, Split below 4.5' ht.	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 75% 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.

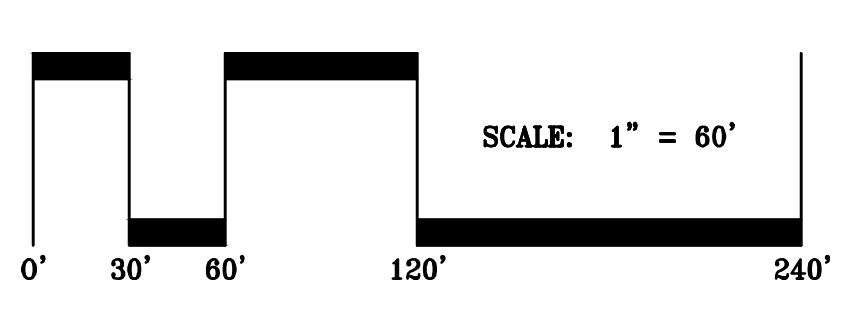


FINAL FOREST CONSERVATION PLAN PREPARED BY:		DEVELOPER'S CERTIFICATE
Kevin Foster Gotschick, Little & Weber, P.A. 3101 National Drive, Suite 250 Burtonville, Maryland 20866 Ph:(301) 421-4024 Fax:(301) 421-4186 Registered Landscape Architect #607		The undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. <u>0322010110</u> including financial, bonding forest planting, maintenance and all other applicable agreements. Developer's Name: <u>JNP CAPITAL MANAGEMENT, LLC</u> Contact Person or Owner: <u>James N. Proakis</u> Address: <u>2428 38th Street, NW</u> <u>Boston, DC 20007</u> <u>(240) 876-0085</u> Signature: <u>James N. Proakis, Sole Member</u>

MNCPPC PLAN No. 82021017



DESIGNED BY:				
KAF				
DRAWN BY:				
KAB				
CHECKED BY:				
KAF				
	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"=60'	ZONING CRT-1.0, C-0.5, R-0.5, H-55T, TDR 1.16/ R-90
DATE SEPT., 2021	TAX MAP - GRID FX-33 & FX-34

FINAL FOREST CONSERVATION PLAN
KING SOUDER PROPERTY
LOTS 1-64, PARCEL A-H, J & K

G. L. W. FILE NO.
19132
SHEET
1 OF 6



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

MCPB No. 21-044
Preliminary Plan No. 120210060
King Souder Property
Date of Hearing: June 3, 2021

JUN 15 2021

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on November 9, 2020, JNP Capital Management ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create sixty-two (62) lots for Townhouse Living units and two (2) lot for Single-Unit Living dwellings on 10.91 acres of land in the CRT-1.0, C-0.5, R-0.5, H-55T and R-90 Zones with TDR 1.16 Overlay zone, located along the west side of Ridge Road (MD 27) approximately 475 feet north of Bethesda Church Road ("Subject Property"), in the Damascus Policy Area and 2006 *Damascus Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120210060, King Souder Property ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 21, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 3, 2021, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

Approved as to
Legal Sufficiency: /s/ Delisa Coleman
M-NCPPC Legal Department

RECEIVED

JUN 17 2021
GLW

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120210060 to create sixty-four (64) lots on the Subject Property, subject to the following conditions:¹

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 Service ("MCDPS") – Water Resources Section in its Combined Preliminary/Final Water Quality Plan letter dated March 23, 2021 and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
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

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

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.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The size, width, shape and orientation of the 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. 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, the Application did not seek the full density as permitted in the base zone nor the additional density as permitted in the Overlay Zone. Therefore, the Application is approved under the Standard Method in accordance with Section 4.9.17.A of the Zoning Ordinance.

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." 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 Application provides a 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.

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.” This Application follows this recommendation by assembling 3 separate parcels into a single subdivision. 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 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.

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 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 is 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.

The 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, the Planning Board approves of these modified cross-sections. The vehicular circulation pattern is safe and adequate for the use.

The public road terminates in a temporary hammerhead turnaround on the western end of the Property. This temporary turnaround is planned to be replaced in the future with an inter-parcel connection, extending the public road into the adjacent property, consistent with the Subdivisions Regulations 50.4.3.E.1.c to not preclude future road connections. 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 temporary 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 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 extends 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

will be constructed 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.

A 10-foot-wide paved trail connects the western end of the internal public road to Bethesda Church Road. This trail connects 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.

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 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.

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.

Table 1 – Trip Generation²

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 2 – 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

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 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.

² *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.

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 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 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 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 3 - 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 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 attached, the Application is estimated to generate the following number of students based on the Subject Property's location within a Turnover Impact Area:

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

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

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.

B. Forest Conservation Variance

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

This Application will require the removal or CRZ impact to seventeen (17) Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant requested a Variance, and the Board agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

The Board makes the following findings necessary to grant the Variance:

1. *Granting the Variance 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 will provide mitigation for the removal of Tree #82. Therefore, The Planning Board finds that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *The need for the Variance 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. *The need for the Variance is not based on a condition related 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. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The variance does 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 remove. The Applicant is proposing to mitigate for the one Protected Tree being removed outside of a forest stand by planting three 3" caliper overstory trees as replacement. As a result, the Planning Board finds that the project 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 the 10 trees being remove are located within an existing forest stand on the Subject Property. It is 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 will provide mitigation for the loss of this specimen tree by replacing the total number of DBH removed with $\frac{1}{4}$ of the number of inches replanted. This results in a total mitigation of 8 inches of replanted trees. In this case, the Applicant must 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.

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. 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.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, and that prior to the expiration 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 must be filed; and


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 15 2021 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Verma, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor of the motion at its regular meeting held on Thursday, June 3, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

Demand, Supply & Adequacy Report



Project Location Master Plan:

Attachment 5

M-NCPPC

Proposed Residential Project - Units by Type and their Demand Points

Code	Housing Type	Quantity	Tots	Children	Teens	Young Adults	Adults	Seniors
Hi-Rise	Multiple-Family, 5 stories or more	0	0	0	0	0	0	0
SFD	Single-Family Detached	2	0.30	0.70	0.70	0.54	1.46	0.28
Mid-Rise	Multiple-Family, 4 stories or less	0	0	0	0	0	0	0
TH	Townhouses and Single-Family attached	62	8.68	13.64	9.92	32.86	45.26	6.82
Total Demand Points =		64	8.98	14.34	10.62	33.40	46.72	7.10

Existing Offsite Park Facilities and their Supply Points

Park Facility	Quantity	Tots	Children	Teens	Young Adults	Adults	Seniors
Full-size Basketball Court	1	3	10	15	12	6	2.50
Full-size Multiuse Court	1	3	10	15	10	8	2.50
Large Diamond Field (Baseball)	1	2	15	20	25	15	2
Large Rectangular Field (Soccer, Football, LAX, etc.)	1	2	15	20	25	15	2
Grill or Firepit	1	0	0	2	6	6	5
Large Lawn	1	6	9	15	20	15	6
Meadow (Natural Area)	1	0.45	0.72	1.06	3.34	4.67	0.36
Trail System	1	0.90	2.87	1.59	5.01	7.01	0.71
Tot Lot Play Area, Ages 2-5	1	9	2	2	3	3	3
Bench	1	0	0	0	0	0	0
Fitness Trail	1	0	8	12	14	14	7
Bleacher Seating	2	2	2	3	6	6	6
Small Diamond Field (Softball)	2	2	14	20	24	14	4
Picnic Table	2	2	2	3	6	6	6
Playground, Multi-age (Teen-friendly)	4	36	44	12	8	16	8
Athletic Specialty Practice Area	4	8	80	100	100	100	8
Woodland	6	0.45	0.72	1.06	3.34	4.67	0.36
Total Offsite Supply Points:		76.80	215.30	242.72	270.69	240.35	63.42
35% of Total Offsite Supply Points:		26.88	75.36	84.95	94.74	84.12	22.20
Max Allowed Pts (35% of Total Demand Pts):		3.14	5.02	3.72	11.69	16.35	2.49
Actual Assigned Offsite Supply Pts:		3.14	5.02	3.72	11.69	16.35	2.49

Montgomery County Planning Department

ScenarioId: 18017

Proposed Onsite Recreation Facilities and their Supply Points

Recreation Facility	Quantity	% Bonus Points	Tots	Children	Teens	Young Adults	Adults	Seniors
Pedestrian Connection - Trail System	1	10.00%	0.99	3.15	1.75	5.51	7.71	0.78
Open Grass Area Lawn - Small (5,000 sf)	1	10.00%	3.30	4.40	9.90	9.90	9.90	3.30
Picnic/Seating	2	10.00%	2.20	2.20	3.30	6.60	6.60	6.60
Stairs, Steps and Railings	1	10.00%	0	3.30	4.40	5.50	5.50	4.40
Total Onsite Supply Points=			6.49	13.05	19.35	27.51	29.71	15.08

Results: Demand, Supply & Adequacy

Age Group	Total Demand Points	Offsite Supply Points	Onsite Supply Points	Total Supply Points	Adequacy
Tots	8.98	3.14	6.49	9.63	Adequate
Children	14.34	5.02	13.05	18.07	Adequate
Teens	10.62	3.72	19.35	23.07	Adequate
Young Adults	33.40	11.69	27.51	39.20	Adequate
Adults	46.72	16.35	29.71	46.06	Adequate
Seniors	7.10	2.49	15.08	17.57	Adequate

DPS-ROW CONDITIONS OF APPROVAL

November 2, 2021

820210170 King Souder Property

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan files that were uploaded on/ dated “11/1/2021”.

The followings need to be addressed prior to the certification of site plan:

1. Public storm drain system:
 - a. Connecting/directing of public storm drain system to a private system is not allowed without a drainage covenant.
 - b. Provide a manhole for the private system prior to crossing the pavement.
A storm drain system within a public road pavement needs to be public.
2. Proposed public road landscaping, ensure:
 - a. street trees per approved tree species list at the required spacing.
 - b. sufficient soil volume.
 - c. sufficient sight distance between the driveways based on the street trees species. An upright species may need to be selected.

And the followings need to be conditions of the certified site plan:

1. The lane taper details for Kings Grove Way from Ridge Road to the choker will be finalized at the time of signing and marking plan.
2. Private streets to be built to the corresponding public road classification standards per County Code 50.4.3.E.4.c. Provide a note accordingly.
3. The details of storm drain outfall per MCDOT approval letter for preliminary plan 120210060 condition 7a will be worked out at ROW permit stage.

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



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

September 20, 2021

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

Re: **SITE DEVELOPMENT STORMWATER
MANAGEMENT PLAN** Request for
King Souder Property
Preliminary Plan No. 120210060
Site Plan No. 820210170
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**. This Site Development Concept approval letter supersedes the approval letter issued March 23, 2021. 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 at the time of detailed plan review:

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.
5. Landscaping in areas located within the stormwater management easement which are shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

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

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



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

*Mr. Tim Longfellow
September 20, 2021
Page 2 of 3*

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

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

Sincerely,



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 / 17,100 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.

SF Lot 63

ESD: Required/Provided 859 cf / 876 cf
PE: Target/Achieved: 1.6"/1.6"
STRUCTURAL: 0.00 cf
WAIVED: 0.00 ac.

SF Lot 64

ESD: Required/Provided 840 cf / 842 cf
PE: Target/Achieved: 1.6"/1.6"
STRUCTURAL: 0.00 cf
WAIVED: 0.00 ac.

Mr. Tim Longfellow
September 20, 2021
Page 3 of 3



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

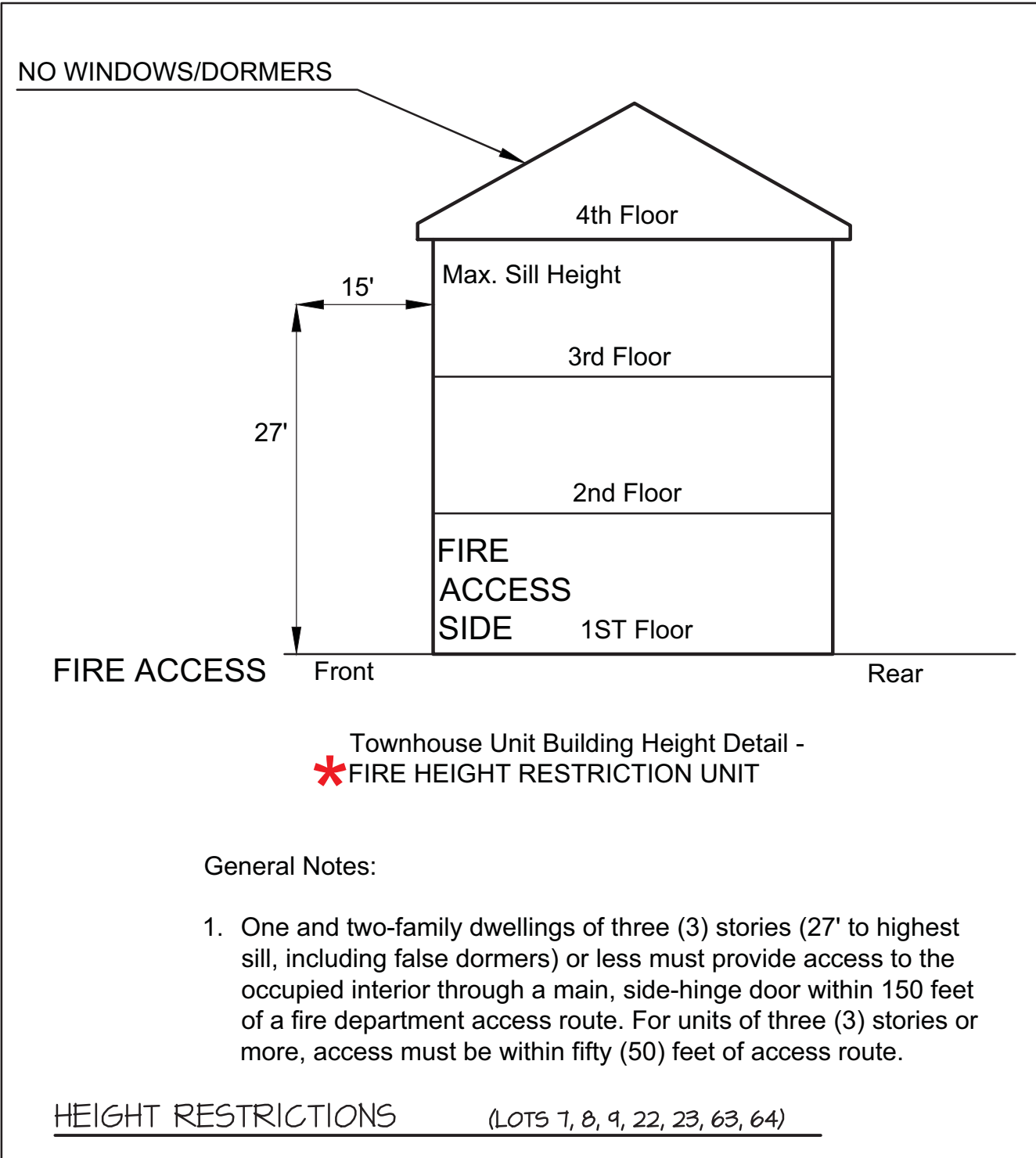
DATE: 02-Nov-21
TO: Tim Longfellow
Gutschick Little & Weber, PA
FROM: Marie LaBaw
RE: King Souder Property
820210170 (see 120210060)

PLAN APPROVED

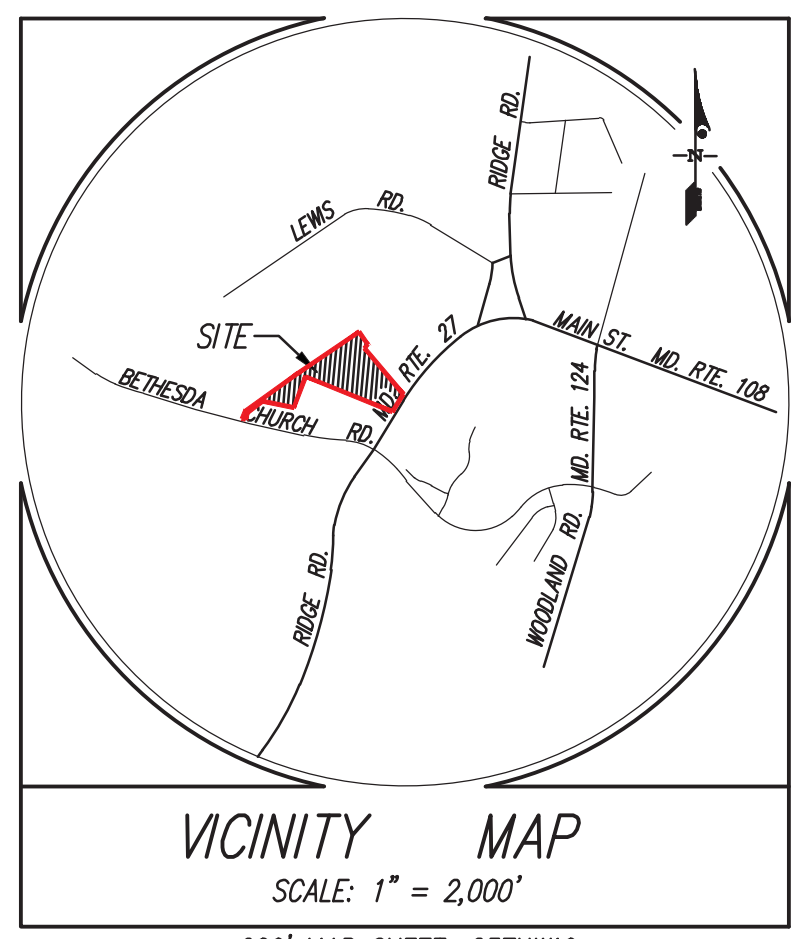
1. Review based only upon information contained on the plan submitted **02-Nov-21**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon 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 *****

- LEGEND**
- EX. BUILDING
 - PROP. BUILDING
 - EX. CURB
 - PROP. CURB
 - EX. SIDEWALK
 - PROP. SIDEWALK
 - EX. SEWER
 - PROP. SEWER
 - EX. WATER
 - PROP. WATER
 - EX. STORM DRAIN
 - PROP. STORM DRAIN
 - PROP. FIRE ACCESS ROUTE
 - MAIN ENTRANCE DOOR
 - PROP. FIRE HYDRANT
 - PROP. TURNING RADIUS
 - PROP. CURB RADIUS
 - PROP. ACCESS PAVEMENT WIDTH (CURB TO CURB)



NOTE: all units in this subdivision are single family townhouse units (no 2 over 2's). FDC's are not applicable and Fire Hydrants have been located to meet all coverage requirements.



HARRY H. BURDETTE, ET AL
26136 RIDGE RD.
PARCEL 808
L. 4213 F. 480
ZONE: CRT-1.5, C-0.5,
R-1.0, H-55T

PARCEL 815
L. 32053 F. 481
ZONE: CRT-1.5, C-0.5,
R-1.0, H-55T

HARRY H. BURDETTE, ET AL
26134 RIDGE RD.
PARCEL 860
L. 4213 F. 480
ZONE: CRT-1.5, C-0.5,
R-1.0, H-55T

HARRY H. BURDETTE, ET AL
26136 RIDGE RD.
PARCEL 861
L. 4213 F. 478
ZONE: CRT-1.5, C-0.5,
R-1.0, H-55T

BRL HOLDINGS LLC
10405 BETHESDA CHURCH RD.
PARCEL 792
L. 38902 F. 67
ZONE: RNC

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

RIDGE ROAD (MD. STATE ROUTE 27)
(BUSINESS DISTRICT 80 RW)

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 File 43 DATE: 11/2/2021

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.: 29114
Expiration Date: January 20, 2022

11/2/2021
Date

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

MNCPPC SITE PLAN No. 820210170

FIRE ACCESS PLAN

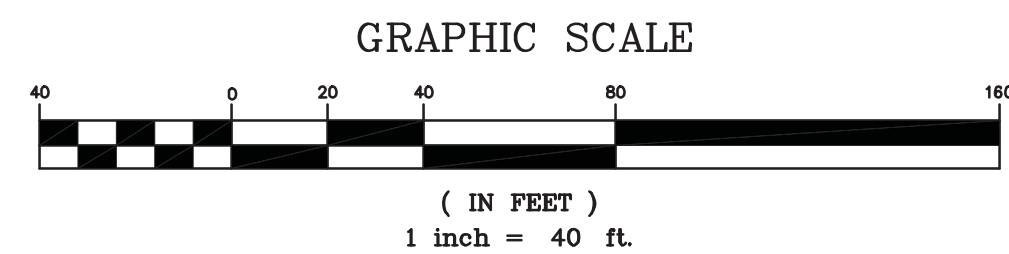
KING SOUDER PROPERTY
LOTS 1-64, PARCEL A-H, J & K

G. L. W. FILE No.
19132

SHEET
1 OF 1



DESIGNED BY				
DRAWN BY	WDN			
CHECKED BY	TML			
DATE		REVISION	BY	APPR.



PREPARED FOR:

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

SCALE
1"=40'

DATE
NOV. 2021

ZONING
CRT-1.0, C-0.5,
R-0.5, H-55T
& R-90

TAX MAP - GRID
FX-33 & FX-34

DAMASCUS ELECTION DISTRICT No. 12

MONTGOMERY COUNTY, MARYLAND



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich
County Executive

Aseem K. Nigam
Director

August 2, 2021

Mr. Ryan Sigworth
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: King Souder Property
Site Plan No. 820210170

Dear Mr. Sigworth:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plans and recommends Approval.

Sincerely,

Julia Chen

Julia Chen, Planning Specialist
Affordable Housing Programs Section

cc: William Newman, GLW

https://mcgov.sharepoint.com/teams/DHCA/Housing/Affordable/Shared Documents/MPDU/Developments/The Avondale/TheAvondaleDHCA Letter_7-26-2021.docx

Division of Housing

Affordable Housing

Common Ownership Communities

Landlord-Tenant Affairs

Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • www.montgomerycountymd.gov/dhca