



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

**DEC 16 2021**

MCPB No. 21-129  
Site Plan No. 820210170  
King Souder Property  
Date of Hearing: December 9, 2021

**RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on July 20, 2021, JNP Capital Management, LLC ("Applicant") filed an application for approval of a site plan for the construction of sixty-two (62) Townhouses including 25% MPDUs with associated public street, private alleys, open space, and amenities on 9.06 acres of CRT-1.0, C-0.5, R-0.5, H-55T with TDR 1.16 Overlay zoned-land, located along 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 site plan application was designated Site Plan No. 820210170, King Souder Property ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 24, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 9, 2021, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

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

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Approved as to  
Legal Sufficiency: /s/Matthew T. Mills  
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820210170 for the construction of sixty-two (62) Townhouses including 25% MPDUs with associated public street, private alleys, open space, and amenities, the Subject Property, subject to the following conditions:<sup>1</sup>

**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), an appropriate 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.
- 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.

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

- c) Prior to final Use and Occupancy permit for the 62<sup>nd</sup> Townhouse, all public Common Open Space areas on the Subject Property must be completed and landscaping installed.
- d) Prior to the issuance of the 31<sup>st</sup> 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 and 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 are 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 the 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 31<sup>st</sup> 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 31<sup>st</sup> 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 45<sup>th</sup> 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 45<sup>th</sup> 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 62<sup>nd</sup> 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 (“MCPS”), If MCPS does not approve the pedestrian connection between Units #48 and #49 by the time the Applicant has submitted the Site Plan Bond for review and approval by M-NCPPC, this connection is not longer required.

### 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. of the Subdivision Regulations.
- 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 certification of reserves must be set aside for ongoing maintenance requirements with respect to the private roads, per the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at page 338.

**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".

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of King Souder Property, Site Plan No. 820210170, submitted



via ePlans to the M-NCPPC as of the date of the Staff Report December 9, 2021, are required, except as modified by the above conditions of approval; and

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

1. *The development satisfies any previous approval that applies to the site.*

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

- 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.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

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

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

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.

Use and Development Standards

Division 4.5. Commercial/Residential Zones

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)

<b>CRT 1.0, R-0.5, C0.5, H-55T/ TDR 1.16</b>	<b>Required by the Zone</b>	<b>Approved with Preliminary Plan No. 120210060</b>	<b>Proposed for Approval</b>
<b>1. Site</b>			
<b>Tract Area</b>	N/A	11.43 acres (net tract)	9.06 acres (excludes offsite improvements and R-90 zoned property from Preliminary Plan 120210060)
<b>Open Space (min)</b>			
Common Open Space	10%	35.9%	35.9%
<b>2. Lot and Density</b>			
<b>Lot (min)</b>			
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
<b>Density (max)</b>			
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)
<b>Coverage</b>			
Lot	N/A	N/A	N/A

<b>CRT 1.0, R-0.5, C0.5, H-55T/ TDR 1.16</b>	<b>Required by the Zone</b>	<b>Approved with Preliminary Plan No. 120210060</b>	<b>Proposed for Approval</b>
<b>3. Placement</b>			
<b>Principal Building Setbacks (min)</b>			
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.
<b>Accessory Structure Setbacks (min)</b>			
No accessory structures are proposed. Any future accessory structures will have to meet current zoning requirements	N/A	N/A	N/A

<b>CRT 1.0, R-0.5, C0.5, H-55T/ TDR 1.16</b>	<b>Required by the Zone</b>	<b>Approved with Preliminary Plan No. 120210060</b>	<b>Proposed for Approval</b>
<b>Building-to-Area (max setback)</b>			
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
<b>1. Height</b>			
Principal Building	55 ft. max	55 ft. max.	55 ft. max.
Accessory structure	N/A	N/A	N/A
<b>2. Form</b>			
<b>Massing</b>			
Units Permitted in one row	12	8	8
<b>Building Orientation</b>			
Entrance facing street or open space	Required	Provided	Provided
<b>Transparency, for Walls Facing a Street or Open Street</b>			
Blank wall, front (max)	35 ft.	N/A	35 ft.
Blank wall, side/rear (max)	35 ft.	N/A	35 ft.
<b>Section 6.2 Parking</b>			
Residential (1 min. – 2 max./DU)	62 - 124 Sp. Max.	106 Garage Spaces 35 Surface Spaces <sup>2</sup> 141 Total Spaces <sup>3</sup>	108 garage spaces 10 surface spaces Total Parking 118 (does not count 54 additional driveway spaces & 23 on-street spaces)

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

<sup>3</sup> Doesn't include 45 additional driveway pad spaces

a. General Requirements

i. *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.

Pedestrians 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 Oak Ridge Conservation Park. Second, a pedestrian connection to Damascus Elementary School is provided to the parking lot at the front of the school to provide a safe route to residents.

ii. *Parking, Queuing, and Loading*

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 (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. *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.

The Site Plan identifies 35.9% (3.25 acres) of the total Subject Property as Common Open Space, which is located in two areas. 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.

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 these guidelines.

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. *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(s) to be constructed in conjunction with the residential housing, which are ultimately under the purview of MCDOT. The open spaces include additional plantings as a means of further enhancing tree cover throughout the Common Open Space in a park type setting while still leaving some lawn areas in part or full sun.

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

Lastly, the landscape provides canopy coverage and shade for roads and open spaces. It defines open spaces and amenity areas by creating an edge or boundary and adding interest.

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.

Light fixtures are made up of overhanging light poles and LED fixtures on townhouse units. Under Section 59.6.4.4.D, on-site illumination located in the right-of-way is exempt from the 0.5 footcandle requirement.

v. *Screening*

The Site Plan constructs attached one-family 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 a stormwater structure and landscaping. Because the townhouse structure and shared lot line do not abut the RNC zone, no screening is required along the west property boundary.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

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

b. Chapter 22A, Forest Conservation

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

a) 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.

b) 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 is 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 Transitways and is not classified as an Arterial Roadway. The Noise Guidelines require 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.

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

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.

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 alleys 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 to Unit #62 provides

pedestrian access to the parking lot and main entrance to 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.

#### 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.

#### 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 identified as Common Open Space #1, (2) the open space between Units #20-23 and #7-9 identified as Common Open Space #2. 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.

Common Open Space #1 located 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.



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, the fronts of which face Common Open Space #2 and the activities taking place within the green space and pathways.

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.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Site Plan 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."<sup>4</sup> 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 acre. The Applicant proposes a density of 5.6 dwelling units per acre, which does not exceed the recommended density 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 Site Plan layout is generally consistent with the illustrative plan in scale and layout.

This Application follows the Master Plan 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.

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.

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<sup>4</sup> Damascus Master Plan, 2006, p. 13.

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. The Parks Department reconfirmed with documentation that they are not interested in acquiring these portions of the Subject Property.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

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.

9. *The development is compatible with the character of the residential neighborhood.*

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 is also height capped at 55 feet to the north, south, and east. The abutting RNC to the west requires significantly lower densities and lower building heights as the proximity to the downtown Damascus area increases. The expected density and development pattern in the RNC zone would be compatible with this Application and be consistent 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 appropriate commercial developments are expected in the future.

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

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.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 16 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).

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Rubin, with Chair Anderson and Commissioners Cichy, Verma, and Rubin voting in favor of the motion, and Commissioner Patterson absent at its regular meeting held on Thursday, December 9, 2021, in Wheaton, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board